



Alex. Hepple.

ALEX HEPPLE

PARLIAMENTARY SPEECHES

ASHTON



MAN AND SUPERMAN

RDM 2/6/54

THAT'S TORN IT

AH By Bob Connolly



New leader of Labour Party

Mr. Alex Hepple, M.P. for Roset-
tenville, succeeds the late Mr. John
Christie as Parliamentary leader
of the South African Labour Party.

He was unanimously elected
leader at a meeting of Labour
Party Senators and Members of
Parliament yesterday.

Mr. Hepple, who is 49, has been
chairman of the Labour Parlia-
mentary caucus since 1948, has
served several terms as senior vice-
chairman of the party and was
for many years its national
treasurer.

He has been a member of the
party for more than 30 years and
a member of the national executive
committee for the past 15 years.

He was M.P.C. for South Rand
from 1943 to 1948.



MR. ALEX HEPPLER, M.P.

tion.

ADM 12565 Hepple **MILD GIANT KILLER**

Mr. Alex Hepple, the leader of
the Labour Party, does not look
like a giant killer. He is a round,
mild-looking little man with
kindly eyes that twinkle behind
their glasses. But he is not
afraid of man, beast or bogey in
the political arena.

If he thinks something needs
saying he says it—with a punch.
Last week this dauntless David
again had a very successful "go"
at the government Goliaths. In
fact, next to Dr. Verwoerd he
was the outstanding figure in
the week's debates.

On Monday he had a good
whack at the Minister of Native
Affairs on the subject of the
Urban Areas Bill, refusing to be
swept off his feet by the torrent
of detailed argument with which
the Minister flooded the House.

On Tuesday he took South
Africa's most fearsome political
bull by the horns and forced
some plain speaking out of
Parliament with his motion
urging the extension of the
political rights of Natives.



Mr. Hepple

Then on Wednesday night
when the Minister of Justice, Mr.
C. R. Swart, had almost suc-
ceeded in working the House up
into an hysteria matching his
own it was Mr. Hepple who broke
the spell and put the Western
Areas situation back in per-
spective.

PARLIAMENTARY SPEECHES

delivered by ALEX HEPPLE in the
South African House of Assembly

Volume III 1954 - 1955

SOUTH AFRICA

PARLIAMENTARY DEBATES
SOUTH AFRICA

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South Africa

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1954

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(CONTINUED)

JOINT SITTING

17- [] MAY ~~and on 18 May 1954~~

SEPARATE REPRESENTATION OF VOTERS' ACT
VALIDATION AND AMENDMENT BILL [COLOURED VOTE]

..... 5,80,386 [386 MISSING]

[PRIME MINISTER II F. MALAN]

* This follows Col 5168 (13 May 1953) in this book.

HEPPLE

(NO CONFIDENCE SPEECH)

NA - This was very well received.

entirely from the pro-leftists. The Labourites are their allies in this struggle. The Labourites have accepted a policy which I reject *in toto* of course—the policy of equality. The same applies to the Liberal Party. The United Party's difficulty is that if it moves in one direction it jumps into the fire and if it moves in the other direction it also lands in the fire, and the Leader of the Opposition is being ground between these two millstones to the detriment of South Africa.

I do not want to go into this matter at greater length. I have outlined briefly what the Government is doing and if hon. members on the other side do not agree with it, let them get up and advance an alternative. We are not unreasonable, but we begged them on our knees to co-operate—this appeal was broadcast and published in the Press—but they have never concerned themselves about it. Not one of them came forward to give evidence or to make any suggestion. Now they are complaining, without making any suggestion. I say therefore that a Party which acts in this way cannot be an Opposition; they are nothing but obscurantists, and when one takes their deeds into review and sees in which direction they are going, then unfortunately one can only say that those whom the gods would destroy they first send mad.

Mr. HEPPLE: The hon. the Prime Minister in replying to the motion of the hon. the Leader of the Opposition advanced four reasons why this motion should be rejected. His first point was that it was unrealistic and uncalled for because the Government had received a majority nine months ago, in other word a vote of confidence from the people of South Africa and there were no signs that this confidence was becoming less in this country. But, Mr. Speaker, I think we as a Parliament should not lose sight of two very important facts. The first is that although the Government got a majority of seats they got a minority of votes. I know they do not like to be reminded of the fact that they cannot get the majority of the people behind them, but we know very well that because of fortuitous circumstances the Government was returned with a majority of seats.

