*Mr. TIGHY: Are you talking about Charleston?

*Mr. DU PISANIE: No, I am talking about Henochsberg. I shall be pleased if the Minister can give us some information in connection with this extremely important matter.

Mr. HEPPLE: I would like to thank the Minister for his conciliatory attitude this afternoon. He was most responsive to the proposals made by me. In so far as the Unemployment Insurance Fund is concerned, I take this further opportunity to plead with the Minister not to be influenced by all the propaganda that is being made against the Unemployment Insurance Fund. Speeches such as those from the hon. member for Turffontein (Mr. Durrant) can be most dangerous. I come across this type of propaganda against the fund wherever I go. Workers, especially married women, are warned that they are paying contributions towards an insurance fund from which they will never get any benefit. But that is to mistake completely the purpose of the Insurance Fund. Take the case which the hon. member for Turffontein has raised, that of a man who throughout his working life has contributed to the fund and has never had to draw any benefits from it. He says that such persons should be able to get some kind of pension from the fund in their old age. But this is completely to mistake the purposes of the Unemployment Insurance Fund. The purpose of the fund is to insure a worker against unemployment during his working life. He pays this money every week so that if he becomes unemployed during his working life, he will then get some pittance at least, in order to enable him to meet the necessities of life. But when he reaches the age of 65 he must, of course, get other benefits. He must not then deplete the funds which are there as insurance for those who may fall out of employment. If the hon. member for Turffontein wants to protect those who reach the age of 65 and who are in need, then he should plead with the Labour Party that such persons should get a bigger old age pension and such facilities. But the purpose of this fund is to protect people against unemployment, and I think we must be very careful about this sort of propaganda against the fund. I have met married women who have made this complaint mentioned by the hon. member. They say: "I won't be unemployed, because when the time comes for me to give up work I go back into my home; I am not likely to need any benefits from the Unemployment Insurance Fund." But hers is a contribution for her husband's security and other people's security.

Mr. S. J. M. STEYN: But the husband contributes himself.

Mr. HEPPLE: I know he contributes himself but does the hon. gentleman only want the bad risks in the fund? You cannot have a fund with only bad risks. I strongly support the Government on its attitude towards the unemployment fund, because I say it is a protection for the workers and it has to be maintained. Those of us who have experienced unemployment and who have had to walk the streets month after month, with nothing coming in, know what it means to be able to get something, however little. The fund will be completely depleted if we start meeting all these demands for all kinds of other benefits. It must be remembered that the fund has been building up its resources over a period of full employment, but when we get unemployment the resources of the fund will be quickly depleted. I support the Minister in his attitude and I say that he should not listen to these pleas that the fund should be used for any purpose other than unemployment insurance.

Mr. DURRANT: Are you against any suggestion of investigating any possible further use to which this £64,000,000 could be put in the interest of the workers?

Mr. HEPPLE: My answer to that is that I want this fund to be used for unemployment insurance, for workers to have protection if they are unemployed. If a person is lucky enough to go throughout his working life up to the age of 65 without being unemployed, it means that he has made no demands on the funds, but those who follow him and who may run into that misfortune should be entitled to get the biggest benefits possible, and for that reason I have always said that the fund can never be too big. I would like to see a fund that can pay out the highest possible benefits to unemployed persons.

An HON. MEMBER: Full salaries?

Mr. HEPPLE: Yes, if possible, because people are not unemployed through choice. They are unemployed because of adversity.

Now I would like to come back to the question of strikes. The Minister did not answer the point that I raised. The point that I was making about the Native Labour (Settlement of Disputes) Act was that in the application of this Act the intention seems to be to suppress strikes rather than to settle them. The Minister quoted figures here to show how little money had been lost by Native workers as a result of strikes. That does not prove that the Act is working very well. Mr. Mentz used the same argument. He said: "In six months last year there were 56 strikes but the average duration of these stoppages was only 4 hours 49 minutes." But, Sir, this is only a criticism of the Police Force. It means that the Police took 4 hours 49 minutes to hustle and dragoon the men back to work. The fact that those strikes only lasted 4 hours 49 minutes is nothing to be proud of, because the Police drove the men back to work; they arrested them and thus ended the strikes. All strikes of African workers are illegal, but surely it is not the function of this Act to use the Police Force instead of the Labour Department. The Act lays down the functions of the Labour Department to settle disputes, but the Police

take over these disputes and the official from the Department of Labour or the Regional Committee plays a subsidiary role to the Police. That is my complaint about the administration of this Act. I contend too, and I put this plea up to the hon. the Minister's predecessor in 1954, that something should be done to anticipate discontent among African workers. I thought that one of the things that the Government would do, for instance, was to anticipate trouble by having an investigation of the wages and working conditions of all Native workers in urban areas, to see what the conditions are, and to ascertain if they are reasonable. I can assure the hon. the Minister if he will get the Wage Board to make this investigation, this House would be shocked to see the conditions under which many Natives are working and more especially the wages they are being paid. If such an investigation was undertaken as a matter of urgency and something was done about it, a large number of disputes that are now germinating would be prevented. I can tell the hon. the Minister from my own experience that there is such widespread dissatisfaction among African workers in many trades and occupations to-day that there must be disputes with their employers in the days to come. Those disputes can be anticipated if wage board investigations are undertaken immediately to find out what is happening. There was a Wage Board investigation into the conditions of the distributive trade on the Witwatersrand, I think in 1948, but nothing was ever done about it. The Minister refused to publish the agreement because it might upset the local authorities. Since then nothing has been done to improve the working conditions of these unskilled Native employees on the Witwatersrand. They are working under the same conditions as in 1942, and I think that is a scandalous state of affairs. There are bound to be strikes in many places on the Witwatersrand as a result of those bad conditions. I don't like the Native Labour (Settlement of Disputes) Act, but I do want to make it workable in anticipating difficulties by making an investigation and improving the conditions of workers who have no protection through recognized trade unions and no other protection. I make this plea to the hon. the Minister, that instead of quoting figures to me, he should take my advice and order a large-scale investigation into the working conditions of all urban Native workers.

*The MINISTER OF LABOUR: I would like to reply to a few questions raised by hon. members. The hon. member for Germiston (Mr. du Pisanie) asked a question in regard to the Wage Board report in connection with the clothing industry. I have received that report. I have it only in English; it is being translated at the moment and it will probably be laid on the Table on 1 or 2 June, I hope, before we adjourn. As it is the custom that a wage board report is not discussed and that no information in regard to it is given before it is tabled, I prefer not to say anything about it at this stage.

The hon. member for Alberton (Mr. M. Viljoen) raised an important matter here in regard to the manpower shortage and the possibility of automation making the labour shortage less serious. I do not want to express a definite opinion in this regard because it is a very complicated matter which requires careful study, and which I am studying at the moment. But what I want to say is this, that whereas we hear that there is real danger of automation causing unemployment particularly in countries like America and England, there is less danger in South Africa that automation, which is only an extension of the process of mechanization, will have that effect, at least on a large scale. The main reason for that is that we have a very limited market in South Africa. We cannot, for example, mechanize on such a large scale as America and England. I just want to mention two examples. If, for example, we were to mechanize the manufacture of electric light bulbs to the same extent as in America, that factory would be able to work for three weeks only, and by that time it would have produced enough to satisfy all South Africa's requirements. People will certainly not invest money in doing it on such a large scale. The second example is this. To have an economic unit in a motor asembly factory one must make at least 50,000 motorcars a year. Our consumption of the various types, big ones and small ones, everything we need, is approximately 60,000. How can it be applied on a large scale? Therefore if we are to have automation in S.A. I firmly believe that it will be a gradual process. In fact our industrial development took place at a time when the machinery used was to a large extent of the very latest types, and we do not really have the problem of having to replace obsolete machinery. I firmly believe that we will not have to face the same dangers as other countries. On the other hand, I believe that perhaps there may be an improvement in the manpower position as the result of it. We know that automation, on the other hand, results in more processes of production, which in turn results in more types of work for people. We will go slowly and we will have to co-operate with trade unions and employers to handle the matter as efficiently as possible.

The hon. member for Turffontein (Mr. Durrant) except for one point, dealt in his speeches here to-day with the motion he introduced and which was to have been discussed on 3 February this year. I can give him a complete reply on all the points he raised because I had expected that motion to be discussed, but when private members' days disappeared it could not be discussed. I just want to tell the hon. member this. Apart from the few ideas he expressed in regard to making an investigation, I want to tell him that we continually watch the fund to see that it complies with its object. But if the hon. member makes such wild suggestions then, as the hon. member for Rosettenville correctly stated, we say that we cannot do such things. The hon. member now

wants to install a pension scheme for the contributors to the fund. In 1952 an investigation was instituted into the possibility of having such a pension scheme with the unemployment insurance funds and the hon. member ought to have known, before making such a suggestion, that to have a pension of £16 a month or £192 per annum for men reaching the age of 65 years it will require, according to actuarial estimates, that those people will have to pay approximately £4 per month, whereas at present they are contributing 6d. and 9d. and 1s. per week towards this fund. They would have had to contribute £4 a month and then—and this is the worst of all—in the year 2,000 the fund would not be self-supporting unless the State also contributed enormous amounts to it. It is quite impractical. It may sound nice and it may appear to the man who is 65 years of age as if the hon. member wants to create heaven on earth for him, but it just cannot be done. The hon. member also talks about married women who have to contribute towards the fund, but he does not make the calculations. If a married woman has contributed for ten years at 9d. per week, she has contributed £20. Good heavens, is it not worth while for a married woman to work for ten years during which time she runs the risk of being unemployed and the risk of becoming confined, to make those contributions and to have those benefits? This suggestion, if we had the opportunity to discuss it thoroughly here with all its implications, would really not have got much support, because I am only referring to a few of the weakest aspects of the hon. member's suggestion. Take confinements. The hon. member says he is glad I met him. I am glad he is glad. But now he complains and says that a woman who is pregnant and who wants cash payments still has to go and ask for it. What are we to do? We said that if she wants a cheque we will sent it by post, but if she wants cash, are we to send an official from door to door to take them the money in the hon. member's constituency?

*Mr. DURRANT: Instead of giving her the money weekly, why cannot she have a monthly amount in cash?

*The MINISTER OF LABOUR: She gets it by cheque.

*Mr. TIGHY: I think the Minister has misunderstood the hon. member. He means that it should be paid in one sum per month instead of weekly.

*The MINISTER OF LABOUR: Arrangements have been made for people to receive it monthly.

Vote put and agreed to.

On Vote No. 49.—"Public Works", £7,464,000.

Mr. COPE: I would like to ask the hon. the Minister what the position is at the moment with regard to the purchase which is being negotiated by his Department of a site at Bornstead in Johannesburg for a commercial school. As I understand the position the transfer has not yet gone through, and I want at this stage again to urge the Minister very strongly not to purchase this property, because I maintain that to do so would be a very serious extravagance with public funds. I want to read out some of the figures in connection with this property in order to make my point. The position is that the State is being called upon to spend a great deal more money than these properties are worth. There are a number of sites involved, and I want to give these figures: There is Portion 16 of Portion C of Lot 28, Parktown. This property was purchased by the present owner in 1950 for the sum of £4.500 and since then a building worth £7,000 has been put on it. The property is now valued, land and buildings, by the municipality at £11,000; the Minister has an option and is prepared to pay £52,500. Next I come to Portions 17 and 18 of Portion C of Lot 28, Parktown. This land was puchased by the present owner in 1954 for the sum of £7,500. It had no buildings on it and to-day has no buildings on it, and the municipal valuation is £7,200. I might point out that values in that area have tended to fall since 1954. The Minister is offering £13.000. Now we come to Portions 19 and 21 of the same Lot. Here the case is that this property was purchased by the present owner in 1953 and the price paid was £25,250. The present municipal valuation of this property is £22,100 and the Minister is offering £35,300. Then we come to Portions 13 and 14. This land has been in the possession of the present owners for a very long period of time, something like 50 years. It is valued at £16.250 by the municipality; the Minister is prepared to pay £22.453.

We next come to the remainder of Lot 117, Houghton; this consists of land only and was purchased by the present owner in 1945 for the sum of £9.400, and since its purchase buildings worth £15.000 have been put on it; the municipal valuation is £21,750. The Minister is offering £50.000. Now we come to Portion 1 of Lot 117, Houghton, the remainder of Portion C of Lot 28, Parktown, consisting of one property. This was purchased by the present owner in 1950 for the sum of £30.000, and the Minister is offering £50.000. So the position is that the municipal valuation is £97,600 for all those properties concerned and the Minister is offering £223.253. I maintain that this is a shocking waste of public money and that there were other and better sites inside Parktown, in better areas, that were available for considerably less money. I, therefore, feel that this House has every right to ask the Minister to reconsider the matter and to scrutinize this shocking waste of public money, and to ask once again why there is this insistence on this particular site and why

From Port Elizabeth:

Tariff class	1	2	3	4	5	6	7	8	9	10
Difference	18	17	15	13	12	11	10	10	9	8

From East London:

Tariff class	1	2	3	4	5	6	7	8	9	10
Difference	27	24	21	18	16	14	12	10	8	6

(b) Presumably the intention of this question is to ascertain why special rates were introduced from the harbours in question to Johannesburg and not to Bloemfontein as well. The special port rates from Port Elizabeth and East London to places in the Transvaal Competitive Area, as described in the Mocambique Convention, were introduced years ago and are related to the percentage of commercial seaborne traffic for the Transvaal Competitive Area guaranteed to the C.F.M. Administration under the Mocambique Convention, and are intended to secure for the harbours of Port Elizabeth and East London a fair porportion of the commercial seaborne traffic destined for the Transvaal Competitive Area — traffic which would otherwise be diverted to the more favourably situated harbours, namely Durban and Lourenco Marques. This rating arrangement contributes greatly to full utilization of all facilities at the various harbours.

(3) No.

(4) Yes.

(5) Representations have been received wherein request is made for the introduction of similar special port rates to Free State areas.

(6) In accordance with world-wide practice, rail rates in South Africa are primarily based on mileage considerations, as the cost of conveyance has necessarily to be taken into account. The rates from Port Elizabeth and East London to the Transvaal Competitive Area rest on a special basis dictated by circumstances that are not present in the case of the Free State, and it is therefore not practicable to apply the same tariff basis to traffic consigned from these harbours to the Free State.

BUSINESS OF THE HOUSE

Saturday Sitting

*The MINISTER OF JUSTICE: I move—

That Saturday, 9 June shall be included as a sitting day, Government business to have precedence; and on that day the House shall meet at 10 a.m. and business shall be suspended at 12.45 p.m. and resumed at 2.15 p.m.

I just want to say a few words in connection with the proposal that we sit next Saturday as well. By way of information I just want to state that the Government is not at all desirous of completing the work of the Session with undue or unreasonable haste. Through me the Government has again and again announced in the House that certain legislation will have to go through, and it makes no odds whether we finish on Saturday or have to go on into next week. We want the work done, and of course it depends on the hon. members themselves how long we are prepared to debate the matters, but for safety sake this proposal is made for a Session on Saturday in case it is possible to finish up on Saturday. Here I just want to tell hon. members what legislation we will not proceed with. We intend to continue with everything on the Agenda to-day, excepting: The Rents Act Amendment Bill, the Housing Bill, the Canned Fruit and Vegetables Export Control Bill, the Consolidating South Africa Act and the Defence Act. We will not proceed with these measures. As far as I know notice has now also been given of all measures that will appear on the Agenda. To-day notice was given of a Bill in connection with pensions, one in connection with the taking over of Simonstown, and the so-called Omnibus Bill and the Bill introduced by me in connection with pensions for Parliamentary service. I think that is all that will be placed on the Agenda now, so hon. members know what we will proceed with.

Mr. J. E. POTGIETER: I second.

Mr. STRAUSS: I am glad that the Minister of Justice, as Leader of the House, has made it clear that this motion is not part of the procedure of indulging in unseemly haste in order to finish the Session and that the Saturday Sitting will only be used if it becomes quite clear that the work of the Session can be concluded without any unseemly haste and without failing to do justice to the various measures. Some of the measures on the Order Paper will still require, very, very full discussion by this side of the House, and I think the Minister may find although there has been a remarkable degree of co-operation concerning the business of the House, that it may still be impossible to finish on Saturday. It is just as well that he should bear that in mind.

HEPPLE
SAT. MORNING SITTING?

Mr. HEPPLE: I would like to point out to the Leader of the House that there are a number of contentious matters on the Order Paper that could well have been dealt with earlier in the Session, but which for some reason have been put lower down on the Order Paper week after week. I think we would not be doing justice to these matters if we allowed them to be rushed through. I want to give the hon. Minister notice that it is not our intention to give him all the stages of these contentious measures in one day.

*The MINISTER OF JUSTICE: In the first place I want to express my appreciation of the co-operation there has been throughout the Session between me as Leader of the House and the other parties. The Whip meetings were always held in a spirit of co-operation and I must say that there was always a full measure of helpfulness. Nor do I think the Opposition can complain that we on our side tried to make things difficult in any way, or that we displayed any undue haste. Throughout the Session we continually consulted one another about anything that happened here, and I cannot but express my thanks and appreciation to the Whips of the Opposition Parties, small and large, and the Whips on the Government side for their continual helpfulness and co-operation. I repeat that the Government does not intend to complete the business with any undue haste. We will do our best to finish as soon as possible, but that depends on the hon. members. The hon. the Leader of the Labour Party is right in saying that there still are a number of contentious matters to be dealt with. During the past few weeks it was impossible to deal with them because the Votes had to be dealt with first. We wanted to deal with the Votes first, and between-whiles measures which were also contentious were constantly dealt with. It is unfortunate that some of them have to stand over for the last week, but that is the course of events, and it cannot be avoided. But the Government is in no hurry. If hon. members want to sit next week as well, or longer, we will remain here to finish the work. I hope, however, that there will be no unnecessary delay in this connection.

Motion put and agreed to.

PENSION LAWS AMENDMENT BILL

Bill read a first time.

CUSTOMS AMENDMENT BILL

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

House in Committee:

[Progress reported on 4 June, when the clauses of the Bill had been agreed to and the First Schedule was under consideration.]

Mr. BUTCHER: When the House adjourned last night, I was dealing with the question of suspended duties, and making an appeal to the hon. the Minister that he should reconsider his attitude towards suspended duties. Now it is uncertain in commercial circles what is the Minister's purpose in applying suspended duties on the basis on which they are applied to-day. A great many of them are inoperative and hang over commerce like a sword of Damocles, and therefore act as a deterrent to the importation of particular goods that are affected, and they must inevitably have a restrictive effect on international commerce, and on the earnings of customs duties on such goods. I suggest that the risk to which importers are subjected by the presence of those suspended duties is altogether unwarranted, and in point of fact the position is not only unfair to the importer, but they act in a harsh manner when they are applied without notice. I would suggest that as many of these suspended duties, particularly the inoperative ones, apply to objects which are not manufactured in South Africa, there seems to be very little reason why this practice should be continued. I would therefore make an appeal on behalf of commerce to the hon. the Minister to consider whether this practice of introducing suspended duties should not be discontinued altogether and that we should revert to the previous practice of introducing the full duty in one hit if necessary in the Budget, as was done formerly, before the suspended duties were introduced. In doing so, I would ask the hon. the Minister to consider the influence that these very onerous measures have on commercial firms when these duties are applied without notice, particularly on goods that are on order or are already in course of shipment. I ask the hon. the Minister to bear in mind the fact that they can very easily undermine the financial stability of a firm, and because of that they operate to the general detriment of commerce generally. Before leaving the subject of suspended duties and textiles, I want to refer to certain matters arising from this new tariff which I think should be commented upon before we pass them. I refer first of all to the definition appearing on page 15 relating to printed goods. These definitions appear on pages 13, 15 and 29 and they apply to tariff items 76 (6) (A), sub-section (8). item 76 (6) B, sub-section (9) and item 78 (6) (C) sub-section (9). I would also suggest that it is necessary that the tariff should be amended to include under the heading of Printed fabrics the various methods by which textiles can be printed. There are a number of different methods, such as hand-printing, machine-roller, indigo, blotch, discharge, flock, duco, lacquer photo and screen printing most of which processes will never be done in this country. I think that in practice it will be necessary eventually to break down this section of the tariff so as to exclude those methods of printing that are not normally competitive with the usual

Native (Prohibition of Interdicts) 2nd Reading. HEPPLE

All individuals of all population groups are equal in the eyes of the law. They receive equal protection from the law.

Here follows the important thing—

This implies that nobody can be illegally deprived of his liberty or held in slavery or exposed to arbitrary arrest, detention or banishment; that any person may apply to our courts for redress when he is threatened in the possession of his goods or when his personal honour or reputation is violated, and that the South African courts are accessible to all persons on an equal basis.

This is the document to prove our *bona fides* to the outside world, and this document was issued in April, 1956. Sir, less than two months later this document is being proved a lie, and once that happens everything in this document is open to suspicion. Hon. members on the other side must not accuse us of sabotaging South Africa. They must accuse their own Minister who comes forward and introduces legislation which is the very negation of the noble sentiments expressed in this document which even now is being circulated by our embassies throughout the civilized world.

Mr. HEPPLE: I think that the discussion on this Bill as it proceeds, reveals more and more how very dangerous this measure is. I have listened very carefully to the speeches made by the lawyers in this House, and I have heard many interjections from the lawyers on the Government side of the House, particularly from the hon. member for Heilbron-Frankfort (Mr. Froneman). That hon. member has been very voluble in his interjections, and as he seems to disagree so strongly with the hon. member for Benoni (Mr. Lovell) and other members on this side, I wish he would try to assist us to understand this measure a little more clearly. I read this Bill as the hon. member for Cape Eastern (Mrs. Ballinger) has explained it this evening, and I have taken the precaution once again to read the speech by the Minister of Native Affairs. The Minister clearly and definitely substantiates the point of view expressed on this side of the House. The Minister in introducing this measure, made it very clear that he and his Department were thoroughly irritated by the fact that when they want to remove Africans from one place to another, for some reason or another, they are on occasion frustrated, because these Africans apply to court and get an interdict restraining the Minister and his Department from taking such action. The Minister used the following words—

Where a Native is ordered in terms of some or other provision or in terms of an order of court to vacate his home or area, where this is an order of court or some action taken by a person clothed with legal power, the Native must obey that order. However, after he has obeyed the order and arrived at his destination he can then take action in the ordinary way; he can take court proceedings, and in taking these proceedings, if it is proved in the courts that the order was unlawful and that the African was removed unlawfully, then he can be compensated for any actual losses that he has suffered as a result of obeying that order.

I am sorry the hon. member for Johannesburg (North) (Mr. P. B. Bekker) is not in the House, because he constantly interrupted the hon. member for Cape Eastern (Mrs. Ballinger) and denied that this was so. The Minister makes it quite clear that what he wants to do is to prevent Africans from obtaining interdicts in the court and from remaining where they are. The Minister wants them to go first and when they arrive at their destination they can then take action for damages in court against the authorities who have ordered them to go. This is the crux of my objection to this measure. Anyone who has any experience or personal knowledge of what happens to an African when he is removed from one place to another, knows that this makes it almost impossible in 99 per cent of the cases for the African to take legal action. He is so far removed from his previous sources of contact, that it makes it impossible for him to get legal protection, and I think the Minister knows that very well. He himself must have experience of cases where Africans have been removed from one place to another, to places very far away from where they normally reside. We are not dealing here only with cases such as those at the locations in Klerksdorp and Krugersdorp. We are dealing with other cases where Natives are ordered to vacate their homes or area. A Native may be removed a long distance from the place where he may have lived for a very long time, and while it is possible for him to take action while he has his roots and his connections in the old area, and while he has assistance close at hand, he is going to be prevented from taking legal action and seeking redress in the courts. It is all very well for the hon. member for Heilbron-Frankfort to say by way of constant interjections, that of course he has access to the courts. I do not think hon. members on this side have tried to make out that he has not got access to the courts. Our objection is that his access is so delayed and complicated by this measure that he cannot take advantage of it.

The MINISTER OF JUSTICE: I am glad that you have discovered the exaggeration of your side.

Mr. HEPPLE: We have a number of interjections here and I will try to deal with them *seriatim*. Let me deal with this question of access to the courts. I say that when access to the courts is so circumscribed as it is in this Bill, it is no access to the courts at all. That is the point. Once you make it virtually impossible for a man to exercise his rights under the laws, then you are denying him those rights. It is not as if the persons who are concerned in this measure are people who

have money or people who have the normal rights enjoyed by other people. They do not enjoy those rights and when they are denied the opportunity of taking full advantage of their rights under the law, then we say that they are in fact denied access to the courts, and I am quite sure that in actual practice, if this law is passed, it will be found that in 99 cases out of 100, it will be impossible for Africans to go to court and to redress the wrong done to them.

The MINISTER OF NATIVE AFFAIRS: You know that that is not true.

Mr. HEPPLE: I hope that the Minister will clarify this in his reply to the debate. The Minister says that I know that it is untrue. Let me tell the Minister why I hold this opinion. I hold this opinion because I believe that if an African is removed from one area where he has resided for the best part of his life, his home is broken up, his family disjointed, and he lands in some far-away area; how is it going to be possible for him, from that far-away point, especially if he is an illiterate African, and without money, to consult a lawyer and to state his case?

At 10.25 p.m. the business under consideration was interrupted by Mr. Speaker in accordance with Standing Order No. 26 (1), and the debate was adjourned until 7 June.

The House adjourned at 10.26 p.m.

THURSDAY, 7 JUNE 1956

Mr. SPEAKER took the Chair at 10.5 a.m.

BUSINESS OF THE HOUSE

*The MINISTER OF JUSTICE: I would just like to make a statement about the business. When I made my previous statement, I said the Government did not wish in the least to force members to do hurried work during the closing days of the Session. It was thought that we would perhaps adjourn early next week, but I think it is my duty to tell hon. members that, bearing in mind the tempo at which we are progressing, we shall certainly not finish here before Friday or Saturday of next week. The Government will continue with the business announced here, and I just want to say an agreement has also been reached as regards the Canned Fruit and Vegetables Export Control Bill. It will now also be considered, although I said last time that it would not be considered. However, I now understand that it is uncontentious and it will therefore also be disposed of. We shall sit the day after to-morrow, Saturday, 9 June, but probably only in the morning and not in the afternoon.

WAR MEASURES CONTINUATION BILL

First Order read: Second reading, War Measures Continuation Bill.

*The MINISTER OF FINANCE: I move—

That the Bill be now read a second time.

This year it is my turn to pilot this Bill through the House. It asks for the continuation of the so-called "War Measures" for a further period of three years. I am deliberately using the word "so-called" because most of those measures which at that time were directly connected with the carrying on of the war, have already lapsed and most of them are no longer necessary. Some of these measures have already been embodied in permanent legislation. For that reason it will be found that the list before the House to-day is a comparatively short list containing those still remaining. I know that Opposition in the past had certain doubts as to the continuation of these measures, and there was perhaps to a certain extent good reason for their attitude towards the matter. However I want to say that I think that is no longer the position to-day, because all the measures which are being proposed here to-day deal with temporary conditions. With one exception, namely that dealing with the Department of Nutrition it would actually be unnecessary to embody the others in legislation because we are dealing with temporary conditions. The only matter of a different category still remaining is the matter of the Department of Nutrition. I want to tell hon. members that a Bill has already been drafted. It was the intention to introduce it this year. However, because certain other Departments were also concerned especially the Department of Agriculture, certain other difficulties arose, and for that reason it was not done. As far as I know, it is, however, the intention to introduce legislation dealing with the matter, and it was only due to special circumstances that it was not done this year. But hon. members will see in the Finance Bill (I cannot discuss it now, but I just want to mention it because it has a bearing on this) provision is made for a matter which has always caused difficulty with regard to the Department of Nutrition, namely the problem of their accumulated profits. It has also been the subject of recommendations by the Select Committee on Public Accounts. That matter is now dealt with in the Finance Bill, and arrangements are now being made for that money to come under the control of the Treasury and to be paid into the Consolidated Revenue Fund. That is all that remains. The others, as I have said, are of a temporary and transitory nature. There is for example the matter of enemy property. We are now busy with that and I think that it will also be finally disposed of within a comparatively short time. When I discuss the three points later on, I can explain them to the House. As regards the cost-of-living allowances, they are already consolidated in certain respects into the permanent salaries, and this is also a matter which cannot

be regarded as being of a permanent nature. It would perhaps be unwise to introduce legislation dealing with it now. As regards import control, this has already been lifted to a fair extent. Due to certain circumstances it was not possible, as was expected, to let it lapse this year. However, it is also a matter of a temporary nature. The same can be said of price control. Even before I handed over the portfolio of Economic Affairs, price control had already been abolished to a very large extent, and my colleague, the present Minister of Economic Affairs, has since then also abolished price control over quite a number of articles. Here we are therefore also dealing with a temporary matter. We therefore have only seven items before us to-day, and in effect the only one remaining which still has to receive attention is the Department of Nutrition. The Ministers concerned will deal with the various points when we go into Committee.

Mr. WATERSON: We have no objection to this hardy annual being dealt with this morning. I am glad to see that the hardy annual is gradually getting smaller every year. I understood from the Minister that as far as item 7, the Department of Nutrition, is concerned, the idea is to incorporate the Director-General of Food Supplies, by legislation, in the Department of Nutrition in due course.

The MINISTER OF FINANCE: Yes, a Bill was already drawn up, but certain difficulties arose.

Mr. WATERSON: Well, that means that another of these items will disappear, most likely next year.

Mr. HEPPLE: While I agree with the hon. member for Constantia (Mr. Waterson) that it is good to see that this long list of War Measures is gradually disappearing, I don't think that we can let this motion go through without any serious comment. We must remember that the original War Measures were passed for the duration of the war and six months thereafter. That was 11 years ago. Now the hon. the Minister said this morning that most of these measures are of a temporary nature. For how long? For ever? This is the type of temporary thing that becomes permanent. Originally the War Measures were supposed to come to an end on 1 November 1945, then they were extended to 1947, thereafter to 31 December 1948, and then to 30 June 1950, and then this House, realizing that the War Measures should only have been of a temporary nature, appointed a Select Committee. The Select Committee thoroughly investigated these War Measures and made certain recommendations to this House. They recommended that some of the War Measures should be abolished forthwith, but that others should be extended for a temporary period of two years, in order to give the Government some opportunity to translate them into permanent legislation. Now the hon. Minister is quite correct when he says that some of these things have been translated into permanent legislation, but let me say that only the bad things have been translated into permanent legislation, not the good things. Such laws as the Native Labour (Settlement of Disputes) Act substituted War Measure 145, and there were other matters that were also translated into bad legislation. But the good things that we would like to see translated into permanent legislation have not been made into permanent laws. I would like to read to this House what the Select Committee said at the time. The Select Committee admitted the difficulties and accepted that it was not possible to make changes as easily as people imagined, but it made, I think, a very reasonable recommendation. In the second part of its report dealing with the measures that would have to be continued for some further period, the Select Committee said—

> Your Committee accept the view that these should be continued, but is of the opinion that powers conferred during times of emergency should not be continued in force under War Measures for indefinite periods. It accordingly requests the Government to introduce legislation at an early date, embodying these measures, in order to give Parliament an opportunity of discussing the details of the various matters dealt with in these measures. In order to enable the Government to frame the necessary legislation, your committee recommend that the War Measures referred to in this paragraph should be continued in force for a maximum period of two years after the 30th June, 1950.

Well, now we are in 1956 and the Government comes to this House and asks us to extend them for a further three years, to 1959. I for the life of me can't imagine what has happened to the Government that it now decides that it not merely wants a two years' extension, but a further three years, which will take us to the year 1959.

Mr. LOVELL: Perhaps they are waiting for the next war.

Mr. HEPPLE: I think the real trouble is that the Government is in a permanent state of emergency and they can't get out of the emergency.

I want to deal specifically with two items. It may seem in view of the criticism that I have made that I believe that these War Measures can be scrapped. I don't think they can be scrapped, but I do firmly believe that either they can be translated into permanent legislation, or they must be scrapped. There is one item particularly and that is the one which deals with the cost-of-living allowances under proclamation 110 of 1942. We from the Labour Party benches have raised the question of cost-of-living allowances time out of number. We have done so on many occasions in single Sessions of Parliament, because we believe that cost-of-living allowances are not only inadequate, but they are badly provided for. It may be argued that this proclamation cannot be translated into permanent legisla-

tion, but I say that the question of cost-of-living allowances can be so dealt with if there is a will on the part of the Government to deal with it. We have asked for the consolidation of cost-of-living allowances in basic wages, and we have done so for very good reasons, because we know that we will never get back to the times of cheap money, that the wage rates that were paid when cost-of-living allowances were first introduced have gone for ever, and we now have new money values. Therefore it is within the power of the Government to see—it has the ways and means of doing that—of seeing that not only the consolidation will take place, but that wages are established at rates that will be realistic in relation to present circumstances. If we lightly give the Government the power to continue these War Measures for another three years, this festering sore of cost-of-living allowances will continue and continue and nothing will be done. Unless there is some very severe pressure put on the Government to do something about this aggravated question of cost-of-living allowances, it will go on and on, and nothing will be done about it. I must at this point disagree wholeheartedly with the Minister who said that this must be considered to be of a temporary nature. These War Measures relating to cost-of-living allowances are going to be temporary for another three years, which will mean that they then will have been in existence for almost 15 years. Now it may be asked in what way can this sort of thing be put into permanent legislation. I don't want to waste the time of the House by going into this matter in detail. But may I say to the Minister that it would be quite simple, in consultation with the Minister of Labour, to devise a simple measure whereby there will be first of all consolidation of cost-of-living allowances in basic wages, and secondly, the fixing of some formula whereby wages are maintained at the level of real values. In other words, that real wages shall be paid to workers and not artificial rates plus cost-of-living allowances.

The second item I want to deal with is that one which was referred to briefly by the hon. member for Constantia, and that is under Proclamation 205 of 1946, which concerns the question of food control and distribution. This measure deals with the food distribution scheme, the mobile markets, with import control, the export and distribution of foodstuffs, the control of the distribution of groundnuts, and measures against the hoarding of food. The Minister has said that the Government had a Bill ready for the Session, but unfortunately it was too late to bring it up during the present Session. If that is true, why does the Minister ask for an extension for three years? If the Bill is ready, why must we be asked now to wait another three years . . .

Mr. VAN DEN HEEVER: If a Bill is passed next year, this War Measure can be withdrawn.

Mr. HEPPLE: Why can't we give the Minister an extension for one year, so that the Minister will then be compelled to deal with it during the next Session? I know very well from experience what will happen. We shall be told: "Oh, we have an extension for three years, don't worry about that", and the matter will be pigeon-holed and held over, and for all I know in 1959, we will be told that new circumstances have arisen or snags have arisen and therefore the Bill cannot be put through.

Mr. VAN DEN HEEVER: Don't worry, you won't be here.

Mr. HEPPLE: If that is so, it is all the more necessary that I should speak now. But maybe it will be the hon. member who won't be here and I think he should do what he can do in this matter now rather than wait and leave us to remedy it. I want to ask the hon. the Minister whether he would give an undertaking to this House that these two specific matters that I have raised will be dealt with. I don't want to go into the question of import control. I have already put it to the Minister earlier in this Session that I believe that we could well do with the abolition of import control in this country. I believe that it has made a lot of individually rich men in this country. It might have alleviated the exchange position and it might have assisted the public in some respects, but it has made some very rich individuals in South Africa. Import control is not all that the Minister would like to boost it up to be, but I do not want to go into details. I hope that the Minister will apply his mind to this and that he personally will see that the Bill to deal with food control will be introduced early in the next Session, and as the Minister of Labour is in the House, I hope he will bring pressure to bear upon the Cabinet to see that this question of cost-of-living allowances is also dealt with as early as possible.

Mr. LOVELL: I would like to support what the hon. member for Rosettenville (Mr. Hepple) said in connection with this Bill. I want to refer to two of the items in respect of these War Measures, first of all the item relating to the proclamation of cost-of-living allowances, and secondly the item relating to the question of price control. Now, Sir, this question of cost-of-living allowances arose because of extraordinary conditions during the war, and it was felt that in order to keep pace with the rising cost of commodities, it was necessary to make some provision whereby wages would be adjusted from time to time by virtue of cost-of-living allowances to keep pace with rising prices. That was done as a social measure in order to allay discontent during the period of the war. Where it was not done in other periods of war in history, there was a great deal of discontent about it. But after the war is over and things have settled down to normality, it should not be the practice, I suggest, to keep up this

War measures Continue HEPPLE

Mr. EATON: Yes, the question of pensions is involved. The whole question of wages as such is involved in this proposal of the hon. the Minister to extend this measure for a further three years. I say that no Government has the right and no Government should ask for these rights to be extended for three years. That is far too long a period. There is no good reason being given by the Minister as to why the period should be three years and not one year. He cannot create stability in this way in the interests of the workers. He is creating stability for his own Government, but this Government claims to represent the workers. Where is the evidence? Not one of the members on that side would get up to defend the workers on this issue. Mr. Speaker, it is so vital that I hope the hon. the Minister will accept an amendment to extend this for only one year that we will have an opportunity of dealing with this matter afresh next year.

The MINISTER OF FINANCE: Mr. Speaker, I can understand why the hon. members of the Labour Party would like to have a yearly debate on this matter. Unfortunately the trouble is that every year the hon. member for Rosettenville (Mr. Hepple) comes forward with exactly the same speech. I think if he goes back through Hansard he will find almost word for word the same speech that he made here last year and on previous years.

On the general issue of the iniquity of the Government maintaining certain regulations which were issued in war time but which, as I pointed out, do not deal with war conditions any longer but with another temporary situation; it seems to me to be quite clear that the hon. member for Rosettenville has not followed what I said when I spoke in Afrikaans at the second reading speech.

Mr. HEPPLE: That will not help you.

The MINISTER OF FINANCE: Well, either he did not follow me or he is misrepresenting the position. It is one of the two and he can take his choice. On the general issue, I suppose the hon. member is acquainted with D.O.R.A.—I am not referring to a lady friend, D.O.R.A.—the Defence Of The Realm Act . . .

Mr. HEPPLE: I know about that.

The MINISTER OF FINANCE: That was brought in in England during the 1914-18 War. Some of those regulations are being maintained to-day, whereas we are now dealing with regulations which were issued only during the Second World War. As I pointed out—and as the hon. member apparently could not or would not follow—we have only seven of these regulations left. We are dealing with a transient situation. In some respects it is a temporary situation. The hon. member wants us, when dealing with temporary situations, to have those put into permanent legislation. That is a foolish suggestion. With one exception—that of the Department of Nutrition—they are all temporary situations. As I pointed out, the hon. member either could not or would not follow me, but I said in introducing this Measure that legislation had been prepared, a Bill was drawn up to deal with the matter of the Department of Nutrition. The hon. member completely ignored what I said and the hon. member for Constantia (Mr. Waterson) took it up immediately . . .

Mr. HEPPLE: Mr. Speaker, on a point of personal explanation may I say to the hon. the Minister that if he thinks I cannot understand Afrikaans . . .

Mr. SPEAKER: Order, order! That is not a point of personal explanation.

Mr. HEPPLE: Very well, let me give the personal explanation, and that is this: when I spoke I referred to the Minister's statement that legislation had been prepared in respect of this item, and my comment was that if legislation had been prepared why ask for a further three years extension. So the Minister must not say that I ignored that.

The MINISTER OF FINANCE: I repeat what I said, Sir, that I explained that legislation was prepared; that a hitch had occurred as several departments are concerned and, in this particular matter, particularly the Department of Agriculture. The point was taken immediately by the hon. member for Constantia who appreciated the difficulty. But the hon. member for Rosettenville leaves out that part of my statement and concentrates on the first part. I gave him the reason why the legislation was not introduced; and that was the only exception.

We have only these seven items left. Does the hon. member really want me to put into permanent legislation the item, for instance, dealing with the custodianship of enemy property—the Custodian of Enemy Property Act? Does he really suggest that that should now be put into a form of permanent legislation when we are busy clearing up that whole situation? In fact, as I shall point out in the Committee stage, that is almost cleared up already.

The hon. member spoke about price control. Does he want us to remove price control? Because he is supposed—I say deliberately and advisedly, "supposed"—he is supposed to be speaking on behalf of the wage and salary earning people. Does he want us to remove price control altogether? Of course not. He knows perfectly well that it has been removed to some extent and it will be re-imposed if necessary; but it is not a matter you can put into legislation. He dealt with import control; he said import control was here only for the purposes of the rich. There again, import control is particularly applied to certain items such as the import into South Africa of luxury goods. The hon. member knows about the strain on exchange resources; surely the hon. member reads the newspapers and knows what happened in Australia where import control was considerably relaxed and had to be re-

imposed? A second time it was relaxed and again they had to bring it back. Does he want us to face the same situation in South Africa? My own experience over the past years is that commerce particularly does not like import control, and I can fully appreciate that. But even commerce to-day realizes that under existing conditions we cannot simply wipe away import control as the hon. member wishes us to do. He says he is speaking on behalf of the wage and salary earning classes, but if import control were to be removed then we would have a situation where those people he represents are going to be seriously affected.

On a question of cost-of-living allowances, I take it my colleague the hon. Minister of Labour will deal with that. However, the hon. member for Sunnyside (Mr. Pocock) hit the nail squarely on the head; does the hon. member for Rosettenville want to suggest to this House that there have been no increases in basic wages during past years? Does the hon. member want to deny that, in a large measure, increases in basic wages have been proportionately greater than the increases in the cost-of-living index? Consider the printing industry: the hon. member will find in the customs measures passed last week that steps had been taken for reducing the protection afforded to the printing industry. Why? Because of the excessive increase in wages in that industry. The wages in the printing industry in South Africa to-day are higher than in any other country in the world except the United States of America and Canada.

Mr. HEPPLE: Do you regret that?

The MINISTER OF FINANCE: Certainly I regret it, and I will tell the hon. member why. Does he know what has happened? Does he know that books, and particularly Afrikaans books, are to-day being sent to Holland to be printed because of the high cost of printing in South Africa? And does he approve of that? Does he approve that work that should be done by those people who he is supposed to represent should now have to be sent overseas because of the high cost of printing as a result of the excessive wages in the industry in South Africa? Yet that is the sort of suuggestion we get from the hon. member. He and his two colleagues make what I can only call an annual soapbox speech to satisfy the people whose support they are rapidly losing on the Rand and elsewhere. The hon. member for Rosettenville knows that as far as the Civil Service and the Railway Service are concerned there has been a measure of consolidation. That may come in industry and commerce, one never knows. But there again, we are dealing with a situation which changes from day to day. It is not a stable situation. Can we make legislation for a situation which is fluid and dependent upon economic circumstances in South Africa and the rest of the world?

After these War Measures have been reduced to seven items, and where only one of them, the Department of Nutrition, provides him with any ground on which to stand, the hon. member apparently refused to accept my assurance that legislation would have been introduced this Session had it not been for a hitch that arose in connection with certain discussions between departments. The intention is to introduce that legislation next session. If the hon. member will look up the Finance Bill he will find in there a provision to provide that the Department of Nutrition are now to be placed under the control of the Treasury. Is that not an indication that we are acting in this matter? Funds amounting to about £2,000,000 will now be paid into the Consolidated Revenue Fund, except for a small amount which has been left for them to operate on. There is the proof, but the hon. member refused to accept that proof.

Mr. Speaker, I have been asked to accept an amendment to the effect that this matter should be renewed from year to year. I am certainly not going to accept that amendment because if anything should happen as has happened in the past, legislation can always be introduced in regard to any of these specific matters. Take for instance the Custodian of Enemy Property Act: it is most likely that that entire matter will be cleared up in the course of the next few months, and legislation will then be introduced next session. We will not keep that in the War Measures for the next three years, it will be removed as soon as it can be, and so other situations which clear up will be removed. I am afraid the hon. member is making his usual hardy annual speech on this matter without going into the matter or without having listened properly to what I said when I introduced this measure.

Motion put and agreed to.

Bill read for second time.

The MINISTER OF FINANCE: Mr Speaker, I move—

> That the House do now resolve itself into Committee on the Bill and that Mr. Speaker leave the Chair.

Mr. EATON: I object.

Mr. SPEAKER: As the number is less than three . . .

Mr. HEPPLE: There are three objectors Mr. Speaker.

Mr. SPEAKER: Hon. members must be alert about this. When there are objectors they must all rise to their feet together. I do not now feel inclined to accept this objection. In future when members object to a stage being taken, if there are more than two objectors they must rise to their feet immediately.

Mr. HEPPLE: Mr. Speaker, may I ask for clarity on this point? I understood that the usual procedure was that when one objection is made you, Sir, call out and ask if there are any supporting that objection.

he does not seem to grasp. It is no question of this side or that side or Anglo-Boer War veterans of one side or the other. That does not enter into it. The point I made, and I repeat it now so that he will be under no misunderstanding—because from his reply he was obviously under a misunderstanding—is this: if soldiers of the British Army serving in South Africa in the Anglo-Boer War, and now living in South Africa, are entitled to the veteran's pension, why should not South Africans who served in the South African Army in France in the first World War have the same privilege? That is the point. It is a perfectly simple one. The hon. member for Sunnyside (Mr. Pocock) can have it and so can the hon. member for Losberg (Mr. Brits); why not the men who are 80 years of age and who served in the first World War in the Army of the Union of South Africa? It is not a question of Boer Forces or British Forces. That does not enter into it.

Clause put and agreed to.

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

House Resumed:

Bill reported without amendment.

Bill read a third time.

NATIVES (PROHIBITION OF INTERDICTS) BILL

Third Order read: Adjourned debate on motion for Second Reading—Natives (Prohibition of Interdicts) Bill.

[Debate on motion by the Minister of Native Affairs, upon which an amendment had been moved by Dr. D. L. Smit, adjourned on 6 June, resumed.]

Mr. HEPPLE: Mr. Speaker, when the House adjourned last night I was dealing with the question of access to the courts. There was a great deal of disagreement in the House as to whether this Bill was, in fact, a denial of access to the courts or not. I referred to the hon. member for Nigel (Mr. Vorster), the hon. member for Heilbron-Frankfort (Mr. Froneman) and the hon. member for Johannesburg (North) (Mr. P. B. Bekker) who persistently interrupted and said that there was no denial of access to the Courts. I would like to examine that provision and to see if we can get some clarity on it.

The first question I want to ask is this: After the passing of this law, will Natives have access to the courts in order to get an interdict or a stay of proceedings under an order made against them? And the answer is no. The second question I want to ask is, will I or any other White person be able to get such an interdict? And the answer is yes, I will. Therefor there is a definite denial of a right to a Native to get an interdict in the cases referred to in this Bill. As I see the position, it is simply this, that to be able to get an interdict in a court is a right and in future under the provisions of this Bill Natives will not be able to get an interdict. Therefore they will not have access to the courts to obtain this relief. This is an actual denial of the right of access to the courts to get an interdict or a suspension of a sentence of eviction pending an appeal in the Supreme Court. Not only is there this actual denial of a right, but as I began to explain last night there is a virtual denial also to get that further satisfaction of which the Minister boasted when he spoke on this measure. The Minister said that when an order is made against a Native he must obey that order and to go parts unknown. Wherever he is sent, he must go, and from that point he can seek the ordinary redress of the courts, that is damages. In other words, he is denied access to the courts to get an interdict. Nevertheless the Minister wants to make out a case that that does not deny him the right to get redress. I do not see the relevance of the Minister's argument, but let us assume there is some relevance, then how is the Native so ordered to be removed and who has obeyed the order now to proceed to claim his damages? If, for example, he is a Native in East London and he is ordered to go to some distant place like Riemvasmaak, how must he set about establishing his claim for damages? He is removed from the point where the damages took place to an outlandish place from where he must initiate his case.

Mr. SPEAKER: I must draw the hon. member's attention to the fact that this argument has been used over and over again. Practically every member has used it. We cannot have so much repetition. [Interjections.] Order! I also want to appeal to hon. members to refrain from making unnecessary interjections.

Mr. HEPPLE: My argument is that when a Native is removed from one place to another it will be difficult for him to take legal action to claim damages. . . .

Mr. SPEAKER: That has been used quite often.

Mr. HEPPLE: Then my second point is this, that if the person cannot return to the original point, if he has obeyed the order and has no process by which he can return to the point from which he was removed, it is going to be impossible for him to get justice. No Government speaker has explained yet how it is possible for him to get redress. I am not talking now about the interdict that he has been denied, but the other damages which the Minister claims he can still get. The hon. member for Nigel (Mr. Vorster) took the hon. member for Benoni (Mr. Lovell) to task last night on the argument the hon. member for Benoni used in claiming that the hon. member for Klerksdorp (Mr. Pelser) had himself admitted that this was a very dangerous procedure which was being followed, to prohibit interdicts. The hon. member for Nigel quoted some of the words

used by the hon. member, but I think he has not got it quite clear. From what the hon. memoer for Benoni said, and the words he quoted, which are in fact the words of the hon. member for Klerksdorp, it is clear that the hon. member for Klerksdorp is uneasy about this because he said—

> I readily agree that we cannot lightly set aside that aspect. I readily admit that no democratic State readily prohibits access to his courts and lightly places limitations of that kind on its subjects. I will also admit that this measure will be grasped at by the enemies of White South Africa here and overseas as being allegedly further proof of how undemocratically the Nationalist Government treats its Native subjects, and that we are fast becoming a police State if we have not become it already.

The last part of the hon. member's argument is defeated by the first, because he admitted that one does not readily take these steps and he is very uneasy about these steps being taken, and then in order to salve his own conscience he says that because we are taking this step which worries him, others will use it here and overseas to make attacks on South Africa. The hon. member is quite rightly worried about this step because it is a very grave departure from the normal process followed in South African justice. The hon. member for Benoni was quite correct when he pointed out that this was the very first occasion in our history that we are now discriminating in our courts on the ground of colour, and it is a very grave departure, because where will it end? I am quite sure the Government members must be genuinely distressed at the new principle being introduced here, because once we have opened the door there is no knowing what else will get through. I am not a legal man, but I can understand that once you depart from a well established legal custom it will be difficult to draw the line. Perhaps the legal men on that side of the House will explain to a layman like me how one can depart from this old and well established custom and know where to draw the line in future. How are you going to say that you can do it in this case, but not in another case? Because once this Parliament begins to concede these arbitrary powers and begins to break away from these old legal principles. there can be no end to it and to all intents and purposes our courts may as well disappear, because we will sit as the judges and the Minister will sit as the judge in his own cause, and this Parliament will, by delegating powers, replace the courts which is a very dangerous principle indeed. For that reason I appeal to the legal men on the Government side to consider the very serious implications of this matter and to impress upon the Minister that he is asking legal men to do something which will depart from everything they know to be right in the legal processes of this land.

*Mr. SPEAKER: I do not wish to curtail discussion in this debate, but I want to bring to the notice of the hon. member that arguments are now being repeated over and over again. The scope of this Bill is very restricted and I appeal to hon. members now to confine themselves to fresh arguments.

*Mr. FRONEMAN: The Opposition has now repeatedly asked me to give my opinions because I made a few interjections. Because so much has been said during this debate about fundamental rights which are being interfered with and with reference to the remark which has just been made that the scope of this Bill is very limited, I have decided to analyse for a moment what is really the principle and scope of this Bill.

The principle and the scope of this measure amount to no more than two procedural cases. The first is that no interdict shall issue for the stay or suspension of the execution of certain orders, and secondly, that no other legal process shall issue for the stay or suspension of certain orders. It deals only with the rules of procedure and not with substantive law. It does not affect substantive rights or the freedom of the individual or the rights of the person or rights to property, but only procedural matters. The rules of procedure deal with the way in which a person can uphold his substantive rights in the courts. The rules of procedure lay down the procedure whereby a person can uphold his rights of freedom and honour and his good name and his property rights. In other words, the rules of procedure provide the means for upholding the substantive rights. The rules of procedure say that one can make use of this method or that method. It gives one the method one has to use. And if the rules of procedure deprive one of a certain method, it still does not deprive one of that substantive right. It has been said here that fundamental rights are being taken away. I just want to point out that this applies to the rules of procedure and it only deals with the method and does not take any of those rights away. In our law we have the ordinary means of procedure, the summons and the hearing of the case, but we also have the exceptional method, that of interdicts. The English and American legal systems do not have this procedure of interdicts, because it is unique to the Roman-Dutch law. To say that because the American law or the English law does not recognize interdicts, they cannot uphold their substantive rights, is ridiculous.

I also want to express my indignation towards the hon. member for Benoni (Mr. Lovell) where he alleged that fundamental rights, the substantive rights of freedom and property and person, were being interfered with. We are supposedly commiting an injustice with dirty hands by passing this measure. As a legal man, he should know that interdicts are a method of procedure and that this measure only refers to interdicts as a method of procedure which suspends certain orders. He should know that this measure does not interfere with one single substantive right. The hon. member for Houghton (Mrs. Suzman) went even further. I almost want to say that her behaviour in this regard is somewhat

Mr. HEPPLE: I move as an amendment—

In line 9, to omit "1959" and to substitute "1957".

The purpose of this amendment is to give an extension of these War Measures for one year instead of three years as contained in the clause as it now stands. I move this amendment in the light of the Minister's answer to the second reading. The Minister made no attempt to deal with the question on its merits during the second reading debate or to give us any clear reason as to why it was necessary to have these measures extended for a further three years. The Minister merely resorted to cheap sneers and abuse and even distortion of the speech that I made on this particular question. It seems to me that the Minister is more anxious to shelter behind abuse and cheap sneers rather than to deal with this question on its merits. I still believe that it is not necessary to give the Government a longer extension than one year. If it is found next year that first of all the Bill dealing with the control of foodstuffs and so forth is ready, the Minister's need for a further extension on that item falls away. If it is found that suitable legislation for the protection of workers' wages and cost-of-living allowances cannot be devised in time, then next year we can give the Government a further extension of time. But it is essential, I think, for this Committee to convey to the Government that these War Measures must disappear from our legislation. There was no one more critical of these War Measures than the Government themselves when they were in Opposition. I would advise the Minister to read the speeches of his own side of the House in 1947, nine years ago. Then the Nationalist Party was berating the then United Party Government, because these War Measures had been kept in force for two years after the war. But now that we are 11 years beyond the end of the war, the Government comes here and not only wants further extensions, but the Minister endeavours to justify his disposition by treating criticism of a far more timid nature than he and his colleagues made in 1947 as being merely a political trick. He says that this is the old story that he has heard from me year after year. Of course. I am only sorry that I can't make complaints about the cost of living a dozen times in one session. The Minister should not endeavour to shield behind sneers and merely dicounting my arguments in the way he did yesterday. For that reason I move this amendment and I hope that the Government, even if it does not accept this amendment will take due note of it and know that we are not at all satisfied with the way in which they are handling these War Measures.

The MINISTER OF FINANCE: If the hon. member will take the trouble, say in two weeks' time when the Hansard reports of these debates are published, to read the English translation, which he will be able to follow, he will find that I dealt very fully with the reasons for the introduction of this Bill. The only reference that I made to him personally, which he chooses to regard with a sneer, is that I said that the speech that he made yesterday was almost identical with that he made the previous time. For the rest I dealt with the matter very fully, and it was accepted also by the official Opposition that there are good reasons to extend the six or seven remaining regulations, dealing with cost-of-living allowances, import control, German property—and the last one is being settled—and that there are good reasons for not embodying these remaining regulations in legislation. I also told the hon. member that the regulations dealing with the Nutrition Department will most likely disappear next year. I informed the hon. member that a Bill has already been prepared, but as other departments are also concerned, a hitch had occurred, and that therefore it was not possible to introduce the Bill during the current Session.

Mr. HEPPLE: If the hon. Minister can read English, or if otherwise he awaits the Afrikaans translation of the speech I made yesterday, he will see . . .

The MINISTER OF JUSTICE: Wait a fortnight, then you can both read each other's speeches.

Mr. HEPPLE: The hon. Minister of Finance will note one difference between his speech and mine, whether he reads it in English or Afrikaans, and that is that I do not distort what the hon. Minister says, but the Minister distorts what other members say.

The CHAIRMAN: Order! The hon. member should withdraw that.

Mr. HEPPLE: I withdraw that, but I do think that the hon. Minister must realize that in his present capacity as a Minister of the Crown he has a responsibiltiy to this House, particularly in Committee of Supply. If he chooses to lower the debates of this House to the level of cheap sneers, and distortions, I can't help it, but I do advise him to read his own speech and then he won't particularly be proud of it. The Minister can't explain away the question of the consolidation of the cost-of-living allowances in basic wages . . .

The CHAIRMAN: Order! That is not relevant here.

Mr. HEPPLE: I won't deal with that. I as a matter of fact merely rose to ask the Minister to behave like a Minister.

Mr. EATON: The hon. the Minister has not yet told us why he is asking for an extension for a period of three years. Normally these extensions are granted for two years, but now the Minister has asked for a period of three years, and where the hon. member

for Rosettenville has introduced an amendment to reduce the period to one year, we move that as much as a protest against the fact that the Minister gave no specific reasons when he asked for the extension for three years, and we still have to hear the Minister on that score. I hope the hon. the Minister will meet this point and tell us why he is asking for the extension for a further period of three years.

Question put: That "1959", proposed to be omitted, stand part of the clause, and a division called.

As fewer than 15 members (viz., Mrs. Ballinger, Mr. Eaton, Mr. Hepple, Mr. Lovell and Mr. Whiteley) voted against the Question, the Chairman declared it affirmed and the amendment proposed by Mr. Hepple dropped.

Clause, as printed, put and agreed to.

Remaining Clause, Schedule and Title of the Bill put and agreed to.

House Resumed:

Bill reported without amendment.

Bill read a third time.

NATIVES (PROHIBITION OF INTERDICTS) BILL

Second Order read: House to go into Committee on Native (Prohibition of Interdicts) Bill.

House in Committee:

On Clause 1,

Dr. D. L. SMIT: I wish to refer to the definition of the word "order" in this clause—

> Order means any order, warrant, direction, notice, instruction or authority issued or purporting to have been issued under any law, and includes any order of court.

Yesterday the hon. the Minister assured this House that it was his intention to confine the powers vested in him under this Bill; that the authority of the Bill would only be used in a limited number of cases such as the removal of squatters and the clearance of slum areas like Moroka. If that is so why does he not specifically state so in this definition? Why does he not specifically define the class of cases he has in mind and limit it to those cases only? I ask why is there this wide definition that gives him almost unlimited powers of interference? In so far as squatters are concerned the Prevention of Illegal Squatting Act of 1951 gives abundant authority to the magistrate to get rid of any squatters without any difficulty. I wish to refer to the provisions of Sections 3 and 5 of Act 52 of 1951. There the magistrate, on being satisfied that people are illegally squatting, is required to—

> Effect the immediate removal of such persons from the land or building concerned; to effect the transfer of such persons to such other place within or without the said district as he may indicate and to ensure the demolition and removal from such land of all buildings or structures which may have been erected thereon by any such person or on his behalf.

And he is entitled to call in the assistance of the Police and to send these people to an emergency camp.

In regard to slum clearance, as far as a place like Moroka is concerned—which the hon. the Minister says he has in mind—I would draw attention to the provisions of the Native Resettlement Act of 1954. Section 26 gives powers to the board, with the assistance of a magistrate, to effect the immediate removal—

> of any Native or member of his household from the premises concerned: to effect the transfer of such Native or a member of his household to the house, place of residence or land offered by the board and specified in such notice, and to ensure the demolition of the building.

So that as far as Johannesburg and the surrounding districts are concerned he could deal with them under this Act of 1954 without any difficulty. As a matter of fact he does not seem to have had much trouble in removing the Natives from Sophiatown. It is true that those Natives were removed in the first place by a posse of Police, but since then I understand there has been no trouble at all. And after the Natives have been removed the Minister has a demolition gang there which gets rid of the building so that there can be no fear of the Natives returning.

I must be quite frank about this: I am not satisfied; I am not impressed by the Minister's assurances that he will only make use of this Bill for the cases that he has mentioned. I think the hon. the Minister has a short memory. Hon. members who were in the House in 1952 when the approval of the House was obtained to the provisions of Section 20 of the Native Laws Amendment Bill of that year will remember that that section excluded the jurisdiction of the Courts to the granting of interdicts in the case of banishment orders under Section 5 of the Native Administration Act. He assured us then that that provision would be resorted to only in the case of mischief makers or agitators who were causing disturbances. Under this definition a similar proceedure may be applied to Natives generally, including people who do not fall within the category of mischief makers or agitators—unless the hon. the Minister proposes to classify all Natives who seek the protection of the

conducted by the Auditor-General who in his wisdom, and after going into all the aspects, made this recommendation. Now, I am asked, in view of everything that we are doing for reformatories, to go against the recommendation of the Auditor-General and say that we are not going to accept it. No, I am sorry. It is not from any lack of sympathy. I have not shown any lack of sympathy so far in connection with any institutions of this kind. The responsible Ministers can testify to that, and I can testify to it. It is not a case of being hard-hearted, or being obstinate. It is a matter of doing what, after all, is a sensible thing, and that is, instead of maintaining a separate fund with all the attendant difficulties, to put it into the Consolidated Revenue Fund and to go on giving the necessary support to all these institutions.

Mrs. BALLINGER: Since this matter has been raised I would like to say a word about it. In the first instance, I would like to know when the Auditor-General made his recommendations in this regard. I wonder if the Minister could tell me that? My impression is that this recommendation was made in about 1952.

The MINISTER OF FINANCE: 1952.

Mrs. BALLINGER: Well, we are now in 1956, and quite a lot of water has flowed under the bridge since 1952, and it has flowed in some curious directions. The attitude of the Minister of Native Affairs is that the African population should mainly pay for their own services. That is going to impose a very heavy burden on the very sort of people in whom the hon. William Porter was particularly interested. His interest was not confined to the Coloured population, as the hon. member for Salt River (Mr. Lawrence) has just said. All persons of colour had the same claim on his sympathies in his desire to apply to them the principles of Christian charity. When the Minister says that we to-day show all the Christian charity in the matter of reformatories, that we ought to show, I think he is not quite as familiar with the Native situation as he is with the Coloured situation. It is not so very long since I did my best to impress upon the late Mr. Hofmeyr . . .

The DEPUTY-CHAIRMAN: Order! We are not discussing the policy of how to treat the different sections of the community. We are simply considering the question of transferring this sum to the Consolidated Revenue Fund. That is the only matter before the Committee.

Mrs. BALLINGER: All I was going to argue was that there is a very useful field for the investment of this money other than in the Consolidated Revenue Fund, and that is reformatory services for Africans as distinct from Coloureds.

The DEPUTY-CHAIRMAN: The hon. member cannot discuss that.

Mrs. BALLINGER: I thought that was what the Committee had been discussing?

The DEPUTY-CHAIRMAN: I have allowed a lot of freedom in discussing this matter, but the hon. member is drifting right away from the point before the Committee.

Mrs. BALLINGER: Sir, I am very anxious to be in order in this regard. I understood that this money had originally been left for reformatory services . . .

Mr. SUTTER: Without any mention of creed or colour.

Mrs. BALLINGER: . . . and that the contention of the Committee was that this money, instead of being put into the Consolidated Revenue Fund, should now be applied for that particular service and probably reformatory services for Coloureds. I thought that was the case which the hon. member for South Peninsula (Mr. Gay) was putting up.

The DEPUTY-CHAIRMAN: I have allowed discussion on that point, but this is not the point before the Committee. I am not going to allow any further discussion, as to how this fund is to be applied. The Committee has before it a clause which provides for the dis-establishment of this fund and for the proceeds to be transferred to the Consolidated Revenue Fund; that is all.

Mrs. BALLINGER: Does that mean that one is not entitled to argue that the money might be applied to other purposes?

The DEPUTY-CHAIRMAN: I have allowed sufficient discussion on that aspect.

Mrs. BALLINGER: In that case, I can only recommend in conclusion that I think it might be much more profitably invested in this field, which I have suggested.

Mr. GAY: I did not want to intervene in the debate again, but the Minister has asked me a question and I think it would be discourteous not to reply. He asked whether I could suggest to him a better form of memorial than the Porter Reformatory? I can. I can recommend a Porter Reformatory with a capacity capable of dealing comfortably with the inmates who have to go into it; that this £17,000 should be utilized for expansion so that the reformatory is a memorial which would not be over-crowded to the tune of 25 per cent and, over and above that, be forced to send 37 of its inmates to a disused military prison because of the fact that there is no accommodation in the reformatory.

The DEPUTY-CHAIRMAN: Order. The hon. member has made that recommendation repeatedly.

Mr. GAY: The Minister appears again to have been under the misapprehension that I was criticizing the amount spent by the State on reformatories. I made it quite clear that that was not my intention.

The DEPUTY-CHAIRMAN: Order. That is not under discussion now.

Mr. GAY: I want to ask the Minister again to give this matter his re-consideration at this last minute, and to carry this matter over in the light of the information he has received to-night, so that the money can be used for the purpose for which it was originally intended, i.e. for the betterment of the Porter Reformatory.

Mrs. BALLINGER: Mr. Chairman, would I be in order in moving that this £17,000 instead of being put into the Consolidated Revenue Fund, be put into the Bantu Education Fund? I shall be glad to have your ruling in that regard.

The DEPUTY-CHAIRMAN: The clause must be adopted or rejected.

Mrs. BALLINGER: Can you tell me, Sir, on what grounds I cannot move that? I mean, that is also a Government fund.

The DEPUTY-CHAIRMAN: The clause must be accepted or rejected by the Committee.

Mr. SUTTER: Mr. Chairman, is it not possible to move an amendment here? With very great respect, your ruling that the clause must be accepted or rejected, is something to which we are not used in this House. If it is not possible to move an amendment, I would like to know under what particular section you give your ruling. I know that you cannot move an amendment which involves an increase of expenditure, but we are not suggesting that, and what is more, this is not Government money. I would like to know, Sir, under what section you gave your ruling that this clause must be either accepted or rejected.

Mr. MITCHELL: May I point out that this is not Government revenue at all.

The DEPUTY-CHAIRMAN: I am considering the matter. If the hon. member for Cape Eastern (Mrs. Ballinger) will move an amendment, I will consider it.

Mrs. BALLINGER: I would like to support this amendment with the argument that this is a fund for a national service for the African population that would fall within the terms of the Porter bequest. The Porter bequest, according to the White Paper, was for the establishment and maintenance of a reformatory or other cognate institution, and I believe that the late hon. William Porter would have been only too willing to support my contention that schools which were designed to keep children off the streets was the very best means of dealing with the problem which he had in mind when he made this bequest. Now that we have an education fund which is designed to provide this service for the Native population, there is an obvious justification for increasing that fund in any way we can for this service. So long as we have no compulsory universal education for African children, the problem of juvenile delinquency is an ever-pressing one and the need to meet is more than the Government itself has been able to cope with so far.

The DEPUTY-CHAIRMAN: Order! I have asked the hon. member to submit her amendment to enable me to consider it.

Mrs. BALLINGER: I should like to move—

That the assets of the Porter bequest be transferred to the Bantu Education Account.

The DEPUTY-CHAIRMAN: I am afraid I cannot accept that amendment, because it is not in proper form.

Mr. HEPPLE: I would like to support the proposal made by the hon. member for Cape Eastern (Mrs. Ballinger.)

HON. MEMBERS: Her amendment has been ruled out of order.

The DEPUTY-CHAIRMAN: The amendment which the hon. member wishes to support has been ruled out of order.

Mr. HEPPLE: I will move the amendment in its correct form. I am just trying to wade through these 94 chairmen who are trying to conduct the business of this House. I move—

To omit all the words after "the" where it occurs the first time in line 17, to the end of sub-section (2), and to substitute "Bantu Education Account."

Amendment put and negatived.

Clause, as printed, put and agreed to.

On Clause 6,

Mr. WATERSON: When the Vote of the Minister of Economic Affairs was under discussion, I asked him whether there was likely to be any conversion of capital and money in regard to Sasol and he replied that as far as he knew there was not. I was subsequently informed by his Department that there was going to be this conversion. What alarms me is that this proposal is that there shall be a conversion of no less than £6,000,000, and only three weeks ago the Minister who is our watch-dog and our nominee in this enormous project knew nothing about it.

The MINISTER OF NATIVE AFFAIRS: I knew all about it.

Mr. WATERSON: The Minister now says that he knew all about it. Why then did he tell me it was not going to be done?

*The MINISTER OF ECONOMIC AFFAIRS: May I explain the position? When

Natives (Prohibition of Interdicts) Third Reading

HEPPLE.

House. I would just like to say in passing that we are not convinced on that point. We feel rather that this measure has a great deal to do with other legislation and that it will form part of the machinery which will be introduced in connection with another matter which is on the Order Paper and which we will discuss shortly. I make this point because I think it is important that we examine the scope of this Bill in order to ascertain what people are likely to be affected by this measure.

The Minister contends that it has only to do with slum clearance. I do not believe that, and members on this side of the House do not believe it. We believe that this measure will also be brought into operation in connection with quite widespread action which is obviously contemplated under another measure. Therefore this Bill has a wide scope and not a narrow scope as indicated by the Minister and it is going to affect a lot of people many of whom we feel will be innocent people. For this reason and mainly for the reason that this measure will be so harmful to race relations in this country, I very strongly support the amendment moved by the hon. member for East London (City) (Dr. D. L. Smit).

Mr. HEPPLE: This Bill remains unchanged. It is exactly the same as it was when we began, although it has passed through various stages. The more I have listened to the comments and the many interjections from that side of the House, the more it has become clear to me that the case advanced by this side of the House at the second reading has been completely substantiated. The various questions that were put to the hon. members opposite were not only not satisfactorily answered, but many of them were not even answered at all. I think the crux of the whole discussion was revealed when the hon. member for Benoni put some very pertinent questions to the Minister as to how the orders under this Act will operate. The replies that came from the Minister showed that we are quite correct when we say that the effect of this law will be that Africans will be denied access to the courts to get an interdict. The Minister endeavours to support his case by promising the House that when applying this law he will only issue proclamations under Section 5 in cases of absolute emergency. In other words, he asks us to pass this Bill on trust. Surely that is not the function of Parliament, to pass a law on trust? We have had quite a lot of that sort of appeal in this House, but the function of Parliament is to ensure that we protect the rights of the individual in this country; that we not only remove the irritations imposed by Departments of State, but that we see that the inherent rights of the people are properly safeguarded. We cannot merely pass measures on trust. As the hon. member for Benoni pointed out, this is not the last Minister of Native Affairs we will have. This law may be administered by quite different people from those who are now giving the assurances. We might get the hon. member for Wonderboom (Mr. M. D. C. de W. Nel) as the next Minister of Native Affairs, and when one listens to his speeches one shudders, because the hon. member attempts to justify this measure merely by slinging insults at the hon. member for Benoni. It was necessary for the hon. member for Benoni to call him a liar once before.

Mr. SPEAKER: Order! The hon. member for Benoni withdrew those words, and the hon. member cannot refer to them again.

Mr. HEPPLE: The hon. member did not withdraw those words.

Mr. SPEAKER: Order! I remember the incident. He was ordered to withdraw those words, and the hon. member cannot refer to them again.

Mr. HEPPLE: Then I only want to say that the hon. member for Wonderboom made a disgraceful attack on the hon. member for Benoni this morning and he ought to be thoroughly ashamed of himself. If this is the type of argument and remark we are going to get from the hon. member for Wonderboom, he must expect something in return.

Mr. M. D. C. DE W. NEL: I can prove it.

Mr. HEPPLE: What can you prove?

Mr. M. D. C. DE W. NEL: What he said.

Mr. HEPPLE: What did he say?

Mr. SPEAKER: Order! Hon. members must stop these interjections.

Mr. HEPPLE: I challenge him to prove it and repeat his statement outside the House, and so give the hon. member for Benoni an opportunity to go to court. I suppose the next thing will be that we will have an interdict to prevent the hon. member for Benoni from taking action against him.

The effect of this Bill will, in the words of the hon. members opposite, affect only a small number of Natives, but even if it affects only a small number of people—I do not say it will —and even if the Minister of Native Affairs is very cautious in his application of this law and the issue of proclamations under Section 5, the principle involved here is so utterly bad that we must oppose it. We cannot give the third reading to a measure which first of all discriminates in the courts of the land on the ground of colour, a very reprehensible change in our legal system, and secondly, one in which people will be placed in the position where they will be denied almost all processes of law in order to protect their interests. In the circumstances a measure like this must be rejected by any Opposition worth its salt and the Government should be utterly ashamed of itself for bringing such a measure before the House.

*Prof. FOURIE: The hon. member for Wonderboom (Mr. M. D. C. de W. Nel) says the purpose of this Bill is to improve human relationships in South Africa. When I examine the

history of human relationships, and especially the relationships between the ordinary citizen and the State, I find that when difficulties arose between individuals, the solution for them was to refer the matter to an impartial court. The court preserved the balance. In the same way, we have had throughout history this tremendous struggle against the Godlike right of the State or the tyrant.

*Mr. SPEAKER: The hon. member cannot make a second reading speech now.

*Prof. FOURIE: I return to the point. Free access to the courts is the great fundamental principle which we have developed in our democracies whereby the balance can be preserved between the tyranny of the State on the one hand and the rights of the individual on the other hand. That is the most fundamental principle in a democracy and in the modern rights of persons. Without that, no democracy and no individaul freedoms or rights exist. Where, after a century-old struggle against the power of the dictator, the tyrant, the State, we have been protecting the rights of the individual, my objection to this Bill is that we are hereby re-opening the door to tyrrany and despotism. The Minister and hon. members opposite can say that it only affects a small group of people. I accept that that is the aim.

*Mr. J. E. POTGIETER: The State also has rights.

*Prof. FOURIE: Yes, but the State will be accorded its rights when both the State and the individual have free access to the courts. But any obstacle to the free access to the courts, such as this Bill contains, is a restoration of the tyranny of the State. Although the Minister says only a small number of Natives will be affected, we are opening the door to it. The hon. member for Parktown (Mr. Cope) said no Government would dare make such a law applicable to Whites. [Interjections.] Throughout history this sort of thing has always started from the assumption that freedom is divisible. If the hon. member for Parktown says no Government would dare to apply this law to Whites, I want to allege that it will not be many years before this Government, as a result of this Bill, will be compelled to do so. Once one opens the door to tyranny, it continues and there is no end. For that reason, I want to register the strongest objection as an Afrikaans-speaking person. I am surprised at my friends opposite, who for centuries struggled for freedom, again opening the door to the tyranny of the State and the disturbance of the balance between the individual and the State. The effect of this Bill on the people of South Africa will be great, and do not imagine that the people of South Africa consist only of the group of Natives the Minister now has in mind. The matter will go much further, and it is in conflict with the entire concept of modern democray. For that reason I consider it an honour to support the amendment by the hon. member for East London (City), and I hope the Minister will not proceed, even at this late stage, because it will not end here. It will go further, and I fear for the future of this country when we do this type of thing which will upset the whole foundation of our national existence and the relationship between the individual and the State.

*Mr. J. E. POTGIETER: I just want to say a few words to the hon member for Edenvale (Prof. Fourie). He discussed the relationship between the State and the individual. But what is the hon. member's method? He deliberately over-emphasizes the individual at the expense of the State. The entire problem is where the emphasis should be, on the individual or on the State, and that depends on circumstances. The hon. member knows that full well, and this is where he makes a mistake. The individual has certain important rights and he can make certain demands upon the State. He can ask the State to protect his life and his possessions. That is the demand he makes upon the State, but the State also has the right, when it has to protect the individual, to demand in certain circumstances even the blood of the subject for the sake of the protection of the individual and the State.

It is of no avail giving a distorted picture and wanting to give agitators protection behind that camouflage. It is precisely the agitators who undermine the existence of the State and poison race relations in this country. Leadership here is in the hands of the White man. It is he who introduced democratic government and rights here and who knows where the emphasis should be placed, on the individual or the State. It has to be left to him. But the difficulty in this House is that there are certain White members who think that the more they can besmirch the White man in this country, the better they can act in defence of the non-Whites. [Interjections.] That type of person will never again be returned to this Parliament by the White voters. They will have to come as representatives of the Coloureds and the Natives. The Labourites have no chance. Their political doom is sealed.

Maj. VAN DER BYL: On a point of order, may the hon. member make a second-reading speech?

*Mr. J. E. POTGIETER: I have made my speech. For the sake of better relationships, I shall now sit down.

Mr. MITCHELL: I had not intended to come into this debate, but now that I have heard the hon. member for Brits (Mr. J. E. Potgieter) I think something should be said about that kind of outbreak. The position is that when hon. members in this House stand up and pronounce their views and try to protect the non-European we get the kind of attack made by that hon. member. He should be ashamed of himself. Instead of debating

Native Urban Areas (Amdt) Bill
Second Reading

HEPPLE

General what is going on in their areas. They know the Natives. They receive regular reports and the municipalities must accept the responsibility that when they allow a Native to settle in the area and such a Native misbehaves, it is their duty to send him away. The hon. member blames us and says that we are responsible for all the propaganda made against the country! these are oppressive measures. All I can say is that the speeches of the hon. members for East London (City) and Parktown are propaganda that hurts us. The hon. member for Salt River must just keep to his word. He gave the undertaking that when the Government takes action against agitators they will help us. That is all I expect from him and from the U.P. But the trouble is that they reject all we do and they put nothing constructive in its place. This is a very serious matter, and at this stage I want to appeal to the Opposition. There is nothing unreasonable in the Bill. It is a more lenient measure than the present one. They should not, just because they are aggrieved, calumniate the country still further by sending this sort of propaganda out of the country, but rather let us, as the hon. member for Salt River said, stand by one another and support one another and make an end of this sort of terrorism that is caused by these agitators. Only when we do that can we achieve success.

Mr. HEPPLE: The Labour Party will support the amendment moved by the hon. member for East London (City) (Dr. D. L. Smit). I want to compliment the hon. member on his enlightened attitude in respect of this and similar measures that have come before Parliament this Session. His speeches on these measures are most welcome, especially to us in this part of the House, because they reveal a realistic underestanding of the policies of the Government in relation to the non-European people of South Africa. I think his Party can well be proud of the hon. member for East London (City) for the fine speeches he has made this Session on measures of this kind. The hon. the Minister has said that this Bill is being introduced at the request of the local authorities.

The MINISTER OF NATIVE AFFAIRS: I did not say that. I said that the bad conditions had been put to me by the local authorities who requested me to deal with the matter under Section 5 of the Native Administration Act.

Mr. HEPPLE: Let me put it this way. The Minister says that this Bill comes as a result of certain conditions which obtain in urban areas and because of the requests that have been made to him by the local authorities to take action against undesirable elements.

The MINISTER OF NATIVE AFFAIRS: That is a fair statement.

Mr. HEPPLE: The Minister spoke of a rule of gangsterdom, violence, of robbery and arson in many urban areas, and he quoted the manager of the Native Affairs Administration in Port Elizabeth as swearing in an affidavit to a wave of defiance, arrogance and contempt for law and order. Sir, when I heard the Minister quoting in this fashion, I wondered what had happened to all the drastic laws which have been passed by this Parliament. We in this part of the House at least have opposed many of the laws passed by the Government in the past, purporting to deal with all kinds of crimes, real and imaginary. We felt that the Government possessed such wide powers that they could deal with almost anything under the sun. These laws were aimed at some of the very crimes to which the Minister has referred. The ordinary laws of the land as contained in the schedules to the Criminal Procedure Act, cover crimes of violence, robbery and arson, so surely the Government does not need new powers to deal with those crimes. On the question of defiance, arrogance and contempt for law and order, in 1953 this Parliament passed the Criminal Laws Amendment Act which gave the Government vast powers to deal with persons who indulged in defiance of the laws of the land or who incited others to defy the laws of the land. I find the request from the Minister for further laws to cope with crimes of that nature rather remarkable. I want to remind the Minister that in addition to these criminal laws, he has the Native (Urban Areas) Act itself. That Act, as the Minister himself reminded the House, contains provisions for dealing with idle and undesirable Natives in the urban areas. Section 29 of the Natives (Urban Areas) Act deals with this specific point. Entitled "Manner of dealing with idle and undesirable Natives", Section 29 of the Urban Areas Act defines what an idle person is. There are four categories, to make sure that it embraces every possible kind of idle Native in an urban area. An "undesirable" Native is also well defined, and I will quote just one of the four definitions. This definition says—

> He is an undesirable person in that he has been convicted of an offence mentioned in the third schedule to the Criminal Procedure and Evidence Act.

The third schedule to the Criminal Procedure and Evidence Act lists a large number of crimes. It includes the very crimes to which the Minister himself referred and which were referred to in the affidavit which he read out from the local authority at Port Elizabeth. It includes robbery, assault, arson, theft, conspiracy, incitement or attempt to commit any of these crimes and a host of other crimes, under which a person can be dealt with under Section 29 of the Urban Areas Act. There is also Section 5 of the Native Administration Act of 1927, under which the Minister has already been taking steps against undesirable Natives in the urban areas. Under these measures to which I have referred the Minister and the local authorities have been acting with tragic effect. The extent to which action has been taken against Natives in urban areas, with almost complete disregard to the effect upon

the individual or human rights, has created a shocking situation as far as the Native people of South Africa are concerned. But, Sir, the Minister is not satisfied with all these wide powers. He is greedy for further powers.

The MINISTER OF NATIVE AFFAIRS: I am trying to deal with them in a less harsh way.

Mr. HEPPLE: I will come to that argument which the Minister advanced. The Minister now feels that all these vast powers are not sufficient so now he adds a third category to Section 29 of the Urban Areas Act. His new category of Natives who have to be removed from the urban areas, consists of Natives whose presence in the urban or proclaimed areas is considered to be detrimental to the maintenance of peace and order. How are such Natives defined? What constitutes a Native whose presence in an urban area is detrimental to the maintenance of peace and good order? Who is going to define what such persons are and what constitutes the danger itself? The Minister spoke about gangsters and fire-raisers and robbers and thieves, but I have already explained that these persons can be dealt with under the ordinary law. It is quite clear that the persons whom the Minister aims at and whom he loosely called "agitators" are in fact persons who do not agree with the policy of the Minister or of the Government. They do not believe that the Native people of South Africa should be forever subjected to an inferior position. They are people who have risen beyond a primitive tribal status and who have become in fact, if not in recognition, the equals of the White people in intelligence and understanding of democratic society. These people have now become the enemies of the Minister. Because they criticize the oppressive laws which operate against them and their people they have now become the victims of special legislation. In explaining this Bill the Minister has said that he wants to take less severe action than the enabling powers of Section 5 of the Native Administration Act, of Section 29 of the Natives Urban Areas Act, and similar measures. The Minister says he wants to take less severe steps against these people. But what does he do? He throws the responsibility completely on to the local authorities. He is placing the responsibility for this drastic law squarely on the local authorities, so that any action taken under this particular measure, will be taken at the responsibility of the local authorities, even though on many occasions it might be taken at the instance of the Government itself. The local authorities have to take the full responsibility for enforcing this law. In other words, they will have to do the dirty work and the Minister will not have to take the shame or suffer the opprobium of this evil measure. The criticism against this particular Bill will, of course, be levelled against those who apply it, and it will be the local authorities who are going to apply it. The hon. member for East London (City) has quoted the statement by Mr. Erasmus, chairman of the United Municipal Executive, in which he said that they never asked for this measure. The Minister also says that he is not introducing it at their request, so it shows that this Bill was really born in the Department of Native Affairs. As Mr. Erasmus has pointed out, in the application of this law "any council wanting to use the powers given in the Bill will have to set up a kind of intelligence service". In other words, what they will have to do is to set up their own secret service in order to discover who are undesirable elements, who are political agitators operating in their urban area. We know that the Special Branch is always very active among the Native people in the urban areas. But now the municipalities will either have to take their instructions or directions from the Special Branch of the police or they will have to set up their own special branch in order to shadow and follow and investigate the political activities of the Native people.

The Minister advanced what I think is quite an ingenious explanation of this measure. He explained that any tribal Native banished under Section 5 of the Native Administration Act could be curbed by banishing him to a different tribal area, because in that different tribal area he would lose all his influence and power. He said that it is quite simple to banish a tribal Native to a different tribal area and that would immobile him and prevent him from acting as an agitator. He said secondly that when an urban Native is removed from one urban area to another or from an urban area to a rural area, he would merely carry on with his agitation and thus spread this evil over further areas of South Africa. And then he made a most interesting remark. He said that in the third place, if the Government were to banish all these agitators to one area, it would give South Africa and perhaps the world the impression that we were setting up concentration camps in South Africa. What solution did the Minister offer? The Minister in wanting to avoid creating such an impression or to avoid operating along these lines, has devised a solution in this Bill. He merely empowers the local authorities to order undesirable Natives, as defined in this Bill, out of their urban area. Where are these Natives to go? I asked the Minister that question this morning by way of interjection. Where are the banished Natives to go? The Minister said that they could go wherever they would be permitted to go. I ask the question once again: Where will they be permitted to go? A Native who is banished from, say, the urban area of Johannesburg, because he is regarded as an undesirable Native under this Bill, can be homeless. What other local authority would take him? No other local authority would take him.

The MINISTER OF NATIVE AFFAIRS: But why not? If they think he has been unfairly treated?

Mr. HEPPLE: What I am trying to find out is this: If a Native born in Johannesburg is banished under this Bill out of Johannesburg, where is he going to go? The local

authority has no power to direct him to a definite place. The authority is vested in the Government, and the Government must then say where such a Native may go. The local authority merely kicks him out of the municipality. What happens then to that Native? He becomes a nomad, a homeless Native, a stateless person. He has nowhere to go.

The MINISTER OF NATIVE AFFAIRS: Surely that is not true.

Mr. HEPPLE: Will the Minister tell me where he can go?

The MINISTER OF NATIVE AFFAIRS: The whole of the unproclaimed areas are available and any other local authority area where the local authority is prepared to accept him.

Mr. HEPPLE: The Minister knows very well that no other proclaimed area will take him.

The MINISTER OF NATIVE AFFAIRS: But why not? You have all these United Party-controlled areas. Most of the urban areas are United Party-controlled. Why won't they accept him if they disagree with the action taken?

Mr. HEPPLE: The interjection which the Minister has just made is most revealing. I think it exposes very clearly the trick that is contained in this Bill. The Minister believes that he has had difficulties with a lot of United Party-controlled local authorities, and because he thinks he is having these difficulties with these local authorities which are controlled by United Party supporters, he is now throwing the onus upon them, and in doing so he wants to make a political issue of this. I do not want to defend the United Party in this matter, because as a man from Johannesburg, I admit at once that on many vital issues regarding the non-European, the United Party City Council of Johannesburg often behaves in a disgraceful, shameful manner. But we are dealing with human beings. While this may be a matter for laughter to hon. members on the other side, I do not find any pleasure in finding fault with the United Party-controlled City Council of Johannesburg. I am only concerned with the fate of the people who are victims of their blundering and their silly mistakes. The attitude of the United Party in relation to the non-European question in the urban areas, as distinct from that of the Government, is that the United Party local authorities at least try to be benign. Perhaps leads them to make some silly blunders. But I say that this is not going to solve the question. I am concerned with the victims of this law and what is going to happen to the victims of this law if the Minister gets his wish and United Party-controlled local authorities won't take any of these banished Natives. What is going to happen to them? Let us take the other place to which the Minister said they can go. The Minister says there are a lot of un-proclaimed areas. The Minister knows that there are not a lot of un-proclaimed areas. In any case, what are these un-proclaimed areas like? Is it going to be in the Kalahari desert? The Minister wants to have a Siberia to which he can send these people. Let us examine the type of person who is going to be the victim of this legislation. We know very well that the people who have been named agitators by the Minister and by the Department are in the main the leaders of the African people. They are either members of advisory boards or members of the African National Congress. Numbers of them are professional men, such as teachers, doctors and attorneys. They are people with a high degree of education and intelligence. These are the people who are going to be banished into the Kalahari desert or into these un-proclaimed areas of South Africa, where they will be completely isolated from the areas where they can be of service to their own people or to anybody else, or, as I am reminded, anywhere where they can follow their professions or occupations and make a living. In other words, they are going to be prevented from making a living. They are going to be sent to areas where they will even face starvation. That is going to be the fate of these people. They will have no means of livelihood. But what is the crime of which these people are going to be guilty? In the mind of some petty official in the local authority, in the mind of an angry or frustrated location superintendent, they are going to be deemed to be undesirable because they indulged in political activities. Now what is the political activity in which these people indulge? Let me say to the Minister that it is useless condemning the African National Congress as being an evil organization. I think we can regard ourselves as very lucky in South Africa that the African National Congress is a constitutional organization which has moulded itself upon the pattern of our own legitimate political parties. It is an organization which elects its leaders by democratic processes, it holds democratic congresses; it holds its meetings and its congresses in public. It is not a subversive organization that plots and schemes underground. Because those who lead this organization disagree with the policies of the White political parties, because they have the same aspirations and ambitions as the White people of this country, that is no reason to declare them undesirable people and to call them agitators. Let us remember that our predecessors were also agitators. Let us remember that the rights and the liberties which the White man has to-day were obtained because of the agitators of the past. He did not get them because of benign concessions made by his oppressors. The liberties that we have in South Africa did not come to us easily. They came because our ancestors were agitators and were prepared to stand up for the rights of their people. When we see that the Black people of South Africa want to do the same thing, I say let us be grateful that they are

doing it in a legitimate way, and do not let us suppress their legal organizations. Sir, what will replace the African National Congress as a legitimate organization if, through a measure such as this, it is suppressed? Then we shall see no responsible leadership and democratic organization. In place of the African National Congress we will get terrorist underground organizations. We will get Black underground organizations, plotting and scheming and resorting to all kinds of measures, and we will be unable to deal with them. We will completely sever all means of negotiation and any hope of dealing with the non-European people of South Africa. I warn the Minister to-day in all seriousness: Let him beware of trying to make this a political trick in order to show the United Party a point. In practice this Bill will not be operated by any means by the United Party alone. The powers vested in the local authorities through this measure will actually be vested in the hands of petty officials. They will be vested in the hands of location superintendents and township officials. What will happen? Let us admit at once that there are innumerable problems in the Native townships of South Africa, mainly because there is no democratic local authority in those townships. There are innumerable problems in these Native townships attached to every urban area, and the role of the location superintendent, of the man in control of the Native township, is so harassing and so difficult that to place this onus upon him is both unfair and unjust. When officials have to apply these measures, they will have to take very grave decisions. In the circumstances it will not surprise me to see that they will often make wrong or unjust decisions. Let us imagine what will happen when a superintendent who is liked by the inhabitants of a Native township takes the wrong action. He will become disliked; he will be opposed and his problems will become even more difficult than they are to-day. Will the Minister find consolation in the fact that this poor unfortunate superintendent is operating in a United Party-controlled local authority and that he has scored a victory over the United Party? How does that help us in our racial problems in South Africa? How does that help us to solve these grave problems which are so difficult to solve under any circumstances? That is what worries me more than anything else. We know too that in these Native townships even the superintendent may make mistakes, because he is only human. He may have reasons to be angry with a particular individual. He may in his own mind have very good reason to take alarm at the fact that the African National Congress is holding meetings in the Native township and he may in his fear or in his confusion apply the powers which are conferred upon him in this Bill. He may be guilty of a very grave injustice, and we should remember that whether he does it willingly or whether he does it consciously or not, in perpetrating these injustices under the powers which we are not conferring upon him, but imposing on him, he is in fact creating more enemies for the White man here in South Africa. Take the position of a local authority or an official who has to apply the law when the Special Branch intervenes, as I know they will? The Special Branch, which also has most peculiar ideas as to what is subversive and what is not subversive may well approach the location superintendent and warn him that certain individuals are indulging in subversive activities and that they should be removed from the local areas. What is the official to do when he is advised by the police to banish certain individuals? Even though he may not want to banish those individuals he recognizes that his own job may be at stake if he refuses to take the advice of the police, because he recognizes that the advice he gets from the police really comes from the Government. In other words, he has to act on Government instructions. In this regard, therefore, I say to the Minister that if he thinks he is passing the buck to the local authorities, he is not deceiving me. I know very well that although he is conferring these powers upon the local authorities, it will be the Government in most cases which will direct the local authorities as to what action to take.