An HON. MEMBER: It was perfectly constitutional.

Mr. HEPPLE: It is perfectly constitutional but we had a loaded vote against the urban areas, first of all, and secondly a very helpful delimitation, that returned this party. But, as the hon. member says, it was perfectly constitutional and I am very pleased to see this return on the part of members of the Government to an admiration of the Constitution. The second factor, of which we must never lose sight in this House, is that we in this House are sent here by a minority of the people of South Africa. All of us in this House are sent here by a minority of the electorate.

An HON. MEMBER: Do you want universal franchise?

Mr. P. W. DU PLESSIS: You were sent here by the United Party.

Mr. HEPPLE: The test of any Government in South Africa must be to what extent it has the confidence of those who have not got the franchise. Under this test I think this Government fails immediately. When the Prime Minister talks so bravely about having the confidence of the people of this country he should bear in mind the real facts behind it. [Interjection.] The hon. member over here says that I am the new representative of the Natives. I say it is deplorable that every member of this House does not recognize his responsibility to the non-Europeans in this country. We are all supposed to be representatives of the non-Europeans in this House, whether we like it or not.

Mr. S. M. LOUBSER: What right have you to say that?

Mr. HEPPLE: I know my hon. friends resent the fact that I should throw this responsibility upon them, but let me warn them that if they do not accept this responsibility, they must not pretend to the non-European people of this country and to the outside world that their motives towards the non-Europeans are so lofty. This is a responsibility that they have to face.

Mr. W. C. DU PLESSIS: The difference is that the pretence is on your side, not on our side.

Mr. HEPPLE: The hon. member for Standerton (Mr. W. C. du Plessis) should be the last person to accuse the Labour Party of any pretence. We are very clear and forthright as to what our attitude is and we have stated it often in this House. What we want this Government and this House to realize is that it is a pretence to say that any Government in this House carries a mandate from the whole of the people.

Mr. VON MOLTKE: You pretend that you are representing labour.

Mr. HEPPLE: The second point made by the Prime Minister was that there was no alternative policy advanced by the Leader of the Opposition, and I say that there is a certain degree of truth in that statement. I say that the Government has a very clear and positive policy with which I disagree most strongly. I disagree with it and I say that there has to be an alternative policy to the policy advanced by the Government.

Dr. VAN NIEROP: Have you got one?

Mr. HEPPLE: Yes, we have a policy and a very clear policy too.

An HON. MEMBER: Immigration.

Mr. HEPPLÉ: I will tell my hon. friend what that policy is. It is very helpful to have hon. gentlemen on this side not only explaining our policy but trying to advocate it in this House. I am very pleased to see it but unfortunately most of what they are saying is not correct. Because we are sent here by a white electorate we must understand that the policies which are put before that electorate are based on race prejudice to a large degree. That is a factor which must not be forgotten. Why is it that there are certain parties in this country and a large number of individuals who are afraid to advance an alternative policy to that of the Nationalist Party? They are afraid to advance an alternative policy for obvious reasons.

Dr. CAREL DE WET: There is none.

Mr. HEPPLÉ: The Nationalist Party goes to the white electorate of South Africa and warns them that if they do not vote for the policies of the Nationalist Party they are doomed; that it would be the end of white civilization in South Africa. That white electorate now begins thinking from prejudice and fear. It is unable to make an objective approach to this problem, and our clever politicians of the Nationalist Party know that this pays dividends because the "haves" with the vote are terrified by such propaganda, and to a large degree the Opposition are afraid to put forward an alternative policy because they will be called Liberalists and Communists and all the other names that they are always called. [Interjections.]

*Mr. SPEAKER: Order! Will hon. members give the hon. member an opportunity to continue his speech.