The MINISTER OF NATIVE AFFAIRS: That is not true.

Mr. HEPPLE: Let me repeat what I have already said: If the Department of Justice informs a local authority or a location superintendent that certain individuals must be banished, what must they do? They must take action, if instructions come from higher up.

The MINISTER OF NATIVE AFFAIRS: It is the sole responsibility of the City Council.

Mr. HEPPLE: I hope the Minister understands my point. If the Department of Justice tells a local authority that certain individuals must be banished, can he imagine any local authority refusing to act on the instructions of the Government? They dare not, because the next thing that will happen will be that hon. members like the hon. member for Westdene (Mr. Mentz) will accuse the local authority of frustrating the Government.

Mr. MENTZ: What is the procedure to-day in connection with banishment orders?

Mr. HEPPLE: I will deal with that right away. Under the banishment orders which are issued to-day, the Minister under Section 5 of the Native Administration Act, banishes the Native . . .

Mr. MENTZ: But who advises the Minister?

Mr. HEPPLE: He takes the full responsibility and he is answerable to Parliament. That is why Section 5 of the Native Administration Act is a far better way of dealing with such matters than the proposals now before

the House. Take for instance the matter raised by the hon. member for Benoni (Mr. Lovell) earlier in the Session. Certain Natives in Benoni were banished by the Minister under Section 5 of the Native Administration Act.

Mr. MENTZ: Who has to advise them?

Mr. HEPPLE: Whoever advised the Minister, the Minister took the responsibility for it and the hon. member for Benoni was able to raise it in this House and the Minister was answerable to this House, and the Minister gave an explanation. But under the present Bill, who will know what is happening, who is going to be answerable to Parliament? The local official, the local official in the municipality? Of course he is not answerable to Parliament. As the hon. member for Westdene has raised this question, let me now illustrate how evil this thing is and how deep the roots are.

Mr. FRONEMAN: They are answerable to the court.

Mr. HEPPLE: I will come to the courts. Let us deal with the Urban Areas Act itself, Section 10. Under Section 10 it is the local authority that deals with the influx and efflux of Natives in the urban areas and I, like many other members of this House, are constantly getting complaints about the injustices that are perpetrated under Section 10 of the Natives (Urban Areas) Act. I have been inundated by complaints not only from Natives themselves who were victims of Section 10 of the Urban Areas Act, but from their employers. In my constituency I am always getting complaints from householders who say that Africans who have been with them for many years are having difficulties with the municipality under Section 10 of the Urban Areas Act. Earlier in the Session I asked the hon. the Minister questions in several ways in order to ascertain from the hon. the Minister what was happening under Section 10 of the Urban Areas Act. I framed my questions one way and could not get an answer and so framed them another way but still could not get an answer. Finally, on 15 May, the Minister gave me an answer when I asked him how many Natives were prosecuted during 1955 for entering or remaining in urban areas without permission. I asked him how many of such Natives were placed in employment elsewhere and how many were removed from urban areas to their homes, and this is the reply that I got—

> The provisions of Section 12 of the Natives (Urban Areas) Consolidation Act of 1945 are administered by the more than 500 urban local authorities in the Union, and there is no reason why these authorities should furnish my Department with statistics such as those called for. Therefore my Department is not in possession of the desired information and it is also not considered justified to obtain the information from the various courts.

That is the complete answer to the question that has just been put to me by the hon. member for Westdene. When this Bill becomes law and when Natives are banished from the various urban areas, by the 500 various local authorities, nobody will be able to find out how many Natives have been dealt with, what has been their fate, and what has happened to them. This Parliament, which the hon. members opposite want to be supreme, will not be supreme. I, a member of this sovereign Parliament, will not be able to get any information regarding the application of this law any more than I am able to get information from the Minister regarding the application of Section 10 of the Native Urban Areas Act. In other words, this sovereign Parliament will be unable to discover whether the laws which we pass in this House are being well or badly administered. Whom will we be able to bring to account in this Parliament in respect of banishments under the Bill before us? Who will be answerable to us? Who will be able to say what happened to banished individuals? Why action has been taken against them, where they have gone and what has been their fate? The Minister will forgive me if I say that what this Bill really does is to convert South Africa into a Siberia for a large number of Natives. They will go to parts unknown. We in Parliament will not be able to ascertain their fate and we will not be able to look after victims of injustice.

An HON. MEMBER: Who is the agitator now?

Mr. HEPPLE: The hon. members hide behind the word "agitate". Of course the word "agitation" merely means what those hon. members want it to mean. I say that if it had not been for agitators on that side of the House, they would never have become the Government of South Africa. I have no complaint against agitators, because the agitators of yesterday are often the rulers of tomorrow. I warn the hon. members on the other side of the House to remember the lessons of history. You cannot prevent agitation. You can't prevent the progress of people by banishing their leaders, by merely oppressing their leaders. Other governments have tried it in other parts of the world in recent years, and we have seen what happened. Now we see it here in South Africa. This measure is not going to prevent the African National Congress or any other movement of African people from progressing. It is not going to prevent the emergence of the Black people of South Africa into a state of civilization. It is not going to prevent them from taking their place in the councils of the world, any less than the Black people of the Gold Coast and Nigeria. Let us face that. I ask the Government to remember that this process of change can either take place gradually and peacefully in our realistic assessment of the situation, or it can take place as a violent eruption and outbursts which can be the

result of such measures as we have here before the House to-day. It is not, as the hon. members want to make it out to be, a question of swamping the White man; it is not a question of equality; it has got nothing to do with all these things. It has to do with political realism. Whether one wants to give equal rights to the African people to-day, or to give it in a hundred years, the mere fact that a person recognizes the progress of the Black people is the point at issue. If one recognizes the inevitable progress of the Black people, as does the Government and does the Opposition, then we have to realize too, in the realism of that situation, that we can't prevent it, that we can't slow it down by measure of this nature. All we can do is to make the change more violent. Measures of this kind merely make the change more violent. They don't delay it, they don't prevent it, they don't even hamper it. I hope that the hon. the Minister will realize that. By putting the responsibility on to the local authorities because he considers that most of the local authorities are controlled by the United Party, he is merely making a political plaything of a most serious problem. The hon. member for Parktown (Mr. Cope), I regret to say, was very woolly about this particular measure. He offered to collaborate with the Minister. He did not make quite clear to this House on what he wanted to collaborate with the Government. If it is a question of collaborating on a measure of this kind, let me make it quite clear that I'll have nothing of it, that I wash my hands of it. A Bill of this kind warrants no co-operation whatsoever. Then the hon. member talks about dealing with the responsible element of the non-European people. Whom does he mean by that? [Time limit.]

Col. JORDAN: I would like to correct, if I may, at once the wholly wrong impression under which the hon. member for Rosettenville (Mr. Hepple) is suffering. The hon. member for Parktown (Mr. Cope) never intended for a single instant to offer the Government any co-operation in regard to any measure such as this. The whole tenor of the hon. member's plea was that the Minister should abandon measures of this sort, seek alternative measures, explore avenues of co-operation with the Native leaders and seek measures designed along more humane lines, measures more in accord with the tenets and the doctrines of Western civilization. I can imagine nothing further from the thoughts of the hon. member for Parktown than that he should demean himself, or that anybody on this side of the House should demean himself, by offering one jot or tittle of co-operation to this Minister in relation to such a measure as is now before the House.

This is the second measure within the last two or three days which makes a notable contribution to the build-up of a monster which the hon. the Minister is going to find more and more difficult to control. It is a monster which may very well devour him and may ultimately devour South Africa. That he himself may become the victim of his ravenous appetite nobody minds, but we certainly resent the dangers to which the irresponsible policies which the hon. the Minister is foisting upon the country subjects South Africa. We object to that in the interests of South Africa. Mr. Speaker, these measures are repressive measures, and where you apply a continuous stream of oppression, such as is represented by the Bill which the hon. the Minister is introducing to the House, they will have one inevitable effect. They will create further unrest, and as unrest develops at one point, he will find that he will have to take more powers to deal with the suppression of unrest at the point at which it has developed. Having settled that, no doubt to his entire satisfaction, it will crop up at some other point, and once again he will have to come back to this House for an addition to the vast powers which he now wields. So it will go on.

Now the hon. the Minister in introducing this measure dealt with the suggestion that was made in the course of the debate on the Interdict Bill, to the effect that that Bill could be interlocked with this, reinforce its provisions. He said that that was not possible, and he referred the House to sub-section (3) of the new Clause 29*bis*. Mr. Speaker, it is very rarely that I find myself in entire agreement with the hon. the Minister, but on this occasion I do. I don't think that sub-section (3) of this new clause will touch or be touched by the Interdicts Bill in any way.

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

Afternoon Sitting

Col. JORDAN: I was just now saying that I do not think that sub-section (3) of the new clause will link up in any way with the Interdict Bill as far as the granting of interdicts is concerned. What I think it will do is that it will link up with the Bill as far as the suspension of the consequences of a conviction are concerned. In other words, if a Native is convicted under sub-section (3) and the court comes to the conclusion that grounds of appeal do exist, either upon the ground of law or upon some ground of fact, does exist, and would ordinarily suspend execution of the judgment pending an appeal, it would not be debarred from doing so, should the Minister by proclamation under Section 5 of the Interdicts Bill set it aside. Quite apart from that, it is quite clear that the Interdicts Bill would apply to any order made in terms of sub-section (1) and conveyed to the Native in terms of sub-section (2). That would be purely an administrative order: it would not be an order of court, because at that stage the matter would never have reached the court, and the hon. the Minister incorporated in the Interdicts Bill a clause which prevented interdicts being obtained either against administrative orders or against orders of court, and that would be

HEPPLE (PENSIONS) CURRAN RETIREMENT

served by our servants in this House. I always think that the permanent staff set a very good example to the members of Parliament in their devotion to duty and in their invariable willingness to help and in making Parliament work and to make the functions of members of Parliament as easy and as smooth as possible. Mr. Curran in particular is an old and personal friend of every member in this House, and I entirely agree with the Minister of Justice when he says that he is a gentleman who has the affection and the esteem of everyone of us, and we join with the hon. the Minister not only in agreeing willingly to the pension which is proposed but in wishing him many years to enjoy the pension and health and happiness in his retirement.

Mr. HEPPLE: On behalf of the smaller groups in this House I too would like to extend our greatest thanks and appreciation to Mr. Curran for the fine way in which he has looked after us all. Mr. Curran has always been kind, sympathetic, helpful and understanding to the newest member no less than to the oldest, and I think words are not sufficient to thank Mr. Curran for the fine service which he has rendered to this House, and the wonderful example he has set to those who will follow him. We are very pleased to see that this Bill contains some material provision for Mr. Curran whose memory, I think, will linger here, long after he has left us.

Motion put and agreed to.

Bill read a second time.

House in Committee:

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

House Resumed:

Bill reported without amendment.

Bill read a third time.

PARLIAMENTARY SERVICE PENSIONS AMENDMENT BILL

Second Order read: Second reading—Parliamentary Service Pensions Amendment Bill.

*The MINISTER OF JUSTICE: I move—

That the Bill be now read a second time.

I would like to emphasize at the outset that these pensions for parliamentary service are pensions for which we as members of Parliament pay ourselves. This is a contributory scheme which was investigated by the Select Committee in 1951. The financial aspect was thoroughly considered and the scheme was then drawn up. In ordinary pension schemes the State usually contributes £ for £. The State contributes nothing to this pension scheme. The members themselves are building up a fund over the years. They pay the money to the Treasury and the Treasury uses that money interest-free. In other words, everything which stands to the credit of the fund at any particular time is used by the Treasury interest-free. I feel I should emphasize that because recent newspaper reports in all newspapers indicated that increased pension benefits were being granted to members of Parliament, without also emphasizing that this is something for which we pay ourselves and to which we contribute ourselves. The fact that we are making increased contributions was not emphasized to the same extent as the fact that improved benefits were being granted. This new scheme is one which has been investigated by the Parties and it has been decided, with the unanimous approval of all the Parties in the House, that in future members will pay increased contributions. Where they previously paid £48 per annum, they will in future pay £72 per annum. The result is naturally that improved benefits and increased pensions can be paid as a result of the increased contributions. I want to point out that under the new scheme contributions totalling nearly £18,000 per annum will be paid by members. That money is paid to the Treasury, and under this scheme members only obtain a minimum pension after ten years' service. In other words, if one takes the scheme from its start to the time when members can first commence drawing a pension, £180,000 will already have been paid into the fund, and it remains with the Treasury interest-free. Assuming for example that we had made the Treasury pay 4 per cent interest on the money paid into the fund, it would have meant that after ten years that fund would have stood at £224,000. Naturally we have to bear in mind that members occasionally leave Parliament and withdraw their contributions. But that also means that that person does not receive a pension later on. But the maximum pension is only paid after 20 years' service and after 20 years' service the amount paid in, together with compound interest, will be about £550,000. In other words, the fund will be a strong fund. As members of Parliament we are prepared to pay those contributions and then later to receive the improved benefits. We have decided to increase the contributions by 50 per cent and also to increase the benefits by 50 per cent. Hon. members will see that throughout the clauses the principle of a 50 per cent increase is being introduced. The minimum pension of a member which was previously £250 will now be £375 after ten years' service. The maximum will be £750 instead of £500. Provision is also made for the same increase in the case of Ministers, Mr. Speaker, the President of the Senate, the Deputy-Chairman, etc. We have inserted one new item and that is that in the case of the Chief Government Whip an amount will now be added to his pension for each year that he is Chief Government Whip. In other countries the Chief Government Whip receives a good salary, because he holds a very responsible position. Here, however, we do not have the system of a salary. We are trying in

this way, with the consent of all members, to ensure that the Chief Government Whip receives an improved pension. We are counting each year of his service as Chief Government Whip for pension purposes. He is being place on the same basis as the Deputy-Speaker.

*An HON. MEMBER: Is that of retrospective effect?

*The MINISTER OF JUSTICE: Yes, it is of retrospective effect in respect of present members. This scheme only applies to persons who are members of Parliament at the moment. It will also apply to anyone who is still a member and who was Chief Government Whip in the past. We have decided to increase the benefits given to widows from one-half to two-thirds of the pension to which the member is entitled. We felt as members that that should be done, in case we eventually left widows, as compensation for the sacrifices made by our wives during the years we were in public life. All of us here realize what is expected of the wife of a member of Parliament and the sacrifices she also has to make. We feel that we as members also want to make better provision for them than has been done in the past.

A few other changes are also being made. The position of members who have not completed a full period because of the intervention of elections with the result that for a number of months they are not members, has caused some difficulty. It is now provided that, if a person is re-elected after an election, he can elect to include in his service for pension purposes the months when he was not a member of Parliament, while he was contesting the election. But he naturally has to pay in the necessary contributions. That period is then counted as parliamentary service because actually he is still as much in the service of the State as when he was a member. Provision is also being made that as soon as a member qualifies for the maximum pension, in other words, when his further contributions will earn him no increased benefits, he will cease to pay contributions. A person who has paid contributions for 20 years therefore will no longer have to pay, because he then receives no increased benefits. The position previously was also that if a member retired before he was 55 years of age, he had to wait, if entitled to a pension, until he was 55 years of age before he received his pension. We have now reduced that age to 50 years. If a member is 50 years of age and he is entitled to a pension he can now draw it. As regards widows, there was also the provision that if a member died and he was in fact entitled to a pension but naturally had to wait until he was 50 years old, his widow did not receive a pension until the day he would have been 55 years of age. We are now providing that a widow may immediately receive the pension to which her husband was entitled. It does not matter whether or not he had reached the age of 50 years. If he is entitled to a pension and he dies, his widow receives that pension. I think that is no more than fair.

Those are the main provisions of the Bill which we have unanimously approved after consultation with everyone, and I hope that the House will accept it in this form.

Mr. WATERSON: This is an agreed measure, and I do not think there is any need to say very much about it. The hon. the Minister has pointed out that this is a domestic affair for members for a scheme for which they pay themselves. The matter has been thoroughly gone into. Members have agreed to pay increased contributions in return for which increased benefits will be payable both to them and, what is even more important, to their widows. I think that is probably the most important point which has actuated every member in considering this new scheme. This side of the House supports this scheme.

Mr. EATON: On behalf of the Labour Party, I want to say that we look upon this Bill as another step towards making this Parliament as fully representative of the people of the country as it possibly can be. It is desirable that anyone who has the confidence of an electorate should be able to come to this House and represent such an electorate, and with that end in view we have taken measures this Session which I think will make it possible more so than in the past for anyone who can gain the confidence of an electorate to come to Parliament and in that way serve the people, and at the same time make quite sure that this Parliament of ours will have amongst its members those who may not necessarily have any other occupation or a private income. It is essential in the interests of democracy that this Parliament should be open to every section of the population that can gain the confidence of the electorate. For these reasons we have supported this measure and, together with the other parties, we have agreed that it is essential that such a measure should be passed through this House.

*The MINISTER OF JUSTICE: I do not want to say anything further except to repeat that we hope this measure will be an encouragement to capable men and women to devote their time to public life, and also to members sitting here to-day, of all parties, who often think they should rather leave Parliament and that they could do very much better outside. This measure to a certain extent will be an encouragement to them to remain here and also to newcomers because they will know that if they have devoted their time and their lives to Parliamentary service and have made great sacrifices, they will at least have something to look forward to when they have to retire, and that their widows will be provided for when they die. I have one or two amendments which I shall place on the Order Paper. They are merely intended to put certain points more clearly.

Motion put and agreed to.

Bill read a second time.

no intention of making a success of the job. People who regard the passengers they are there to serve, as something to be tolerated during the voyage. These men generally want to get out as soon as they can. The difference is very marked between the older section of the company's staff and the younger section. In the other section, in the case of the men who have grown up in the Line, there is no cause for complaint. They are out to give of the best and they do give of their best. People who have travelled on these ships realize in full the feeling which exists between the two groups of people serving you. The older members of the staff resent the attitude adopted by the young chaps who merely come in to dodge their two years' national service and then get out again. I do think that our Government in entering into these agreements must be alive to these conditions and must see that the company, which has its difficulties, also has a responsibility to fulfil towards the passengers who travel in their ships.

Then I come to the voyage itself. I think that the Union-Castle Company to-day must be amongst the few passenger lines in the world where on certain of their ships so little attention is paid to the general interest of the passenger on the voyage. We have long ocean trips between here and the first port of call at Las Palmas or Madeira, and it is essential that on that trip, either going towards Europe or coming back home, something more should be done to interest the passengers. The passengers themselves are encouraged to promote entertainment in their own interest, but I am not referring so much to that angle of it. I am referring to the fact that the senior officers of the ship could do much to alleviate the tedium and the boredom of a voyage like that. There again you find a marked distinction between the conduct of certain of the senior officers who make a practice and a habit of keeping the passengers informed of anything of interest that is likely to happen during the day, keeping them informed as to where they are, keeping them informed of anything that they are likely to see, to find—these little things which mean so much on a voyage—and then again the other type of senior officer to whom the thing does not appear to matter a scrap. You wake up in the morning, you go through your routine meals and you go to bed at night, and if you behave yourself well and good. There is a need for our Government to endeavour to see that more is done in that respect, that more is done to see that news of South Africa is made available to the vast number of South Africans who travel in these ships. They give a news service, but when one who is used to South Africa follows that news service, one is left in doubt as to what is happening in one's own country. This even when one is in fairly close touch with South Africa by radio. I believe that the Government could do much by representations to see that this service is improved. On some of the first class liners travelling now under the Union-Castle flag between South Africa and Britain under this contract which gives them tremendous privileges far beyond the value of the £400,000 in cash, their public communication system is a disgrace, and it would be a disgrace in any third-class eating house. It is out of action more than it is in action, and when it is, it is either deafening or it is completely impossible to understand what is being said. In these days when this type of communication system has advanced so much, there is no reason for that weakness to exist. I believe that it is something that the Government owes to the South African travelling public. It is something that should be covered by this agreement. The section of this agreement dealing with passengers says that the standard of food and the general comfort of passengers of all classes, both of the mail and intermediate ships of the contractor shall be the highest possible appropriate to the respective classes. In some ways they generally are but in many other ways they are not. It is the little things which together help to build up the pleasure and the comfort of the voyage and it is in those little things that the company falls down most. I want to say this with regard to our East Coast traffic, the intermediate traffic, which conveys the mail along the East Coast. One of the biggest attractions that the company uses to bring passengers to their line, in competition with the other lines using that coast, is the attractions at the many interesting ports at which they call. That is used in every bit of literature that the line publishes. But when you get South Africans coming home via the East Coast, and arrive at some of these ports where the ship has to lay over, mighty little is done by the Union-Castle Company to ensure them a safe and comfortable passage between ship and shore to enjoy these advertised attractions. The bureau on the ship will give all the information that you could possibly wish for. There they will lay on the trips on shore to make sure that you have an opportunity of seeing the points of interest. That part is all right, but when you go on deck to go down to the boat, you find again that the lower entrance ports in the ship are reserved for the first class passenger, the cargo—not the human passengers. The human passengers clamber down from the boat deck, down an accommodation ladder, which is about the equivalent of what was used on a tramp steamer about 20 years ago. As a rule there is never a quartermaster on the lower platform of the ladder which is hanging loose. In the case of any modern ship the passenger ladder is attached to the ship's side at the bottom of the landing by a fixed hinged platform. It is a little bit of extra trouble to rig, but it makes so much difference to the comfort and safety of the passengers, particularly of the women and the more elderly passengers, who are scared to go down sometimes 30 or 40 steps on a swaying ladder with very loose hand-ropes to hang on to. They stay on board. These are little things which I mention from first-hand knowledge, not from hearsay, but these are little things which collectively make all the difference to the comfort of the passengers.

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Comfort and safety is provided for by this agreement. The comfort provided falls far short of the best that could and should be provided. The best that should be provided commensurate with what the company itself advertises regarding the attraction of these ports. These are all little things, but they are little things which multiply into something pretty big by the time you have done the trip, and in this particular instance the facilities provided for boarding and leaving the small boats plied by shore people, also affect to a very large extent the safety of passengers. I think there is a matter on which the Minister might make some representations to the company. It is time they had a survey of those conditions and effected considerable improvement. Then I want to refer to another portion of the ship's organization. It is a long voyage. There are friendships formed and people get convivial. It is very nearly time that a much stronger eye was placed over these little perquisites which are operated by the staff who control the bars. They are well known to travelling passengers, they are little things which may add quite a lot to the perquisites of the people operating the bar, but they certainly add quite a lot to the irritation of the passenger when he knows that he is being mulcted in something which the company itself does not approve of, something which the company would not tolerate, but the company does not take sufficient action to see that it does not carry on.

Another feature is the handling of the passengers' luggage. Here I am not referring so much to Union ports, but to intermediate ports. Many of them may be Union citizens travelling to these intermediate ports, and again responsibility is left to some subordinate, and by the time the passenger's luggage arrives on shore, some of it is looking pretty sorry for itself. There is not sufficient interest shown in these features by a company of this magnitude, and it is time more was done by that line. I do not want to give the impression that this is in the nature of a major complaint about the running of the company's service. There is no intention of doing that, but there is need for more imagination in the catering arrangements on board the Union-Castle ships. It is provided for under this particular clause. There are many passengers, particularly when travelling through the tropic who have no desire to participate in a full formal meal. It is not the sort of climate in which to do it, but you get your roast beef and Yorkshire pudding when you are crossing the equator, just as you do when it is freezing outside. There is room for much more imagination in respect of catering arrangements. I would say that there is also room in that line for considerably more use to be made in the ships of the Union-Castle Company of the produce of South Africa, bearing in mind the fact that the majority of the passengers are used to what we get in this country. It can be done to-day. The facilities for provisioning ships have advanced far beyond the days when this type of agreement was originally entered into, and I think that the South African passenger has a right to expect that a wider selection of that type of foodstuff should be provided.

Then I want to refer to one other clause, referring more particularly now to the passengers who have to utilize the tourist class. There is a growing practice to encroach upon the deck space which is provided for passengers and utilizing it as a means for cargo earnings. Under maritime law there is a minimum space laid down for passengers. The tourist class probably gets the smallest deck space in the ship, but one finds the practice growing up, when a company is suddenly called upon to carry a dozen or more motor-cars as cargo between ports, other types of goods which can also be carried on deck, but motor-cars in particular, they are dumped down on deck, often on the tourist deck. They are dumped down over the space provided on the deck for games for that particular class. Their deck space is seriously restricted, and the comfort of the passengers is seriously acected. It is true the company makes a little bit more revenue. I think that is also a thing that wants looking into, because after all when you are doing a 13 or 14 days' voyage, you can't afford to do without the comforts that are provided, without feeling their loss. I say that this agreement now being ratified by Parliament is an agreement which generally can be regarded with the greatest of pleasure, and something to which we can give our wholehearted support; it is another milestone along the road of co-operation between this great company and our successive Governments for the welfare of this country; but I would like to ask the hon. the Minister in the light of these various criticisms to see that whoever is responsible from the Government side does give an ear to these criticisms, does get into touch, maybe with the new control of the company, who may have a more receptive mind than has been the case in the past and will see that the thousands of South Africans who travel in their ships, travel under conditions which exist in practically every big shipping line in the world, but which to a very marked degree have been lacking as far as the Union-Castle Company is concerned.

Mr. HEPPLE: We must agree to the ratification of this agreement. As the Minister has said the arrangement has run fairly well in the past and I believe that in present changed circumstances, even though the monetary cost of this agreement has risen by one-third, it is in the interest of South Africa to continue this agreement for a further period. But I think that this is the occasion for us to make some comments on the arrangement generally. As the Minister has said, an agreement of this kind rests mainly on a basis of mutual confidence and trust between the contracting parties. It is in this regard that I want to raise a question under paragraph 29 of the agreement. Paragraph 29 says that the contractors shall not assign, sub-let or dispose of

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this contract or any part of thereof without the approval in writing of the Government. While in fact there is no suggestion that the contract has been assigned, I presume that the Government has taken note of the change in the control of the Union-Castle Company. The recent merger, in which the control of the Company has now gone over to a different shipping line, has probably received the attention of the Government, and I presume the Government have received notice of the fact. However, the mutual trust and confidence originally placed in the Union-Castle directorship is now vested in different people. While I won't suggest that the new controllers of this company are any less worthy than their predecessors, I think the question of mutual trust must be considered in the light of the fact that the original mutual trust was placed in different people from those who are now in control of the Union-Castle Company. I think that in the circumstances this Parliament must itself be very much concerned in the internal affairs of the Union-Castle Company, because we know that in the ordinary course of business it is one means of taking control of a company not merely by buying that company but by the exchange of shares. In the circumstances this Parliament must know that the people with whom we are dealing are people in whom we have the same confidence and trust as we had in their predecessors.

The hon. member for South Peninsula (Mr. Gay) has raised the question of the general comfort of passengers who use the Union-Castle ships between here and Britain. I think there is a certain degree of justification in the points he has raised. I think, however, that much of the problem lies in the fact that the Union-Castle Company persists in first-class snobbery. It is perpetuating a system of class snobbery on Union-Castle ships that is not common to the people of South Africa. I know that most South Africans who travel overseas strongly resent the fact that although they pay slightly less fares than the first-class passengers, the first-class passengers get treatment quite out of proportion to the fares which they pay. I think that as the company is considering the building of new ships for this particular service, they should take into consideration the fact that South Africans are not so anxious to have this first-class snobbery, that South Africans as a rule would like to have facilities provided for passengers generally on a fairly equal basis. Large portions of the ships are allocated to first-class passengers, not for their accommodation so much as to give them an atmosphere of splendour, and we South Africans are not so much in favour of that kind of thing.

I want to ask the Minister in relation to the contract itself: The cost in money has gone up from £300,000 per annum to £400,000 per annum, and I am quite sure that the South African Government itself is making money out of this contract. But as there is a clause in this contract making provision for review of the contract from time to time at the request of one or other of the contracting parties, I would like the Minister to let us know whether we are making less profit on this arrangement now than we did in the past. The next point I want to raise is the one that was raised by the hon. member for Kensington (Mr. Moore) under the previous motion. It is the question that arises under paragraph 39 in regard to special undertakings by the contractor. I want to refer to one item in particular, and that is the employment of Union nationals. Some years ago I asked a question in this Parliament as to the number of South Africans who were employed by the Union-Castle Company. The agreement provides that they will employ Union nationals to the extent of not less than 20 per cent of the personnel, officers and ratings per ship, provided that a sufficient number of qualified applicants are available and that the terms and conditions of their employment shall be those respectively applicable to other personnel, officers and ratings. The information I got in 1951 revealed that not only have South Africans not taken advantage of this very valuable provision in the contract, but the four per cent to five per cent of South African nationals who had entered the employment of the company had in many cases only remained in such employment for a limited period. A large number of them remained in the service only from three to six months. I agree with the hon. member for Kensington that something should be done to ensure that South Africans take full advantage of that provision in the contract. It is no use us writing this provision into the contract and binding the Union-Castle Company to employ at least 20 per cent South Africans when we on our side do nothing to see that we take full advantage of this. I remember that it was originally written into the contract, because it was felt that there was a demand amongst South African boys who wanted to go to sea and that South African boys wanted this opportunity of employment. It would seem to me now from the operation of this contract that we appear to have exaggerated the position. But let me say that we were not exaggerating the position. We must first of all remember that within the last ten years we have been going through abnormal conditions. There has been a general shortage of manpower in all spheres of employment. In addition to that, I don't think there are very many South Africans outside this Parliament who know of the existence of this clause. The Government of South Africa, the responsible Government department has taken no practical steps to make this known to South Africans. As far afield as Johannesburg I come across boys who would like to go to sea, who would like the opportunity of entering employment such as is offered in this contract, but they know nothing of it. So I think that the Government should not only write this into the contract, but should take the necessary steps in order to see that South African boys can enter the employment of the Union-Castle Company. I think that it is absolutely essential that where we have a con-

tract of this nature, which is of vital importance to South Africa, that it is in our own interest to see that as large a percentage of the staff of these ships as possible are South African boys. I think the hon. member for Kensington raised a very important point. It is also in the interest of South Africa that we should encourage this type of thing in order to lay a foundation of having our own seamen.

Maj. VAN DER BYL: But they will take all they can get.

Mr. HEPPLE: I hope that the hon. member for Green Point will read the speech I have made. It is quite obvious that he did not hear what I said. I hope that the hon. the Minister will take note of the points that I raised, and in particular the point about the employment of South Africans. It is not fair to write a clause like this into a contract if we on our part do not do our share in order to see that it is fulfilled.

Mr. MOORE: I do not want to hold up the House. I find myself in the unaccustomed role of thanking the Minister for having taken note of a speech I apparently made in error on the previous motion. I am very glad that he is giving attention to this question of the employment of young South Africans at sea. I should like to say that I regard this as a debate on a matter which is not of a party nature and on which one expresses one's personal views. Arising out of the contract we have had one personal view about the contractor, the Union-Castle Company. Now I do not agree with my colleague, the hon. member for South Peninsula (Mr. Gay). My experience has been quite different. I have a very high opinion of the efficiency of the Union-Castle Company in every department. I have travelled at sea first-class, second-class, third-class; I have travelled in a luxury American ship, one of these ships that go round the world. Taking it all in all, I think the service given by the Union-Castle Company is exceedingly good.

An HON. MEMBER: What class do you prefer?

Mr. MOORE: Well, I think it depends a lot on one's age. I think in one's youth, second- or third-class has very great attractions, but the time comes when one likes the luxury of first-class. The hon. member for Rosettenville said that first-class passengers do not pay a corresponding amount for the difference. They do. They pay a good deal more to get that little extra bit of comfort. I find that the Union-Castle Company, not because I have travelled as a member of Parliament—I am speaking of trips before I was a member of Parliament—that the Union-Castle Company provides service that can compare favourably with the Western ocean ships. I think that altogether this is a very fine company, and it is a company that we should cultivate.

Finally, I should like to say that if it is possible to suggest improvements in the service rendered by the Union-Castle Company, I have not the slightest doubt that they would consider them and do what they could to meet such suggestions.

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

Afternoon Sitting

Mr. MOORE: I think that in the future our passenger service to Europe will improve and be even better than it is to-day, because there is to-day a certain amount of competition on these routes. But I look forward to the day when South Africa will have its own merchant fleet, when we shall have our own merchant service, with men who are trained to be our naval reserve in time of war. As things are, I think we are greatly indebted to the service we always get from the Union-Castle Company.

Maj. VAN DER BYL: I will be very brief. I would like to congratulate the Minister and his staff for the way they have negotiated this contract. In my opinion they have made a bargain. It is a wonderful thing for South Africa to have ships, literally running like trains, arriving on the dot and leaving on the dot, and I can't think of any other country that is lucky enough to have that. And to have this, after the tremendous rise in costs for an extra £100,000 per annum, I think is a wonderful performance. It is £1,100 a day on eight ships, about £150 a ship more than the old contract was. I think the hon. member for South Peninsula (Mr. Gay) was a bit hard in his strictures on the Union-Castle Company. I think if the hon. member, when he goes to sea, has a slight attack of liver, and if he will take a soupçon of Eno's before breakfast on the first day or two, he would not have quite such a morbid outlook on life; the spots before the eyes disappear and his usual sunny nature would come to the fore and he would once more be the charming gay member we know so well. It is quite true that in the days of old, in the days of Mr. Donald Currie or Mr. Union or Mr. Castle, it was rather like a boarding-house. It is quite true, one had bugles blown before you had to go to dinner and, on taking your seat, you were asked to pass the cruet, and, as the hon. member for Constantia (Mr. Waterson) reminds me, when we, as young soldiers, came back from the war, we were stopped from playing quoits at 6 p.m. because we had to dress for dinner. But all that has changed to-day, and I think we have a very, very good service. But the remarks made by the hon. member for South Peninsula about the stewards are perfectly true. But then, the unfortunate Union-Castle Company has no control over these people. The trade unions simply

not make it a political matter, because last year, for instance, the hon. member for Bezuidenhout (Mr. A. E. Trollip) raised the same subject from that side of the House. But I have made inquiries and obtained the figures, and as far as I can see there is no cause for complaint.

The hon. member for Kensington (Mr. Moore) is worried about the printing of certain material published by the State Information Office. Usually the position is that the printing is done by the Government Printer, but if the Government Printer is unable to do the work, either because it has too much to do or if the type of work is perhaps very specialized, then on the advice of the Government Printer, the contract is given to another printer.

*Mr. S. J. M. STEYN: By means of a tender?

*The MINISTER OF FINANCE: Whether it is done by way of tender, I cannot say. I can find out, but I doubt if it would be by way of tender, because if it had to go through the lengthy process of the Tender Board, then we would not be able to say when it would eventually be printed. But what may be possible is that it is done by means of quotations.

*Mr. HUGHES: That is absolutely wrong.

*The MINISTER OF FINANCE: I do not know whether the hon. member for Transkeian Territories is worried because it was printed by the Voortrekkerpers or by *Dagbreek*. Would he have been as worried had it been printed by the *Star* and the *Cape Times*? I really find it most strange that these worries always arise when the work is done by a certain type of printer. To-morrow I shall ask the Director of State Information precisely how it is done, and I can assure the House that as far as I am concerned, there need be no fear that such things will not always be done in the correct way. I have no reason for thinking that it is not in order. The hon. member said furthermore, that at the Conference of Prime Ministers I should do certain things. Well, I am only accompanying the Prime Minister. The Prime Minister is a member of the conference, I am only a sort of adviser.

*Mr. HUGHES: A handyman?

*The MINISTER OF FINANCE: No, not exactly a handyman.

*Mr. S. J. M. STEYN. A "joy-ride"?

*The MINISTER OF FINANCE: I can assure the hon. member that since I have been in the Cabinet, I have never been on a joy-ride. Each time I have gone overseas I have worked just as hard as here, and have returned tired.

I do not know what the hon. member means when he says that we and Australia and New Zealand must have the same monetary unit. No, we are an independent country. But what I would like to ask is how they are going to do it, how they are going to surmount the difficulties, the change-over from one to the other. I was interested in the information given by the hon. member. In passing I may just say that next week the terms of reference of the Commission in regard to the Decimal System will be made known. As the hon. member knows, a commission is being appointed to go into the matter. The hon. member for South Peninsula—I do not know whether it was more chaff or less wheat, and I do not think we need bother about him—also spoke of bankruptcy, and this time in the building trade. I quickly got the figures. The position is that in 1954 there were 32, in 1955 there were 33 and during the first quarter of 1956 there were 9. Thus hon. members will see that the number of bankruptcies has remained constant.

But the hon. Leader of the Opposition also expressed grave concern over "What is going to happen to the small trader and the small speculator-builder". Sir, when there is a building boom such as we had, then obviously there will be over-trading. The same happens in commerce, the same happens in the clothing industry. In Johannesburg there are nearly 400 clothing industries, and with the lifting of import control and reduced purchases, obviously some of the smaller ones may possibly drop out. But while we still have full employment in South Africa, I do not think that it ought to worry us unduly.

*Mr. MOORE: What about the Finance Corporation?

*The MINISTER OF FINANCE: I have not the information here, but I imagine that the other "bills" to which he referred, were Land Bank bills. But I will find out and let the hon. member know.

*Mr. MOORE: For financing the Land Bank?

*The MINISTER OF FINANCE: I believe that the chairman of the Johannesburg Chamber of Commerce made a speech the other day, on 5 June, in which he also dealt with the economic situation and spoke of a certain decline. He said—

> After the feverish post-war activity . . .

And then he continued—

> I do not think this development calls for undue alarm.

That is exactly what I said to-day. The hon. member for South Peninsula was the last speaker whose speech I wanted to answer, and I think I have covered all the main points.

Motion put and agreed to.

Bill read a second time.

House in Committee:

On Clause 1;

Mr. EATON: The hon. the Minister has not yet replied to my question . . .

*The CHAIRMAN: Order! No discussion in Committee is allowed on this clause.

The MINISTER OF FINANCE: With permission, may I just say that there is no truth in that story.

Clause put and agreed to.

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

House Resumed:

Bill reported without amendment.

Bill to be read a third time at the next sitting.

The House adjourned at 2.2 a.m. on Wednesday, 13 June.

WEDNESDAY, 13 JUNE 1956

Mr. SPEAKER took the Chair at 10.5 a.m.

APPROPRIATION BILL

First Order read: Third reading.—Appropriation Bill.

*The MINISTER OF FINANCE: I move—

That the Bill be now read a third time.

Last night, or rather early this morning, the hon. member for Kensington (Mr. Moore) expressed concern over the question of the printing of material for the State Information Office. He wanted to know whether tenders were called for. The impression was created that a minor scandal was hatching. I could not give the full information then, although I said that I was certain that quotations would be asked for and that the Government Printer would be consulted. This morning I received the information. For all ordinary work tenders are called for. When there is any urgency the work is given to some printer or other, and just recently such work was given to the Cape Times and not to the *Transvaler*. Then the hon. member will also be pleased to learn that all the brochures are printed by the Cape Times under contract. I am sure the hon. member will sleep more peacefully to-night.

Then I just want to rectify something which appeared in the Stop Press of the *Cape Times* this morning and which might give a wrong impression. It stated that early this morning I had said that there would be a commission appointed to investigate building societies. No, I said that a commission would be appointed shortly in connection with the decimal system. But I take it that by that time the reporter was also rather sleepy like the rest of us. However, I realize that such a wrong report may cause considerable dismay and that is why I am taking the first opportunity to put the matter right. I referred to the decimal system in reply to the question of the hon. member for Rosettenville (Mr. Hepple).

Mr. HEPPLE: Yesterday we began the second-reading debate on this Bill. It was an important occasion for the Opposition to tie up loose ends in connection with the Budget debate and to raise all outstanding matters of vital importance to us. Yesterday we had the spectacle of this Appropriation Bill going through the second reading in a continuous sitting. I would like to remind the Leader of the House that he gave me a personal assurance when we agreed to the suspension of the automatic adjournment rule at 10.30 p.m. that it would never be abused; that at the most we would sit an extra 10 minutes or perhaps half an hour in order to complete a certain stage of any measure then being considered by the House. Immediately we had given the Minister this concession there was a change in the conduct of the business of the House. The first night we sat until quarter to twelve, and then we had to sit until two o'clock this morning. This is quite at variance with the assurances which the Minister gave to this House, and I think it does this House no credit when at this stage of the Session, when we have contentious matters on the Order Paper, the vital debate on the Appropriation Bill should be so curtailed. In using the methods that were used yesterday to put through the second reading of the Appropriation Bill at one Sitting, it virtually means that it was bludgeoned through the House, and a closure on the discussion. I do not know whether the Minister has considered this matter, but I do feel that this is a curtailment of the rights of members. I know that the Minister is very anxious to conclude the business of the Session, but members of the Opposition are also anxious to go home. They have made arrangements which they have had to cancel. I do not think it is the right way to conduct the affairs of the country to set down the date of the end of the Session as 9 June and then for the Government, finding that it has made an error . . .

The MINISTER OF JUSTICE: Nobody set that date down for the end of the Session; that is quite untrue.

Mr. HEPPLE: The Minister's memory is failing. The Minister stated on one occasion when he was dealing with the business before the House, that it was anticipated that the Session would end by about 9 June.

The MINISTER OF JUSTICE: I said not before 9 June; that it would probably go into the next week. Look at my Hansard. Please quote me correctly.

Mr. HEPPLE: Well, the Minister won't get out of his difficulty by alleging that I am distorting his words.

The MINISTER OF JUSTICE: You are distorting my words.

Mr. HEPPLE: I can quite understand the Minister's anger. The Minister is angry because things have not gone his way and he is trying to direct his anger towards me. My complaint is that I got an assurance from the Minister and the proceedings of the House have not followed the lines of that assurance. When we discussed the question of the business of the House, the Minister said—and we all agreed with him—that during this Session the arrangements between the Whips of the various parties had worked very well; that the business of the House had gone forward to the satisfaction of the Government and that the Opposition had been given a full opportunity to have its say. But now in the last week we have entered into a new era in which we are being almost bludgeoned into bringing the Session to an end. No self-respecting Opposition can submit to methods of this kind. I think it is quite unfair, and I can assure the Minister that if he had set out to complete the work of this Session in a reasonable manner, he would have had no difficulty from the Opposition at all. I do not know what the Minister's plans are for the rest of the Session, but I do make this appeal to him. Let him try to work along the lines that we have followed throughout the whole of this Session. Let us try to handle the business of the House in a reasonable manner. Surely the Minister who sat in Opposition so many years, realizes that when a Government adopts methods of this nature, it makes the Opposition more stubborn and it makes the Opposition fight even more strenuously for its rights, and that many speeches are made which would not normally be made. I think it is quite unfair to members of the Opposition that they should be placed in this predicament. I want to inform the Minister too that two of the Native Representatives are ill. They were hoping of having an opportunity of coming back into the debate later this week, but when the Appropriation Bill is rushed through the House in one Sitting, they are deprived of that opportunity. I do make this appeal to the Minister not to proceed with the method which he is using at the present time. Let us act like reasonable men.

Sir DE VILLIERS GRAAFF: I would like to associate myself, on behalf of this side of the House, with certain of the remarks made by the hon. member for Rosettenville (Mr. Hepple) with regard to the pressure with which business is at present being conducted in this House. My own limited experience has led me to believe that when business is conducted at such high pressure, tempers inevitably become frayed, and that sometimes things are said which perhaps would be better left unsaid for the well-being of the country. I do not believe that when work is piled up at such pressure it is possible for members to deliver work of the quality or standard which they are accustomed to deliver, and the result is that inevitably debates will become ragged and in effect it may result in a great waste of time. There is an old proverb that haste makes waste, and I fear it is one which is only too applicable to what is happening at the present time with this end-of-session rush.

I was most interested in both the opening speech and the reply by the Minister of Finance yesterday, and his suggestion that this side of the House was attempting to talk the country into a state of recession or depression from the financial point of view. I can only say, having listened to the hon. the Minister, that I have seldom heard anyone make greater efforts to talk the country into a state of prosperity than he has done. He has certainly done his best.

The MINISTER OF FINANCE: You are doing the opposite.

Sir DE VILLIERS GRAAFF: I think it is a measure of the trouble he is having that he is so extremely sensitive on the subject and is accusing everyone who disagrees with him in the slightest regard of attempting to sabotage his efforts. His idea is that we are at the moment returning to normal. I can only say that, as at certain times in the past, the Minister's idea of what is normal in the economy of South Africa and the idea of many of the leading commercial people in the country seems to differ a great deal. The Minister has come along and given us an anonymous reference from a member of the board of a big insurance company; he has made mention of one or two gentlemen in commerce who have stated themselves to be satisfied with the position. I have no doubt that there are some; I have no doubt also that there are a great many who are not satisfied. And if one is going to talk about normality, I wonder whether the Minister regards the present interest rates, the present pattern in South Africa, as being a normal one; whether he believes that he is going to be able to hold it at the present rate. In many respects that pattern has shown a distinct upward trend over the past few years, and I must say that there do not seem to be signs yet of that pattern changing its form and showing a downward trend. We would

like to know from the Minister—and commerce would like to know—what he regards as normal in that respect.

The next matter which has struck me is that in a period where it is generally admitted that there is a shortage of capital, the Government is floating a record loan programme, a record loan programme after a year in which, by the Minister's own admission, something like £11,000,000 of what was voted to Loan Account last year was not spent. Have we the Minister's assurance that the full amount which is to be voted this year is going to be spent, or is this going to be another case of too much having been voted and the amount having to stand over? We know already from the hon. the Minister that a special arrangement has been made with the Province of the Orange Free State to meet its difficulties at the present time. I wonder if the Minister could tel us what the arrangement is. There are other provinces in which the position is not too happy, and I think those of us who come from other provinces would like to have an idea of just what understanding has been come to with the O.F.S. and what steps the Minister has taken to try and get matters straightened out.

When the hon. the Minister introduced his Budget originally he spoke of a record year for agriculture. I think the figures since released by the Department of Agriculture have made it quite clear that we were correct in our suspicions that that was something of an overstatement on the part of the Minister. The total value of agricultural production is not only down, but is down on what it was two years ago by a fairly substantial sum.

Mr. VOSLOO: For how much of that is wool responsible?

Sir DE VILLIERS GRAAFF: In those circumstances we find ourselves at the end of the Session discussing the Appropriation Bill with the Minister of Agriculture not present in the House, and a number of very important questions which have been put to him in the course of the Session entirely unanswered. One of those questions concerns the price policy of the Minister of Agriculture under the Marketing Act. We still find ourselves in the position that we have no indication from him as to what formula he intends to apply or does apply in arriving at a reasonable award to the farmer over and above cost of producton which he says is his policy. The other matter in which there is no reply from the Minister is the question of the responsibility for surpluses disposed of at a loss.

Mr. H. S. ERASMUS: That is a second-reading speech.

Sir DE VILLIERS GRAAFF: Yes, unfortunately, a second-reading speech, but unfortunately no second-reading reply and no reply in committee and no reply at any other time in this debate, and not a single member on that side, I am sure, will have the courage to get up and say what the answers are, because the fact is that they do not know. Last night we had the hon. member for Pretoria (District) (Mr. Schoonbee) getting up and suggesting that on this side of the House inaccurate use had been made of a statement by one of the officials of the Transvaal Agricultural Union. If that hon. member would take the trouble to study what was said, he would find that those figures were given as a report of a particular district from a particular official, and that no attempt was made to vouch for the accuracy. It was merely stated that that was what was happening, and particular stress was laid on the sort of relief for which those people were asking. Here we are at the end of this Session, and it now appears that those figures are probably correct, and no statement has been made to contradict them. Even the Statement by the Director of the S.A. Agricultural Union, Dr. Le Clue, seems to accept those figures, and we find that no attempt has been made to answer the problem in respect of credit facing the farming community in that area. We also find the suggestion now that the meat muddle into which this country landed is due to the United Party! Well, Sir, that is a most interesting statement, because when hon. members opposite were in Opposition, their view throughout was that the meat scheme was excellent, but that it was failing to achieve its objective because it was being wrongly and badly administered by the U.P. Government. When the present Government took over we had a statement from the present Minister of Agriculture that the scheme was in order; that it was just a question of administration, and at that time he was optimistic about producing not only sufficient meat for South Africa, but a surplus as well. Despite his hopes, such was his price fixation policy that we find the cattle population deteriorating and decreasing considerably in the period during which they have been in office. We have heard statements in this House that the blame is to be laid at the door of the United Party. I think it makes it clear that it is a great pity that this debate should be conducted in the absence of the Minister of Agriculture. That being so, and since it is impossible for him to be here, with the pressure at which things are being done at the end of the Session, it would be unwise perhaps to say anything more on this subject.

I want to turn now to the hon. the Minister of Justice and draw his attention to a statement which I saw published in a South West African newspaper the other day. I think many of us on this side of the House have been worried from time to time about the attitude which has been adopted by members of this Government towards the judiciary in South Africa. When the Appeal Court in either 1951 or 1952 gave a decision unwelcome to the Government, one heard statements from the Government benches and on public platforms about six "old men" at Bloemfontein. We heard statements from the Minister

Population Registration Amdt. Bill / HEPPLE

SECOND READING

Mr. LOVELL: Read line 18.

*Dr. J. H. O. DU PLESSIS: Yes, "a person who in appearance obviously is a member of an aboriginal race or tribe of Africa".

Mr. LOVELL: But what about the Coloured?

*Dr. J. H. O. DU PLESSIS: But here we are not dealing with Coloureds, but with actual out-and-out Natives who are very clearly Natives, but who pretend that they are not Natives, for various reasons. They can speak a little Afrikaans, they can speak a little English, they have lived in the city for a little while, they think they are not absolutely black in colour and they think they may be able to pass as Coloured. They come and pretend that they are Coloureds, but on the face of it it is very clear that they are Natives, and this legislation concerns those cases. Now I ask hon. members opposite: Tell me in what other way one can ascertain that such a person is a Native if one does not cast the *onus probandi* on him? A person wants to create a false impression and gives incorrect information about his origin and his associations, and even wants to use his appearance to create a false impression—tell me what other possibility there is for classifying them as Natives if the *onus probandi* is not cast on them? This is the only way.

Mr. LAWRENCE: Supposing that is correct, ought not the word "or" to be replaced by "and"?

*Dr. J. H. O. DU PLESSIS: We can argue about the wording during the Committee stage. I am concerned only with what I consider to be the crux of the matter. Here is a very serious problem which cannot be solved in any other way. It is not an injustice that is being done. The hon. member for Hottentots-Holland argues on the assumption that injustice will be done. What are we taking away from the Native here? It is another matter if one is dealing with Coloureds and one tries to turn Coloureds into Natives, but that is not the case here.

*Mr. HUGHES: But that is the case.

*Dr. J. H. O. DU PLESSIS: No, this legislation deals with Natives who are members of a Native tribe, who have the appearance of Natives and who are Natives by virtue of origin and association.

*Mr. HUGHES: What about Goliath?

*Dr. J. H. O. DU PLESSIS: I ask what right is being taken away from the Natives? None whatever. In general that Native is proud of the fact that he is a Native. But there are the exceptions, and this is only so as to enable the Department to classify those people properly. That was the difficulty the Director had in Johannesburg. For that reason I think the objection of the hon. member for Hottentots-Holland falls away. His main objection was also against the various definitions there are. As I said, according to a statement made by the Minister himself, the intention is to use the definitions of the Population Register more and more as a basis for our other legislation.

In conclusion I just want to say this: Hon. members adopt the view that, because here we want the Native in South Africa to remain a Native and not allow him to become a Coloured, it is a policy of oppression.

Mr. LOVELL: We do not say that.

*Dr. J. H. O. DU PLESSIS: Then what is the objection? What is the objection to this legislation? Then, I ask the hon. member for Hottentots-Holland, what is his objection to this legislation? Our view is as follows: The Native, and this is admitted, is not as privileged as the White man or the Coloured, but the Native has not yet reached that level of civilization, and therefore, while we are the guardian and the Native the ward, while he still has only a thin veneer of civilization and generations upon generations of progress still lie ahead for him, we have the right to teach that ward that he must be proud of being a Native, and that he must be proud of looking upon what he has as his own, and that he must continue to find self-expression there among his own people. I think the hon. member for Salt River, and hon. members on that side of the House can be satisfied with the way in which the Department has applied this important classification in the past. The hon. member for Salt River was right last year when he adopted that view. I personally am convinced that the human view which has been adopted up to now will be maintained in future as well.

Mr. HEPPLE: This Bill concerns the lives and the destines of a large number of South Africans. A Bill of this kind must always fill this House with misgiving. In spite of the speech by the hon. member for Stellenbosch, we still believe that the original Act was a bad one and we believe that this amendment is not going to remedy the situation in any way whatsoever. The hon. member for Stellenbosch says that a Native is proud to be a Native and that a Coloured man is proud to be a Coloured. I presume he wanted to add that a White man should be proud to be white. To a large degree he is quite correct. But he has left out one thing, one important aspect of the matter. To be white in South Africa confers upon one many privileges and advantages, but to be a Native in South Africa reduces you to a state of inferiority and denies you many rights and privileges.

An HON. MEMBER: You don't know the Native.

Mr. HEPPLE: Sir, the trouble with these hon. gentlemen is that they do not admit facts. I will quote them just one simple fact that should be relevant to a Bill of this kind. You see, if you are a White brick-layer, you can earn from £15 to £20 per week; if you are a Coloured brick-layer, you can earn the same amount of money, but you can only work in the Western Province, you can't work in the Transvaal. But if you are classified as a Native under this Act, you must work as a Native brick-layer, and work for a fifth of those wages, and only in certain specified areas. I think that example is sufficient to show what pride of race really means. It is not only a question of being proud of the colour of your skin and your ancestry. It is a question of what it does to you if you belong to a certain race. Of course people want to be proud of their race, and proud of their ancestry. But when it imposes upon them certain handicaps and indignities, it is no wonder that there are some people who want to cross the colour line. We don't want to cross the colour line into the non-European section in South Africa, because it would be very greatly to our disadvantage. But one can imagine the desire of all people to share the White advantages in South Africa, to cross the colour line. That is why there has been such a great deal of difficulty regarding the classification of Natives as Natives. There are people who have a mixture of Native and Coloured blood. Some are of very light skin and others of darker skin. Some have straight hair and some have curly hair. So you are faced with many difficulties. It immediately affects the economic status of the people if they are classified as Coloureds or as Natives. Now the hon. gentlemen on the Government side stand up in indignation and say: What right have you to make out that there is something damaging in a Bill of this kind? I think the hon. member for Hottentots-Holland was quite correct when he pointed out, as he did so very ably this afternoon, that the original law itself contains so many dangerous provisions that in its application it is sure to bring a great deal of unhappiness, misery and hardship to a considerable number of people in this country.

I want to deal with the main provision of this Bill, which we find in Clause 3. It deals with the question of classification. It is an amendment to Section 19 of the original Act and it provides—

> A person who in appearance obviously is a member of an aboriginal race or tribe of Africa shall for the purposes of this Act be presumed to be a Native unless it is proved that he is not in fact and is not generally accepted as such a member.

It would seem here that a person who was classified as a Native, must now disprove that allegation. The major question in relation to this is what do these words "who in appearance obviously is a member of an aboriginal race or tribe of Africa" mean? "obvious" to whom? Must it be obvious to the person concerned himself, or must it be obvious to the Director, or must it be obvious to some other person, or obvious to the police as the hon. member has pointed out? There is the great difficulty. There is no clarity as to whom it must be obvious that a person is a member of a certain race. What is the test of this? We have seen what has been happening in Johannesburg and Pretoria. We have seen there the humiliations to which a large number of people have been subjected in these tests. It would seem to me now that the situation itself will not be changed, excepting in that the person concerned will have to now produce evidence in order to disprove a classification that has been imposed upon him. Therefore there is no change in the present unhappy situation in so far as it concerns these particular people. I would like to mention here some of the things that have happened in these tests. They have used the comb test, an examination of noses and profiles and asked questions about the sort of sport that a person has played. In one particular case when the person concerned said that he played soccer and not rugby, it was said that he must be a Native because Coloureds mostly play rugby, and as he played soccer he surely must be a Native. I want to remind this House that an interesting aspect of these tests is that the majority of them are held *in camera.* It is quite obvious to us in this House why persons don't want these investigations and these tests to take place in public, because it is a matter of life and death. It is because of human relations, of skeletons out of family cupboards and associated matters, which make it essential for these people to ask for hearings to be held *in camera.* I have one or two cases here I would like to quote to the House. I think they are relevant and should be heard here. I have the following case—

> An eighteen-year-old youth told the Board that he wanted to be a teacher and had passed his J.C. at a Coloured school.

He had been classified as a Native—

> The principal of the training school to whom he applied, refused to admit him. It would be impossible for him to go to a Native school because he spoke only English and Afrikaans. His brother had been classified as a Coloured he said. There would be bad blood between brothers and sisters and parents. He asked the Board not to judge him by his skin and his hair but by his deeds and knowledge. "It is not through any action of mine that I am brown, and have frizzy hair", he said, "but it is through the will of God."

Then there was the case of a son being declared a Malay and the mother White. There was another case in which the father was

White, the mother Native and the son Coloured. Let me say in this last case, where a father was White and the mother Native and the son Coloured, that that follows the normal pattern of races as we know it in this country. The offspring of White and Black is usually accepted as a Coloured child. But under our population registration it is going to bring great tragedy upon a family such as that. Let us assume that the Government want to be entirely fair to a family of this kind. These people have to appear now before a court to prove or disprove certain classifications. The father who is White has no difficulty. According to the, shall I say, over-generous explanation of the Minister this afternoon, he is now placing Natives on the same basis as the White man. They will not have to prove that they are Natives. So the position of one White parent and one Native parent is quite clear. But the classification of the child, despite any provisions in the Act, is very difficult. And what of the offspring of that child? The complications of this type of legislation are never-ending. In one particular instance it was said that that descent is an important factor. The Minister briefly dealt with that point and so did the hon. member for Hottentots-Holland. I want to pose a further question in that connection: What does "descent" mean? How far back is the Government prepared to go in taking "descent" as a relative factor? In one particular case they refused to go back more than one generation. The appellant said that he had a White grandfather. That was in the Engelbrecht case. But the Board refused to go back as far as the grandfather. I have here a letter which was sent to me in regard to a particularly unfortunate case. The person concerned here is very seriously affected by the hearings of the court, and I can't see how the Minister's amendment is going to alleviate the position, if it does not make the position even worse. I received a letter reading as follows—

> One of the cases before the Appeal Board now sitting in Johannesburg is of a young leather-worker, 22 years old, who
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> is appealing against his classification as an African. His brothers and sisters are Coloureds. His one brother is a member of the Coloured Police Force. He has lived among Coloureds all his life, went to a Coloured school, works among Coloured leather-workers, speaks Afrikaans and no African dialect. His attorney called Dr. X, an anthropologist, to give evidence for him. The doctor said *inter alia*: "To me the mother of the appellant (she was outside and had appeared before the Board) looks like a half- or cross-breed with either Bushman or Hottentot and European blood. The appellant is not European and not Bantu. Looking at his profile his nose is not negro. The general shape of his skull is not that of a negro. He has signs of what is called eye-brow ridge, which is a European feature. His chin could b European or Bantu. His lips are Bantu

Dr. JONKER: Sounds like a "bobbejaan as you describe it.

Mr. HEPPLE:

> "His pigmentation, European or Bant His lips are Bantu, his head Bantu. Th typical make-up of this man is a cross."

A member of the Board interposed "his ey might be that of the Arab group". M Speaker, before I continue with this quot tion, I think the interjection by the hon. mer ber for Gardens (Dr. Jonker) is illuminatin He refers to this unfortunate person as bein a "bobbejaan". That is the attitude of th hon. gentleman to the Population Registratic Act. It is not the desire of any of us fro this side of the House to make "bobb jane" of human beings. Let me continue wi this letter.

> All this went on in public and before th 22-year-old applicant. His difficulty, I migl add, is that he is an illegitimate son ar cannot tell the Board who his father wa This is most inconsiderate of him.

Here is a case, one of these human tragedi that has struck a family. It is not an isolate instance, but one of which we have man Unfortunately the entire destiny of this bo is going to be affected. Let me say that he is classified as a Native he will imm diately lose his employment as a leathe worker, he will immediately lose his right t belong to a trade union, because as Coloured he is a member of a trade union an entitled to trade union rights, he is entitle to all the benefits under the Industrial Cor ciliation Act. But if he is classified as Native, if he does not lose his employmen he will lose all the benefits of belonging t a trade union, and the protection of the Indus trial Conciliation Act. He will also lose hi right to live where he is living. He will hav to live in a Native area. So one on to of the other he will lose a lot of right that he possesses at the present time. Nov the only humane way in which this unfortu nate boy can be dealt with is to declare hir to be a Coloured person. But that won't b the end of his problems. Among his work mates and among his neighbours there will b talk that he is "going to be made into kaffir". That is what will be said about hir There are many cases such as this that aris out of this unfortunate legislation.

The hon. member for Hottentots-Hollan gave a very good reason why this measur should not be proceeded with at the presen time, and I think that the argument that h has put forward is one that the Ministe should listen to and take note of. I listene very carefully to the Minister's speech intro ducing this measure, and for the life of m I could not see what improvements the Minis

ters is making in the existing legislation. As the hon. member for Hottentots-Holland has pointed out, there is a judgment pending and that we need further clarification. I do hope that the Minister will listen to our appeals and not proceed with this matter now. Let us see whether the judgment that is pending won't assist us. The Minister, speaking earlier this Session, pointed out that there are something like 90,000 border-line cases that are being dealt with. The hon. the Minister speaking in the House on 9 May, said—

> The hon. member for Salt River asked how many persons have been classified under the Act. It is very difficult to give those figures, but there are the border-line cases, which are estimated to be about 90,000. Ordinarily people classify themselves and there is no trouble about that, so the numbers I am giving are those where there has been specific classification after some objection was raised, the border-line cases.

If there were then already 90,000 border-line cases, we can easily assume how many there are going to be in the long run. All these affect families, all these affect the happiness and future of South African families. As things are proceeding at the present time Mr. Speaker, all the Government is doing is to smash open family cupboards to tear out the skeletons and expose them to the public gaze. In doing so they are not only breaking up a lot of happy families, but also causing personal tragedies to many thousands of people. I hope that the hon. the Minister will listen to what we have said and will consider the suggestion made by the hon. member for Hottentots-Holland (Sir de V. Graaff) not to proceed with this Bill.

*Mr. J. A. F. NEL: I have no intention of pursuing the arguments advanced by the hon. member for Rosettenville (Mr. Hepple). Again it was the usual old story of "personal tragedies" and that sort of thing. They are the usual stories that are dished up by the U.P. and the Labour Party in connection with every Bill that comes before Parliament, when in actual fact those "personal tragedies" do not exist at all.

Mr. LAWRENCE: That is contempt for human dignity.

*Mr. J. A. F. NEL: Of course, the other story we also hear, is the one we have just heard from the hon. member for Salt River (Mr. Lawrence)—"contempt for human dignity". That is the sort of story that is always used in this House by the Opposition when legislation in connection with Natives is discussed. With them it is a case of "the divine right of Natives" these days, instead of "the divine right of kings" as it used to be.

I want to deal with an argument used by the hon. member for Hottentots-Holland (Sir de Villiers Graaff), and that was in connection with the change from "at any time" to "30 days" in Section 8. As the hon. the Minister demonstrated, it just brings the position into line with the sub-section of that section. There is also another aspect I want to point out to him. He forgets that in all our legislation a specific number of days is stated within which action has to be taken. If one wants to appeal from the magistrates court to the Supreme Court, then it is specified within how many days the appeal must be noted. If one wants to appeal from the Supreme Court to the Appeal Court, it is also specified within how many days one must appeal. This is not a new matter. He, as an advocate who practised at the Bar, ought to realize that this is always the case. In the case of an appeal from a magistrate's court to the Supreme Court in a civil action it is 21 days; in the case of a criminal action it is 14 days. This is not a new provision being introduced here. In the second place it also brings certainty, not only for the administration but also for the person concerned. The Department has taken certain administrative steps; then two or three years elapse and only then is an objection lodged against the classification. Not only does that mean uncertainty for the person, but also uncertainy as far as the administrative work is concerned.

The hon. member for Hottentots-Holland quoted two cases of Radebe and Gill. Radebe's case was decided in 1954 in the Appeal Court and the judgment was given by Mr. Justice Schreiner. That case concerned the jurisdiction of the Native Appeal Court in Natal. In that case the definition was quite different from the provisions of this definition, or other definitions in our statutes. It is an entirely different definition, and the judgment concerned the particulars of that definition in connection with the jurisdiction of the Native Appeal Court. I think the hon. member agrees on that point. Therefore I do not think that in the circumstances he can quote that case in support of his argument. As far as the case of Gill is concerned, which was decided in 1950 in the Cape, the judgment was given by the present Appeal Judge Fagan. There it concerned a mixed marriage. It is quite true, as the judge also said, that there is not a specific definition of White and non-White. But if we look at Section 3 of the Mixed Marriages Act of 1949 we find that it tallies with the definition there will now be in the Population Registration Act. "A person who in appearance is obviously a European or a non-European, as the case may be, is for the purposes of this Act considered to be such, unless and until the contrary is proved." Precisely the same as is provided in the amendment at present before the House. Again I fail to see how the case of Gill can help the hon. member in any way. No, on the contrary, I would say that it supports the position we want to bring about with this amendment. The hon. member also mentioned the ruling which was to have been referred to the full Bench by Mr. Justice Quartus de Wet. I do not know why we should wait until the judges

have given a ruling on this matter. We are here for the very purpose of clearing up the uncertainty that already exists. Then the hon. member also quoted what Acting Judge Hiemstra said in the case of *Goliath* v. *Director of Census*. According to this judgment the judge said "appearances may be deceptive". We all admit that. But that is precisely what this amendment is for, because one cannot always go by appearances.

I wish, however, to quote a case that is repeatedly cited in our courts in connection with this point. It is the case of *Rex* v. *Parrot* (16 S.C. 452) in which Chief Justice, later Lord De Villiers, gave judgment—

> In the absence of other evidence, the appearance of persons furnishes the best criterion of descent.

That is absolutely the same thing, and that is why I cannot agree with what Acting Judge Hiemstra said. But I want to go further. There is also the case in which judgment was given by Mr. Justice van den Heever, in *Ex Parte X* (1940 O.P.D. 159)—

> In the circumstances I think the usual criterion should also be applied here, the physical appearance of the person concerned, his origin and his mode of life and associations, appearance being the predominant factor.

As far as that is concerned, I think that there the hon. judge did not act quite consistently.

The hon. member for Rosettenville apparently wants to place the onus on the Director. He did not exactly say so directly, but by implication. Apparently he wants to go further and say that because here the onus is placed on the person concerned, a terrible injustice is being done. I do not know whether the hon. member for Benoni (Mr. Lovell) agrees with that. I think the hon. member argues like that simply because if the burden of proof is placed on that person, there is a presumption and it must be refuted by the person, and he argues that that burden of proof should not rest on the person but on the Director. It is not only in these laws that such is the case. In the legislation of 1925 in connection with Native taxes and also in our Urban Areas Act of 1945 in a criminal case the *onus probandi* is placed on the person who appears before the court. The hon. member for Benoni, as a lawyer, knows that. I do not want to read a great deal, but just this one reference for the record. It is in the case of the Native (Urban Areas) Consolidation Act, 1945. There we find this—

> "Native" means any person who is a member of an aboriginal race or tribe of Africa. Where there is any reasonable doubt as to whether any person falls within this definition, the burden of proof shall be upon such person.

That is precisely the same as here. I know the hon. member for Rosettenville will not have it, but this Act of 1945 was not passed by the Nationalist Party, but by the United Party. We also find the following in the Natives Taxation and Development Act of 1925—

> Where there is any reasonable doubt as to whether any person is a Native . . . the burden of proof shall be upon such person.

In that case, therefore, the burden of proof rests upon the person who appears before the court. The hon. member for Rosettenville says that it is a terrible disruption and a difficult matter for such a person to prove. But the matter is in his hands. What happens is this. The Director classifies that person as a Native according to his appearance. Now the matter is in his hands; he has the particulars; surely he can furnish proof that he is not a Native, in spite of the classification. He can say: This is my origin and my associations. That burden of proof is not a heavy burden, but merely a preponderance of probabilities; if he can furnish the proof, he has won his case.

There are three aspects which must always be taken into consideration. One is descent, the second is association and the third is appearance. The first two existed before, and the third has now been added. Descent and association already exist under the main Act, and now appearance is added. The hon. member for Benoni cannot now argue that that is not the case. If he just looks, at the main Act in connection with population registration, he will see that it is so.

Then in conclusion I just want to say this in connection with the question of onus. It is not a heavy burden of proof, such as is the case in a criminal action. There the Crown must prove beyond all reasonable doubt that the accused is guilty. The hon. member for Benoni, as an attorney, knows what the difference is. It is just a question of preponderance of possibilities. This definition that is being inserted, brings the situation into line with our other legislation, viz. the Mixed Marriages Act of 1949; and also the Immorality Act of 1950. In the case of the Immorality Act it reads as follows—

> A person who in appearance obviously appears to be a European or a non-European, as the case may be, shall for the purposes of this Act be deemed to be such until the contrary is proved.

All three these laws were passed by this Government, and the definitions of all three now tally. In the circumstances I honestly fail to see what the problem of the U.P. and the Labour Party is. It is just because they do not like the Population Registration Act, and in connection with any legislation of that nature that is introduced here, the Native is always right and the White person is always wrong.

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at any rate in a very large measure, to achieve the purpose that he had in mind, that is to put some onus upon the local authorities, but leave the Native what was virtually an unimpaired right to access to the courts, at least to the extent to which access is permitted by Section 29. That is the purpose of the amendment. In other words, what we do is: We say that he should be brought, as he fails to comply with the order, before a Native Commissioner or a magistrate and be required to give a good and satisfactory account of himself, in precisely the same way as an idle or an undesirable Native is required to conform to the same procedure under Section 29 of the principal Act. Now, Mr. Chairman, if the Committee will remember, "undesirable persons" are defined in Section 29 and they include Natives guilty of conduct of a much graver character than that which this particular measure aims at, i.e. a Native who has committed any of the crimes scheduled in the First Schedule to the Criminal Procedure Act, now I think of 1955 (because it has been consolidated since then), any Native who committed any of those crimes, and those crimes are grave crimes—rape, robbery, culpable homicide, theft and so on. Now those crimes we say are much worse crimes than the crime of being an agitator, and what we are suggesting is that if you give a Native with that type of record access to the courts in the form in which it was accorded him in Section 29, then you should at least give the Native who is agitating the same access to the courts. Now the other purpose of the amendment is that under Section 29 the magistrate, or the Native Commissioner, has a number of options at his disposal. He can send the Native to his home. He can send the Native to any place he designates. Or he can send him to an institution, a work colony, or something of that sort. Those are the options. But under the Bill as it is framed a Native is ordered to leave a proclaimed area and after that he is at large, he can enter any other proclaimed area and no provision need be made for his family to follow him. Now under Section 9 of the principal Act provision can be made. [Time limit.]

Mr. HEPPLE: Mr. Speaker, I wish to move the following amendment—

To add the following proviso at the end of sub-section (1) of the proposed section 29 *bis*:

> Provided that any order made under this sub-section shall forthwith be reported by the urban local authority concerned to the Minister who shall lay full details of any such order on the Tables of both Houses of Parliament within 14 days after receipt of such report from such local authority if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.;

and to add the following proviso at the end of sub-section (4) of the proposed section 29 *bis*:

> Provided that any action taken under this sub-section shall be reported to the Minister in the same manner as in the case of any order under sub-section (1) and the Minister shall thereupon take the same course as in the case of any order under sub-section (1).

I move this amendment in terms of my speech on the second reading of this Bill, when I pointed out the differences between the powers in Section five of the Native Administration Act as contrasted with the powers which are now being conferred upon local authorities. The purpose of this amendment is to help the Minister and this House to protect the sovereignty of Parliament. Let Parliament be the final arbiter in these matters. It is absolutely essential that the local authorities who are to exercise these powers should know that there will be some further action after they have banished any Native in terms of this Bill. In that knowledge the local authorities will take more care. They will be much more careful before they banish any person, knowing that there would be a searchlight upon their actions. They would have to take every possible precaution to make sure that they have acted absolutely *bona fide*. [Quorum.] The drastic powers which are being conceded under this Bill to local authorities must be very closely watched and my amendment is an endeavour to see that this House is made acquainted at the earliest possible moment with any action taken by local authorities under this measure. Since framing my amendment, however, I now see the amendment proposed by the hon. member for Rondebosch (Col. Jordan). After studying it I think his amendment meets the case far better than mine. My amendment requests that Parliament should know about it whereas the amendment of the hon. member for Rondebosch means, if I read it correctly, that the processes of this law will be applied in the same manner as other powers under the Urban Areas Act, which means that there will always be the safeguard of the protection of the court for the person concerned. I think I am right in interpreting it that way. I therefore like this amendment very much and if the Minister is in a mood to accept amendments, I would prefer the amendment moved by the hon. member for Rondebosch rather than my own.

Mr. LAWRENCE: Would the Minister accept yours?

Mr. HEPPLE: If the Minister does not accept his amendment, I hope that he will accept mine.

The MINISTER OF NATIVE AFFAIRS: I do not want to intervene in this debate too soon but I think I should now state my attitude in regard to these two amendments which have been moved. I wish to thank the hon. member for Rondebosch (Col. Jordan) for the

courtesy in letting me have his amendment beforehand. I went into it very thoroughly with the Law Advisers but I am afraid I cannot accept it. I do not want to give my reasons now, but I will give them later on. In connection with the amendment moved by the hon. member for Rosettenville (Mr. Heppie), I would like to say that although I cannot accept it in the form in which he has proposed it for reasons of draftmanship, I am prepared to accept the principle which is embodied in that amendment. This amendment cannot be in the form of a provision. It would have to be a new sub-section to be added at the end of the clause, namely sub-section (11) and would read as follows and I move—

> To add the following new sub-section at the end of the proposed Section 29 bis:
>
> (11) Any urban authority which has made an order under sub-section (1) shall forthwith furnish a report in respect of the order to the Minister, who shall lay a copy of such report on the Tables of both Houses of Parliament within 14 days after receipt of such report, if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session.

This amended proposal does not include the second portion of his amendment but the fact that this is excluded has no meaning at all, because this portion actually referred to certain administrative matters which can be brought before the Select Committee, when it deals with the report after it has been laid upon the Table of the House, by members requesting further information from my Department. Consequently everything which he desired in his original amendment is actually covered. I have one difficulty and that is that I would not like to see the fact that I accepted this amendment to be the cause of a further day of delay and I am hoping that the resulting report stage will not prolong the Session in view of the fact that I can be amenable as far as this matter is concerned.

Mr. LAWRENCE: But we are a reasonable Opposition.

The MINISTER OF NATIVE AFFAIRS: I hope I will have the co-operation of everybody in that respect.

Mr. LAWRENCE: I was on the point of raising a point of order earlier on, when you had difficulty in keeping a quorum. It may not be necessary to do so now because we are getting on very well; but I had felt that if there were not sufficient members to support the hon. Minister, we might perhaps be allowed to bring in some reinforcements from the Other Place! The fact that the Minister has accepted the amendment of the hon. member for Rosettenville, does not palliate our objection to this Bill. But it does show some glimmer, some faint glimmer, of light and reasonableness on the part of the Minister; and that must be reciprocated. So far as this side of the House is concerned, therefore, if he accepts that amendment, it will not entail another day more in Parliament.

Mr. LOVELL: I would like to support the amendment moved by the hon. member for Rondebosch (Col. Jordan), and I would like to ask the Minister to reconsider his objection and although he has not yet given his reasons for not accepting it, I want to put some arguments to him in that regard. He will remember that during the second reading of this debate the charge was levelled against the Opposition that it was negative in its approach to this Bill and that it was merely condemning the Bill without making any constructive suggestions and criticisms. The Minister said he was facing a problem, the problem of the disaffected Native in the urban area and that he had to deal with those people. This Bill would make such action possible. We on the other hand said that we could not accept this Bill because it made a town council into a court of law and a judge in its own cause. We were asked to consider what we were doing and we were told that it was no good our merely condemning the Bill unless we have something to suggest which could replace it. Now, the hon. member for Rondebosch has put forward a very constructive suggestion. He has said that if the town council finds that a Native is detrimental to the peace and good order of the town, it can request him to leave and if he fails to do, they can take him before a Native Commissioner and there an inquiry can be held into the merits of the charge brought against him. The matter can then be thrashed out before that Native Commissioner or before a magistrate, and if the Native concerned fails to give a satisfactory account of himself, the magistrate or the Native Commissioner has the power to order him out of the area of the town council. Apart from that there are still some further drastic powers in terms of which he can deal with that Native. Now, it seems to me that that is a great deal better than leaving the decision to an administrative act on the part of the town council. That proposal by the hon. member for Rondebosch is in keeping with all the principles of Western civilization. It is not a negative suggestion but a constructive one and the hon. the Minister should find that if these people were seriously disturbing the peace and good order of a town, they could be properly dealt with when the evidence against and for them was given. Frankly, I cannot see what reasons the Minister can have for rejecting this amendment. I am interested to hear what he is going to say. I like the amendment particularly because it is an amendment which substitutes something which is decent for the present arbitrary procedure as well as for the arbitrative procedure under the Native Administration Act because the hon. the Minister told

House in Committee:

[Progress reported on 13 June, when Clause 1 was under consideration, upon which amendments had been moved by Col. Jordan, Mr. Hepple and the Minister of Native Affairs.]

Mr. HEPPLE: With the permission of the Committee I would like to withdraw my amendment in view of the one proposed by the Minister. The amendment moved by the Minister meets the point that I attempted to make in my amendment.

Amendment proposed by Mr. Hepple withdrawn with the leave of the Committee.

Mr. COPE: The hon. the Minister yesterday, in a spirit of reasonableness which was very welcome to us, accepted a modification of an amendment moved by the hon. member for Rossettenville (Mr. Hepple). The effect of that is to bring the Minister and Parliament into the picture at one end of the case. I would like to suggest to the Minister another amendment which will bring him into the picture at a very much earlier stage. The amendment that I want to move reads—

In line 7, after "authority" to insert "and with the approval of the Minister".

The clause will then read as follows: "If in the opinion of the urban local authority and with the approval of the Minister." The effect of that would simply be that when a local authority has decided that it wishes to request a Native to move, it must report the matter to the Department of Native Affairs and secure formal authority. My reason for urging that this procedure should be adopted is that I do feel that some further and more responsible authority is needed just to check on these removals. I think the Minister and the Department should be brought into the picture at that stage. We have very responsible local authorities in South Africa, but on the other hand we have some local authorities that are perhaps not quite so experienced. This is an extremely important and difficult matter, bearing upon the whole problem of race relations, and to give an indication of what at least one important local authority feels about the situation, I want to quote a couple of passages from the latest report of the manager of Native Affairs in Johannesburg. It says—

> The leadership of the Native being in the hands of the European, constant calls are made on the Department to give a lead in the handling of delicate problems of race relationships where a serious error of judgment or the wrong application of a policy could result in grave trouble.

Then there is another passage in the same report reading as follows—

> Urban Native administration is daily becoming more complex and in many respects more frustrated, and there are disquieting signs of increasing racial tensions and animosities being shown by certain elements, symptoms which are being inflamed by evilly disposed persons who lose no opportunity of fishing in the troubled waters of the relations between European and non-European.

I think it is a recognized fact that your flash-point in White-Black relations exists here in these urban areas, and tremendous responsibility, great judgment, is required in handling these cases. I feel that the Minister should just perhaps round off the principle which he accepted yesterday by bringing his Department into the picture at a very much earlier stage, and while I and other members on this side have made it quite clear that we are inflexibly opposed to the whole of this Bill, nevertheless in trying to soften its impact here and there, I think that this amendment would have that effect and would bring this very much more experienced, senior authority, namely the Department of Native Affairs and the Minister into the picture at a much earlier stage.

Col. JORDAN: I appreciate that the hon. the Minister by the acceptance of an amendment on the lines of that moved by the hon. member for Rosettenville (Mr. Hepple) has certainly met one of the points which constituted part of the attack on this measure from this side of the House. It was not perhaps a very important point in the attack. It was not as important, for instance, in our view, as the preservation to the Native of a right of early access to the courts. What the amendment now accepted by the Minister means, of course, is that he will no longer strip himself of his responsibility to Parliament and compel the local authorities to accept it in totality. In other words, he will now have to lay on the Table of the House reports from local authorities setting out their reasons for having taken the action which they have taken. Notwithstanding the acceptance of that amendment I would like, in quite a friendly way to return to the attack on the Minister's attitude to the amendment which I moved yesterday. What I did in that amendment really was this: I assumed that the machinery of Section 29, which had been devised by the hon. the Minister, had operated reasonably smoothly and efficiently, and having regard to the type of person who was covered by that particular type of machinery, I felt that it could be applied, if it had already worked well, to the Native who was disturbing order within the jurisdiction of an urban local authority, but I felt it essential also that where that machinery conferred benefits on the Native, even though he might have been an agitator, he should continue to receive the benefit of any beneficence which the provisions of Section 29 contain. Under the Bill the position is that the Native who is ordered by the local authority to depart

from the area of jurisdiction, has the right to go to that local authority and ask that his dependants should be sent wherever he may go, but the cost of that is to be debited to the local authority's Native Revenue Account, whereas under Section 29 where a removal has been ordered and the Native empowered to approach the local authority for similar provision to be made for his dependants, the cost of sending them wherever he had been sent, became a charge upon public funds, in other words, a debit against the Consolidated Revenue Fund. That privision as it exists in Section 29 is a much sounder provision than that proposed in this measure, because this is not a problem which should be solved by local authorities; it is a national problem. Now what is going to happen under this scheme? The Native after he is ordered to leave the area of jurisdiction, as I said yesterday, is at large. He will depart either voluntarily when the order has been served upon him, and in compliance with it or after having been convicted if he has refused to comply with the order, wherever he wishes. In other words, he may leave Cape Town, for argument's sake, and proceed to Johannesburg. No machinery exists which permits of one local authority informing another of the character of a Native whom it considered expedient in the public interest to order away from the area of its own jurisdiction nor—and here let me say this is perfectly proper—is there any type of endorsement made on the Native's identity book. He goes as far as the new local authority area, which he enters with a clean sheet. That, I concede, is perfectly fair. But what is going to happen if he makes a nuisance of himself in the new local authority which he can enter at any rate for 72 hours, to look for work, and there has been a further charge upon the funds of that local authority perhaps to move his dependants? The Native Revenue Funds of local authorities are funds which really should be devoted to the welfare of the Native people in their charge and should not be subject to the charges of such removals being levied upon them. That is another reason why it seems to me that apart from the question of early access to the courts, the machinery which the Minister devised in 1952 is infinitely preferable to the machinery which he now puts before us in this Bill and I would again urge upon him to reconsider this. I do so because if it has worked well in the case of those whom it was designed to effect in 1952, there is not the slightest reason to suggest that it will not work just as well in relation to the category proposed to be dealt with in this new Section 29 *bis*. The argument really amounts to this that local authorities do not deal with these matters apparently themselves and they come running to the Minister's Department. They will still come running to the Department and now he has properly accepted a continued application to these cases as far as he is concerned, of his own responsibility to Parliament. Why should he leave action of this description to the local authority; why should there be this subdelegation of authority? Authority is delegated to him by Parliament and he then subdelegates it to local authorities and becomes responsible for administrations over which he virtually has little control. My own submission is, unless the Minister can tell us that the machinery created in 1952 has not worked (and if that is the reason why he won't apply it to these cases), then I think he has the answer to it. [Time limit.]

*The MINISTER OF NATIVE AFFAIRS: Perhaps it would be best if I immediately give the reasons why I feel that I cannot accept the amendment of the hon. member for Rondebosch (Col. Jordan). But before doing so I want to refer to the new amendment that was proposed by the hon. member for Parktown (Mr. Cope). I cannot accept that amendment either, and the reason why I cannot do so was contained in my introductory explanation, viz. that there are various reasons why in this case I do not want to accept the responsibility even of giving permission. In this connection I must just point out that some hon. members said that my acceptance of the amendment of the hon. member for Rosettenville means that I do take responsibility for the decision. Of course that is not right. And therefore the hon. member for Parktown is quite right in trying to move an additional amendment if he so wishes. The undertaking that is the outcome of my acceptance of the amendment of the hon. member for Rosettenville is that Parliament will be notified of all cases in which a local authority acted and of the circumstances under which it acted, by means of the report that is submitted and which can be considered by the Select Committee on Native Affairs. On this occasion they will also be able to make further inquiries from my departmental officials who appear as witnesses before the Select Committee about what provision is made for the dependants of such a removed person. Thus Parliament is enabled to acquire information about how the law is enforced, but it is not in a position to say that I am responsible for the individual cases of removal. It will only, if the law works badly, be able to blame me for having introduced such a law.

The reason why I am prepared to accept the amendment of the hon. member for Rosettenville is that in any case Parliament would be enabled to attack me in the same way purely on newspaper reports in which perhaps quite incorrect information about what had happened, might appear. Because I think it is far more sensible, I am glad to accept the idea of the hon. member for Rosettenville that Parliament will receive an official report of what happened, so that it can judge soberly after its own Select Committee has had an opportunity to investigate thoroughly the circumstances of such a removal order. But there is a vast difference between this acceptance and the acceptance of the proposal of

against political or quasi political actions" he said. "The use of the powers will depend entirely upon the political sympathies of the particular town council or its individual members.

I say therefore that the application of this Act will probably depend also on the political policies or sympathies of the Town Council or local authority concerned. How are they going to interpret these terms? In the Committee Stage the Minister and I had an argument as to what the terms meant. They can remove a Native whose presence is detrimental to the maintenance of peace and order, and in the second-reading debate the member for Brits (Mr. J. E. Potgieter) said that this Bill was in the interests of racial peace. He considers that this Bill is being introduced in order to bring about racial peace. That indicates a political interpretation.

Mr. J. E. POTGIETER: I thought that that was something that was common between the parties; we are all aiming at racial peace.

Mr. HUGHES: That is quite true, but our ways of attaining it are poles apart. I am pointing out that the hon. member thinks that this Bill will be applied to bring about racial peace.

Mr. J. E. POTGIETER: I just argued against the background of racial peace; that is all.

Mr. HUGHES: I am pointing out that the local authority may have quite a different idea. If a Native does not like a bye-law which a municipality has passed, or if a municipality should put up the bus fares and the Native thinks that that is unfair and he then organizes a boycott, the local authority may decide that that is detrimental to peace and good order. The passing of a Bill with such wide terms will have the affect of stifling all opposition to any measure introduced by the local authority. The local authority will virtually be allowed to do whatever it likes, because if any Native objects, he may be removed by that council because it is left to it to decide whether his presence there is detrimental to the maintenance of peace and good order or not, and no court can interfere if they act in a *bona fide* way. I am certain that this Bill will bring about victimization, and that is what the Natives fear. Native informers will go to the location superintendents and others and inform against them in order to get rid of them, and not only will Natives do that but the superintendents may do it themselves. I am not trying to score a political point, but I want to mention an instance that was mentioned in the House the other day. Take the case of the location superintendent at Pietersburg, Mr. van Coller, who started a branch of the Nationalist Party amongst the Natives. He was trying to get the Natives to take part in our political life. Supposing here is a Native agitating for further political rights for the Natives. I use the word "agitate" because anybody to-day who asks for more rights for the Natives, is called an agitator, a liberalist or a Communist. It is quite natural that the Native will demand more rights, that he wants to improve his position, and if a Native starts a party of his own and asks for more political rights and Mr. van Coller thinks that that is against the policy of the Nationalist Party, he will use his influence to remove that man from the location; so it is not only Natives who will become informers; it may be Europeans as well. The trouble about it is that the report will be handed over to the local authority and neither the Minister nor anybody else will know how that report is dealt with. Will the Native have an opportunity of hearing the evidence against him? There is nothing in the Bill which says that he must be heard. I know that there is a legal maxim which says that the other side must be heard. He may be called in. In administrative matters in the reserves, for instance, the Administration won't allow attorneys to intervene on behalf of Natives, and that is a policy with which I agree as far as administrative matters dealing with land problems in the reserves are concerned. But the local authority may adopt the same attitude and say "This is an administrative matter, and we are not going to allow an attorney to appear on your behalf". The Native will then be denied legal aid, and this is not a matter in which legal aid should be denied, where a man is removed from his home and where his liberties may be affected. You cannot give such wide powers to a local authority unless you lay down the rules by which it must be bound in coming to a decision.