Mr. HEPPLÉ: Because of this type of approach to the electorate, which is of course playing with fire, the Nationalist Party is having temporary success, and I repeat the word "temporary". They are playing with fire. They are taking a dangerous path. It has given them temporary power but it has endangered the whole of white civilization in South Africa. The United Party has adopted a timorous policy and prefers to let matters develop; it prefers to deal with issues as they arise and they have so far not come out with a very clear alternative. When the hon. member for Johannesburg North (Mr. P. B. Bekker) got up to speak this afternoon, I saw the whole House waiting very patiently and very anxiously to hear the new policy of the rebel group and to hear why they had broken away from the negative attitude of the United Party. Hon. gentlemen on the Government side of the House on several occasions—I am thinking particularly of the hon. member for Aliwal (Capt. G. H. F. Strydom)—referred to the members of the rebel group not only as their potential allies but almost as their "broeders". We all listened very attentively to the hon. member for Johannesburg North, and what did we hear? We heard a lot of fine philosophy. We heard a lot of beautiful

sentiments and generalities, but the hon. gentleman, instead of giving us a solution to the problem, told us what the problems were as he saw them. If this is going to be the manner in which this group which has now arrived on my right is going to approach the problems of the country, their existence is going to be a very short one. The rebel group here cannot expect to have the respect of this House if it has no alternative policy. The Prime Minister is quite correct when he says that there is no alternative policy that is being put forward. The hon. gentleman on my right has certainly failed to put forward an alternative policy. I say that unless he has an alternative policy he should go back and make his peace with his party and be loyal to its principles.

Dr. VAN NIEROP: Why are you so concerned about it?

Mr. HEPPLÉ: The hon. member wants to know why I am so concerned about it. I am not trying to interfere in the domestic affairs of the party on my right, but I do say that it is essential for the future of South Africa to have the strongest possible united opposition to the dangerous policies of the Nationalist Party. That is why I am interested.

An HON. MEMBER: Are you still in the United Front?

*Mr. SPEAKER: Order! Hon. members know what the rule of the House is. I have allowed them a certain amount of latitude but these continual interjections are not conducive to upholding the dignity of the House.

Mr. HEPPLÉ: There is an alternative policy to the policy of the Government. It is a policy that has variously been described as Communistic, Liberalistic and un-South African.

An HON. MEMBER: Fascistic.

Mr. HEPPLÉ: No, not that. It is given all sorts of names in order to frighten the electorate in South Africa, and in order to discredit those who put forward these policies. I want to say that unless there is a body of people in South Africa who are prepared to propose an alternative policy to the policy put forward by the Government, we will abandon this country to extremism and ultimate destruction—My party has an alternative. The policy of my party is that there has to be a move towards partnership with the non-European.

An HON. MEMBER: What does that mean exactly?

Mr. HEPPLÉ: It means that we have to begin to give the non-Europeans in this country more rights. We have to give them better representation in this House; we have to give them better opportunities in the country and we have to give them in every sphere of their activity hope for the future.

An HON. MEMBER: Reasonable self-expression.

Mr. W. C. DU PLESSIS: In giving them more rights, are you also prepared to give them more responsibility?

Mr. HEPPLE: I say that without rights they can have no responsibility. I shall deal with that point later in so far as this party's attitude is concerned. It has become ludicrous the way this Government talks of increasing productivity in this country in the economic sphere and the next day introduces measures in this House to train the non-European along the lines of their own culture and their own traditions, which are virtually savage and have nothing to do with modern methods of production. No, the alternative policy to that of the Government must be a bold, progressive policy, conceding more rights to the non-Europeans, teaching them the ways of democracy and making them share in the virtues and good things of democracy. I say that the Labour Party has a clear policy dealing with this in detail. We deal with the question of what we propose for the non-Europeans in the respect of franchise rights, in respect of economic rights, and also in respect of their social rights, and we say that this has nothing to do with social integration or anything of that kind—the type of “gogga-stories” spread by hon. gentlemen on the other side of the House. If South Africa is to have any hope at all it has to follow a policy along those lines. Unless we give the non-Europeans of this country more hope for the future we ourselves must abandon hope for ourselves.