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

Mr. HUGHES: With respect, Sir, the clause of this Bill lays down how a local authority shall act, and I submit that I am only dealing with the contents of this particular clause.

Mr. SPEAKER: The hon. member may continue, but he must bear in mind that rule.

Mr. HUGHES: The Native at present has the Police to contend with if he is a political agitator. His lot is not an easy one. He has the Bantu Authorities to deal with and his life is anything but easy in an urban area, and we are going to make it much worse now. He will be afraid to voice any opinion at all on any matters for fear of being hounded out of his home. Sir, this has been a sorry Session as far as legislation affecting the Coloured races is concerned. We have now come to the end of the Session, and we have had three Bills before us, ending with this one, which are amongst the worst bits of legislation passed in the history of this country. A Bill of this nature is not going to bring about better race relations, as was contended by the hon. member for Brits. It is only going to bring about further feeling of frustration and despondency amongst the Natives of this country.

Mr. HOPEWELL: I formally second the amendment.

Mr. HEPPLE: The Labour Party will vote for the amendment moved by the hon. member for Transkeian Territories (Mr. Hughes) and against the third reading of this measure. Despite the fact that the Minister accepted the amendment which I moved in the Committee Stage, we are still compelled to vote against this measure because the basic principle is bad. I want to thank the Minister for accepting the principle of my amendment in the Committee Stage, because it shows that the Minister recognizes the necessity of bringing publicity to the actions taken under the Bill before the House. But in spite of the Minister's acceptance of that amendment in the Committee Stage, we must vote against this Bill because it is bad in principle. We must remember that the powers conferred upon the local authorities under this measure, will be acted upon by 500 local authorities, large and small, throughout the country, and in exercising these arbitrary powers, it is essential that there should be as much publicity as possible of their actions. In that regard the new sub-section (11) which the Minister has now inserted, will to some extent, help. Unfortunately the main principle of the Bill remains and that principle is not only bad but it is quite unnecessary. The Minister when introducing this measure, quoted from certain correspondence which he had had from local authorities. He quoted us figures which gave this House the impression that there was a demand for legislation of this kind. But when the Minister replied to the second-reading debate, he himself said that there had been no demand from the municipalities; that this measure should be regarded as a safeguard more than anything else. We feel, however, that this is still a very dangerous measure in that it confers wide arbitrary powers upon local authorities. The meaning of the term "detrimental to the maintenance of peace and good order" is nowhere defined. It is not only vague but it is left to the local authorities to interpret. As I have said there are 500 local authorities, large and small, throughout the country who will have very different ideas as to what this term really means. The hon. member for Transkeian Territories (Mr. Hughes) has pointed out that the effect of this measure may well be that it will completely stifle all criticism of the Government, of local authorities and of measures which the Africans may feel are not in their interests. This measure, in conferring arbitrary powers upon the municipalities, makes them the judge of their own cause, and it allows persons to be punished without trial. Most serious of all I can see in this a weapon of intimidation and terror against Africans who are striving to raise the status of their own people. We had hoped that the Minister would decide to drop this measure, but unfortunately he is determined to go on with it. In spite of all the warnings that we have issued on this side of the House, the Minister is determined to place this measure on the Statute Book this year. I can only express the hope that no local authority will find it necessary to use these powers. While I express that hope I must be realistic and recognize there will be some local authorities that will use the powers conferred upon them in order to take action against persons who do not take lying down many of the things which are done to them by the municipalities. For that reason we are going to vote against it.

Maj. VAN DER BYL: I am not going to take up the time of the House more than a few minutes. What worries me most seriously about this Bill is the power which it gives to what really amounts to individuals. The hon. member for Transkeian Territories has indicated that the members of the local authorities as a body, are not likely to be called upon to decide these matters. They are not always going to have a full meeting of the council before any decision is made, and therefore it places the most terrible powers in the hands of what may be a spiteful or dishonest individual. Most local authority officials are thoroughly honest men, and we are lucky to have the type of men who are prepared, for reasons of public service, to serve on local authorities, with no prospect of pay or getting anything out of it. I am not casting any reflection at all on the local authorities. I say that in 99 cases out of 100 the councillors are thoroughly honest and so are their officials. But, Sir, there are black sheep in every walk of life. One merely has to read the reports of the police courts to realize how often officials in certain positions abuse their position. We have seen case after case where the magistrate has clamped down heavily on some official for what amounts to extorting money from some Native. What is to prevent extortion by one or two individuals only out of these hundreds of local authorities and officials on an organized scale? What is to prevent extortion by some dishonest official or a clique of officials? It may happen and it has happened over and over again; it is no good closing our eyes to the fact. There is no doubt that local bodies in the main are guided by their officials and the Native's entire safety, his security and happiness may lie in the hands of some individual. This may be putting the whole career of what may be a completely honest and decent Native or even just a stupid Native in the hands of a spiteful or dishonest official, and, what is worse, this power may be put in the hands of somebody who has got into financial trouble and who is going to make this a source of income. We have seen case after case where magistrates have punished officials for dishonesty and taking bribes from Natives. That is why we on this side feel that we cannot let this measure go through without a final protest, and that is why I support most strongly the amendment moved by the hon. member for Transkeian Territories.

Mr. LEE-WARDEN: There are one or two aspects of this Bill that I would like to mention before this Bill is placed on the Statute Book, and one is the effect that it will have

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Natal, Bloemfontein, this is your only fatherland, this is our common fatherland and you Bantus have no other fatherland. I think that is the correct summary of their standpoint, and as soon as one adopts that standpoint it is simply a hollow cry on the part of the Leader of the Opposition to say: "Our policy is not a policy of equality; it never was and never will be our policy." Then his policy means only one thing, and that is eternal discrimination against the Bantu in his own fatherland. Is that their policy? But we will get just as little reply to that as we will get to the questions put to them by he hon. member for Stellenbosch (Dr. J. H. O. du Plessis). That is one of the reasons why I dare not return to the U.P., because no man who wants to have honesty in these matters can be satisfied any longer with these ambiguities, this double-talk, these inaccuracies which are being propagated, this animosity which is being disseminated just because they do not have the courage to say what their policy is. If one adopts this standpoint that this is the only fatherland of the Bantu, then the hon. member for Kimberley (City) (Mr. Oppenheimer) approached much nearer to the truth when at Oxford he propounded quite a new theory and an interesting one, a theory in regard to which he will have to be held responsible. What was his theory? That the division into separate residential areas, social segregation, is not a matter of colour in South Africa; it is purely a question of class. I will quote what he said—

> Until they are able on the whole to do that . . .

i.e. completely to abandon the tribal life of the Native—

> . . . until they are able to do that, and it would take many years, it will not be possible to avoid, and indeed it would be essential to maintain, not necessarily by law but by custom, a substantial measure of social and residential separation of the races. This separation, however, while in practice it would correspond broadly with racial division and must inevitably, I am afraid, be reinforced by racial prejudice, is in its essence not a question of race, but of culture, or if you like, class.

Then he continues to make it clear that this is nothing else but the old class divisions one found in England. I do not think this is an unreasonable interpretation of his speech when I say: "In other words, the position of the Bantu in South Africa to-day is precisely the same as was the position of the British worker in England some years ago." The social segregation, the residential segregation which existed, existed not on the ground of colour but simply because the working class was a lower class. He did not develop this further, but there is just one inference to be drawn from it, and that is that the Native in his own fatherland, that the Bantu here in South Africa, will have the same right to develop to full citizenship as the British worker had when he still formed one of the lowest strata in England. That is what the hon. member for Kimberley said in his lecture at Oxford, the gathering which had been organized by the Duke of Edinburgh. That is the only logical result of the policy of the U.P.

I proceed to mention another of the important reasons why I cannot again join the U.P., and that is their neutral attitude in regard to the incitement of the non-Whites in our country by certain sections of the English Press. I particularly want to refer to the *Rand Daily Mail*. The hon. the Prime Minister referred yesterday to leading articles in the *Cape Times*. But I am more intimately acquainted with the *Rand Daily Mail*, and I want to say that the *Rand Daily Mail* deliberately sets out to incite the Natives against the legal authority in our country. If ever there was a good example of that, it was its scandalous reporting of the riots in regard to the high treason case in Johannesburg. The picture they held up to the world was a one-sided and false picture, and it was a picture they could paint (people of their intelligence) only with the specific purpose of complicating the work of the police and undermining legal authority in the country. For years and at congress after congress, at conference after conference, and at one Executive after the other, I pleaded that the United Party should in heaven's name openly and publicly express itself as being opposed to the agitation of a certain section of the English Press. But they are still as callous about it as they were before. I have not heard a single word of disapproval from the Leader of the Opposition or from any member on the Rand against that misrepresentation of the position. Then the reply is usually: "But they are not our newspapers." The newspapers supporting the National Party are not their newspapers either, but they do not hesitate to condemn those newspapers when the latter do not agree with them. Whence this hesitation to condemn? It is true that those newspapers do not belong to the U.P., but it seems to me that it is becoming very nearly the truth to say that the U.P. belongs to those newspapers and that they do not dare to condemn the scandalous actions of those newspapers. Let me say this: As long as the U.P. refuses to condemn in round words papers like the *Rand Daily Mail*, the Reeves and the Huddlestons and others like them, for so long they should not complain when they are judged by their friends. For so long they should not complain if they cannot make further progress amongst the White population of our country.

These are main reasons why I cannot join the U.P. My political home can never again be with the Pilkington-Jordans, the Suzmans, the Copes, the Reeves, the Patons and the *Rand Daily Mail*. To try to reform them is a hopeless task, as the hon. the Leader of the Opposition will discover for himself. For me to go back and sit together with those people would be a denial of my whole being. I have

said that I come from a S.A.P. home. I first became interested in politics at Fusion and I always took great interest in politics, and my paramount interest was to try to bring together English and Afrikaans-speaking people.

I have decided to join the National Party. I want to tell the hon. member for Green Point that he and those like him will not rest until every moderate English-speaking person has joined the National Party, because it seems to me that is the only way in which that hon. member can keep his seat. In joining the National Party to-day, I consider that the great task which the National Party still has to fulfil is to bring together the English and Afrikaans-speaking people in our country. I belonged to the United Party for twenty years and I do not believe that the man who hates me most here—and there are many of them—can accuse me of not having fought strenuously to attain this ideal. During all the time I was in the U.P. I fought for the realization of that ideal of bringing together Afrikaans and English-speaking people. It failed, chiefly because of the refusal by the United Party to honour anything which is Afrikaans. And let me say this: that the National Party will fail equally in achieving that ideal if there is a lack of recognition of the English-speaking people in South Africa.

But I have already seen enough to know that there is no such lack of recognition in the National Party and that there will not be. I have not the least doubt that in the National Party nothing will be demanded from the English-speaking people which is not demanded also from the Afrikaans-speaking people. Mr. Speaker, I bid my colleagues on these benches au revoir temporarily. I say frankly that these were my happiest years in politics. Better friends, colleagues and South Africans cannot be found. I know one thing about them: Wherever they might land in politics, as far as these gentlemen are concerned, whether one differs from them or not, they are good South Africans who are willing to make sacrifices to the end.

I am going to join a party which I opposed for twenty years and, as some of my friends will know, opposed bitterly. I will not say that this is the easiest task I have ever had in politics. But, Mr. Speaker. I do so with the deep conviction that it is in the interest of South Africa, and I must also say that deep in my heart I feel happy to-day. I believe that every member of Parliament, every politician, should have a predominant task. The one has the predominant task of working on behalf of the worker, the other for the farmer, the other for a republic, the other for a flag. My predominant task in politics is to make an attempt to bring together English and Afrikaans-speaking people. I take that task with me into the National Party. Mr. Speaker, let me say this: There are tens of thousands of Frank Warings in this country and they feel just as ill at home in the United Party as Frank Waring and I felt in that party. We shall win them over; we shall attain that national unity on a broad national basis. With that, Sir, I conclude my speech and join the National Party. I shall pack my belongings and cross over to the National Party. There is, however, one more task I have to perform. I belonged to the U.P. for so long, that party with the clean hands, the high moral principles, the high moral code, that my conscience now pricks me for joining the National Party without resigning my seat. Well, Mr. Speaker, I wanted to do so, but how would the hon. member for Umlazi (Mr. Eaton) feel then? Therefore also in regard to this point I cross over to the national Party willingly and with a clean conscience. For twenty years I tried to keep the United Party in power and to get them into power. For the next twenty years I will try to keep them out of power.

Mr. HEPPLE: Mr. Speaker, until the hon. member for North Rand (Mr. B. Coetzee) rose to speak this afternoon, it was in order that we should be congratulating the hon. member for Hottentots-Holland (Sir de Villiers Graaff) on his maiden speech as the Leader of the United Party in this House. But now I have the additional task of congratulating the hon. member for North Rand on making, not what I will call his maiden speech as a member of the Nationalist Party, but on making his first speech as an official member of the Nationalist Party.

When the hon. member for Hottentots-Holland spoke yesterday he covered a very wide field and he spoke of a number of matters, and I must say that I agreed with him that the Government is guilty on so many counts that he was fully justified in raising so many points. However, I think this made it difficult for him to give full attention to some of the most burning problems of the country as he might have done yesterday. To my mind the most important matter is the question not of relations between White and White but of relations between White and non-White. That is the problem that is besetting South Africa to-day, the problem which we cannot escape. I think the hon. the Prime Minister himself realizes it, because, among a large number of other things he yesterday dealt particularly with this question of White and non-White relations. Unfortunately he dealt with it in his usual, tub-thumping style and without making any attempt whatsoever to deal with it on a statesmanlike level. The hon. member for South Coast (Mr. Mitchell) also referred to this question of race relations, as did the hon. member for North Rand; but I would like to bring the matter down to earth. I would like to discuss some of the specific problems that affect White and non-White relationships in South Africa to-day.

I would like to begin by telling the hon. the Prime Minister and his party that there is a growing number of White South Africans who are opposed to the policy of Baasskap, of White domination. They are opposed to it because they see in it the gravest danger to White

civilization in the African Continent. They realize that the time is long overdue for the White man to realize that he cannot continue to exist in Africa by assuming a role of master over the vast majority of the non-White peoples. Whatever the traditions of White South Africa may be, whatever the history, whatever the background may be, we are now living in the atomic age in the year 1957. We are living in a time when things are quite different from what they were even in 1956. And I say to the Prime Minister and his party that we dare not continue along the lines which his party is pursuing at the present time. This growing number of White South Africans who are prepared to hold out the hand of friendship to non-Whites does so understanding quite fully what they are trying to do. They do not do it from a sense of irresponsibility or stupidity, or of carelessness such as the Government would like to suggest. These people realize that if we are to make progress in South Africa we have to realize that the age of patronage has gone. The industrialization of South Africa has created a completely different situation for us in this country, and it is a situation to which this Government is not measuring up. That is what frightens the majority of the people, not only in South Africa but in the rest of the world.

Yesterday afternoon the hon. the Prime Minister spoke with a great deal of feeling about this question of race relations, and he spoke almost as if it is treachery for people to suggest that there should be some form of harmony and closer relationships between White and non-White in South Africa. In the course of his speech he criticized the role of the Press in South Africa and he quoted things that had been written in the South African English Press as far back as 1952. He quoted those things in order to show what so-called irresponsible people were saying about the question of race relations in South Africa. In this respect the hon. the Prime Minister referred to one article that appeared in the *Cape Times* on 15 August 1952. This article said: "The slogan Taxation without Representation is being forced down the throats of an aggrieved community". He took exception to that statement. But the statement is perfectly true. There is taxation without representation in South Africa. There is taxation of the non-Whites; taxation in which they have no say. As a matter of fact, we heard in the speech from the Throne that we are going to have further legislation this year imposing taxation upon the African people. That is taxation without representation! How can the hon. the Prime Minister say, as he did say—

> I say a newspaper that can spread poison like this in the minds of the non-Europeans must be branded as one of the dirtiest slanderers of South Africa and one of her greatest enemies.

Dr. J. H. O. DU PLESSIS: But surely they are represented in the Senate and this House?

Mr. HEPPLE: Surely the hon. member for Stellenbosch (Dr. J. H. O. du Plessis) does not call that representation?

Mr. MENTZ: Do you want direct representation?

Mr. HEPPLE: Of course we want direct representation. I have said so before in this House. I have said that inevitably we have to have direct representation of the non-Europeans in this House, and not the steps that the Government is taking, where they even refuse the Coloured people direct representation. The frame of mind of the Government Party is a frame of mind that is so dangerous to-day. I say that it is this situation that is causing all the trouble that South Africa is having to-day. The Government complains about the stories that are carried in the Press; the Government complains about the attitude not only of the Press overseas but of the United Nations and of other members of the Commonwealth. But it is time that the party in power realized that it represents a minority point of view in regard to race relations. It is an absolute minority point of view and it is even a minority point of view in South Africa. It is certainly not a majority point of view. The Government takes offence because it is in the minority and because other people disagree with them. When overseas countries criticize the racial policies of South Africa they do so because, like me, they do not like the racial policies in South Africa, and I think they are perfectly entitled to talk about it, just as we in South Africa are perfectly entitled to criticize the policies of other countries and other members of the Commonwealth. This House is always nervous and afraid to openly and freely discuss this frightening problem of race relations. That is why I was disappointed that the hon. the Leader of the Opposition did not take his first opportunity as Leader of the Opposition in this House to discuss this matter more fully than he has done. The article in the *Cape Times* about which the hon. the Prime Minister complained yesterday also referred to the attitude of the Government in dealing with the non-European peoples. But is it not true that the attitude of the Government towards the non-European people is not to consult with them but to use strong arm methods where the non-European people are concerned, to cast them aside; to treat them with contempt? Only last week he had an illustration of this when the hon. the Minister of Transport was asked by a deputation from the City Council of Johannesburg to try and arrange round-table discussions in an effort to find some way of solving this question of bus fares from Alexandra Township to Johannesburg that had led to a bus boycott by the non-Europeans. What was the answer from the Minister of Transport? Instead of being con-

ciliatory and accepting his role as a Minister of State and trying to find a way out of the difficulty, the Minister gave six points in reply. The Minister of Transport said, first of all—

> that the Government would not be intimidated.

But the Government was not being threatened by anyone. They were not being intimidated. Secondly, he said the Government was not prepared to intervene. But why not? Why should not the Government try to resolve the problems of the country? Then the Minister suggested ways of breaking the boycott. He said—

> Employers could help to end the boycott by refusing to pay for time not worked by Natives taking part in the boycott and who arrived late for work because of this. Misguided members of the public who are giving lifts to Natives to and from the locations should be prevailed not to do so. If the employers wished to increase the wages of the Natives it is their own affair.

And this is an ex-Minister of Labour, who knows very well that a casual statement like this will not bring increased wages to the Africans, nor will it bring industrial peace as the hon. member for Cape Eastern (Mrs. Ballinger) so correctly remarked. Finally the Minister of Transport said that—

> He had instructed his Department to take action against any contraventions of the Motor Carriers Transportation Act.

Dr. VAN NIEROP: Hear, hear!

Mr. HEPPLE: The hon. member for Mossel Bay (Dr. van Nierop) says Hear, hear, but he is a great believer in using strong arm methods where the non-Europeans are concerned, and he supports the attitude of the Minister. But, let me say, if these were White voters who were boycotting the buses and who were protesting against an increase in bus fares, the Government would very soon be running around trying to fix things up, because those people would have the power to vote them out of office, they would have the power to punish them for their heartless and careless attitude on matters of this kind.

Dr. VAN NIEROP: You would not find Coloureds taking them to work.

Mr. HEPPLE: The hon. member for Mossel Bay can be as annoyed as he likes about this matter. I quite understand that he feels humiliated in the position in which he finds himself. The position in which he finds himself is this, that he is only concerned with the minority of the minority in this country; he is not concerned about the sufferings of the majority of the people because he does not have to go to those people for a vote. He is absolutely cynical about the sufferings of people as long as they have not got a vote. But if those were White people or if they were people who had the power to vote against the Government he would soon be doing something about it. Wage earners, the working people who earn little enough money as it is, have to use whatever weapons they can in order to protect their position. It is nothing new for workers to boycott buses because fares have gone up. It is not new for workers to go on strike and to protest because they find it difficult to protect their economic position when everything is going up in cost and wages are going up too slowly.

For the edification of hon. members like the hon. member for Mossel Bay I would like to quote what the African people themselves say about this matter and how they see the position—

> In reply to the Minister of Transport the African National Congress said that the fact that thousands of people had been driven to boycotting the buses in Johannesburg and Pretoria at considerable suffering and discomfort to themselves is a reflection in itself of the failure of the Government policy to meet even the minimum economic needs of the African urban workers. Neither the boycotters nor those who offer them lifts are criminals. It is not an offence for people to walk to work when their fares rise above their ability to pay. Insults, threats and persecution can serve only to work up hatred for the Government which ignored the hardships of the boycotters and made no move to effect a satisfactory settlement.

I think that statement by the non-White people is far more rational and reasonable than that of the Minister of Transport. I say more shame to our Government that it is left to the voteless non-Europeans to act in a statesmanlike manner over a question such as this.

We had another case last year of the attitude of the Government. A deputation of Africans came to Cape Town from the Johannesburg Locations Advisory Board. They wanted to see the Minister of Native Affairs in connection with some matters, but the Minister refused to see them. He does not want to meet the representatives of the people, so they left Cape Town without being able to meet the Minister. The Minister's approach to those whose interests he is supposed to serve in this House is to arrive in state and depart in state and never to come into contact with the ordinary people. I want to ask the hon. the Minister of Native Affairs what contact has he got with the ordinary urban African? Does he ever have an indaba with the ordinary urban African? Of course not. He considers it beneath his dignity. He likes to describe the chosen leaders of the African people as agitators, as irresponsible people, and on that pretext he refuses to meet them. How can the Government administer the affairs affecting these people if they make no real contact

with the people? They seem to make it a specific objective of theirs to spurn and to ignore the overtures of the non-White people.

Mr. Speaker, let me now come back to the question of the Press, about which the hon. the Prime Minister spoke so vehemently yesterday. The Prime Minister attacked the English-speaking Press by name. He mentioned the *Star*, the *Argus*, the *Cape Times* and the *Sunday Times*, and he attacked them because he said they are always giving publicity to the views of the Liberals and of the left-wingers and people of that kind. He said that they give publicity to such views in order to stir up the non-Europeans against the Europeans, and then he proceeded to evolve some philosophy of his own that the English Press is responsible for the worsening of relations between White and non-White. What exactly was behind the speech of the hon. the Prime Minister yesterday when he referred to the English Press in South Africa as being slanderous of South Africa and as being South Africa's greatest enemy? Was he hinting that there is going to be a curb on the Press in this country? That he is going to interfere with the freedom of the Press in this country? Was this a warning to the English Press in South Africa that unless they toe the line, that unless they do what the Nationalist Government wants them to do they are going to be curbed and censored? It seems to me as if the Prime Minister was using the instrument of intimidation against the Press of South Africa, and I say that I have no hesitation whatsoever in defending the Press in this country.

Dr. VAN NIEROP: Even the lies?

Mr. HEPPLE: The hon. member says "Even the lies". If the hon. member wants to raise the question of lies, let him do so. I am no greater admirer of lies than is the hon. member—but of course the hon. member's definition of lies is quite different from mine. His definition of lies is things that he does not like. Everything he does not like is a lie. A free Press is an essential to a free society and we have to defend the freedom of the Press in this country. I do not agree with a lot of things the Press says, and the Press says a lot of unkind things about me and my party. They often refuse to publish things we think they should publish and we complain very often that we get a raw deal from the Press. At the same time we must recognize the fact that the Press must remain free, and unless the Press is free God help democracy in South Africa. Let me say that the very things against which the hon. the Prime Minister complained yesterday are the important things which the Press has got to preserve in this country. The Press has to give publicity to unpopular views; it has to give publicity to minority views. It is the duty of the Press in this country, even at the risk of offending the Prime Minister and his Government, to say the things that should be said about race relations. . . .

Dr. VAN NIEROP: But not misrepresent them.

Mr. HEPPLE: Of course not to misrepresent them. But I have already referred to one of the matters quoted by the hon. the Prime Minister and which is not misrepresentation. The hon. the Prime Minister need not talk about the English Press being the only guilty ones about misrepresentation. It is not a question of misrepresentation at all. The question is that the Press is there to state the facts, and that is the duty of the Press. If the Press refuses to publish the views of Alec Hepple then the Press would be guilty of an offence against the expression of democratic views in this country. And if the Press refuses to publish events concerning the non-European majority in this country because it might give South Africa a bad name overseas, then I would be the first to attack the Press and say that they were guilty of misrepresentation by suppression. Let the Press state the facts and let the people judge, but do not let us start attacking the Press and suggesting that the Press should be curbed or suppressed merely because the Nationalist Party does not like the views expressed by that Press.

This question of the Press is one of the most vital aspects of South African society to-day. It is essential for healthy and true government that the party in power should constantly be challenged and questioned not only by the opposition parties but by the Press. The Press are the watchdogs of democracy, and it is the duty of the Press to constantly challenge the Government and to constantly give publicity to the activities of the Government and its Ministers and its authorities. That is the only way we will build and maintain a healthy society in this country, and I will always support the Press when they give publicity to all kinds of views. If the hon. members on the Government side of the House are afraid of distortion then, I say to them, let them be watchdogs and let their Press also be watchdogs and let their Press deal with the question of misrepresentation wherever they may find it. But do not let them start interfering with the freedom of the Press. The hon. member seems to want a curbed Press; he wants conformity to the views of his party. When he does not like things that appear in the Press he says it is distortion. He wants the Press to black out dissenting views. He wants the Press to have nothing to say about the policies of apartheid, of White domination. He wants them to have nothing to say about bus boycotts; he wants them to have nothing to say about non-European movements, about the activities of the non-White peoples who, after all, have no representation in this House.

Mr. Speaker, I have not sufficient time to deal with that matter further, and I want to deal with two other points. First of all I want to deal with a matter that was raised

by the hon. the Prime Minister yesterday when he quoted an article in the Sunday Times which said that the United Party is moving to the right. The hon. the Prime Minister said he hoped it was so, because he felt that if the United Party were to move to the right and closer to the viewpoint of the Nationalist Party on the Colour question, they would not only be doing a service to White South Africa but they would also be doing a service to the White race generally. I hope that the United Party will not fall for this little trick aimed at converting this Parliament into a one party Parliament. This is a beautiful device that the Nationalist Party would like to see succeed. They would like to frighten the major party of the opposition into accepting their standpoint on the Colour question. I ask, as I have asked in this House before, if that happened what sort of a Parliament would this be? Because, on any other question there is very little difference; nothing that could not be settled over a cup of tea—or coffee. The other differences between the two major parties in this House—apart from the colour question—are so slight that they could quite easily be settled in five minutes.

Dr. J. H. O. DU PLESSIS: Would you like the United Party to move to the left?

Mr. HEPPLE: The hon. member asks whether I would like the United Party to move to the left. I would like the whole House to move to the left.

The MINISTER OF THE INTERIOR: One party?

Mr. HEPPLE: The Minister of the Interior said we would have one party, but if he looks at other parts of the world where there are socialist and labour parties he will see that there is not one party but parties of different degree. But I am now digressing. I say that the Prime Minister pleaded with the United Party to convert this House into a one-party House and I hope that plea falls on deaf ears.

I now come to a final matter which was briefly referred to by the hon. member for North Rand (Mr. B. Coetzee). I want to refer to the incidents which took place outside the Drill Hall in Johannesburg before the treason trials took place. Before I do that I want to deal with a matter affecting the hon. member for Cape Western (Mr. Lee-Warden), who is one of the accused in the treason trial now taking place. Yesterday the hon. member had a question on the Order Paper, which he put to the Minister of Justice in relation to his mail. He was first arrested at 3 o'clock in the morning and placed in a military aircraft and flown to Johannesburg and held in the fort there. He asked the Minister of Justice a question regarding the censorship of his mail while being held at the Fort. The Minister replied that at first the letters to the prisoners were read by the superintendent at the Fort, but this was stopped by the Director of Prisons when the matter was brought to his notice. Sir, let me give the House the full facts, as they have been supplied to me by the hon. member for Cape Western. The hon. member has written me a letter pointing out that what actually happened was something quite different. When the prisoners wrote letters to their wives and families, those letters were taken to the Special Branch. The Special Branch, the political police, interfered in the domestic affairs of the Prisons Department and took control of these letters, and not only did they open them and read them but they underscored a number of passages in red and the letters were sent back to the Fort. The prisoners were called out and told by the superintendent that they had to remove these offensive passages from their letters or otherwise the letters would not be despatched, or else the Special Branch themselves would delete these passages. [Interjections.] I have not finished the story yet. What happened then was that the prisoners saw their attorneys, and their attorneys told them that the Special Branch had no right to intercept their mail, and so they stood on their rights and the superintendent went to the trouble to get into touch with the Director of Prisons. The Director of Prisons was of course annoyed. He was extremely upset at this interference with his Department.

An HON. MEMBER: How do you know?

Mr. HEPPLE: He gave immediate instructions. He realized that the Special Branch had exerted powers over the Superintendent and made him do things that were irregular. Then the superintendent, because he had been rebuked by the Director of Prisons, called the prisoners in and said he was very sorry that this had happened and he asked them to sign a document saying that they would make no claim against the Prisons Department for the steps that had been taken in interfering with their mail. Very nice. This is all contained in a letter I have received from the hon. member for Cape Western.

An HON. MEMBER: But is it the truth?

Mr. HEPPLE: The hon. member asks whether it is the truth. I am glad he asked that question. I would like to suggest that we take steps to find out what is the truth. I do not want the House to accept my word or the word of the hon. member for Cape Western. I am going to ask the Minister to take the necessary steps to investigate this matter and to hear the evidence of both sides and let us have the facts. I think it is absolutely essential, because this ties up with the next matter I want to raise, namely the increased powers of the Special Branch in South Africa. Let us remember that the Special Branch of the Police is a security force. They are political police and they are supposed to deal with matters of security, but they are now taking increased powers and interfering with all kinds of activi-

ties, especially activities where there are Whites and non-Whites jointly concerned.

I want to quote the case which happened in Port Elizabeth last week, in which seven men were charged in the magistrate's court with having taken part in a procession. When they appeared before court, their attorney asked why it was necessary for the Special Branch to interfere. The attorney said there must be something sinister behind the actions of the police, because these men were charged under a municipal by-law affecting traffic. But it was the Special Branch which took the action against these people. Last Saturday we had another instance in East London. A concert was held by the African National Congress, at which four White members of the Liberal Party were present. The Special Branch arrived and they brought with them a revenue officer. They invaded this concert and seized the entrance tickets and the money and said that the reason for the raid was an alleged infringement of the provincial tax laws. The political police are now taking in hand the municipal by-laws and the Provincial taxation laws. They are making everything their business. What is the reason for that? It is a very simple one, and that is to create the general impression in South Africa that there is something sinister going on where such gatherings as these take place.

Now let me hurry on with the question dealt with by the hon. member for North Rand, a matter about which I know something, namely the incidents outside the Drill Hall when the treason trials first began. I say that the events as I witnessed them outside the Drill Hall in Johannesburg are a disgrace to South Africa, and I was not the least bit surprised that we got such a bad Press throughout the world. The scenes there would have shocked the least susceptible member of this House. I have a large number of affidavits here by people who were assaulted by the police, people who were kicked when they were on the ground and people who were badly treated. I do not want to deal with that matter in this House. I want to repeat what I asked at the time. I ask the Minister of Justice now to appoint a judical commission of inquiry into the events that took place outside the Drill Hall in Johannesburg. We want to know why it was necessary for the police to use firearms and why they had to shoot in a crowded street where thousands of people were assembled, as the result of which people were wounded. I want to say that if it had not been for the presence of mind of Col. Grobler, there would have been wholesale bloodshed on that day.

The MINISTER OF JUSTICE: Is he not a policeman?

Mr. HEPPLE: Of course he is a senior officer, but his example was not followed by some of his junior officers and by a number of the constables. The situation got completely out of hand. But my time is limited. I do not want to go into the details of it here and now. I want to make an appeal to the Minister of Justice to do what is absolutely necessary, and that is this. The Minister of Justice must have a judicial commission of inquiry appointed into this incident. I want to tell the Minister that there is a mass of evidence he can draw upon. He can get evidence from the police, from bystanders and businessmen in the area, and from the Pressmen. There are incidents that happened outside the Drill Hall that call for an inquiry. It affects the matter I raised earlier, the freedom of the Press. I saw Pressmen, cameramen, mishandled by the police. I saw them arrested and later released without any explanation. I myself asked an officer in charge why a certain Press photographer had been arrested, and he said it had nothing to do with me. I then asked who gave the order for the arrest and he said he did not know, but then he ordered the release of the man who had been arrested. It is a matter that has to be investigated. It seems to me that some of our police become very jittery whenever they see a camera. I do not know what their worry is, but immediately they see a camera they want to get rough with the cameraman. We had another unpleasant incident last Saturday night when photographers were assaulted, and I understand they have laid charges against the police. These are the matters that I am asking the Minister in justice to all concerned, in justice to the authorities and those who were assaulted, to have investigated by a judicial commission of inquiry, and let us get at the facts.

These matters I have raised here this afternoon I have raised in order to try and illustrate to this House this burning question of race relations in South Africa. It is no use this Parliament having a sham fight on the question. It is no use this Parliament being afraid to discuss these unpleasant things. We are far beyond that point. As I said in the beginning, the question of White and non-White relations is a most important one and it is for this Parliament to solve it. I do not agree with the hon. member for South Coast (Mr. Mitchell) when he says there is growing up in the country an anti-White movement, a hatred for the White man. I think the Prime Minister said the same thing. My experience is the reverse, that the non-White is still friendly and co-operative and willing to work with the White man. I do not find this hostility towards the White man. I only find an aloofness on the side of the White man. I am prepared to take members of this House to any number of gatherings of non-Whites and they will find that the spirit is one of friendliness and not one of hostility, and I want members of this House to get it out of their minds that there is hostility on the part of the non-Whites against the White man. But it will develop if we continue in the attitude which is being adopted particularly by the Government in relation to non-European affairs.

I close by making an appeal to the hon. the Prime Minister and the members of his party

to realize that the questions which they seem to dislike to discuss must be discussed in this House. The essence of a democratic Parliament is that these matters must be put on the agenda and discussed in Parliament. They must be thoroughly discussed and solved by members of this House.

*The MINISTER OF THE INTERIOR: I shall not succumb to the temptation to reply to the hon. member who has just sat down, except perhaps to make two observations. The first is that it is now obvious that in the next election the Native Representatives are going to meet with opposition from the dwindling Labour Party! The second is that if the other portion of his speech, which will be replied to by other Government members, displays the same logic as the one observation addressed to me, then I think we cannot have a very high opinion of the logic of the hon. member for Rosettenville (Mr. Hepple). He has warned the Leader of the Opposition not to heed the honeyed words to swing to the right because that would mean that we would then have a one-party state in South Africa. Someone asked him whether he wanted the United Party to swing to the left. He replied that he would like to see not only the United Party, but the whole of the House, swing to the left. In other words, if everyone swings to the right, we shall have a one-party state, but if everyone swings to the left we shall not have a one-party state. That is an example of the logic that we have heard here.

Let me rather deal with another subject. It is my pleasant duty to congratulate the hon. member for North Rand (Mr. B. Coetzee) on the courageous step which he has taken to-day. I want to assure him of a hearty welcome in the ranks of the Nationalist Party. We feel that he has come to-day to the end of two roads. The one is the path of the Conservative Party; the other is the path which he thought he could follow via the United Party, in other words the road which will result in bringing the English- and Afrikaans-speaking sections together. That road via the United Party also came to an end for him to-day. But I want to give him the assurance that in the Nationalist Party that road is not closed on him. Since he has said to-day that that is the main principle on which he wants to take his stand, we hope that he will be able to do so in the Nationalist Party and we want to congratulate him on the fact that he has come to help us to obtain co-operation between these English- and Afrikaans-speaking people who share the same inner convictions with regard to the important issues facing this country. At the same time his action here to-day is proof of moral courage. It also serves to reply to one of the three points contained in the motion of no-confidence. If ever there has been an immediate reply and a practical reply and if ever an object lesson has been given as to how the United Party, in spite of its attacks on the Nationalist Government, the accusation that it does not stand for national unity, has failed, whatever its ideals might have been, to bring about national unity, then it was the hon. member's action in crossing the floor of the House. That is the first reply therefore to the motion moved by the Leader of the Opposition. But there is a second task that I should also like to discharge, and that is to associate myself with the Prime Minister's congratulations to the Leader of the Opposition, and I do so more particularly on behalf of the Cape Province.

We in the Nationalist Party are naturally much more concerned about policy than we are about a leader. Nevertheless, in the composition of our democratic Parliament, the Leader of the Opposition is a very important person, not only to his Party but to the House, to the Government and to the country. It is of great interest to us that we should have a Leader of the Opposition who will act with a sense of responsibility. When we have a Leader of the Opposition who can act with a sense of responsibility, it is an asset and a boon to the House and to the Government and the country. We appreciate the hon. member's difficulties. We know that he is batting on a particularly sticky wicket. As he himself said yesterday in respect of the Minister of Finance, a new broom sweeps clean. He is also a new broom.

*An HON. MEMBER: A new "Graaf" (Spade).

*The MINISTER OF THE INTERIOR: We are only too well aware of how much there is to sweep clean in the house of which he has now become the head. It is a pity therefore that we heard nothing new yesterday from the Leader of the Opposition. Here he has missed an opportunity perhaps not only to show the country that he is capable of attacking but also to give the country a positive exposition of his own policy which he, as new leader, proposes to submit to his Party. But we heard nothing in that connection. In spite of that, I want to say that although his beginning was uncertain and although he has already stumbled a few times, we do bear in mind the fact that he has been the leader of that Party for scarcely two months. We shall therefore, in terms of the Prime Minister's instructions, deal with him leniently. We are prepared to give him a sporting chance and not simply to judge and to condemn him but to wait and see whether our expectation that we are now going to have a more responsible Opposition, will not perhaps be realized.

Let me just add this. One matter which he raised was the position of the Senate. I just want to say that according to the Order Paper there will be other opportunities for the Government to express its views in greater detail in respect of the future of the Senate. At this stage, however, I would merely say that the Senate has been appointed for five years and to my mind it would be politically

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into the industrial life of the country, that there will be more and more claims and more and more cases where non-Europeans will be recommended by their trade unions to serve on the Wage Board. Taking into consideration the conditions in our country you can imagine what terrible racial friction this would cause if such a state of affairs were allowed to develop. To me it is not a question of the superiority of the Europeans over the non-Europeans; to me the cardinal principle is that we shall let loose so much racial friction if this system is not amended that the good relations between the European and non-European workers will be completely destroyed. The results will be to the greatest detriment of that racial peace which we strive to maintain in industrial affairs and which we have up to the present maintained with the greatest success. The point at issue is not to allow opportunities to be created which may give rise to friction in the ranks of our workers, and particularly between European and non-European workers.

But, Mr. Speaker, it may be argued that since, according to the Industrial Conciliation Act, non-Europeans may serve on the industrial board and since it is justified in that case, why is it not justified in the case of the Wage Board? This is an argument which may be advanced and one which, I am prepared to accept, has already been put forward. But I should like to draw attention to the fact that the Industrial Board is not appointed by the Government but by the parties concerned. It is an arrangement between the parties, the employees on the one hand and the employers on the other, and it is not the Government as such that appoints the industrial board, while in the case of the Wage Board that body is appointed by the Government; and because it is a body appointed by the Government I fail to see, in view of our apartheid policy which is the official policy of our country, how the Government can ever allow non-Europeans to serve on that body. That, to my mind, is the answer to that particular question, particularly if it is borne in mind that non-European members serve on the industrial board.

In closing, I want to mention one more aspect and then I think I shall have given an adequate reply to the objection raised by the hon. member. We shall completely disturb the good relations between Europeans and non-Europeans in our industrial affairs if the Government allows non-European persons to serve on a Government body such as the Wage Board. Thus where this tendency has been revealed the Minister has taken the timely step of creating precautionary measures so that such a state of affairs will not again be possible. Finally it may be contended that our Native workers lack adequate machinery to draw attention to their wage problems. Such an argument may be advanced and in the light of such a possibility may I, in anticipation, point out that in the first place, in terms of the provisions of this law, the Native workers still have the opportunity of submitting their representations directly to the Minister and of applying to him for an investigation, and if such an investigation is permitted those Native workers have the opportunity of appearing before the board to give evidence. They therefore have the means. In the second place I want to draw attention to the fact that the Wage Board always sends copies of assignations to the Central Native Labour Board and the regional committees under the Native Labour (Settlement of Disputes) Act of 1953 and those committees represent the Natives during investigations.

There is therefore the necessary machinery created by the State to give the Natives adequate opportunity of bringing their representations to the notice of the Minister. To sum up, I just want to say this in conclusion. These measures are designed in the first place to promote the smooth working of the Wage Board and in the second place to give effect to the definite policy that this Government will see to it that non-European members are not allowed to serve on an important board such as the Wage Board which is a Government body; and in the third place, with the amendments which are now being introduced here, that the work of this very important board is greatly expedited.

Mr. HEPPLE: Mr. Speaker, one always welcomes a Bill to bring old laws up to date, and for that reason one cannot object to the Minister bringing forward his Wage Bill, particularly as we amended the Industrial Conciliation Act last year and certain consequential changes have to be made in the Wage Act. But I cannot understand why this Government, whenever it does one good deed, must do a couple of bad deeds to offset it. Why the Minister took this opportunity to spoil a piece of good work by taking away old-established rights, I just cannot understand.

The Minister, in introducing this measure explained that some of the changes were necessary, but the more he spoke the more I realized that the Wage Act has been working fairly well over the years, but the Government was not satisfied and now wanted to do something to impose some of its own peculiar policies on to the Wage Act. The Minister did not convince me, as he convinced his own party, that there was any necessity for him to make some of the important changes he has made in this Act. I cannot see the need for them. The Minister argues in a peculiar way and I will deal with some of his arguments as I go along. The two important changes that the Minister introduced here are first that he takes away the right of trade unions to nominate additional members on the Wage Board, and the second is that he takes away the right of trade unions and employers' organizations, or groups of employees or groups of employers, to set in action the machinery of the Act. These are very important rights, and I cannot understand the Minister's

reasoning when he says that because they have not been used often therefore these rights should be taken away.

The MINISTER OF LABOUR: Those were not the only reasons I gave.

Mr. HEPPLE: No, but they were the main reasons. Something which needed to be done many years ago is at last being tackled by the Minister, and that is to speed up the work of the Wage Board. The Wage Boards have never functioned properly in this country, because they acted so slowly. The Minister is to be congratulated because he is doing something to delegate the powers of the board and divide the work of the board to see that the work of the Wage Board is speeded up. It has taken the Government nine years to get so far, but the Minister has to be congratulated on doing so.

I want to deal with the two important changes the Minister has introduced. First of all, I want to take Section 4 of the existing Act which is now being amended. Section 4 endows the workers and employers with certain very important rights. Section 4, as it reads at present, says, "subject to the provisions of this section it shall be the duty of the board, on application to it (1) by any trade union or employers' organization or (2) where no trade union or employers' organization exists, of any number of employees or employers, to investigate and report to the Minister concerning the trade or section of the trade in the area specified in that reference or application." In other words, the present law provides that either a trade union or a group of employees can go directly to the Wage Board and ask for an investigation, and it shall be the duty of the board to conduct such an investigation. The only proviso is that the board shall inform the Minister of such application. Now this is a very important right.

An HON. MEMBER: They never exercised it.

Mr. HEPPLE: The hon. members says they never exercised that right, but that is quite untrue. Of course they tried to exercise it, the only trouble being that in the majority of cases, because the Wage Act applies to unorganized workers they had no proper facilities to take advantage of this right. If one has to follow the hon. member's logic, the Government should now deny everyone the right to a passport because they have not exercised that right up to now. The fact that a right has not been exercised does not mean that that right is not necessary. It must be there and it is a very important proviso. I cannot understand why the Minister finds it necessary to remove this important right. The conditions of 1925, when the first Wage Act was put into operation, and 1937, when it was amended, are vastly different from the conditions existing to-day. A comparison between 1937, 20 years ago, and now, shows that conditions are vastly different. In 1937 there was a large number of Europeans who were unorganized and whose conditions of employment had to be taken care of. That situation has been largely remedied in the last twenty years as the result of boom conditions that have existed in South Africa. But there is another very important factor, and that is that the number of non-Europeans in private industry in South Africa multiplied two and a half times. The number has increased from 145,000 in 1938 to 363,000 in 1952. There is a further important consideration, namely that the non-European workers of 1937 were mostly illiterate workers, workers who were unable to know what their rights under the laws were and who were unable intelligently to make use of a law like the Wage Act. But the position is quite different in 1957. The number of articulate non-European workers who are anxious to use this machinery has grown very rapidly, and such workers would, from this point onwards, make increasing use of the Wage Act, and they would do so in spite of the clumsy provisions of the Native Labour (Settlement of Disputes) Act, which almost prevents them from making proper use of the Wage Act. It virtually blocks their access to the Wage Act excepting through officials of the Department of Labour. It prevents their autonomous use of this machinery. I want to draw the Minister's attention to another very important aspect of the matter. It is this, that there was a very good reason why the 1937 Act provided two channels of communication. The 1937 Act had two alternatives in Section 4. The one was that the Minister could set the machinery in operation, and the other was that representations of employees direct to the Wage Board could achieve the same purpose. And there was a very good reason for that. Workers were worried at the time that they would be prevented, through the caution of Government officials or through an unsympathetic Minister, from getting their rights under the Wage Act. For that reason provision was made that workers could have access through two channels. If they came up against a Minister who considered that he did not think there was any necessity for an investigation, they could go directly to the Board. That was a very important protection afforded to the workers. It is no argument for the Minister now to say that the provisions were rarely used and that that is a reason why they should be taken away. I hope the Minister will give serious consideration to these important points.

Mr. Speaker, when I mention the large number of unorganized workers who are affected by the Wage Act and stress the fact that the majority of them are non-Europeans, I do so because I want to stress also the fact that these amendments which the Minister is bringing forward do not facilitate the use of this legislation by non-Europeans, or should I say, only to a very small degree. They do not facilitate the use of this machinery and I think it is very important that they should do so. Let me give the Minister an illustration. The

Wage Act has to provide for people who are not protected under the Industrial Conciliation Act, unorganized workers who have not the machinery for collective bargaining. Let us take the mining industry. Of the employees in the mining industry, 90 per cent are non-Europeans. Would the Minister, on the application of a group of African workers, order an investigation into their conditions of employment in the mining industry? After all, those are some of the people whose interests we are supposed to protect. Will the Minister tell me how the majority of the workers in the mining industry, 90 per cent of them, are going to have their conditions investigated under the Wage Act? If the Minister feels so inclined, he can order it. Under the Bill before the House the Minister is the only one to decide. I want to ask him what is going to prompt him to investigate the conditions of the majority of workers in the mining industry. It is important. It is no use producing amended legislation pretending that it would improve the existing law when in fact it will make no improvement at all in so far as an important industry like the mining industry is concerned. Sir, the Wage Act should be the workers' charter. The Wage Act, as it was originally conceived, was an Act to ensure that no worker in South Africa, irrespective of colour, would be exploited or underpaid. Whatever the shortcomings of the existing legislation may be, the proposed changes are not only not going to ameliorate the sufferings of a large number of workers in this country, but will make it even more difficult for workers to get justice. Under the provisions which enable the Minister to make new exemptions it is possible that the conditions of workers might well deteriorate. I think I should quote the figures in this House, that in the past the investigations of the Wage Board have resulted in determinations affecting not a large number of workers but a small number of workers in this country. But it is the race ratio of those workers that is most interesting. I am reading now from the report of the Department of Labour for the year ending 31 December, 1954, under the section dealing with the Wage Board, where it says—

> The number of employees, in industries, trades and undertakings regulated by determinations during the years 1937 to 1954 show that only 27·4 per cent of those employees were White, 56·4 per cent were Africans, 5 per cent were Asiatics and 11·2 per cent were Coloured.

In other words, 73 per cent of the workers affected were non-Europeans. I think on the basis of those figures the Minister should have made his approach to the amendment of this Act. In other words, he is providing machinery here, in the main, for non-European workers. For that reason it surprised me to hear the Minister say that it was most important for him to see that under no circumstances could a non-European person be nominated to serve on the Wage Board. Then he gave some of his reasons for that. He said it would be terrible if a non-European could cross-examine witnesses, especially if the witnesses were White. How does that square with the Government's continued protestations that their policy of separate development is one of justice and not one of discrimination? The hon. member for Salt River (Mr. Lawrence) was quite correct in posing the question to the Minister that if it is to be a question of justice, why not a wage board with non-Europeans, considering that they will deal mainly with the conditions of non-Europeans; because that would be consistent with the Government's avowed policy of separate development and justice. I do not approve of this, of course. I do not think you can have racial discrimination in the economic sphere, and neither do hon. members on that side, I am sure. But if the Minister wants to be logical he should listen to the words of the hon. member for Salt River and see that he applies this separate development with justice in the sphere of wage boards. I hope the Minister will deal with that important point.

The Minister, in dealing with the objection to his taking away the right of the trade unions to nominate additional members to the Wage Board, has said that he has covered that by providing under Clause 3 (a) for the appointment of one or more assessors. Of course the Minister knows that these assessors are not at all comparable with full appointments to the Wage Board. They can act only in an advisory capacity; they are not full members of the Board. They will have no say in its decisions. They will not be entitled to submit minority reports which are always very valuable in the recommendations of wage boards. Finally, they will not be able to participate in the general activities of the Wage Board. I mentioned earlier that there were certain welcome changes and improvements in the Bill, and I admit to the Minister that I welcome these changes. I think they are absolutely necessary and I am glad the Minister has brought them forward. I am glad the Minister has provided that there will be divisions of the board with full powers in order to speed up the work of the Wage Board. That is long overdue and very necessary and we welcome it. I also welcome the provision in Clause 9 (3) which empowers the board to accept oral evidence. As I said before, as the majority of workers affected by this Wage Act are unskilled workers, the most lowly paid workers, and in the majority of cases are non-Europeans and illiterate, it is to be welcomed that they will be entitled to submit oral evidence in future. I am quite sure that once they understand that they have this right the board will get a considerable amount of evidence from persons who are unable to submit written evidence. At present the Wage Board usually asks for six typewritten copies of evidence. Of course many of the lowly-paid illiterate workers cannot submit typed evidence and provide six copies. For that reason I also welcome this amendment. There is however a certain amount of uncertainty which the Minister has not yet cleared up. In

Clause 8, read with Clause 17, I would like to ask the Minister whether the exemptions of certain areas from the agreement will be a means of applying lower rates of pay on the ground of race or colour. The Wage Act provides that the Wage Board cannot discriminate on the grounds of race or colour. But this provision can be evaded, if the Minister makes an exemption on an area basis. We have the classic case of the clothing industry where employers, in order to evac the law and the employment of Europeans at higher rates of pay, established their factories in rural areas, where they employed non-Europeans at very much lower rates of pay. Under the exemption clause, i.e. Section 19, it may be possible for exemptions to be granted on an area basis, which will achieve the same purpose of evading the proviso presently existing in the Act, thus making discrimination possible on the ground of race or colour. I hope that the Minister will examine this point and reply to it when he replies to the debate. Section 19 says—

> Whenever application is made in the prescribed form and manner for the exemption of any person or class of persons from all or any of the provisions of a determination. . .

The exemption of classes of persons is an innovation. The present Act does not provide for the exemption of classes of persons; it provides for the exemption of persons, but not classes of persons, and as I read this it will make it quite possible for the exemption to be granted to classes of persons in a manner that might absolutely destroy the original intention of the Board's recommendations. And then sub-section (c) of this Clause provides that where special circumstances exist which justify, in the interest of such person or class of persons, an exemption of that person or class of persons under this section, may be granted by the Minister. The term "special circumstances" seems to me to be very vague indeed, and I hope that the Minister will clarify this during the Committee Stage. I think it is too vague a term to use in legislation of this kind.

I now come to Clause 25, dealing with victimization, and I would like to ask the Minister why he has found it necessary to exclude the old sub-section 2 which provided for compensation and reinstatement. In other words, where an employee had been victimized by his employer, he previously had the right to be reinstated and paid compensation, and I would like to know from the Minister why he has found it necessary now to remove the old provision. Sir, Section 6 of the present Act dealing with the contents of the report, says that the board shall take into consideration the fact that "remuneration should be paid at such rates as will enable workers to support themselves in accordance with civilized standards of life". In introducing this measure the Minister gave the House the assurance that he would re-introduce that in the Bill in the Committee Stage. We are indeed grateful for that, because we would have really attacked the Minister if he had allowed this exclusion to remain.

I had intended in view of the very serious changes which the Minister proposes in this measure, to oppose the second reading and to move an amendment to that effect, but on consideration I have decided not to oppose the second reading. I have put forward my objections to the Minister fairly fully. I hope that he has taken note of my comments and that when he replies to the second reading, I will get some assurance from him that he will make some changes in order to meet my objections, failing which of course, I shall have to put these up as amendments in the Committee stage. I do make this appeal to the Minister that he should give serious consideration to the proposals that I have made, that he should not alter the present law. There is no sound reason for his wanting to do so. He has not convinced me and I am sure he has not convinced other members of this House either. I would appeal to the Minister to treat the Wage Act as a charter for unorganized workers, for people who have not got access to the Industrial Conciliation Act, and to approach its provisions in that human spirit; so as to ensure that the lowest paid worker in this country, the least articulate workers in this country, particularly the non-European workers, should have free and easy access to the machinery of the Wage Act, so that it can be proudly said by South Africa that there are no workers in this country who cannot have their grievances remedied very speedily and satisfactorily. I hope that the Minister will bear this in mind before we get to the Committee stage of this Bill.

*Mr. VAN DER WALT: Before replying to a few of the arguments of the hon. member for Rosettenville (Mr. Hepple), I want to say in the first instance that the Wage Board has through the years built up great prestige for itself by the high quality of the work it did in the interest of the workers. But there was one complaint which was continually made in regard to the Wage Board—that was the one important complaint which existed—and that is that there was so much delay in its activities, in the investigations made by the Wage Board. The question is whether the Wage Board, if its machinery remains as it is to-day, will be able to do its work faster in future; or whether it will have to undertake fewer investigations in future. One would say that as the workers in the country become better organized and more industrial councils are instituted, there will be fewer opportunities for action by the Wage Board. But nevertheless we find that the work of the Wage Board has not decreased through the years, but on the contrary has increased. The hon. member for Mayfair (Dr. H. G. Luttig) has pointed to the great developments in the industrial sphere. We find that by the end of 1953 the

Part Appropriation Bus Boycott. HEPPLE

what does this report show? What has happened to the large British investments in Canada which, as the hon. member for Hillbrow said, amounted to £100,000,000 in that one year, 1953? It shows here that in nine years' time, from 1945 to 1954, Britain invested only $393,000,000 in Canada, i.e. about £100,000,000, much less than was invested in South Africa. It is a pity that these people should always have to refer to others when they should express confidence in this Government, and that it did not come from a man like the hon. member for Kimberely (City), the man who derived most benefit from the capital coming here from abroad. It is in order to utilize that capital most efficiently in South Africa that the Union Government had to find capital abroad, and did in fact find it, to make that development possible. But now we find that it is that very side of the House which tries to belittle South Africa, and it is interesting to note what certain newspapers said when the Prime Minister recently visited England. *Time* said that he was "the most hated man in Africa". There were varying reactions to the Prime Minister in the British Press. But the Prime Minister did not go and make excuses there. He stated South Africa's standpoint very clearly, even in regard to our relationship to the Commonwealth. What is the testimonial given to him by no less a person than Mr. Butler, the then Minister of Finance? According to the London *Times,* Mr. Butler said the following—

> We take comfort from the Union's prosperity because it brings great benefits not only to this country, but also to the whole sterling area.

But from that side of the House we have nothing but attempts to bring South Africa into discredit abroad. The hon. member for Green Point (Maj. van der Byl) is here now. A little while ago I mentioned that he said that South Africa cannot get capital from abroad, because "they have lost confidence in South Africa because of the Government's Native policy". But what is their alternative? What is the Native policy they propagate in order to create confidence abroad? They can only offer their sixpenny policy with which to satisfy foreign countries so that we may obtain capital. Fortunately there are also people in England who sum up the Opposition better than that, and I cannot help but quote what the *Economist* said last year on "South Africa's paralysed position". The conclusion to which that publication comes is—

> Seldom has a major Opposition party been in such poor shape at a time of crisis as the United Party to-day. . . . But all this avails the party nothing in the face of the tragic fact that on the fundamental issue of South African politics, the colour problem, it has failed to produce a policy with sufficient electoral appeal to pit against apartheid. Failure on this front has paralysed it on others and immeasurably reduced its value as an Opposition and made it increasingly difficult to visualize that party as the alternative Government in the near future.

But after watching the debacle on that side of the House during the past fortnight, if before that time they came to the conclusion that that party is a paralysed Opposition, I wonder what people abroad will say about that party to-day. I have referred to what the Opposition said, and to the capital South Africa actually got from abroad. The Leader of the Opposition in his motion of no confidence said that his slogan was "South Africa First". But if they continue saying the things they do say, they are in fact the people who harm South Africa, and not the Minister of External Affairs. In spite of what they say, the Government has succeeded in gaining the confidence of people abroad to such an extent that South Africa has attracted more capital than Canada; so that there was not a withdrawal of capital here as there was in Australia and New Zealand and other Commonwealth countries. If they really believe in the slogan "South Africa First", this side of the House and the country outside at least expect them to try and prove it. If they continue as they do now we cannot believe it and we can only believe that they are not giving effect to that slogan, and that in the words of the Leader of the Opposition they are busy tying that slogan "South Africa First" to their tails.

Mr. HEPPLE: Mr. Speaker, I would like to bring the debate back to the bus boycott. I had hoped that the Minister of Transport would be in the House, because he had quite a lot to say about the bus boycott yesterday, when he threw down the gauntlet. I would like to reply to some of the Minister's arguments and I hope he will come into the House.

Yesterday, in response to an amendment by the Labour Party, appealing to the Government to take special steps to deal with the bus-fare dispute in Johannesburg and asking them to appoint a judicial commission of inquiry into recent clashes between the police and civilians, the Minister had some very hard things to say. In his usual fashion he resorted to abuse and insult. He used his now familiar technique of accusing us on these benches of all sorts of crimes, of which of course we are not guilty. But we know that when the Minister is abusive it merely means that he has no justification for his actions.

Mr. SPEAKER: Order! The hon. member can't say that the hon. the Minister accused him of a crime.

Mr. HEPPLE: The Minister said yesterday that we are the mouthpiece of any organization that is subversive. That is accusing us of a crime and I want to respond to that. With great respect, Sir, I wish to remind you that you called the hon. the Minister to order for other things he said. The Minister said that we are the mouthpiece of any organization

that is subversive, that is against lawful authority, and of any non-White organization, whether it is in the interest of the country or not. Those are very grave allegations for the Minister to make against members of this House, and I have rised to reply to the Minister.

I want to ask the Minister whether he has taken stock of his own actions, whether he has realized how subversive his own actions are in regard to this serious situation that has developed on the Rand. It is all very well for the Minister to hurl accusations at other people, but he is in a position to solve this serious situation and to put an end to this crisis that has developed. The Minister, in seeking scapegoats, accused us on these benches of talking nonsense about the increase in the bus fares. The Minister said, "it is because of those members with their supporters and followers, the political bishops and the English Press, that the boycott continues." But the Minister is flying in the face of the facts. The boycott continues because the persons affected rightly declare that they are unable to pay 1d. increase in the bus fares and the facts show that they are correct. People do not walk nine miles to work and nine miles back just for political reasons. The argument of the Minister is absolute nonsense. These people are protesting because they cannot pay the increased fares, because it is not only the 1d. increase in fares . . .

The MINISTER OF THE INTERIOR: They also wear out their shoes.

Mr. HEPPLE: They can also walk barefooted. The Minister is in the fortunate position that he can buy a new pair of shoes every day if he likes and he can drive in luxury cars, but these unfortunate people, who are among the worst-paid people in the world, cannot afford to do so.

An HON. MEMBER: What about India?

Mr. SPEAKER: Order! I call upon hon. members to observe my ruling. I called for order, but they insist on making interruptions.

Mr. HEPPLE: The Minister yesterday said that the wages of the persons concerned have increased by 200 per cent since 1939, but he forgets that at the same time the cost of living has gone up. This House is the evidence of that. We have granted increased cost-of-living allowances to public servants and we ourselves have seen to it that our own position has been taken care of. How can we look after ourselves and neglect these unfortunate people? We have admitted by our own actions in this House that the cost of living has gone up far beyond even what the retail price index reveals. There is another aspect of the matter. The statutory cost-of-living allowances which affect these persons was pegged as at March, 1953, and have not been increased since then, although the cost of living has gone up enormously, as the retail price index shows. In the light of the facts the Minister's attitude is cruel and heartless. He has it in his power to meet the situation and he should not attempt to evade responsibility by merely describing it as being a political issue. He should not try and hide behind his party's policy of apartheid nor look upon every protest by the non-European people as being an attack upon White authority. The Minister said yesterday, that he cannot concede anything to these people, because if he did it would undermine the authority of the White man and give the A.N.C. the impression that they have gained a victory over us. What arrant nonsense! This is an admission of defeat in itself. It means that the Minister cannot act in a civilized, rational manner, because if he does he would be giving victory to uncivilized people. It is a peculiar attitude. If we follow the Minister's argument any further it is quite obvious that if the country supports the Minister's stand on this issue, what is going to be the attitude of P.U.T.C.O.? If these people accept a rise of 1d., what assurance is there that the company will not in six months' time ask for another 1d.? Must these people accept all increases and accept the position as being right and just?

The Minister spoke yesterday about intimidation and said the intimidation does not take place when the people board the buses, but behind the scenes, where people are told that they are marked down if they use the buses and they will be murdered and their houses burned down. The Minister has made a very grave charge. He has said that there are lawless elements who organize the boycott, and who seem to be at liberty to make these threats against people without being dealt with by the law. If people threaten others, they should be dealt with. According to the Minister the organizers of the boycott are a small minority. Is he telling the House that this small minority has the power to do this and cannot be reached by the arm of the law? The Minister went on to say, "this is what they did at Evaton and we saw what happened there as the result of intimidation". It is surprising that the Minister has the impertinence to raise the question of Evaton, because he knows very well that his Government refused to appoint a commission of inquiry into the incidents there. I rose in this House last year to ask the Minister of Justice to appoint a commission of inquiry into the events at Evaton. I told the Minister, and I can tell the House again, that I have other evidence of what was going on in Evaton. The Minister talks about houses being burned down in Evaton, but boycotters showed me some of those houses were theirs. I was given sworn affidavits to the effect that blanketed mine labourers were brought in by the truckload to smash the boycott. Let us have a judicial inquiry into Evaton to find out who brought in the strike-breakers, the "Russians", the blanketed Basutos, and who burned down houses. The Minister knows that if a situa-

tion like that develops, something should be done about it, but nothing was done. This Government does not want an inquiry. What is it afraid of? It is most unfortunate that the Minister should have quoted the case of Evaton, because I think it is a disgrace that no action was taken there and that the people there had to live in a state of terror because they had no protection.

I want to take this point further. If what the Minister says is true, why not have a public inquiry as to what is happening in the boycott, so that these witnesses the Minister says he has can give evidence and get police protection, instead of running to the secret meetings the Minister talks about?

The MINISTER OF TRANSPORT: I did not talk about secret meetings. I was talking about the Joint Advisory Council.

Mr. HEPPLE: The Joint Advisory Council did not meet the Government, but the City Council, and they did not come from Alexandra but from Orlando and Moroka and such places.

The MINISTER OF TRANSPORT: But the boycott is not confined to Alexandra.

Mr. HEPPLE: No, it has spread since that meeting. This is a habit the Johannesburg City Council is learning from the Government, to deal with people without authority. They speak to Native leaders who have no following.

The MINISTER OF TRANSPORT: Did not the whole thing originate in Alexandra?

Mr. HEPPLE: I am not talking about that. This meeting the Minister spoke about was not with people living in Alexandra.

The MINISTER OF TRANSPORT: I was quoting what the Native members said in regard to the locations. Are you not prepared to accept the evidence of responsible Natives?

Mr. HEPPLE: No, I am prepared to accept evidence given under oath to a commission. I do not want these *ex parte* statements. A man who goes behind closed doors and feels people that he is being threatened with murder must have been threatened by some individual, and his duty was to go to the police and tell them that so-and-so threatened him, so that that man can be arrested. Why does the Minister come with these sinister stories and suggestions? If he has the evidence the guilty person should be arrested. Have we not law and order in the country any more? I want to know why the Government will not investigate these matters. It seems to me that the Government prefers these one-sided reports, in order to pretend that there is a situation that can only be dealt with in the peculiar way suggested by the Minister. If anyone has been guilty of incitement, it was the Minister. He made public statements about ten days ago, and I took it up in the No Confidence Debate and asked if it was correct, and the Minister said it was correct; he had made an appeal to employers to take action to break the boycott. He virtually ordered people not to give lifts to their servants and employees to help them to overcome their difficulty. He has suggested that he will find ways of subsidising the bus company. All his support is on the side of the bus company against the bus users, and he has appealed to everyone to use all kinds of boycott-breaking methods. That is why we see these incidents happening in Johannesburg every day where people who are helping these Natives by transporting them are intimidated every day. The Transportation Board is used against these people, as well as municipal by-laws and the police. When I hear discussions here about South Africa's good name abroad I wonder whether the Government realizes that it is providing all the ammunition for people overseas. I wish I had time to deal with that aspect. It is naturally world news when reporters see the methods the Government resorts to in order to deal with people who refuse to pay 1d. extra in bus fares. This old technique of strike-breaking is worn out. The Minister concluded his speech yesterday by saying that if the Natives want a show-down, they will get it. He said: "The hon. member can be certain that from the Government side there will not be the slightest concessions to these people, but that we shall do all in our power to break the boycott".

I want to conclude by making an appeal to the Minister. I do not think it is too late for the Minister to reconsider this serious problem. My appeal is this. What is needed now in Johannesburg is a truce, a cooling-off period. The Minister was previously Minister of Labour and he knows very well what happened in South Africa after the 1922 strike. We then had to find some vehicle of communication between employers and employees which did not result in violence, and out of the 1922 incidents was born the Industrial Conciliation Act, providing for a cooling-off period, for a get-together to find a solution. That is what is necessary on the Rand now. It is only in the power of the Government to see that we have this truce. The Minister need not worry about his pride, whether the Natives will think they have won a victory. The final answer will show who has gained the victory. The Government can have the greatest victory of all by being big. The Government is in the position to be big. It is powerful enough. It has an overwhelming majority in this Parliament and it has forces of law on its side. It has everything in its favour and can afford to be generous and call for a truce so that the Minister can be the conciliator. He can be the peacemaker in this situation. The Minister realizes as well

as I do that this thing cannot end like this. Let the Minister be the peacemaker. He can conciliate this matter in a very good fashion. I make this appeal to him. Let us examine what will happen if the Minister succeeds in the proposals he has already put forward. Let us assume that the Minister by force of arms can break this boycott. He knows that that won't be the end of it; he knows that that will only ferment further and greater troubles. The Minister knows from the experience of the White worker in this country that that cannot be the end of the situation. Does he want to breed bitterness and hate in the people that are going to be beaten into submission? The Minister knows very well that that will not be the end of it. The Minister said yesterday that if he made a concession in this case, the African National Congress who he said, are using this boycott as a test of strength, will look upon it as a victory and that that will only be the beginning. Let me tell the Minister he is quite wrong, because the beginning will be if the Minister gets his way as he proposed it yesterday. We will enter a period of peace on the Witwatersrand and in the rest of the country, in the non-European areas of the country, if the Minister will be big in this terrible situation if the Government will be wise and come to a settlement now. I am confident that we will see a period of peace and that we will all have what we are all seeking in this situation. But let me warn the Minister that if he proceeds along the lines he is going, it will not be the end. I do hope that the Minister will have second thoughts in this matter, and will use the power he has, the power of a conciliator in this terrible situation.

Mr. BARLOW: The hon. the Leader of the Labour Party is now the defender of the criminal classes in Johannesburg, and in saying that I mean it. I want to take this particular township, Alexandra, and give the House a little of its history. The hon. member's colleague here said yesterday that these people who are living in Alexandra Township are forced to live there; that is not true. Alexandra Township was given by President Kruger to a man called Papenfus, and it is one of the few parts in the Transvaal where the ground belongs to the Natives. It is a garden village and they buy their own property there. They go there because it is their own ground and they think they can live there more cheaply. Sir, if the Government does not see this thing through, there is going to be trouble; the Minister is quite right. Alexandra Township has descended to-day into one of the worst crime spots in South Africa. I have had boys who have lived there and have taken them home. They are afraid to go home. Sir, how is the Government going to settle this? The best way in which the Government can settle it is to take all the buses away altogether and let these people walk to Johannesburg and back again. Let them keep on walking; let them have their strike; they will soon get pain. It is these Black Sash women and others, stupid women, who go out to meet these people, put them in their cars, pat them on the back and tell them that they are good fellows. Sir, the whole thing is getting absurd. There is no need at all to pacify the people of Alexandra Township. There is not the slightest doubt that the African National Congress is behind the whole thing, and I am surprised that my hon. friend should now come and say that the Natives are so badly treated and so badly housed, when he was one of the men who, together with Father Huddleston fought us when we were trying to bring Natives from the Western Areas slums. When we tried to give the Natives good homes, he and his friends got up in this House, said that we were treating the Natives badly. Now he takes just the opposite view. But I want to put this to the hon. member: This particular trial is taking place just on the edge of my constituency and on going into my constituency the other day I was stopped by the police; they made me turn round. I want to know what my hon. friend was doing there. What right had he to be amongst that crowd; what right did he and the Bishop of Johannesburg have to be there? And then they went and held a little meeting in the Bishop's office. He should tell the country as a member of Parliament what he was doing there amongst those rioters. They had their cheer leaders and they were making an awful noise. People could not hear a word that was being said in the court, and my friend was there amongst these people. What was a White man doing amongst a lot of African rowdies, who were making trouble for the police?

An HON. MEMBER: What were you doing there?

Mr. BARLOW: I was trying to get into my constituency. The police stopped me and I turned round and went the other way, but the hon. member stood there with the Bishop of Johannesburg. The Bishop of Johannesburg is also a trouble-maker, just like my hon. friends here. My hon. friend and the Bishop of Johannesburg did not go there to stop the trouble; they did not go there and say to the Natives: "Be quiet; there is a magistrate sitting inside there; he is trying these people: they may be guilty or they may not be guilty but he is fair." Instead of that they walked amongst the Natives and interview the Natives. Then they hie to the Bishop's study and then call on this rotten Johannesburg Press that we have heard such a lot about. Sir, I know far more about the Johannesburg Press than anyone in this House, and I know how the Johannesburg Press is run. I also know what I have done to the Johannesburg Press in my time. I have started newspapers in opposition to them and bled them white; I made them pay. But my hon. friend gets up here and talks about this wonderful Johannesburg Press. [Interjections.] No, I am not talking about the

The MINISTER OF LABOUR:

(a) In regard to general exemptions granted, the hon. member is referred to Government Notice No. 1061 of 15 June 1956, a copy of which is being made available to him.

Special exemption was granted in respect of work not covered by Government Notice No. 1061 in connection with repairs and alterations and in a few cases minor new works to the following:

The Controller of Government Villages,
The Secretary for Native Affairs,
Five oil companies,
One Jewish burial society,
One Roman Catholic Mission,
One owner of block of flats,
One property agent,
Five private house owners,
One building contractor,
Two shop owners,
Three anti-corrosion and heat insulation contractors,
One plumbing firm,
One commercial firm,
One asphalt paving firm.

(b) No special terms or conditions were imposed in the exemptions.

(c) For periods varying from one to 12 months for completion of work concerned

Notices Served under Riotous Assemblies Act

XIII. Mr. HEPPLE asked the Minister of Justice:

(1) How many persons have been served with notices under Section 3 (5) of the Riotous Assemblies Act (No. 17 of 1956);

(2) how many persons have been prohibited from attending gatherings in terms of Section 2 of the Act; and

(3) how many gatherings were prohibited during 1956 in terms of Section 2 of the Act?

The MINISTER OF JUSTICE:

(1) One.

(2) None.

(3) Three.

XIV. Mr. HEPPLE—Reply standing over.

Land Reclaimed near Island View, Durban

XV. Mr. BUTCHER asked the Minister of Transport:

(1) What area of land has been reclaimed in the vicinity of Island View, Durban;

(2) whether these reclaimed areas have been planned or laid out for roads, railways and sites for industrial and commercial use;

(3) whether the Railway Administration contemplates (a) permitting the erection of additional storage tanks for petroleum products in such areas, and (b) reserving occupation of such sites for any specified industrial and commercial trades;

(4) to which industrial and commercial trades will the sites be made available;

(5) whether it is proposed to dispose of these sites by sale or by lease, with or without the option of purchase; and

(6) whether any such sites have been advertised; if so, (a) how many were offered, and (b) how many applications were (i) received, (ii) accepted, and (iii) rejected?

The MINISTER OF TRANSPORT:

(1) Two areas to the East and the West of the existing oil sites have been reclaimed, comprising approximately 33.5 acres and 30 acres respectively.

(2) Both areas have been planned for roads, railways and sites for industrial and commercial use.

(3) (a) and (b) and (4) The area to the West has been sub-divided into four sites and has been allocated to four oil companies for the bulk storage and handling of petroleum products.

The area to the East has been subdivided into 12 sites varying in size from approximately one acre to two acres. None of this land will be made available for lease to oil companies. The allocation of certain of the sites to large exporting and importing concerns whose activities demand wharfside accommodation is at present under consideration.

(5) The sites to the West have been leased to the four oil companies for periods of 25 years with the option of a further period of 25 years without the option to purchase.

If it is decided to make the sites to the East available, these will be leased without the option to purchase.

(6) Yes. A notice inviting applications to lease sites to the East on long-term lease was published in the local Press at Durban, Cape Town, Port Elizabeth, East

London and Johannesburg on 9 April 1956, stating that applications will be considered in relation to the national economy, the safety of the adjoining oil installations and the efficient working of the harbour.

(a) Although not specified, twelve one-acre sites were available.

(b) (i), (ii) and (iii) Eleven applications were received but most of these did not comply with the purposes envisaged, and the allocation is being examined.

FLAGS AMENDMENT BILL

Mr. BARLOW: I move—

That Order of the Day No. 11 for Friday 22 February—Adjourned debate on motion for Second Reading,—Flags Amendment Bill [A.B. 7—'57], to be resumed—be discharged and set down for Friday 1 March.

Mr. WARING: I second.

Agreed to.

STATE-AIDED INSTITUTIONS AMENDMENT BILL

Bill read a first time.

NATIONAL CONVENTION

Mr. HEPPLE: I move—

That this House is of the opinion that the time has arrived for the Government to convene a National Convention, representative of all sections of the community, White and non-White, to consider—

(a) ways and means of fulfilling the common desire of all South Africans for inter-racial harmony and co-operation;

(b) proposals for the establishment and maintenance of a democratic society in South Africa, in which fundamental human rights for all persons will be entrenched; and

(c) plans for the proper utilization of the human and material resources of South Africa, including the implementation of the report of the Tomlinson Commission.

I move this motion because I feel that the time has arrived for South Africa to adopt a new approach to the problem of race relations in this country. I believe that a forum must be provided for the exchange of views across the colour line on all matters affecting the welfare and the future of the entire population. I believe that frank discussions are necessary to discover the thoughts and the aims of the various race groups in South Africa, particularly those of the non-European people who are not present in this Parliament. I believe that it is absolutely essential in the interest of racial harmony of South Africa that everyone, no matter what their political views may be, should have some place where they can present their views through their chosen representatives. In South Africa, with its limited form of democracy, we are faced with the challenge of the United Nations Universal Declaration of Human Rights. That Declaration of Human Rights cuts right across the society and the form of democracy which prevails in South Africa. It presents us with problems that cannot be solved by unilateral action, by one section of the population only. It is in order to assist every section of the community to consider the challenge of the Universal Declaration of Human Rights that I feel it is necessary that we should have discussions of some kind across the colour line.

We are all agreed in this country that the Whites and the non-Whites are here to stay. Both have a claim upon South Africa, and we all know that no matter what happens, we have to live and die here. It is on that basis that we must consider whether it is possible to perpetuate the system of government that operates in this country at the present time. I want us to have an opportunity to examine the position and to seek ways and means of living together, neither by the autocracy of the White minority, as at present, nor under the domination of Black nationalism which must inevitably grow and flow out of White nationalism. It is for that reason that my motion proposes that we should have a round table conference, a national convention, where all sections of the community, not only the parliamentary parties, should meet together and exchange views: and discuss the burning problems of to-day. So far South Africa has failed to adopt this procedure. We have never tried to get together to meet and discuss our mutual problems. The Whites on the one hand have assumed that whatever they do must be accepted by the non-Europeans as being the right thing; on the other hand, the non-Europeans are increasingly looking upon the actions of the White man with suspicion. The non-European looks upon all legislation as being aimed at maintaining him in a state of inferiority and to ensure that he will be always exploited by the White man and his institutions. This Parliament, despite the provisions of the 1936 Act, is particularly isolated from the non-Europeans. I don't want to go into all aspects of that problem, but we know that the present representation is not as satisfactory as it should be. Yet, this Parliament makes laws for everyone in South Africa: it makes laws even for those who are not represented here by their own people. Now there are two sound maxims of democratic society. The one is that those who are to be governed by the laws should have a say in the making of the laws. That is a proved maxim. The other is that there shall be no taxation without representation. These must always be in our minds. We must always remember that these maxims do nct

apply in South Africa and, therefore, we must seek other ways, we must seek other means of ensuring that the people who are governed, that the people who are taxed, have some means of redress against what, to them, are injustices, are unjust taxation. The White section of the South African community enjoys a full-blooded democracy. We have the normal forms of redress of democracy. If parties and governments in power do not act to our satisfaction we have the ballot box as our weapon to change the government of the country. This does not apply to the non-White section of the South African community. We have to remember that against the 3,000,000 Whites who enjoy democratic rights in South Africa, there are another 10,000,000 people who do not enjoy those rights. That must always be a consideration of this Parliament. It must always be a consideration of those of us who are seeking racial harmony in South Africa.

Mr. Speaker, it is a tragedy, unfortunately true, that this Parliament bears no relation to the population outside. Worse still, this Parliament bears no relation to the realities of non-White progress in South Africa. It bears no relationship at all to the progress and the advancement that the non-Whites have shown over the last decade. Often when we discuss matters affecting the non-European section of the population in this House, we might well be talking about people of another world, if one is to judge by some of the speeches that are made. That is a dangerous situation. I wonder how many hon. members of this Parliament have sat down and seriously discussed policies with non-White people? How many members of this House have sat down and discussed with non-Europeans the policies of "apartheid", of "separate development", of "integration"? Have they discussed these questions with non-Europeans? Have they endeavoured to find out the attitude of the non-European people towards these policies which we use at the hustings in our own elections? Without those discussions, how do we know—how can we rightly say that we know what is going on in the minds of the non-European peoples of this country? In these circumstances, how can we honestly say that the non-European people are properly consulted? We must seek ways and means of finding channels of communication. We must find ways and means of making our institution of government in South Africa understanding, fair and just towards the large section of people who have no access to the ballot boxes. It may be said from the Government side of the House that we do have a channel of communication insofar as the African people are concerned, that we have in this House the Native Representatives. But we know how often, when the hon. members on those benches state the case of the African people as they see it, or as they know it to be, they are attacked by the Government as being a menace to White civilization, as being the wrong type of Native representatives. Mr. Speaker, have we not also heard in this House that there is a possibility either that the powers of the Native Representatives are going to be reduced or that the Native Representatives may disappear from this House altogether? We heard the expression of such a viewpoint in this House only last week. If we continue along the present course, if we adamantly stand by the present set-up in this country, we must not be surprised if we are accused of having a White dictatorship in South Africa. We can be accused by the rest of the democratic world of having instituted a permanent White dictatorship. But what I see as a graver danger—a much graver danger to us in South Africa—is that we will be fomenting subversion and revolt in the land. Along the present path there must be subversion and revolt sooner or later, because none of us, not even the most ardent member on the Government side of the House, really believes that any people in any part of the world will continue to accept a position of inferiority for ever. We would not accept it; so why must we expect other communities to accept it?

There is another aspect of the present situation that demands our urgent attention, and that is that our present form of representation for the non-European people, meagre as it is, ignores the growing mass of urban Africans. It completely ignores the growing mass of urban Africans, the rise in status of the non-Europeans in our society. Industrialization, technical training, education and other things are producing an ambitious, enlightened Black proletariat. And what communication has this Parliament with those people? They are exposed, in the urban areas, to the same pressures and influences, to the same environments as the White people in those areas. They are exposed to all the interests and excitements of White society; to the radio and the cinema, to magazines and the Press. Surely we must expect their reactions to be the same as those of the Whites? It is no longer an argument to say that they are primitive, because that no longer holds. Growing numbers of these Africans are born in the urban areas and they know of no other society. To them tribal society is just as far distant and foreign as it is to the ordinary White urban youth.

In passing, let me say that it is significant in the towns of South Africa to-day that while large sections of the White youth are seeking excitement in the primitive abandon of rock-'n-roll, there is a corresponding number of non-Whites who are seeking their future along the progressive paths of higher education. In other words, while there is a number of people who are sliding down the scale, another section is rising on the scale. And even if we do not like to see that we must admit its existence. These urban workers, non-Europeans, have no official channels of communication with us, the lawmakers.

Dr. COERTZE: That is not so.

Mr. HEPPLE: The hon. member says that is not true. I presume he says he has contact with the non-Europeans? But if he has no contact I presume he means the type of communication through officialdom. If he does mean that, namely contact through the Department of Native Affairs, I want to warn him that it is the most dangerous type of communication for this Parliament to have, and for very good reasons. In the first place it is one-sided. It proceeds through the officials of the Department of Labour to the hon. the Minister of Labour. It is not communicated to the members of the Opposition, who only hear these views through the mouth of the Minister or his deputies. The other objection to this type of communication is that, of necessity, communication through officials is always dangerous, because such information often comes from people who want to curry favour with the Government; from people who are afraid to offend the Government, and people who have a reason to provide answers and present cases that they know will be acceptable to the officials. Most of this type of non-White opinion emanates from favour seekers. It is not only in South Africa that this happens, this happens in all parts of the world, and that is why procedures in other democratic countries provide for other means of communication, and that the Government alone takes responsibility of expressing the official viewpoint, expecting the Opposition to be able to state a different viewpoint, a viewpoint that comes from people who are not entangled in red tape and officialdom. Every session of Parliament this House engages in debates and discussions on measures and Bills to deal with the lives of non-European urban workers. Almost every session we have amendments to the Native Urban Areas Act, we have laws such as the Native Labour (Settlement of Disputes) Act, we have Labour Bureaux, we have the Native Labour Regulation Act, we have the Native Administration Act, and we have now the Group Areas Act which will affect especially the African people in the urban areas. These are only a few of the many laws which we pass year after year, and which affect these people. What consultation or communication have we with these people? Let us admit quite frankly that we act here in the light of what we consider best for the entire country, but we seek no means of consulting the non-Europeans and hearing their viewpoint, probably because we may not like their viewpoint; probably because we may find their viewpoint objectionable. That is one of the aspects of the case I wish to deal with.

First of all, I want to emphasize that the position I am dealing with now is not a temporary one. The policy that has now been accepted by the Government, the policy of "separate development" of the races, is one that does not cure the situation about which I am speaking. As a matter of fact, it aggravates that position. Let us accept that we are going to succeed in implementing the report of the Tomlinson Commission in South Africa, and that in the year 2000 A.D. we have a large degree of separate development in South Africa. Let us accept that we will be able to achieve that. According to the estimates of the Tomlinson Commission by the year 2000 A.D. we will have apartheid only in the Native Reserves. In the areas about which I am mainly concerned, the urban or White areas, we will have 5,000,000 Whites and almost 14,000,000 non-Whites. These 14,000,000 non-Whites will comprise 6,500,000 Africans who will be permanently settled there, 3,000,000 migrant African workers who will come in and work in the urban areas at specified periods, may be six months or more, and then return to their homes for a holiday. We will have in addition the 4,000,000 Coloured people and we will have approximately 1,250,000 Asians. In that situation, assuming that we were in the year 2000 under the ideal conditions suggested by the Tomlinson Commission, even in that situation the problem that I am posing to this House to-day will exist, the problem to provide some means of communication between this non-European majority and the minority of Whites as represented in this Parliament. I want to emphasize that "separate development" in relation to urban non-Europeans has a very narrow meaning indeed. It is, in fact, not separate development at all. What it really means is separate sleeping places, because these non-Europeans who, according to the Government, will be developing separately in their own areas, will only sleep in those areas. They will, as they do to-day, flock out in their thousands from the Native townships at dawn and spend their entire waking hours in the White urban areas. They will come into White homes, the White offices, the White shops and the White factories. They will come into all the spheres of White activity, they will remain there until the end of the day and then go back to the Native townships where they will sleep. In other words, their separate development will only take place in their sleeping hours. We must remember that. And in that environment, we must realize, the environment of their waking hours, they will be subjected to the same influences, the same hopes, the same ambitions and the same ideals as the White people in the urban areas.

We, as the White rulers of South Africa, must find some proper means of contact with our subjects, the people whom we rule. It is absolutely essential for us to meet the chosen representatives of those people. It is not enough for the Government, or even for members on this side of the House to meet only selected or approved yes-men; to meet persons whom we select ourselves because they support the policies that we like. Such people are inevitably viewed with suspicion by their own people. They very rarely have a following worth considering, and usually they are prone to give us the answers that we ourselves may like to hear. We must find some channel of communication, some means of talking with these people. It is for that reason, Mr.

Speaker, that in my motion to-day I am proposing that we should have what I have termed a national convention. There is growing support for such a gathering, and I think that I am justified in saying that three conferences that have been held in the last six or seven months in South Africa point in that direction. We had, first of all, in Bloemfontein in July, the Volkskongres convened by Sabra, F.A.K. and the three Dutch Reformed Churches. That was a very large and representative gathering. It was not representative of the entire community of South Africa, but we cannot ignore the magnitude of that conference. There were over 800 delegates there representing, according to the Press reports, 544 organizations. That conference discussed the report of the Tomlinson Commission and there were a lot of very interesting viewpoints expressed, apart from those on the Tomlinson Commission. One of those viewpoints was the need to know and understand the non-Europeans better.

The second conference was held three months later in Bloemfontein, in October 1956. That was called the Interdenominational African Ministers' Conference, which also discussed the Tomlinson Report. There, according to Press reports, there were 400 delegates representing non-White people. I understand that Native Representatives attended too in the capacity of observers.

Then finally, in January of this year, we had the conference in Cape Town of the Institute of Race Relations, which also discussed the question of the Tomlinson Report and, incidentally, the question of race relations.

Now these three conferences indicated a growing desire on the part of all sections of the community to seriously consider the burning problems of South Africa as they flowed out of the provocative recommendations of the Tomlinson Commission. I believe that these conferences revealed two things. First of all, the realization that wider inter-racial discussions are absolutely necessary and, secondly, that there are two contending groups in this country. There are the pro-apartheid groups and there are the anti-apartheid groups. These two forces are emerging as more and more clearcut every day. But in spite of this clear-cut division, it is interesting to note that from both sides comes a plea for a getting together. I would like to quote, briefly, from statements that were made by some of the delegates to these congresses, in support of my contention. First of all at the Volkskongres at Bloemfontein Prof. E. F. Potgieter, of the University of South Africa, said "Criticism has been levelled that no Natives are present at conferences such as the present one"—

> This was not the occasion to consult with them. It was, however, imperative that discussions should take place with the Bantu and that their full co-operation should be obtained to implement the development programme.

Then at the Institute of Race Relations Conference in Cape Town a teacher from Natal, Mr. M. T. Moerane, suggested the formation of a sub-committee of the Institute to find out ways and means of reaching those people on the other side "who are encrusted with fear and prejudices"—

> The crux of the South African problem, he said, was fear; the fear of the White man of being swamped politically and economically . . . while the White man was full of fear the African was full of mistrust. The Natives, too, should play a positive part in improving relationships between the races. . . . We must have more meetings across the colour line . . . if we don't find a new way in South Africa we will have a blow up, and I am not interested in a blow up. The fundamental need in this country is the creation of a new climate of thought.

At the same conference of the Institute of Race Relations, the Rev. J. Reynecke, of the Dutch Reformed Church, said that there should be more consultation between the Government authorities and the African leaders—

> I am sure it will not be long before they take part in official discussions and then there will be a better atmosphere.