I come back to the point that I was making as to how good this Government is for all the people. A further test is the legislation of this Government itself. This Government, if it was bringing peace, contentment and prosperity to the people of South Africa, would have no need to pass the harsh, restrictive laws which it has passed. This Government finds it necessary every Session to make the existing laws harsher, to introduce new laws to restrict the rights and liberties of the people of this country. In line with your ruling, Mr. Speaker, I won't deal with that because I have a motion on the Order Paper dealing with civil liberties. But this Government is guilty. It is forced because of its other actions to introduce legislation into this House to punish people of this country and to restrict their activities.

An HON. MEMBER: Agitators.

Mr. HEPPLE: Of course they are agitators. When there are bad conditions there are always agitators. But let the figures speak for themselves. In 1948 the number of cases of serious crime reported was 89,130, and in 1952 that figure had grown to 167,878.

Mr. FRONEMAN: And has the population grown?

Mr. HEPPLE: Of course the population has grown but it has not doubled, and apart from

that a good Government should be reducing crime, not increasing it. This is the record of doubling up that this Government is able to produce. The Minister of Justice, speaking at Oberholzer, on 16 January last, said that the Government was worried about the increase in the number of crimes of violence. We, on the Labour Party benches, warned that same Minister two years ago when he was introducing measures in this House for more severe punishment, for harsher punishment, would not reduce crime in this country, that it was the attitude of this Government towards the mass of the people that was creating crime, as well as the other factors such as slums and bad living conditions to which the Minister of Justice referred. These are facts which speak for themselves. There were 2,000 murders in 1952 and I understand that the number of murders in 1953 was even more. An illustration of what I was saying earlier about hon. gentlemen on that side of the House is to be found in the fact that 2,000 murders in South Africa is a matter of ribald laughter. They think it is a laughing matter. The only difference is that if they were the victims of those murders they would not be able to have the last laugh. Laughter is their approach to most of the problems of this country.

There is a further test as to whether this Government deserves a vote of confidence or a vote of no-confidence, and that is the economic well-being of the people of this country. Are the people of this country in a better position economically to-day than they were in 1948, or are they in a worse position?

Mr. G. F. H. BEKKER: Much better.

Mr. HEPPLE: The hon. member for Cradock says that they are in a better position. He is in a much better position.

Mr. G. F. H. BEKKER: Why?

Mr. HEPPLE: Well, the wool prices are much higher and the land barons are better off. The position of the struggling urban worker has not improved. I am tired of hearing the proposition from the Government benches that a little bit of depression or a recession will be a healthy thing. The Government is praying and hoping for a depression or a recession to cure the evils of inflation. That is the only answer they have. They have followed the orthodox processes of economics; they have allowed matters to develop; the rich have got richer and the poor have got into greater difficulties. What practical steps has this Government taken to protect the masses of the people, the wage and salary earners of this country, against the possible effects of a depression? Increasing numbers of people in the urban areas are living far beyond their incomes. They are forced to pay rents far beyond their means, otherwise they have no place to live. Land speculation goes on in this country forcing up production costs, the price of food and the price of housing, yet this Government takes no steps against such evils. We on the Labour benches have pleaded

with the Government for five years to take some steps against those who are speculating in land, those who are depriving the small-scale legitimate farmer of his normal occupation—those who are forcing up the price of land in the urban areas, upon which the blocks of so-called luxury flats are being erected and let at exorbitant rentals. But the Government does nothing. At the Conference of the Nationalist Party they talked about it and I was very interested to see the reaction of one gentleman, a certain Mr. Nigrini, who, I believe, has now been made a Senator. At the Port Elizabeth Congress of the Nationalist Party Mr. A. P. Nigrini who admitted that he owns many farms, raised a burst of laughter when he said that after buying up as many karroo farms as he could, he went to Riversdale and found himself surrounded by United Party farmers. So what did he do?—

“I bought them out. I bought 20 farms and where there was a S.A.P. stronghold before there were now two branches of the Nationalist Party and 88 members of the Party. The S.A.P.'s are gone.”

What did this Party, which says that it represents the workers of this country, do to this land baron, this morgen mogul, who was buying up land in Riversdale to liquidate the United Party? They made him a Senator.