He said he did not believe there was any ill-will or intention to repress in the Government's attitude to the Africans—

> If the Government says something to impress certain people whose votes it wants, that does not mean to say that it is the policy of the Government . . . Governments very often say one thing and do another.

Then, at the Volkskongres at Bloemfontein Prof. Bruwer of Stellenbosch, who is a prominent member of Sabra, said that the Bantu had qualities necessary for the future of South Africa. He said—

> We Whites and Bantu must get to know each other better than in the past.

Then, to go back to the African Ministers' Conference, we have Chief A. J. Lutuli who said the following—

> The Africans must never fall into the error of White South Africa. They must never cease to seek co-operation with other sections of the population.

He said he hoped that—

> This conference might lead to a multi-racial conference representative of all South Africa, which could try to hammer out an answer to the country's problems.

Then, finally, in the African newspaper the *World* of 26 January 1957, there is an urgent call to all people of South Africa for

the holding of an inter-racial conference this year.

I have quoted just a few of those who attended these conferences, who have expressed a desire that the matter should go further, and I think that this is a very commendable attitude. I am quite sure that there are a large number of hon. members on both sides of this House who are also anxious to have a meeting of this kind. Their worry is the impact that such a gathering might have upon the minds of the White electorate, especially as there is an election pending in 1958. I say they should cast this narrow fear out of their minds. I am quite confident that this get-together could be held without anyone losing face. It may be said: "What is the use of holding such a conference when you have these two formidable bodies, the anti-apartheid group standing against the pro-apartheid group?" The Government may say that the non-Europeans have already rejected apartheid, that they have rejected the Tomlinson Commission Report. On the other hand let us admit that the majority of Whites have accepted both. But I say that these apparently irreconcilable groups must be brought together. It is inconceivable to believe that we in South Africa can permit these two opposing forces to remain ranged against one another, neither with a desire to get together to discuss their common problems or their common difficulties. That attitude does not even hold in the international field to-day. Even the bitterest enemies in the international field, whatever bombast they may have at the beginning, have always to end up at the conference table to talk it out. I think we should realize that that is a step which we in South Africa have to take. It would be defeatist of us to say it is useless to get together. That would be a completely defeatist attitude and one that could have only one ending, and a very bad ending at that.

I believe we can have a national convention, a round table of this kind without anyone losing face, without anyone losing prestige; without anybody surrendering any of their principles or surrendering anything at all. They can go to that conference without commitment, they can go to that conference in an exploratory frame of mind. They can use it, if they care to look upon it that way, as merely a means of hearing the other side. Never before in the hostory of this country has such a gathering been attempted, but I believe it is a paramount necessity. We have to have it sooner or later. We must accept that we have two opposing groups and we can accept that there is a minority in between, but we must bring the pro- and anti-apartheid groups together to discuss the burning problems of race relations in South Africa.

Now what of the agenda for this conference? A very difficult problem, I admit. It is difficult to know whether to make the agenda of the conference narrow or to make it very wide. One hopes, if we succeed in getting a convention of this kind, that it would not be an exercise in futility or that nothing would emerge from it. I do not pretend to know the final answer to the question of the agenda. We have considered it and my seconder will deal with that aspect in greater detail. I would like to draw the attention of the House to my motion, which mentions some of the things that should be considered—the question of inter-racial harmony and co-operation; the maintenance of democracy in South Africa; the protection of fundamental human rights; the proper utilization of South Africa's human and material sources and the implementation of the Tomlinson Commission Report. These are some of the things we have suggested, and I am confident that there is no hon. member of this House who takes objection to the proposed discussion of these problems at a national convention such as I propose here.

Then we get to the question of representation at that convention. What should be represented at that conference? I suggest first of all that the parliamentary political parties, those represented in the House should have representatives there. I believe that the Nationalist Party should be represented there, as well as the United Party and the Labour Party and the Liberal Party. Then I suggest, too, that parties that are not represented in this Parliament should also be represented there. I suggest that parties and groups that are not represented in Parliament should have the opportunity of sending their chosen representatives to that conference, and that members of the various race groups should be entitled to send representatives of their own races. Africans should be entitled to send Africans to the conference, the Coloured people should be entitled to send Coloureds, and the Indians should send their Indian representatives. I believe that in addition the churches should be represented at this conference, because they have a vital stake in the destiny of all sections of the community in this country. I believe, too, that the Provinces should be represented, and that there should be representatives of the Universities, because we have found that the intelligentsia of this country, the intellectuals at the South African Universities, have taken a particular interest in this question of race relations. I believe that the Institute of Race Relations and Sabra should also have their representatives there, and presumably there are still other groups which should be represented at a convention of this kind.

It is obvious that a conference of this kind must initially be exploratory. No one can expect to take any decisions of any kind. That should not prevent people from attending the meeting. It should be an incentive to them to support a convention of the kind I am suggesting. Let us get away from the ways of the past and from this question of fear of being swamped by the non-Europeans. We all in our innermost hearts know that our present policy of White autocracy is a policy of diminishing returns. No matter

what our views are on the racial question, no one seriously believes that it can be perpetuated, no matter what is said in political circles. We as a White people in South Africa are faced with the greatest problem of the twentieth century. We are faced with the issue of solving the problem as to how a White minority can maintain our civilization and at the same time safeguard the interests of the other races and preserve democracy. None of us is big enough to solve it alone. Those who attempt to solve it unilaterally are merely helping to bring about the downfall of White civilization in the Continent of Africa. We have to realize the enormity of the problem we have to deal with and honestly and sincerely approach it and seek its solution. No matter what extreme views one side or the other has, the need is to find a middle course, a course of compromise. I make an appeal to the Nationalist Party and the United Party to look at my proposal in this light and to try this experiment of a national convention, of a round table, a getting together of all sections of the community, White and non-White, to see if we cannot solve this burning problem which worries us all. No matter what arguments we may use in this Parliament or on political platforms outside, let us remember that in the long run we have to meet this problem and meet it in a different way from the way we are doing to-day. It is with that thought that I put my motion before this House, and appeal to members on all sides seriously to consider it and to give it their wholehearted support.

Mr. LOVELL: I second this motion. I want to commence by saying that all political parties in this House have in their programmes a section which is labelled "Native or African policy". I have had quite a good deal to do with the framing of Native policy for the Labour Party. Two uncomfortable thoughts came to my mind as I discussed and dealt with the framing of this Native policy. One was this. Is there really such a thing in a country with two races as a separate Native policy? The hon. member for Cape Eastern (Mrs. Ballinger) with profound insight once said that all South African politics are Native affairs. In so far as one tries to separate this question out, one keeps on coming to the conclusion that in framing Native policy one is really framing White policy as well. The United Party has found that out, because they now speak of framing White policy. The uncomfortable thought is this, that you cannot frame White policy and Native policy in isolation in a country where we all have to live together for many years to come.

The second uncomfortable thought is this. Here were I and my colleagues sitting down to frame a policy for two groups. But we only consulted one. That, to my mind, is a criticism of all the Natives policies of all the political parties in South Africa. Perhaps the Liberals have not got that difficulty, but I am talking about the main political parties. My Leader mentioned the utterings of various persons at various recent conferences calling for what we have proposed, namely some form of conference between the apparently opposed groups in South Africa. I want to quote from one report dealing with the conference of the Institute of Race Relations which appeared in one of the Cape Town papers. This is what it said—

> The speeches of the Natives were the highlight of the meeting, the first multi-racial conference to be held on the Tomlinson Report. Both European and Native speakers emphasized the urgent need for communication between the races. "Let's get to know each other as people and not as mere groups," said Dr. J. P. Bruwer of the University of Stellenbosch. He was widely applauded by other delegates. Mr. Moerane was mainly concerned with the White problem. "The crux of the South African problem," he said, "was fear, the fear of the White man of being swamped politically and economically."

Mr. Moerane's statement is not subject to any dispute. Every political act of the White electorate expresses that fear. Sir, the one suggestion we have never yet tried is this. When non-Europeans of the stamp of Mr. Moerane acknowledge that to be the crux of the problem, do we think that they and other Africans are so barren of ideas that we could not discuss with them how that difficulty might be overcome? We have all the time confined our discussions to our own race, believing that to that one important problem there should be no other discussions, save with our own race. Sir, there might be interesting ideas on that question from the African people, ideas which may be acceptable in the long run to the White groups in South Africa, ideas which may bring new light to bear upon our continual hysteria, if I may put it that way, regarding the fear with which the White man is encompassed, his fear of being swamped by the non-Europeans.

My Leader spoke of the agenda referred to in this motion. I would like to lay some emphasis on the agenda which I think such a national convention should discuss. I am quite clear in my own mind that the agenda should not be a limited one. I am not going to lay down, nor does my party lay down except in the form of examples in the motion, the actual agenda. But I think the agenda should be as defined by a committee of the national convention, with particular emphasis upon this point, that it should have no limits; that it should be as wide or as narrow as the representatives at such a convention decide. I make this statement because the question of the agenda in my opinion is almost as important as the question of the conference or convention itself. I would like to illustrate my point by reference to three instances in history. The one goes back to the days of Queen

Elizabeth I of England, in the days when the king was sovereign and the Commons subservient. Elizabeth laid down two questions that the Commons could not discuss. The first was who was to succeed her to the throne and, secondly, the question of religion. And because she limited the agenda and refused to allow them to discuss the two questions which were at that time the burning questions of the day, men were sent to the Tower of London who dared to discuss them in the House of Commons. What was the end? The end saw the execution of a king and the dethronement of another, because the two groups which opposed each other were not allowed to discuss the fullest and frankest agenda.

The other example arises out of our own recent history, when the hon. the Miinster of Native Affairs consulted with the Native population through the Natives' Representative Council. Hon. members will remember why that consultation broke down. It was because the hon. the Minister limited the agenda for discussion. He came there very much with the same thought as Queen Elizabeth I and said: You can only discuss things which I allow you to discuss, but the principle of apartheid is not to be discussed and you cannot discuss politics. What sort of consultation will there be if you limit the agenda in that way, and what hope of co-operation? After that limitation either the Minister had to go or the Natives' Representative Council had to go. For the time being it was the Council that went. Of course I do not agree that the Council was the correct framework for full consultation, and that is why we are putting forward a motion such as this. The Natives' Representative Council means the acceptance of the principle that the African or Native population discusses by itself its own problems, and only its problems—I believe that all Native Bills had to be referred to that body—and then, when it has discussed only a portion of the problems of South Africa, those on the so-called Native question, was it consulted by one or two spokesmen of the ruling Government. That is a very incomplete form of consultation and it is my view that if you really want to discuss a way out of the impasse which we appear to have reached in this country in race relations, it is necessary that "the two irreconcilable groups", as the hon. member for Rosettenville (Mr. Hepple) has put it, should be able to discuss quite frankly with each other, and without limitation, these important questions.

The third example I want to give is the example in labour relations, the example of the agenda which is discussed between employer and employee, between the bosses and the trade unions. Before 1922 in South Africa the bosses laid it down that they refused to discuss wages if there was any attempt at collective bargaining. They were only prepared to discuss each man's individual grievances. But if the men approached them collectively as a group of employees, they said: We have nothing to arbitrate; we refuse to place these matters on the agenda. That is what went on in South Africa between White bosses and White workers, with very unfortunate results. To-day it is a commonplace that the two "irreconcilable groups", the employers and the employees, do sit down together and discuss every issue which affects the welfare of employer or employee. At one time it would have been regarded as subversive and revolutionary, even to suggest it. Now it is accepted, it is welcomed, and it has done an enormous amount of good for labour relations. And I suggest that our proposal will do a similar amount of good for race relations.

We speak on the desire for racial harmony in this country. I think it is the one burning desire which fills the hearts of the whole population of whatever race. It was expressed by the Prime Minister in his New Year statement. It is expressed by the non-Europeans when they meet in conference. It is expressed from every platform and from every heart. If that desire is a sincere desire, what better opportunity would there be to discuss ways and means, not in any one-sided way of: "I lay down how racial peace shall be preserved," without consulting anyone, but in the spirit of: "I lay it down both for myself and for you." Then in the other part of the motion we have suggested that the agenda should deal with a democratic society and fundamental human rights.

The Government, through its spokesmen, has suggested that you can have a democratic society and the preservation of fundamental human rights provided there is partition in South Africa. The Government has put forward the proposal whereby you can have human rights, even civil rights, for the various population groups, only on the basis of a partition of territory. As an ideal one cannot quarrel with it, but when one comes to examine the possibility of reaching such a reality in the light of the investigations that have been made even by so authoritative a body as the Tomlinson Commission, one comes to the conclusion that by the time we have that partition we shall all be dead and not in need of human rights. That is our criticism. But there may be other suggestions as to how, without impossible proposals, without impossible conditions, a way could be found whereby the human rights of all the inhabitants of South Africa could be safeguarded; and surely if that is so it would be in the interests of all South Africans, of whatever race. Well, many human rights are disregarded. They are disregarded on many grounds. They are disregarded particularly if you happen to belong to an underprivileged colour group.

Mr. VON MOLTKE: Why do you not suggest that the first conference should take place on the declaration of human rights?

Mr. LOVELL: I suggest that the agenda should be as wide as possible. If the hon. member for Karas (Mr. von Moltke) would

by the various racial groups because there were no statistics available for racial groups, but he said that he had decided to keep individual record cards. But in 1954 the Minister indicated that due to shortage of staff and other factors, this had not been done. Now in the report of the Secretary for Labour, he says this in regard to the administration of the Unemployment Insurance Act—

> It is with pleasure that I am able to report that the Act is working smoothly and that the initial difficulties in its administration have been largely overcome.

I want to ask the Minister if that means that the Department has now got the record system which is up to date? It has considerable bearing on the application of this latest benefit, because those of us who have had a lot of experience of the application of this particular benefit, that is in assisting claimants to establish the fact that they were contributors for a period of three years, have experienced considerable difficulties because there is no record as far as the employers are concerned that is reliable and the employees were not in many cases able to give details to enable them to qualify for this benefit. I have had many cases where the employee has fallen sick and was qualified as far as this benefit is concerned, but where such employee was unable to produce the documentary evidence to enable him to establish that he had been a contributor for a period of three years. The trade unions are in a position to help in some cases, but particularly in the building industry, where the workers are in and out of employment and where they work for different employers over the years, the difficulty of establishing the right to this benefit has been very great. Now the Minister's reduction of the period to 13 weeks, will make that task ever so much easier. But I would like to know whether the Minister has got the individual record card system up to date in respect of contributors to the Fund. I think it is information that we should have, and that will tell us whether the Fund is administered in a proper way or not. In that regard, Mr. Speaker, you will notice that Clause 7 of the Bill, and that is an improvement, is going to make it possible for dependants to get benefits. The clause says that it makes provision for the payment "on application". It means that there will not be an automatic payment to dependants on the death of the contributor, and that makes it all the more important that there should be a full record, because in many cases the dependants will not have the necessary information to enable them to establish their claim, whereas if this record system is up to date, that should be sufficient for the claim to be paid out. I am mentioning that in passing.

Now the House will remember that this Bill is the fourth amendment since the Act was introduced in 1946 and each amendment has brought about certain improvements and in some cases has brought disappointment. One disappointment was in respect of the principle that was introduced in 1949 in regard to the exclusion of Natives earning up to £182 per year. The Minister has indicated now that the reason for the extension of this exclusion from £182 to £273 is because cost-of-living allowances are now reckoned as part of the wages for the purpose of this Bill. Now, Mr. Speaker, when we discussed this matter in 1949, the Minister will remember that the main criticism was based on the exclusion of the Natives from the provisions of the then Act, and the Minister of Labour said this in that regard—

> There is no doubt about that at all. I have laid down the arbitrary figure of £182 per annum, but taking in regard the whole tendency to-day in our economic and industrial life in South Africa, large numbers of Natives have every hope and prospect of becoming semi-skilled workers and eventually drawing that wage.

I quote this as an illustration of what the Minister had in mind when he proposed the figure of £15 per month. I am quite sure that many did not realize that the figure of £15 did not include the cost-of-living allowance paid to Natives. But now the Minister has pointed out that as a result of the inclusion of the cost-of-living allowances, the wage that Natives will draw, somewhere in the neighbourhood of £22 a month, will be the figure which will decide whether or not a Native can be a contributor to the Fund. The question arises in my mind: Does the difference from £182 to £273 represent the consolidation of the cost-of-living allowances only?

The MINISTER OF LABOUR: Yes.

Mr. EATON: Then from that the point arises: Will the Native workers be better off if this consolidation is taken into account for the purposes of this Act? In other words, the Native who is earning £23 a month will now qualify for the benefits under the Fund. At the present time if he is earning £15 or £16 a month he also qualifies. In other words the consolidation in the case of the Native will deprive him of the opportunity of being a member of the Fund, and that does not apply to the same extent in the case of the Europeans. That is a point I want to put to the hon. the Minister. Here you have the lowest paid workers, the Natives—and I use the word "worker", because we have to look upon this group as workers and not just as Black people—and is it right that they should be excluded if they are earning less than £273 a year. I know that the principle of exclusion was accepted in 1949, but then it was on the basis of £15 per month, not including cost-of-living allowances, and I think that in the Committee Stage we should go into this matter deeper and discover whether, when the actuaries reported on these improvements, they indicated that it was necessary to include

the cost-of-living allowances as far as the Native workers were concerned, in the definition of "earnings" in terms of this amendment; in other words, if the Natives were left on the £182 exclusion figure, what difference would that make to the finances of the Fund? Has the Minister got a report from the actuaries on that point? It is important because it is the only real reason the Minister can put forward for grouping the Europeans and the Natives together in consolidating cost-of-living allowances with basic wages for the purpose of the definition of "earnings" in this amendment. Mr. Speaker, when we think that in 1949 the credit balance of the Fund was £21,500,000, that in 1952 it had risen to £44,000,000, in 1954 to £58,000,000, and the Minister has now given us the figure for 1956 as £67,000,000, then we realize that if this credit balance is increasing at this rate, a case cannot be made out for including the cost-of-living allowances in the definition of "earnings", so far as the lowest paid groups are concerned, the Natives. But as I say, this matter can be dealt with in a more decisive way at the Committee Stage, so that we will see what it is all about. The question of utilizing this fund more exclusively for the European section of the population, with the exclusion of Natives more and more, is a feature which I think was not intended when the original Bill was introduced in 1946.

The Minister has indicated that at the same time that he has increased the exclusive figure from £182 to £273 in the case of Natives, the inclusive figure for Europeans has been increased from £750 to £1,250, and the £1,250 was laid down as a result of a compromise reached between employers and employees. I have no quarrel with that. I think that as a compromise has been arrived at, it is for us to accept it. There may be those who feel that it is too high a figure and others may feel that it is too low, but there it is. Now I want to raise another point in connection with this exclusion, and that is that in 1949 the then Minister of Labour made it quite clear that there would be no refund whatsoever to those Natives who were excluded. The hon. Minister has said nothing about the position of the Natives who will be excluded as a result of this Bill. Are they going to be refunded? The Minister's point may be of course that there will be no additional exclusions. I am not in a position to argue that point. But if there are contributors to-day who as a result of the change from £182 to £273 fall out, will there be any refund to them in respect of contributions made by them?

I take it for granted that the Minister in terms of the Act received an actuarial report on the various improvements that will flow from this Bill. I ask him that because we have no knowledge of such a report. We do not get these things and that is an additional reason why I say that it is a pity that the Department of Labour's annual report was so long delayed, because that is the only source we have from which to get the information which enables us to assess completely the implications of such amendments.

The other point that arises is this: I take it that there was some consultation with the Natives, in some way or another, on this issue. I do not know what machinery exists outside of the Natives Labour (Settlement of Disputes) Act for consultation, but a big feature was made in a former debate of the fact that Natives were not interested in this Act at all. I think the hon. Minister repeated to-day that they do not understand the principles of labour legislation of this sort. In spite of that the Minister should tell us whether there were consultations with the Natives on this score.

I said that we would go into further detail in the Committee Stage in regard to various aspects of the Bill, and for that reason I have no intention of going through the Bill clause by clause, and I don't think, Mr. Speaker, you would allow me to do so. But I will say that the workers in South Africa who are going to get these increased benefits will welcome this and we as the official Opposition Party thank the responsible groups who have made these improvements possible.

Mr. HEPPLE: The Minister will be pleased to hear that we of the Labour Party will support this Bill. I hope this won't result in the Minister being kicked out of his caucus. It is quite easy for us to support this measure because it comes as a result of a great deal of previous consultation between employers and employees. The matters have been considered by the Unemployment Insurance Board, and we are in the happy position of receiving something here which the Minister has described as a compromise between the parties concerned, and although we may not agree with some of the things that are being done, they are generally for the good of those concerned. Although one does not object to the new benefits that are being introduced and while, of course, we also do not object to the reduced contributions that are proposed, at the same time I think we should take this opportunity of expressing our concern at the fact that the Fund is now drifting away from its original purpose. I remember many years ago in this House when another argument on the Fund arose here, there was an effort by certain members and groups in this House to convert the Unemployment Insurance Fund into a different sort of fund altogether, and we got the assurance from the Government that they would not be beguiled into taking such a step. Unfortunately in 1954 we drifted slightly away from the original provisions of the Fund, and now we are taking a step further, so I hope that the Minister will do more than merely assure us that he is going to keep a watching eye that the Fund will not become something different from what it was originally intended to be. I think it is important for us to note in this connection the comments of the Department

of Labour in its report for 1954 regarding the Fund and the functions of the Fund. The report of the Department of Labour says this—

> Far-reaching amendments to the Unemployment Insurance Act were adopted by Parliament in 1954. We are reaching this stage where the income of the Fund may only suffice to meet the expenditure. Any further substantial increase or addition to benefits may necessitate the realization of investments, the financial implications of which would require very careful consideration. Proposals which would involve a departure from the objectives of the Act, namely to relieve the financial distress consequent upon unemployment, have been made from time to time. The present view of the Department is that such departure could not possibly be financed under the Act as it now stands. If it is decided eventually to enter other fields of social insurance, this would involve fundamental changes in the legislative and financial basis upon which the Fund now rests.

The proposals of the Minister this afternoon of course cut right across this observation of the Department of Labour. It seems that the Government, in spite of the warnings of the Department, and presumably of the Unemployment Insurance Board, is allowing pressure to bear upon it. The very fact that Clause 13 in the Bill before the House amends the long title of the Act, is an acknowledgment that we are breaking away from the original intention of pure unemployment insurance. I personally believe, in spite of what the employers and the trade unions may have agreed to, that this is a wrong step. I think it is not right for us to introduce other benefits outside genuine unemployment or difficulties connected with unemployment into the scope of the Unemployment Insurance Act. I think that the first objective of the Fund is not to introduce new benefits, but to extend unemployment insurance to cover as many persons as possible. I think that the Minister should have concerned himself mainly with extending the scope of unemployment insurance. I say that because there are large sections of the community who are not covered by unemployment insurance. I don't think I need remind the hon. Minister and the Government that what the Unemployment Insurance Fund seeks to do is to conserve now in times of full employment for bad times of unemployment, and if we do not provide now for all sections of the community, those persons are going to be a drain on the social services of the State when times of unemployment come. It is a bad approach to unemployment insurance to exclude sections of the community. I want to mention three categories who are excluded. There is first of all the Native. All African workers earning less than £5 3s. a week are excluded. Now that the definition of "earnings" has been changed, it does not make any difference to the number of Africans who are affected by the Act. It merely means a continuation of the bad policy of 1949 which was to exclude all African workers who were then earning less than £3 12s. a week, and now under the changed definition of "earnings", less than £5 3s. a week. That is a vast number of people who will have to be cared for when they are unemployed in bad times. I think the Government should have reconsidered its emotional approach to this problem in 1949 and should have taken the present opportunity to extend the scope of the Act. Neither do I agree with the arguments advanced by the Minister this afternoon when he repeated the old reasons of 1949 why he could not do this. I disagree with him just as much as I disagreed from the previous Minister of Labour in 1949. Their's are not valid arguments. They are arguments which were used by some members of the Unemployment Insurance Commission at the time, but they were not valid arguments at all. There is another category of workers, who are virtually excluded from the benefits of the Fund. I know it is difficult to get at these people, but at the same time they are people who should be taken care of. Those are the people who are unemployed but for one reason or another have no claim on the Unemployment Insurance Fund. It is interesting to note that at the end of 1954 whilst some 13,000 people were registered as unemployed (and that only affects a section of the community who must register) there were only 6,900 who were receiving benefits under the Unemployment Insurance Act. The significance of that is, of course, that these people for various reasons could not get benefits from the Fund. I think that despite all the difficulties— I know it is not possible to bring them all under the Fund—as many of those people as possible should be covered by the Fund. I feel for instance that people coming from the platteland to work in the towns and coming there for the first time, who perhaps work for a few days and are then out of employment, should be taken into consideration. There is no care taken of such people and I think the Fund should provide some means whereby such persons should be taken care of. There is a third category, about whom representations have been made to the Unemployment Insurance Board and to the Government, both of whom have said that they can't cater for these people. I refer to people who work on short time. The Unemployment Insurance Fund said that they went into this matter and investigated it but that it was impossible for them to find any means of catering for this group of workers. I disagree. Where there is a will there is a way. Such persons can be taken care of. Then there is another category and that is the type of worker who works in an industry which closes down at Christmas time for the summer

vacation. There are a number of industries whose employers lay off a certain number of workers at that time who are unable to claim benefits from the Unemployment Insurance Fund. I think they should be taken care of too.

There is one further comment I want to make at this stage. The hon. Minister referred to it briefly in passing, but I want to take it further. There is a tendency in the Fund to reduce the contributions of the employers and to increase the contributions of the employees. The Minister has said that this arrangement has come about as a result of a compromise between employers and employees. My comment merely is that the employees agreed to this compromise too quickly. I am sure the employers came out well under this bargain. They now have a precedent which the employers are going to use later on if it becomes necessary to increase contributions. It is interesting to look at the figures in 1949 to see to what considerable extent the employers have gained at the expense of the workers. The bulk of the concessions in regard to reduced contributions to the Fund, have gone to the employers. In 1949 the employers in Group I paid 9d. per week and the employees 3d. To-day the employers and employees both pay 2d. In other words the employer's contribution has decreased by 60 to 70 per cent. Therefore there is a great disparity in regard to the decrease in the contributions by the employers and the employees, and that is something that should be watched very carefully, and I for one am going to watch it.

The MINISTER OF LABOUR: There were objections by the employers.

Mr. HEPPLE: The employers will always object. I have never yet known an employer who is not objecting, but in this case the employees have received a very small slice of the cake in the form of a decrease in contributions they have to make. If we did it on the basis of real justice, of economic justice, the employees would pay nothing.

Mr. Speaker, in connection with the increase in the number of representatives on the board under Clause 4, I hope when the hon. the Minister replies to the debate he will explain to us the necessity for increasing the size of the board. He said he had received representations from a number of organizations of employers and from trade unions, and that it was in order to meet these demands for representation on the board that this change is going to be made. Is there not a grave danger that the board will become unwieldy? I would like the hon. the Minister to explain what the necessity is to increase the size of the Board and to give representation, which he says is wanted by everybody. If we pursue that argument to its logical conclusion the Minister might as well make the board go up to 50 members. The Board has worked relatively well up to now; there have been no real complaints about the work of the Board. I cannot see the necessity for now having to increase the size of that body. If there had been genuine complaints that the Board has not done its job properly there might have been some justification for this, and I hope that when the Minister replies to the debate he will explain the real reasons for this move.

This is also the opportunity to remind the hon. the Minister that there are still a large number of complaints from workers to the effect that they are not receiving decent treatment in certain areas. In many of the districts they are treated very well, but there are still localities where contributors, once they fall out of employment and apply for benefits under the fund are treated rudely, they are treated as if they are beggars seeking charity. I get a number of complaints from workers who say that they have contributed to the fund and when they make application for the benefits under the fund, they should not be treated like beggars but as people who have come to claim their rights. Often they are made to stand for a considerable length of time, then they are spoken to rudely by officials, and they are often sent back and told to report later, for no apparent reason at all.

I want to conclude by repeating my earlier appeal to the hon. the Minister, that he must not be taken off the path of the Unemployment Insurance Fund. I am not one of those who are afraid that the fund will get too big. I would have thought that the Government's objective would have been to allow the fund to reach, say, £100,000,000 before it embarked upon extending the benefits or meddling with the present contributions to the fund. This fund has not yet been tested. The changes that were made in 1954 and that are being made in terms of the present Bill are being made under conditions of relatively full employment. The actuaries work within the bounds of possibilities, they consider the situation as they think it might be, guided, admittedly, by precedence. But at the same time they have no sound basis of estimating what the potential claim on the fund may be. I believe that if we intend to establish a fund that will really perform the functions of an unemployment insurance fund and protect people against poverty when the time comes that they are unemployed, we must take care of the fund at the present time. I make this appeal to the Minister not to be persuaded —not even by the Unemployment Insurance Board if it is so influenced by outside sources—to extend the benefits under this fund. Of course one has no objection to benefits of any kind under any circumstances but there must be a limit to the calls on the Unemployment Insurance Fund and I hope the Minister will guard against using this fund to win votes in this dangerous pre-election year.

*Mr. M. VILJOEN: Mr. Speaker, when we talk about the position of the workers it is customary to use the term " bread and butter ". It is customary, when we refer to workers, to talk about bread and butter. And in doing so we really refer to the position of the worker.

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come unemployed are put into other avenues of employment, and lose every skill they have acquired. Therefore we urge the Minister to give this matter serious consideration and to give us a real improvement in the position in the near future.

The MINISTER OF LABOUR: At the moment there is really no demand from Natives to be included into the categories the two hon. members pleaded for. It is quite possible, for the reasons advanced by me, that they would resent paying these contributions. But I make this promise, that if at any time it becomes clear that any great numbers of Natives want to be included and can benefit from this Act, I shall consider it.

Mr. HEPPLE: Mr. Chairman, the reply by the Minister amazes me. Obviously the Minister was nowhere near Parliament when in 1949 we debated the Unemployment Insurance Bill and when his party moved for the exclusion of all Africans earning under £182 a year. I would advise him to go to Hansard of 1949 and read the speeches made from his side of the House. At that time there was only one motivation for the removal of Africans earning less than £182 a year. One after another the members on the Government side of the House got up and said it was an encouragement to laziness.

The MINISTER OF LABOUR: But that line has been drawn, and it has been shown to be a logical line.

Mr. HEPPLE: According to that side of the House it is a logical line, but I want to remind the Minister of a second aspect of the matter. At that time there was considerable resentment on the part of Africans at being excluded from the Unemployment Insurance Act.

The MINISTER OF TRANSPORT: Where do you get that from?

Mr. HEPPLE: I am glad the ex-Minister of Labour is in the House, because I am now going to take the Minister of Labour up on his statement which he made this afternoon. He said that if there is any desire on the part of Africans . . .

The MINISTER OF LABOUR: And if they can benefit by it.

Mr. HEPPLE: The Minister did not say that.

The MINISTER OF LABOUR: I did.

Mr. HEPPLE: Very well, then I accept it. It makes no difference to my argument. If, as the Minister says, Africans show that they want to be included and can benefit by it, he will include them, or at least consider it. Obviously the Minister is now trying to run away. [Interjections.] We have plenty of time to clarify this point. The Minister's assertion is firstly, that if Africans show any desire to be included in the Act, and secondly that they can benefit from it, then he will consider it. I just want to examine that statement. First of all, who will decide whether they will benefit from it or not? The Minister? What if the Africans themselves say that they are willing to take the risk and feel that they will benefit by it? How will that weigh with the Minister? If the Minister alone is going to decide, I can give the answer right now. They will never be included. So his assurance is not even worth the breath he used in making it. It is no use the hon. members trying to wriggle out of it. I want to find out what value we can place on the Minister's assurance. I take it very seriously. If we can believe the Minister's statement this afternoon, he will give the matter of the inclusion of Africans his serious consideration. I can tell him that I can produce abundant evidence that the Africans want to be included, overwhelming evidence. I can get from African workers a 90 per cent poll in favour of being included. They will have no objections to paying contributions to the Unemployment Insurance Fund. I want to know from the Minister who is going to be the arbiter of whether they will benefit or not. I can tell the Minister that people who contribute and fall out of work are the best arbiters of whether they are benefiting from the fund or not, because they are in fact receiving benefits. That is the only yardstick. After all, if you pay into a fund of this kind in order to insure against unemployment, you as a contributor are the one who is going to decide whether you are benefiting from it. What other yardstick can there be? I want to take the Minister up on this, because if we are to place any value on the promise he made this afternoon that he will give it consideration . . .

The CHAIRMAN: Order! I cannot allow the hon. member to take the Minister too far because he is really outside the provisions of this clause. I have allowed a certain amount of discussion, but I cannot allow the hon. member to get too far away from the clause.

Mr. HEPPLE: I would not have intervened in this debate had it not been for the statement made by the Minister.

The CHAIRMAN: The hon. member must not allow himself to be tempted to go too far away from the clause.

Mr. HEPPLE: Then I will merely conclude by saying to the Minister that I am going to take him up on the statement he made this afternoon, and I will put it to the test.

*Mr. M. VILJOEN: I am really surprised that in spite of the experiences of the past we hear this criticism against this exclusion to-day. The exclusion embodied in this measure is actually an extension of the exclusion which was included in the Act in 1949.

*The CHAIRMAN: Order! I want to warn hon. members that I have already allowed a great deal of latitude for discussion so as to bring this matter to the Minister's attention but further discussion cannot be allowed.

*Mr. M. VILJOEN: I just wanted to point out the grounds for the exclusion.

*The CHAIRMAN: No, I cannot allow that. If I did, the discussion would cover too wide a field and we would then have another second reading debate.

Mrs. BALLINGER: Mr. Chairman, perhaps you will allow me to say a few words in reply to the hon. the Minister's reply to me. I have a very intimate experience of this matter because I served on the original Select Committee and the Commission which laid the foundations of this Bill. I want to say that I cannot fully endorse what the hon. member for Rosettenville (Mr. Hepple) has said in this regard, which is why I want to be quite sure of what the Minister intends. The Minister has said that if he finds that there is a strong body of African workers who want to be included in this scheme, earning less than £182, and if in his opinion they would benefit by inclusion, he is prepared to consider it. There are two points I wish to make in regard to that promise. The first is that it would be easy to argue that a great many workers do not want unemployment insurance, particularly in a period of full employment. It will be quite easy for the Minister to argue that many Natives will resent paying these contributions. I can tell him that many Europeans also resent it. Workers do not like paying contributions to an unemployment insurance fund in a period of full employment.

The CHAIRMAN: Order! I have allowed the hon. member now to clear up these two points, but she is drifting away from the provisions of the clause.

Mrs. BALLINGER: Then may I be allowed to talk on this in the third reading? Then I will do my best to elaborate it.

The CHAIRMAN: Yes, if it deals with the contents of the Bill as passed in the committee stage.

Mrs. BALLINGER: We cannot ask the Minister to lower the limit because that would involve increased expenditure.

The CHAIRMAN: The hon. member cannot now discuss the classes of persons to be included in this clause. Hon members are going too far.

Mrs. BALLINGER: Then may I just put this one point to the Minister. I think he will find it difficult to find organized workers who can make these representations to him. I personally feel that the obligation lies on the Minister to take a responsible attitude in this regard. He must see that all sections of the working population are adequately provided for, no matter what their views may be and however handicapped they may be in the exercise of any powers that might make it possible for them to make representations to him.

Mr. DURRANT: The hon. the Minister during the second reading said that the determining factor in the maximum ceiling of contributions, namely £273 and £1,250, was fixed as the result of an agreement arrived at on the Unemployment Insurance Board, on which are represented both the employees and the employers. The Minister gave us to understand that he was prepared to accept this compromise agreement. The Minister has now stated that he is prepared, should occasion arise, to give further consideration to bringing other groups of Native workers into the provisions of the Bill so that they may derive benefit. In other words, he will bring forward in future another Bill to amend these provisions. I would like to ask the Minister whether he is prepared to put it up to organized industry and commerce and the organized trade unions, because they are the only members who can be considered in any such recommendation by the Minister, because the Minister in terms of the original Act must be bound by the recommendations put up by the Unemployment Insurance Board. I want to ask the Minister whether he is prepared to put such recommendations up to organized trade unions and commerce and industry? If the Minister cannot give us that assurance his undertaking to the House to consider some revision in future is worth nothing.

The CHAIRMAN: Order! That cannot be discussed.

Clause put and agreed to.

Remaining Clause, Schedule and Title of the Bill put and agreed to.

House Resumed:

Bill reported without amendment.

*The MINISTER OF LABOUR: I move as an unopposed motion—

That the Bill be now read a third time.

I gave an undertaking to a few hon. members on the other side in connection with the handing in of the report of the Unemployment Insurance Board on 24 January this year. Two hon. members have referred to the fact that the latest report available to them was the 1954 report of the Secretary for Labour. I accused these hon. members of not being aware of a report that was submitted on 20 January, 1957. It has been ascertained that

this report was in fact submitted on 24 January but owing to a mistake which occurred here it was not printed and made available to members. It was an official mistake which occurred here in the Houses of Parliament. The mistake was not made by my Department, nor were hon. members to blame for the fact that the report was not available to them. It was therefore a mistake beyond our control and I should like to put the matter right in view of the fact that accusations have been made here, on the one hand, against my Department about delays, and on the other hand, against members on the other side with regard to negligence.

Mr. MAREE: I second.

Mr. DURRANT: I will not keep the House long, Sir, except that I wish to say to the Minister, in relation to the explanation he has just offered to the House with regard to the accusations that were made against myself and the hon. member for Umlazi (Mr. Eaton), that I would like to express my thanks and that of the hon. member for Umlazi to the Minister for the explanation he has offered across the floor of the House.

Mr. HEPPLE: We shall vote for the third reading of this Bill. In the main its provisions will extend new benefits to the contributors to the fund, and I may say that as a whole we welcome the Bill. I merely rise at this third reading to appeal once again to the Minister not to listen to the blandishments of those who want to extend the scope of the Unemployment Insurance Act. The new provisions now being embodied in the Act may give some people the idea that this fund is the right source for all kinds of social benefits. That will ultimately defeat the objects of the Unemployment Insurance Act. I hope the Minister will not listen to the appeals of people who want to transform the Unemployment Insurance Fund into something it was never intended to be. I also ask the Minister not to be afraid to allow the fund to accumulate even greater amounts of money than it has at present. When people cry against the fund and the fact that it has some £67,000,000 the Minister should remind them that in relation to the purpose of the fund the amount is not large. He should not try to keep down the accumulation of money in that fund because people say it is the wrong thing to do. Finally I make an appeal to the Minister to give very serious consideration to scrapping the clause which excludes Africans from the scope of the Act.

Motion put and agreed to.

Bill read a third time.

MEDICAL, DENTAL AND PHARMACY AMENDMENT BILL

Foruth Order read: Report Stage,—Medical, Dental and Pharmacy Amendment Bill.

Amendments considered.

Amendments in Clause 4 put and agreed to.

Clause 8,

*The MINISTER OF HEALTH: I move—

To omit Clause 8 as amended.

Mr. J. E. POTGIETER: I second.

Agreed to.

Amendment in Clause 11 (Afrikaans) put and agreed to and the Bill, as amended, adopted.

The MINISTER OF HEALTH: I move—

That the Bill be now read a third time.

More than two members having objected,

Bill to be read a third time on 21 February.

ELECTORAL LAWS AMENDMENT BILL

Fifth Order read: House to go into Committee on Electoral Laws Amendment Bill.

House in Committee:

Clauses and Title of the Bill put and agreed to.

House Resumed:

Bill reported without amendment.

Bill read a third time.

NATIONAL PARKS AND NATIVE TRUST LANDS AMENDMENT BILL

Sixth Order read: Second reading,—National Parks and Native Trust Lands Amendment Bill.

*The MINISTER OF LANDS: I move—

That the Bill be now read a second time.

This Bill is being introduced because the Parks Board does not have the right, without Parliamentary approval, to do what it would like to do, namely to dispose of certain land belonging to the National Parks. The position arose in this way: The Western boundary of the Kruger National Game Reserve was fairly vague. Surveys were then made and it was found that the National Parks encroached upon Native Trust Land around the Pretorius Kop gate and in the course of these surveys it was also found that Native Trust Land encroached upon land belonging to the National Parks. This resulted in lengthy negotiations between the Department of Native Affairs and the Parks Board and eventually they came to an agreement in terms of which the Native

Trust will relinquish just under 1,000 morgen of land at the Pretorius Kop gate—that piece of land which encroached upon Trust Lands—and that the Parks Board will give them a piece of land equal in area a little further south. This was land which they were already using but which was actually Trust Land. This improves the boundary line of the Game Reserve, and in that area where the Game Reserve encroached upon Native Trust Land there are certain species of rare game such as the red duiker which is found practically nowhere else, and also the sable antelope, which has now become quite rare in many parts of the Game Reserve. It was agreed to make it an equal exchange in spite of the fact that the land had been valued and that according to the valuators the value of the 900 morgen that we are getting is slightly lower than the value of the 900 morgen that we propose to hand over, and this Bill now seeks to empower the Parks Board to effect the exchange. A very minor amendment is being introduced in the second clause of the Bill. The financial year of the Parks Board ends on 31 December and the auditors have asked us to change this to 31 March to bring it in line with all the other Government activities as far as the end of the financial year is concerned. Those are the two provisions of the Bill.

Dr. D. L. SMIT: We have no objection to this little Bill. It sets at rest an irregularity that has existed since the Native Trust and Land Act was passed in 1936. As the Minister has stated, the two farms Rooiduiker and Numbi situated at the gateway, Pretorius Kop, to the Kruger National Park, have been occupied by the National Parks Board as part of the Kruger National Park, since it was established many years ago. I understand that the Parks Board has spent a substantial sum of money on improvements on these properties, but when the Native Trust and Land Act was passed in 1936, these two farms were included as part of released area No. 33, and being Crown land they vested in the South African Native Trust. I am personally acquainted with the circumstances, because I was Secretary for Native Affairs at the time. It was not possible at that time to effect an adjustment, because we could not obtain compensating land outside the released areas. The solution contained in this Bill is, we think, a satisfactory one. As the Minister has stated, the two pieces of land that are being exchanged are pretty well of the same size . . .

The MINISTER OF LANDS: Exactly the same size.

Dr. D. L. SMIT: . . . and the valuation which I have been given an opportunity of seeing, of Daanel which goes to the Trust is slightly higher than the valuation of the two farms which are being surrendered to the Parks Board. The Natives are now getting an extra piece of land which they really have never had before. In those circumstances we support this Bill.

*Mr. M. D. C. DE W. NEL: I just want to say that I had the privilege of dealing with this matter personally. The hon. member for East London (City) (Dr. D. L. Smit) knows that when this matter received attention at the time an attempt was made to find some solution to the problem, but unfortunately we were never able to find a solution. Later, however, we tackled the problem with renewed vigour. The Parks Board wished to hand over to us certain areas along the river. We went there for an inspection but I must confess that I did not see my way clear to make such a recommendation. Then we again discussed the matter and visited the whole area with the result that we came to an agreement which was fairly satisfactory to both sides. In the first place I took with me and consulted in connection with the whole question those officials of our Department who were acquainted with the whole area there and who were very much interested in seeing justice done to the Native population. In the second place I went a step further. This area was already inhabited by a number of Natives under a chief and although it was Trust Land and it was not necessary for me to consult them, I nevertheless called them together and consulted them and explained what we were prepared to give them. They were so satisfied and taken up with the proposal that they asked at once whether the farm could not be named after me. Hon. members will see therefore that the name of the farm is Daanel. I mention this just in passing. In any case I can give the House this assurance that from the Natives' point of view we made certain that there was no injustice. As far as the Parks Board is concerned I should like to pay tribute here to the head of the Parks Board who adopted a very sensible attitude. Eventually this problem was therefore solved and I think it was solved to the satisfaction of both the Parks Board and the Department of Native Affairs.

Mrs. BALLINGER: The hon. member for Wonderboom (Mr. M. D. C. de W. Nel) has answered the question which I wanted to put to the hon. the Minister. It is quite clear that this matter has the sanction of both the major parties and of the people who are most closely familiar with the terms of the settlement. I merely wished to ask the Minister whether the people on the spot, i.e. the Africans, had been consulted and whether they had agreed, and the hon. member for Wonderboom has replied to that question, so I am also quite happy to allow this measure to go through.

Motion put and agreed to.

Bill read a second time.

House in Committee:

Clauses and Title of the Bill put and agreed to.

losing the war. But the hon. member is prepared to throw in the entire population from the youngest to the oldest. That is precisely the danger, namely that in most wars there is such an exaggerated spent of enterprise that manpower and equipment are squandered unnecessarily. If the hon. member who moved the amendment gave any tangible reasons why such a step would improve the position as far as the defence of the country is concerned he would have made a point worth considering.

*Mr. DURRANT: May I put a question? If you are right, why have the reserves formed part of the Defence Force all these years?

*Mr. M. J. VAN DEN BERG: Because arrangements have to be made for the defence of the country. As I was saying, there are various stages in a war and when a country has reached the stage where it is compelled to call up its reserves to take part in the war, when there is total war, when everything has to be thrown in, then that country is half-way on the road to defeat. If a war is started with that semi-defeatist attitude it stands to reason that the whole country will be imbued with an unnecessary spirit of fear. The hon. member wants us to send men of 65 to the front. That is what his motion amounts to if he argues consistently, but the hon. member entirely forgets what he proposed and what his arguments were. His attitude is so inconsistent that by now he has forgotten what their attitude was during the second-reading debate. We must be able to see some connection between his arguments here and their arguments during the second-reading debate. He cannot adopt a different attitude now. He should at least try to be consistent. May I say this to the hon. member: When dealing with defence matters it is better to say nothing if one does not understand the position.

*The MINISTER OF DEFENCE: Under the existing Act the position in connection with the reserves was as follows: Section 20 made provision for the citizen force reserves. Section 21 made provision for the national reserves. Section 24 made provision for the reserve of officers, and Section 27 made provision for a reserve of veterans. Section 4 made provision for the permanent force. I cannot quite understand the hon. member. I did not think we would ever witness the day when there would be a proposal to call to arms every man between 17 and 65, the national reserves, and to make them members of the Defence Force of South Africa. Now the hon. member denies it but I do not see how he can deny it. His motion can have only one meaning and that is that if the reserves are moved up all the members of the reserves must necessarily be commandeered. Who would have thought that we would ever toy with the idea in this country of making people between 17 and 65 members of the Defence Force whether they have received training or not? I do not propose to discuss the point any further. So much for that. It is not acceptable and I think that if the House understands what the motion involves it will be rejected.

Amendment put and negatived.

Clause, as printed, put and agreed to.

On Clause 13.

Mr. GAY: This clause describes the duties and services which the Permanent Force may be called upon to perform either in peace or war. The Permanent Force is actually the Union's only basic defence force we have to call upon in case of trouble. It might be regarded as the Union's police force, capable of being used anywhere in the Union. One of the sections of the clause says that the Permanent Force may at all times be employed on service in the Union, for the suppression of internal disorder, etc., but when we take that definition of "service in the Union" and read it in conjunction with the definition clause (xviii), we find that service in defence of the Union means military service in time of war or in connection with the discharge of the obligations of the Union arising from any agreement between the Union and any other nation. The two appear to be contradictory, because the clause itself limits the Permanent Force to service in defence of the Union and in the suppression of internal disorder in the Union. I wish to move the amendment standing in my name—

In line 24, to omit "internal"; and in line 25, to omit "in the Union".

The object of our amendment is this, that the Permanent Force, which is our only established force of any standing that we can use quickly, is now only permitted to be employed on service in defence of the Union and the prevention and suppression of internal disorder in the Union. But it is quite conceivable and quite probable that disorder, which would affect the security of the Union, may develop just outside of our borders. It could develop, for example, in the Rhodesias, and some disorder may develop there which the Government of the area concerned cannot deal with. They may then appeal to our own Government for assistance. If that assistance was not forthcoming, the trouble which they were experiencing might flow over our borders and threaten the security of the Union and threaten peace and order in the Union. It does seem that the Government of the day should have the right, in their judgment, to use our Permanent Force, the professional soldiers of this country, either inside or outside the Union when it comes to preventing disorder. The effect of our amendment would be to give the Government of the day that power. Our

Defence Bill (Committee Stage). HEPPLE.

own security may be endangered by happenings just across our borders, and it certainly seems impracticable that our forces should sit down on the border and wait for the trouble to reach them. The obvious answer is to go to the seat of the trouble and there take action to quell it. You may get this situation developing in one of the Protectorates, or you may have it in the Rhodesias. If the Government of the territory concerned asks the Union Government for assistance, then surely our Government should have the right to say under this particular clause: "We have a Permanent Force; our own country is going to be adversely affected by this trouble; it is going to endanger our own citizens, and therefore we have the right to use our Permanent Force, our professional police force, if I might put it that way, to check the disorder before it becomes too widespread." Sub-section (3) of this clause deals with members of the Defence Force employed on police duty, and we have always regarded our Permanent Force as our national police force for dealing with disorders of this nature. I started off by saying that the explanatory memorandum given to the Select Committee made it clear that the definition under Clause 13 as to where the Permanent Force may be used, must be read in conjunction with the definition of "service in defence of the Union" under Clause 1 of the Bill, and perhaps the Minister, when he replies, might explain just how these two can be reconciled. Under that definition, which is quite clear, it would appear that if an agreement was entered into between the Union Government and Rhodesia to assist in putting down some disturbance in Rhodesia, the Permanent Force could be used for that purpose if the Government so desired, the limitation of course being that the definition limits it to service in time of war, or in connection with the discharge of obligations in the Union arising from any agreement between the Union and such other nation. As I say, the two definitions of "service" appear to be contradictory, but if the Minister could make it quite clear that Clause 13, read in conjunction with definition (xviii), defining "service in defence of the Union", gives the Government that power, then our objection to the clause going through in its present form would largely fall away. But as it stands to-day, and as I followed the discussion in the Select Committee, it is quite clear that the Permanent Force under this clause can only be used for the suppression of internal disorder in the Union, and that does not seem to be sufficient to safeguard our security. The officers and men who join the Permanent Force make soldiering their profession. It is normally accepted that people in that profession are at the command of the Government, and if the Government of the day felt that the Union was in danger, and that we should move over into one of the adjoining territories, in response to a request from them for assistance, we should certainly have the right to expect that Permanent Force of professional soldiers to be able to do that job for us. I think the Union, in view of the cost to maintain the Force, has the right to expect it. I therefore move the amendment.

The CHAIRMAN: I have listened carefully to the hon. member, but I regret to inform him that as this amendment is in conflict with a principle of the Bill, as adopted at the second reading, I cannot accept it.

Mr. GAY: May I just ask for some clarification of your ruling, Sir, which will probably affect certain other amendments which we also propose to move. The principle of the Bill is to provide for the defence of the Union and matters incidental thereto. Clause 13 merely makes provision for the employment of the Permanent Force to carry out that principle, namely the defence of the Union and matters incidental thereto. May I ask whether it would be out of order to propose that the Permanent Force could be employed either inside or outside the borders of the Union at the discretion of the Government of the day?

Mr. DURRANT: May I raise a point of order? Clause 13 deals specifically with "service of members of Permanent Force". The word "service" is specifically defined in the Bill. It is defined in Clause 1 as "military service in time of war or in connection with the discharge of the obligations of the Union arising from any agreement between the Union and any other nation". It was put to us by the hon. the Minister during the second-reading debate, that "service in defence of the Union" might well imply obligations of a military nature beyond the borders of the Union. If that is so, then when we talk about the use of the Permanent Force, there is an implied right to use men of our Permanent Force across the borders of the Union, in terms of the definition of "service in defence of the Union". I put that to you, Sir, for your consideration.

The CHAIRMAN: I have given careful consideration to this matter, and after due consideration, I feel that I cannot depart from my ruling that the amendment moved by the hon. member is in conflict with a principle of the Bill as adopted at the second reading.

Mr. HEPPLE: I merely rise to say that we are opposed to the proposition advanced by the hon. member for South Peninsula (Mr. Gay). We are opposed to it because of its very grave implications.

The CHAIRMAN: Order! I cannot allow the hon. member now to discuss an amendment which is not before the Committee.

Mr. HEPPLE: May I say that I support the clause, and I do so because any change in the clause would support the proposition put up by the hon. member. Am I to understand, Sir, that you will not allow discussion on this amendment because it has fallen away?

Mr. GAY: If the amendment is disallowed, I want to refer to the implications flowing from Clause 13 as printed. The clear implications are that the Permanent Force may not be used outside the confines of the Union. That implication seriously jeopardises the whole object of this particular clause and the object of the Bill, i.e. the adequate defence of the Union. The explanatory memorandum given to us in the Select Committee says—

> The existing Act has laid down that the Permanent Force may at all times be employed on active service whether against an enemy anywhere in South Africa, within or outside the Union, or for the prevention or suppression of internal disorders within the Union. Clause 13 (1) provides, however, that the Permanent Force may at all times be employed for the purpose expressly mentioned therein, and in this connection attention is invited to the definition of the expression "service in defence of the Union", as stated in Clause 1 of the Bill.

That is the section that I mentioned, that under certain conditions the Government has the right to use the Permanent Force anywhere in carrying out an agreement entered into between the Union Government and any other power. This clause, as it stands definitely limits the operation of that principle; it limits the use of our Permanent Force, the only available force that can be used quickly in an emergency to serve in defence of the Union and the prevention and suppression of internal disorder in the Union. In terms of your ruling, Sir, we cannot move that that limitation be deleted, but I would like to make it very clear that we do not consider that this clause goes far enough in the best interest of the defence of this country. It is not giving the Government of the day the power to make the best use of the defence forces that they have at their command, should the safety of the Union be endangered. It certainly handicaps any government—and I am not interested in what government happens to be in power when it comes to the question of the security of the country—it handicaps any government in power in protecting their own citizens and it certainly debars any government in power from assisting an adjoining government, at their request, to quell disorders in their area which, because they are not quelled at the source, could flow over the borders into the Union and probably create internal disorder of much greater magnitude than would have been the position if we had tackled the disorder at its source.

The MINISTER OF DEFENCE: May I point out to the hon. member that the existing section dealing with the duties of the Permanent Force provides that at all times they may be employed on active service against an enemy anywhere in South Africa, within or outside the Union. According to the definition here, as the hon. member knows, "Union" includes South West Africa. The hon. member says that it will be difficult for us, as this Clause stands, to carry out any agreements with other countries. Under the old Act they could be employed anywhere in South Africa, within or outside the Union. The proviso here amounts to almost the same thing; it is almost the same terminology, and there was no objection raised under the previous Government to the use of our Permanent Force, on a voluntary basis, outside our borders and in pursuance of agreements with other countries, and in time of war.

Mr. HEPPLE: The hon. the Minister's reply creates the impression that it would be possible for the Government to agree to the use of our Permanent Force in the quelling of disorders in countries outside the Union. Do I understand the Minister correctly?

The MINISTER OF DEFENCE: In time of war, and "time of war" is also defined as including certain disorders; I forget the exact term.

Mr. HEPPLE: May I say that "time of war" is defined as "any time during which an actual state of war exists or may in the opinion of the Governor-General be anticipated".

The MINISTER OF DEFENCE: That is the point to which I referred. They may be used even in peace time when war is anticipated.

Mr. HEPPLE: The point I want to make is that it would be quite wrong for us to agree to the use of our Permanent Force in the quelling of disorders in adjoining territories. It is a very grave suggestion to make, because it could mean that the troops of our Permanent Force would be used against civilians, in quelling disorders not only in our own territory but also against civilians of adjoining territories. In Africa this would convey the impression that our Permanent Force, which is a White force, is going to be used in adjoining territories of Africa in order to further the policy of White domination. In Africa this proposal has implications which are far more serious than would be the case in other parts of the world. We have a White army in the Union of South Africa. For reasons of our own, we confine the arming and training of our forces to White people . . .

The CHAIRMAN: Order! The hon. member is drifting away from the provisions of the clause. He is discussing the principle now.

Mr. HEPPLE: Sir, this is a very important point, and I am asking the Minister a question; I am pressing for information.

The CHAIRMAN: The hon. member may put the question, but he cannot argue the point.

Mr. HEPPLE: I am asking the Minister if it would be possible under the Bill as it now stands, for us to agree to the use of our Permanent Force in the quelling of disorders on the Copper Belt in Northern Rhodesia? Is that a possibility or, as the hon. member for South Peninsula has suggested, is it possible for us to allow our Permanent Force to be used in one of the Protectorates against civilians? It is a very important point, and I hope the Minister will elucidate it.

Mr. GAY: I would ask the Minister to make his explanation a little bit clearer than he has done. He has still left considerable doubt in one's mind as to what this particular definition means. The clause itself is perfectly clear. The clause says that the Permanent Force may be used on service in defence of the Union, on service in the prevention or suppression of internal disorder in the Union and so on. That is perfectly clear, but then Clause 1 (xviii) says—

> "Service in defence of the Union" means military service in time of war or in connection with the discharge of obligations of the Union arising from any agreement between the Union and any other nation.

It does not seem that that might be interpreted as meaning that the government of the day could enter into an agreement with an adjoining government to assist in putting down whatever disorder may have arisen there and which the government, in its wisdom, might feel would adversely affect the Union. I am not interested in the Labour Party definition of sending up our troops as strike-breakers; that is really what they are getting at. I am concerned with what use the government of the day can make of its Permanent Force in genuine cases where the internal security of the Union is being threatened, and where they are asked by an adjoining power to come to their assistance, just as our Government might in their turn appeal to some stronger power for assistance, if we were threatened by, say, Communism. That is the sort of agreement which is entered into any day between governments. The Minister himself is not clear in his explanation as to how far that right went. I am not so much interested in the position in time of war, because that is dealt with in another part of the Bill; I am interested in the question of dealing with internal disorders in peace-time. The clause as it stands is ambiguous. It does not seem to give the Government that right, and it should be made a great deal clearer before we are prepared to accept it.

The MINISTER OF DEFENCE: To me, of course, this clause is quite clear. It means what it says, namely that the Defence Force may be used on service in defence of the Union and on service in the prevention or suppression of internal disorder in the Union. Now, what does "Union" mean? "Service in defence of the Union" means "military service in time of war, or in connection with the discharge of the obligations of the Union arising from any agreement between the Union and any other nation." They may make an agreement that under certain conditions the Permanent Force would go outside the borders of the Union, in time of war. On that point are we agreed.

Mr. LOVELL: But they cannot go outside.

The MINISTER OF DEFENCE: On a voluntary basis. "Time of war" does not only mean when war has already broken out. "Time of war" means any time during which an actual state of war exists or when in the opinion of the Governor-General war may be anticipated. It is during that short period while war may be anticipated that you can also make use of this clause.

Clause, as printed, put, and the Committee divided:

AYES—74: Abraham, J. H.; Bekker, G. F. H.; Bekker, H. T. v. G.; Bezuidenhout, J. T.; Botha, P. W.; Coetzee, B.; Conradie, D. G.; de Kock, J. A.; de Villiers, C. V.; de Wet, C.; Deysel, A. J. B.; Diederichs, N.; Dönges, T. E.; du Pisanie, J.; du Plessis, J. W. J. C.; du Plessis, J. H. O.; du Plessis, P. J. C.; du Plessis, P. W.; Erasmus, F. C.; Erasmus, H. S.; Eyssen, S. H.; Faurie, W. H.; Fouché, J. H.; Fouché, J. J.; Greybe, J. H.; Haak, J. F. W.; Hepple, A.; Hertzog, A.; Hugo, P. J.; Jonker, A. H.; Keyter, H. C. A.; le Roux, P. M. K.; le Roux, S. P.; Liebenberg, J. L. V.; Loubser, S. M.; Louw, E. H.; Lovell, L.; Luttig, P. J. H.; Malan, A. I.; Martins, H. E.; Mentz, F. E.; Mostert, D. J. J.; Nel, J. A. F.; Nel, M. D. C. de W.; Pelser, P. C.; Potgieter, D. J.; Rust, H. A.; Schoeman, B. J.; Scholtz, D. J.; Schoonbee, J. F.; Serfontein, J. J.; Smit, E. J.; Steyn, J. H.; Strydom, G. H. F.; Swart, C. R.; van den Berg, M. J.; van der Merwe, J. A.; van der Vyver, I. W. J.; van der Walt, B. J.; van Niekerk, A. J.; van Niekerk, M. C.; van Rhyn, A. J. R.; Venter, M. J. de la R.; Viljoen, J. H.; Viljoen, M.; Visser, J. H.; von Moltke, J. v. S.; Vorster, B. J.; Waring, F. W.; Webster, A.; Wentzel, J. J.; Whiteley, L.

Tellers: W. A. Maree and S. F. Papenfus.

NOES—41: Abbott, C. B. M.; Bowker, T. B.; Butcher, R. R.; Cope, J. P.; de Beer, Z. J.; Durrant, R. B.; du Toit, R. J.; Eaton, N. G.; Fourie, I. S.; Frielinghaus, H. O.; Gay, L. C.; Graaff, de V.; Hayward, G. N.; Higgerty, J. W.; Hughes, T. G.; Jordan, R. D. P.; Lawrence, H. G.; Lewis, J.; McMillan, N. D.; Mitchell, D. E.; Moore, P. A.; Oppenheimer, H. F.; Pocock, P. V.; Shearer, O. L.; Smit, D. L.; Solomon, V. G. F.; Stanford, W. P.; Steenkamp, L. S.; Steyn, S. J. M.; Strauss,

Native Representatives, and, alias, as a result of the amendment which they have introduced here to-day, we have no alternative but to include the United Party as well. We want to say this to them: They should give very serious consideration to the effect that their attitude will have on Native opinion which was incited in this way, apart from the fact that this attitude on their part will serve further to encourage the African National Congress in the course that it is adopting. We say this to them also in order to refresh their memories and to let them understand what may lie in store for them. We had the I.C.U. at one time, with whom certain Whites also co-operated. I think the hon. member for Cape Eastern will be aware of that. They also co-operated with the I.C.U. and at one stage in the development of the I.C.U. the Natives turned their backs upon the Whites who had to give them a lead. To-day we also have the Congress of Democrats, this mixed organization, in which White and non-White co-operate in supporting the African National Congress. And the other day, before a meeting of the Institute of Race Relations, a former member of the Native Council, Paul Mosaka, said that more and more a spirit of non-co-operation was developing amongst the Natives in our country. He goes on to say that there are even Natives who are unwilling to co-operate with this Congress of Democrats. It is the organization of those people which is now expected to link up with the African National Congress. This is a terrible example to use, but sometimes one has to use very definite clear examples to drive home the truth to the other side. They would be very well advised to bear in mind the case of Dr. Quinlan. [Time limit].

Mr. HEPPLE: Mr. Speaker, despite the speech that has just been made by the hon. member for Alberton (Mr. Viljoen) I do not think any of us are particularly worried about his arguments because they are mainly political. If ever we have heard a purely political speech it was this one by the hon. member for Alberton. He never once got down to the germ of the case before the House; he brought no evidence to support his arguments; these were just the meanderings of a frightened mind.

The apparent purpose of the Bill before the House is to protect the present certificate holder of a transportation certificate to carry Natives from Alexandra to other areas of Johannesburg, that is, Putco. It, of course, is not the real reason. The real purpose of this Bill is punitive: it is aimed at punishing the residents of Alexandra Township because they have stood up for an economic right. They have stood up and protested that they cannot afford to carry an additional economic burden that has been thrust upon them, not by Putco, but by the hon. the Minister and by the Government. Later on, chapter and verse, I will give the economic facts of the situation and show the hon. the Minister in the true light in which he has put himself in this deplorable affair. The history behind this Bill is clouded in Government frenzy and ministerial hysteria. We have the evidence of this. That evidence is words out of the Minister's own mouth. The background to the Bill is one of Government blundering and incompetence. Throughout the whole piece, from the very day the Minister returned from his flight to Belgium, the attiude of the Government has been irrational, inflexible and inhuman. There has been no effort on the part of the Government to approach this serious problem in a statesmanlike manner. The Minister has used the methods that are used by fools and tyrants, not by intelligent democrats. The Government approaches this problem as it does most other problems, treating all those who do not fall in with the Government's wishes as either criminals or enemies of South Africa. They never consider any problem of this country completely on its merits. If anyone has turned a serious economic problem into a racial one it is the Minister of Transport. The Minister and the rest of the Government have embarked upon a vendetta against the African organizations and the African National Congress. Their aim is to break the spirit of the African people; their aim is to break the spirit of four-fifths of the people of South Africa, and no matter what the economic or social consequences of this vendetta may be the Minister and his Government are determined to pursue it to the bitter end. In the process they are striving to uphold Nationalist Party policies which have already brought shame and disgrace to South Africa throughout the world. When I hear arguments in this House about upholding the good name of South Africa I wonder who besmirches the good name of South Africa more than this Government, as they have done over this bus boycott. It is world news, not because of anything else but the attitude of the Government.

For these reasons I am surprised at the hon. the Leader of the United Party who, this afternoon, despite his opposition to this measure has lent himself to these wild charges of agitators amongst the Africans, of irresponsible people, of people who are turning this unhappy affair to their own political advantage. The history of this boycott shows that if anybody has acted as an agitator, as an intimidator and an irresponsible person it is the Minister of Transport. The record also shows that if anybody has behaved in a statesmanlike and responsible manner it has been the leaders of the bus boycott movement, and I am going to bring my evidence for that.

*Mr. P. W. BOTHA: On a point of order Mr. Speaker, is the hon. member entitled to say the hon. Minister acted as an agitator?

The DEPUTY-SPEAKER: The hon. member may proceed but I want to warn him to moderate his language.

*Mr. P. M. K. LE ROUX: On a point of order, may I have clarification in connection

with your ruling. Is your ruling that it is Parliamentary for an hon. member to say to another hon. member, irrespective of whether he is a Minister or not, that he is an agitator in that sense?

The DEPUTY-SPEAKER: Order! I would prefer that hon. members do not use the word "agitator". The hon. member must moderate his language.

Mr. HEPPLE: Sir, I shall do everything in my power to moderate my language. It is interesting to compare the record of the hon. the Minister of Transport and that of the boycott leaders, and if one compares the attitudes of the two one sees who has behaved like an agitator. The Minister said that the African National Congress had prepared the plan for this boycott a long time ago. He made that charge in the House on the last occasion when I raised this matter. The Minister forgets the most important thing, that the bus boycott would not have taken place unless the bus fares had been raised, and that the bus fares were raised because the Government gave the green light to Putco, telling them to put up the fares and that the Goverment would stand behind them. In doing so the Government acted in a most irresponsible manner. It must have known that there would be a reaction from the bus users. Surely the time for consideration of all the aspects of this situation and the possibilities of it was before the fares were increased. The Government expected trouble and difficulties but they thought that by getting tough with the bus users they would be able to compel them to pay the higher fares no matter what the consequences might be.

I would like to compare the attitude of the Minister with that of the African leaders. I would like to start off with a statement made by the Minister on the day he returned from overseas, on 17 January. On that day the Minister made a statement to a deputation from the Witwatersrand which came to see him in connection with the boycott. He told them that he was not going to listen to reason, that he was going to settle the boycott in his own fashion. This is what he said—

> The Minister made six points in reply:
>
> The Government would not be intimidated.
>
> The Government was not prepared to intervene.
>
> Employers could help to end the boycott by refusing to pay for time not worked by Natives taking part in the boycott and who arrived late for work because of this.
>
> Misguided members of the public who are giving lifts to Natives to and from locations should be prevailed not to do so.
>
> If the employers wish to increase the wages of their Natives it is their own affair.
>
> The Minister said that he had instructed his department to take action against any contraventions of the Motor Carriers' Transportation Act.

In other words he began with the big stick virtually saying "I will bludgeon you into paying the extra penny". The reply he got from the African National Congress—these irresponsible leaders, these agitators as they have been called this afternoon—was this—

> The African National Congress . . . said that the fact that thousands of people had been driven to boycotting the buses in Johannesburg and Pretoria at considerable suffering and discomfort to themselves "is a reflection, in itself, of the failure of the Government's policy to meet even the minimum economic needs of the African urban workers". Referring to the statement by the Minister of Transport, Mr. Ben Schoeman, on the boycott . . . this statement said the Minister had nothing to say save to incite employers to cut boycotters' wages, "prevail upon the misguided" persons who offer lifts to stop doing so, and to threaten police persecution to those who contravened the Motor Carrier Transportation Act.
>
> Neither the boycotters nor those who offer them lifts are criminals. It is not an offence for people to walk to work when their fares rise above their ability to pay.
>
> Insults, threats and persecution could serve only to work up hatred for the Government which ignored the hardship of the boycotters and made no move to effect a satisfactory settlement.

Note the difference between these two statements. Following upon that, on 24 January, I asked the Minister in this House to adopt a more reasonable attitude. I pleaded with the Minister to look at this in a different light in spite of his previous statement. He replied to me as follows—

> I want to make the Government's attitude perfectly clear so that there will be no misunderstanding. Firstly there will be no capitulation; the Government will not be intimidated. The bus boycott will be broken and law and order will be maintained. The Government calls on all employers of Native labour to assist in breaking the boycott by not paying Native employees for time not worked. The provisions of the Motor Carrier Transportation Act will be strictly enforced. Lastly, I call upon the thousands of law abiding Natives in those townships to repudiate the leaders who are not concerned about their economic plight but are mainly concerned with achieving an economic aim.

This is an accusation that has been made again this afternoon. I want to ask members of this

House how many of them could be intimidated to walk 18 miles a day in all kinds of weather for a period of, what is now, 8 weeks? Especially if they had the Police Force out daily in full strength to intimidate and prevent them from carrying on.

On 26 January the Minister of Transport made another call to break the boycott. I read now from the *Cape Argus* of 26 January—

> The Minister of Transport has asked the Johannesburg City Council, the Chambers of Commerce and Industry and the Afrikaanse Sakekamer to help the Government to break the Native bus boycott on the Rand. At his invitation, representatives of these bodies flew to Cape Town yesterday and had a discussion with him yesterday afternoon lasting nearly two hours.
>
> At the end of it they told me that the Minister had repeated to them what he said in the Assembly on Thursday and had asked for their co-operation in carrying out the appeals he had then made as it was vital to the whole country that the boycott should be broken.

This is the line that was adopted by the Minister. Once again the African National Congress, these "irresponsible political agitators" replied, and I quote from the *Rand Daily Mail* of 26 January—

> Last night the National Executive of the African National Congress said in a statement . . .

An HON. MEMBER: You are busy agitating now.

Mr. LAWRENCE: On a point of order, Mr. Speaker, the hon. gentleman over there said of the hon. member who is speaking "You are agitating now" . . .

Hon. MEMBERS: He is an agitator.

Mr. SPEAKER: Order, order! The hon. member may proceed.

Mr. HEPPLE: Mr. Speaker, I am quoting a statement by the African National Congress in reply to the aggressive declaration of the Minister of Transport, and this is what they said—

> The decision of the Natives to boycott the buses was a direct result of their deteriorating economic conditions—"a fact which is acknowledged by leading economists".
>
> The African people were unable to shoulder any additional burden.
>
> The African National Congress congratulates the people on the disciplined manner in which they have conducted the boycott. Their determination to conduct the boycott peacefully is clearly demonstrated by the fact that there have been no incidents and the police have had no cause to act. We call upon the people to maintain their calm attitude.

This is a statement by people who have been called irresponsible. The evidence shows that no charge can be made against the boycotters or their leaders that they have acted in an unlawful manner. They have done nothing wrong in spite of the very considerable Government intimidation and aggression.

At the beginning of February—that is a month ago—the Government threw in the whole weight of all Government force and power in order to break the boycott. They began to intimidate all those who were connected with the boycott; they began to stop private cars that were giving people lifts; they stopped taxis, vans, cycles; the police even went so far as to let the air out of the tyres of bicycles. At every point the police stood armed, not only with revolvers but even with sten guns, and at every point they were stopping the boycotters; they were demanding to see their reference books and their tax receipts. They were stopping Europeans who were assisting the boycotters in a humane way. They were stopping employer's vans which were taking their own employees home to Alexandra. They used every kind of intimidation and even threats [interjections.]

*Mr. SPEAKER: Order, order! Will hon. members give the hon. member an opportunity to make his speech. These interjections will in no way help the debate.

Mr. HEPPLE: The Government used every possible weapon it could conceive to prevent the boycotters continuing the boycott. They used threats and intimidation of the worst kind. The Minister's own Department in Pretoria cut the train service at Lady Selborne. The officials at the railway station at Lady Selborne refused to issue daily tickets until the matter was taken up, so that for several days passengers could not get tickets because they were accused of being boycotters. Then the Transportation Board officials came in; they suddenly became very numerous and very active. They began to stop almost every motor car they saw. They started to measure the seats of motor cars to see if there were too many people occupying those cars, and they suddenly considered themselves to have powers even greater than those of the police. On top of this the police began an intensive campaign against Africans in all areas of Johannesburg and Pretoria. They began to raid hostels and townships, and large numbers of Africans were arrested. The police said "This has nothing to do with the boycott, these are merely routine raids." I need only mention one or two of them. There were 297 Africans arrested at Lady Selborne. One hundred and seventy-two passengers were pulled out of motor cars on one day on the way to Alexandra and arrested for various offences. Of course it all had nothing to do with the boy-

cott, but surprisingly enough it happened to be during the time of the boycott. Two thousand were hauled out of the Native hostel at Wemmer and arrested, and the Government collected over £2,000 in fines for statutory offences from these people. Four hundred and sixty-two people were arrested in Alexandra; 445 at Newclare. In other words thousands of civilians have been arrested as part of the Government's campaign of intimidation against the boycotters because they refused to pay the penny increase in fares. Because they decided to walk to work rather than pay the penny they have been subjected to all this intimidation and this aggressive action on the part of the Government.

*Mr. MAREE: Are you sending a copy of your Hansard to Michael Scott?

Mr. HEPPLE: The hon. member does not like facts. I am only quoting facts. The hon. member is afraid of Michael Scott. I am only worried that the Government is not behaving in a statesmanlike manner. I am hoping the Government will change its ways.

We of the Labour Party have tried to act in a responsible manner. On two occasions we have raised this matter in this House and we have asked the Minister to do something about it. We have appealed to the Government to take proper statesmanlike action before it is too late, but on both occasions when we have raised this matter not only have we been turned down by the Minister but we have been insulted and abused. The Minister could not reply to our plea so he insulted and abused us and made statements of a most shocking nature against us. Finally, the Minister made this statement on 5 February in this House in reply to my plea to him to act as mediator. I said "Look, you were a Minister of Labour once, you know the power of negotiation, of getting round the table and talking." I appealed to the Minister to have discussions of some kind, I appealed to him to be a mediator in this matter. What was the Minister's reply? Apart from the insults and abuse he hurled at me the Minister said—

> As far as the Government is concerned there will be no capitulation to these people. We shall do everything in our power to break the boycott. This boycott must be broken whether it lasts a month or six months.

*HON. MEMBERS: Hear, hear!

Mr. HEPPLE: Mr. Speaker, the "Hoor, hoor's" we are getting now are a reflection on the attitude of the Government. The Government is determined, no matter what the cost may be to South Africa, to further its own impossible policies. No matter what the consequences may be in human suffering or to the general economy of South Africa, all they are concerned with is that the Government is put in the right. It is determined to put itself in the right at all costs.

The hon. the Minister had a further opportunity of doing what was right, but he failed. His next step was to turn on the English Press. Of course this has become a habit with the Government and we are getting quite used to it. The hon. the Minister flew up to Johannesburg and when he arrived the *Rand Daily Mail* asked him for a statement regarding the boycott, and he said "I refuse to speak to the English Press until it changes its attitude on the boycott." [Interjections.] Was that not intimidation? He threatened the English Press. He said "I may be a Minister of the Crown and responsible to the people of South Africa but I am not going to speak to the people of South Africa through the Press until they back my standpoint." That is intimidation of the worst kind.

So the whole sorry story unfolds itself. Throughout the whole piece the Minister has been guilty of the very things of which he accuses the boycotters. He has adopted an aggressive attitude throughout.

Was it surprising that after this intransigent attitude of the Minister, the boycotters should have resorted to the only weapon that they knew of, an extension of the boycott. What else could they do? Naturally the boycott spread to Port Elizabeth and other parts.

An HON. MEMBER: Naturally!

Mr. HEPPLE: Of course, they had no other way to answer the Minister, that is why they answered in that way. Another thing that became apparent at this stage was this: previously the Minister's Department had been negotiating with the so-called responsible elements. They were having secret meetings. There was talk that the Government would not speak to the agitators, they would only talk to the responsible people. As a result of the Minister's attitude it emerged that the so-called moderate people to whom his officials had been talking now aligned themselves with the African National Congress, with the boycott movement. I think they did quite right. It revealed that the Minister's attitude, instead of settling this problem by negotiating with people who had no following, brought them on the side of the official boycott movement and on that date they formed a united front to see the boycott through to a successful conclusion.

The Minister was determined to have a showdown, but what is this so-called showdown proving? The boycott has now gone on for eight weeks and what the cost must be to the country in production and in wealth, one can only guess, but it must be enormous. The Minister's own Department of Railways is showing enormous losses, and is that not a result of his own policy, a result of this very attitude? In the speeches we have heard this afternoon, not only from the Minister but also, I am sorry to say, from the hon. the Leader of the Opposition, there has been a great deal of talk of irresponsibility and agitators and the political character of the boy-

cott. May I say that the African National Congress has never denied its part in this movement? It has made a clear statement in this regard and made its own position very plain. On 16 February the African National Congress made the following statement—

> The Government has accused the African National Congress of using the boycott to test its strength against established authority. This is a serious charge which makes it imperative, in the interests of good relations between Black and White, that the full facts of the situation should be known widely. It must be emphasized that the bus boycott started basically as a local dispute between the operators and a section of their clients. Experience in the past has shown that left to themselves the operators and the clients in the end reach agreement satisfactory to both sides.
>
> The new factor in the present situation is not that the African National Congress has not been uninterested in developments, but that Government intervention, and more specifically the Minister of Transport's attitude has given national proportions to what was essentially a local crises and has given political colour to a strictly economic dispute.

Then they went on to say this—

> The African National Congress urges White South Africa not to be stampeded into approaching the boycott from perspectives which will justify the Minister of Transport's attitude and in that way make the settlement of the problem difficult. Rather the need of the moment is the creation of an atmosphere where the justice of the African's case will be seen. I should like to appeal strongly to our people to remain calm and not to be stampeded into actions which will not be in keping with the spirit and discipline of the A.N.C., to know that our cause is just and to remember that men of goodwill on all sides are with us. In particular, I would like to urge the people involved in the demonstrations under discussion to keep the boycott resolutely peaceful and orderly.

And I think we can all agree that that has been done. In other words the A.N.C. has behaved in a very responsible manner throughout.

I now want to come to the most important aspect of the boycott, whether it is economic or not. In previous debates during this Session the Minister made a wild assertion that most of the boycotters have had in recent years increases in wages and allowances amounting in some cases to 200 per cent. He went on to base all his arguments on this figment of his own imagination. I would like to bring to his attention certain economic facts—not dreams, but facts—and the first argument I want to deal with is the question whether there has been a rise in Native wages. Of course there has been a rise, but look at the extent of those increases! Dr. van Eck, in a recent paper, made the following statement. He said that between 1945 and 1955 the *per capita* wages of Whites in industry increased from £365 to £690, an increase of 90 per cent, whereas the increase *per capita* of the wages of Natives in industry increased from £91 to £137, an increase of 50 per cent. In other words, the increase in Native wages has been just over half that of the Europeans.

Next I want to deal with the question of cost-of-living allowances. There sits the Minister of Transport, who was the man who could have done something about that. It made me smile this afternoon to hear him turn on the employers in this country and lay the burden in regard to increasing wages at their feet. What was his role in increasing cost-of-living allowances when he was Minister of Labour? A fact that has been completely ignored is that the statutory cost-of-living allowances were pegged in March 1953. These statutory C.O.L.A. affected 90 per cent of the people living in Alexandra because they are not covered by collective bargaining agreements. Most of them are unskilled and semi-skilled workers and they have to depend for C.O.L.A. on War Measure No. 43 of 1942, which fixed those allowances. When the C.O.L.A. were pegged in March 1953 the retail price index stood at 188.9. It is now 208.2. The fact of the matter is that the statutory C.O.L.A. applicable to these unfortunate bus-users are barely 40 per cent of the actual rise in the cost of living. If these allowances were based on the retail price index of 208.2, they would be getting more than double the present allowances. That is the trouble, that these people have not been given sufficient C.O.L.A. These are facts.

The next fact I would like to bring to the notice of the Minister is something for which the Minister carries a wide degree of guilt. When he was Minister of Labour he was responsible for the publication of recommendations made by the Wage Board. The last time the wages of unskilled workers on the Rand were fixed was in 1942, in Wage Determination No. 105 of 6 November 1942. That is the last time these wages were touched. The interesting part of the story is that they could have been increased in 1948 but for one man. One man prevented these basic wages being increased in 1948, and there he sits, the present Minister of Transport, who was then the Minister of Labour. In 1948 the Wage Board made a recommendation of higher wages, better leave allowances and other benefits to the unskilled workers on the Rand. They wanted to improve on the existing wage determination of 1942, but the Minister refused to publish that wage determination. I asked him a question in this House, why he did not publish that recommendation, and I would like to read to the House the reply I got from him. In reply to a question I put

for all of us to be good South Africans. I say that we cannot have true national unity in any country unless there is a sound national foundation for that national unity. That is why I am an outspoken republican, not because I want to put out my tongue to other people and say "You see, we have regained what we lost", but because I am deeply convinced that it would be in the true interests of South Africa, because it would strengthen unity and unification in our country and would eliminate those things which to-day stand in the way of our unification and the building up of our nation. That is why I am very grateful to the hon. member for Hospital (Mr. Barlow) for having introduced this Bill, and I am not only grateful to him, but I am also grateful to the Government for having allowed time for this Bill to be dealt with so that we can discuss this measure properly and put it through Parliament within the next few weeks. The nation will be grateful to the hon. member for Hospital for this act on his part, and when I talk about the nation, I have in mind at least three-quarters of the people of South Africa, because the opposition that was organized against this movement, was so feeble and unsuccessful that it had to be discontinued. That is characteristic of South Africa, where emotions can be stirred up very quickly with regard to matters of this kind. I say that the fact that this opposition that was organized did not succeed, is proof that the vast majority of the people feel that the time has come for South Africa to have one flag as a further step along the road towards the building up of a nation. It will promote national unity, and perhaps we shall then be able to co-operate better in the future, not only as far as domestic matters are concerned, but also with regard to foreign interests. That is why I regard it as an honour and a privilege to take part in this historic debate on this historic occasion.

Mr. HEPPLE: Mr. Speaker, the Bill before the House is a very simple one. It proposes the hauling down of the Union Jack from the few public buildings on which it flies at the present time alongside the Union Flag. We all remember some 30 years ago that this same proposition nearly led to civil war, but I think we are all very happy to see that in the time that has intervened the people of this country have become conditioned to the change in status of South Africa; they have become reconciled to the growth of South Africa as a nation, and they have come to accept the Union Flag as the flag of South Africa. I think if it were not for the politicians very few people outside would really take very much notice of the proposition that is before the House to-day.

It is a pity that this emotional issue of 30 years ago—which really does remain an emotional issue insofar as the leading politicians of South Africa are concerned—should not have been allowed to fade a little further into history before it was resuscitated in this House. I myself cannot see any good reason why this matter should have been brought up here. We must remember one important thing, and that is this, that the settlement of 1927 was such a compromise that it really satisfied nobody. Nobody was really saitsfied with the compromise of 1927, and I think the greatest evidence of the Nationalist Party's attitude towards it is their eager support of the Bill that is now brought before this House by the hon. member for Hospital (Mr. Barlow). It shows that they would now like to take this opportunity to retract the concession that was made in 1927, and I think it surely reveals that they were far from satisfied at what was to them, at that time, a considerable concession. Insofar as other sections of the community are concerned, they will look upon the Bill before the House to-day as being something more important than it really is. I would like to go back a little way into history in order to explain why I say that. In 1927 the then Minister of the Interior, Dr. Malan, dealing with this question of the Union Jack said—

> We on our side agreed that alongside our own South African Flag the Union Jack was, on occasions, to be used to stand for that very idea which makes it so dear to the hearts of the hon. gentlemen opposite; that is to say, it shall stand for the British connection. It shall stand for our relationship to the British community of nations.

Well, a lot of water has flown under the bridges since that statement was made. The British Commonwealth of Nations of 1927 was quite a different proposition from what it is to-day. In that regard the hon. member for Prieska (Mr. P. M. K. le Roux) was, to a large extent, correct when he said this afternoon that the only basis upon which the Commonwealth can exist is as a free community of voluntary associates. He was further correct when he said that we would belong to a community of nations if it was in the interests of South Africa. No one can quarrel with that argument. Again I would like to go back into history.

When the 1927 Union Nationality and Flags Bill came before this House it was brought in by a Pact Government of which my party was a partner.

Mr. ABRAHAM: No, no, not your party. [Interjections.]

Mr. HEPPLE: You see, Mr. Speaker, that is the difficulty with hon. gentlemen opposite. If they want to get into this quibble let me tell them that they are quite correct—nor is the Nationalist Party of to-day the Nationalist Party that sat in that Pact Government. It was the Nationalist Party of General Hertzog in those days, not the purified Nationalist Party of to-day. However, I do not think we should go too deeply into that. [Interjections.]

There are many of General Hertzog's followers who would be ashamed of what that party is doing to-day. Let us not go too deeply into that question, but let me get back to 1927. In 1927 it was a Pact Government that brought in that Bill, and the Pact Government consisted of the Nationalist Party and the Labour Party. The Flag Bill that was brought in at that time was, in essence, a triumph for the Nationalist Party, but it was the Labour Party that had to go back to the English-speaking people of South Africa and sell the idea to them. The Nationalists went back to the platteland in triumph to say "This is what we have got out of the Pact", but the Labour Party had to suffer all the abuses and attacks from sections of the English-speaking people because of that decision. Anyone who knows the history of that time knows that these are the facts. I can say, speaking for myself and for the hon. member for Johannesburg (City) (Mr. Davidoff), that we were involved in a lot of the Labour Party's turmoil at the time because we supported the Flag Bill of 1927.

Mr. ABRAHAM: May I put a question to the hon. member?

Mr. HEPPLE: No. I do not concede that to the hon. member because he never asks an intelligent question.

Mr. SPEAKER: Order! The hon. member need not give a reason as to why he does not want to answer a question.

Mr. HEPPLE: Yes, Mr. Speaker, but I am sure you will agree it is a sound reason . . .

Mr. LAWRENCE: On a point of order, Mr. Speaker, I take it the hon. member is not precluded by the rules of the House from giving a reason in appropriate cases.

Mr. SPEAKER: Order, order! The hon. member must proceed with his speech.

Mr. HEPPLE: Mr. Speaker, let me say that this is the first time I have seen history upset the hon. gentlemen on the opposite side. Usually they like to live in the past. This is some of the past and I would like to remind those hon. members about it to-day. I was referring to the role of the Labour Party in the Union Nationality and Flags Bill of 1927. It did create a crisis in the Labour Party because the Labour Party had to go to the urban electorate, which was mainly English speaking, and had to convince them of the necessity and the rightness of the Flag Settlement of 1927. Members of the Labour Party had their meetings broken up; we had a meeting in the Durban City Hall that ended in a riot. It was the Labour Party who took the battering about this, not the hon. gentlemen opposite. While we were struggling to defend this measure the predecessors of those hon. gentlemen who sit in the Government benches to-day were stumping around the platteland boasting about the triumph they had had.

Dr. J. H. O. DU PLESSIS: May I put a question to the hon. member? Referring to that meeting in Durban, is it not a fact that Dr. Malan addressed that meeting together with the former Senator Thomas Boydell and Mr. Sydney Smith?

Mr. HEPPLE: Yes, that is quite correct, but of course it was the Labour Party who had to organize the meeting. I accept that Dr. Malan did come down to Durban and speak at the meeting, but he did not have to go back to Durban to fight for his seats at the next election.

The MINISTER OF TRANSPORT: Look, I cannot stand the suspense any longer; are you for or against the Bill?

Mr. HEPPLE: I do not understand the hon. gentleman's impatience; let him be patient. At that time, because of the repercussions of the original proposals on the 1927 Bill, the Labour Party was able to persuade Dr. Malan and General Hertzog to agree to the inclusion of the present clause which is now to be repealed in terms of this Bill. The Nationalist Government of that time agreed to the concession because the Labour Party found it could not sell the idea to South Africa without inserting the proposition that the Union Jack would still fly. That is also history. It was on that basis that the Pact Government went to South Africa and said, both in this house and outside, that the Union Jack could continue to fly in South Africa to indicate the country's Commonwealth connection. It was a Labour Party member who moved the insertion of this clause in the Act as it now stands. It is interesting to note that that proposition was agreed to without a division in the House; neither the Government parties nor the Opposition disagreed with that; even the S.A.P. Opposition of that time agreed to it. There was no dissension about it at the time. It was only Mr. Duncan who made the observation later on in the debate that it was wrong to have two flags—and how right he was!

There was a second factor that weighed with our people in this country, and it was an important factor, and that was the question of the design of the National Flag itself. One remembers that General Hertzog was adamant about one thing. He said he wanted no flag with the Union Jack in it, and right to the bitter end he stood by that position. He said he would accept no flag that had the Union Jack in it. From his standpoint he was quite correct; representing his people, he felt that the sight of the Union Jack in the flag might not be the remedy that he was seeking, and to the very end he stood by that point of vew. What was really needed in 1927 was a complete break with the past, but unfortunately we were too close to history and it was im-