Mr. S. J. M. STEYN: He will be in the cabinet soon.

Mr. HEPPLÉ: My hon. friend on my right says that if he buys a few more farms he is going to be made a Cabinet Minister. This is further evidence of the approach and who controls the Party opposite. I say it is not only a tragedy for the people who are dispossessed but it is a tragedy for the whole country. I am wondering what forces are at work in the Nationalist Party that prevent this Government from taking action against these speculators in land who are eventually going to ruin us.

Mr. J. H. FOUCHÉ: This is a democratic country.

Mr. HEPPLÉ: I know how the hon. member for Rustenburg, Mr. J. H. Fouche, himself has battled and struggled as a small farmer and I know what he really thinks about this. He would like to come over to us and vote with us. The Government talks about rebels on this side of the House. It will have plenty of rebels on that side of the House if it does not deal with this most important land problem.

The Prime Minister made another point that this motion was introduced by the Leader of the Opposition with an eye to his own Party and his own position. I think that was very petty and uncalled for on the part of the Prime Minister. I had hoped that the Prime Minister would have taken a more statesman-like approach to this problem. It is common knowledge that there are certain defections inside the United Party but that is nothing

new in politics in this country. The Prime Minister himself has had a lot of experience of that sort of thing. But if the Government is trying to seek this as an opportunity in order to carry on a campaign for the destruction and the annihilation of the Opposition, let me warn them that their greed for too much power or absolute power will lead to their own destruction. They should take care. Power corrupts and power will very quickly corrupt the present Government. Their over-anxiousness to get a two-third majority is something that is blinding them to the facts of the situation. In their greed for absolute power they are digging their own graves. I do not want to enter into that aspect of it.

I want to come now to the final point that was made by the hon. the Prime Minister, and that is that this motion might be—

prejudicial to the deliberation presently taking place in the unanimously appointed Joint Select Committee on Separate Representation of Voters by disturbing the spirit in which the Committee was proposed and accepted and even giving rise to the possibility of defeating the explicit aims of the Joint Select Committee.

First of all let me say that that is not entirely correct. In so far as my Party is concerned, we made our position very clear when that Joint Select Committee was appointed, and the spirit in which we approached that Joint Select Committee was that we were opposed to any diminution or reduction or change in the existing franchise rights of the Coloured voters of the Cape, and therefore we were already committed, and I do not think I am exaggerating when I say that the Government itself was committed. I made this point at the Joint Sitting. I am sure the United Party was also committed, so do not let us pretend that this motion of no confidence is going to prejudice the deliberations of the Committee. The real answer is that the Government sees that the most it can expect is to get a few supporters but not its two-thirds majority and it knows that already the outcome of the deliberation of this Committee will lead. . . .

Mr. SPEAKER: Order! The hon. member cannot go into that now.

Mr. HEPPLÉ: With respect, sir, I am trying to deal with the amendment of the Prime Minister.

Mr. SPEAKER: Order! The hon. member cannot proceed with that argument.

Mr. HEPPLÉ: Are we not permitted to discuss the Prime Minister's amendment?

Mr. SPEAKER: The hon. member was saying what the result of the deliberations of the Select Committee will be.

Mr. HEPPLÉ: May I say then what I hope the result will be? I feel that this was an illogical thing for the Prime Minister to intro-

duce in his reply to the motion. I think it was unnecessary and quite uncalled for. Certainly it will not have any effect at all upon the deliberation of this Committee.

I want to conclude by reverting to a point which I have made, and that is against the positive policy of so-called apartheid which this Government advocates, there has to be a positive alternative because first of all the Government does not understand and does not know what its policy of apartheid is. It is said that this policy of apartheid is not proposed to be applied in the immediate future; it is a long-term policy.

Major VAN DER BIJL: In 200 years.

Mr. HEPPLE: I ask this Government what is their interim policy, what is their short-term policy in so far as the rights of the non-European people of this country are concerned?

That is the problem that concerns us. The difficulties of the far-distant hundred years is not the problem of this House. The problem of this House is the immediate policy of the Government in so far as the rights and conditions of the non-European are concerned. Let us accept that total apartheid is not possible for a hundred years as their experts have said. I don't want to argue, but I think it is never possible. However I say that if we accept that proposition then we are entitled to know from this Government what are their immediate plans for the non-European people. Do they believe that for the next hundred years the Native people of South Africa are going to be content with the existing rights which they possess at the present time? Are they going to be content with three European representatives in this House?

Mrs. BALLINGER: Who?

Mr. HEPPLE: The non-European people.

Mr. LOVELL: Two.

Mr. HEPPLE: The hon. member for Benoni (Mr. Lovell) reminds me that on most occasions they have only two representatives in this House. Most of the time their other representative is thrown out by this Government. How long does the Government believe that the non-European people of this country are going to be prepared to accept that position? How long do they think the non-Europeans will be prepared to accept their proposition of doing the same work as a European for a third of the pay? How long are the non-European people going to be prepared to be held back and refused progress along the lines of the European? And I say to the Government that this is not a proposition for social equality; they know that very well. This is a proposition that you cannot hold back the wheels of progress, and this Government is attempting to do that. That is the reason why they are compelled to introduce legislation, more legislation and

harsher legislation in this House. I can tell this Government that for every year they are in power their legislative programme will multiply, because they are trying to hold back progress by legislation. They will not halt progress by legislation. All they will do will be to create racial friction in this country and they will create a situation in this country where the position of the European will be untenable. It is against that policy that I am making my appeal, and it is against that policy that I am proposing an alternative, and I say that unless that alternative is taken we are doomed. For that reason the Labour Party is going to vote for this motion of no confidence.

*Mr. H. T. VAN G. BEKKER: Mr. Speaker, we have now had six speakers who have taken part in this debate on the other side of the House. Five of the six used precisely the same argument, namely that the Government is sitting here by the vote of a minority of the electorate. Five of the six speakers used that argument. Now I want to put this question to the Opposition: If they are again returned to power, are they going to change the Constitution; are they going to tamper with it; are they going to change the Constitution in such a way that a majority such as we have here to-day will no longer be able to come into power? It is a question to which they owe this country a reply. They should tell this country very plainly what they are going to do in regard to that matter so that voters outside may know what to expect from the party on the other side.

I do not want the Opposition to think that the voters are concerned about these utterances of theirs. For they know that the United Party will not come into power again and they are therefore not concerned about these statements. But when the Opposition use arguments of that nature they at least owe it to the voters to state what they are going to do to prevent the position as it exists at present or to prevent it from again arising in the future. I hope that somebody on the other side will give a reply to this question.

*Mr. DURRANT: Yes, we shall.

*Mr. H. T. VAN G. BEKKER: The hon. member for Johannesburg (North) (Mr. P. B. Bekker) got up here this afternoon and delivered his first speech as leader—now I do not know whether I should say of the Rebel Group or of the Independent Group.

*Mr. SPEAKER: I have told hon. members that the name of the group is the Independent United Party.

*Mr. H. T. VAN G. BEKKER: Thank you, Mr. Speaker. Then I want to say that the hon. member delivered his first speech as leader of the Independent United Party. I want to compliment him on the fact that he delivered a moderate speech, but I also want

to examine the contents of his speech. In the first place he took exception to the fact that the name of the late Gen. Smuts had been used in this House. He took exception to it and he disapproved. Now I should like to put this question to him. Can he give me the name of any famous statesman who was not mentioned after his death? Let him give a single example. It is natural that the name of a statesman will be used after his death in connection with the policy for which he stood.

*Mr. S. J. M. STEYN: But not to insult him.

*An HON. MEMBER: Who insulted him?

*Mr. H. T. VAN G. BEKKER: I want to put this question to the United Party: During the last session and during the preceding years, who used the late Gen. Hertzog's name more than the United Party? And at that time the hon. member for Johannesburg (North) was a prominent member of the United Party.

*Maj. VAN DER BIJL: But we did not insult him.

*Mr. H. T. VAN G. BEKKER: The United Party did nothing but use the name of the late Gen. Hertzog in this House and on platforms to make political propoganda. How can you insult anyone more than by doing that? Can one think of a greater insult than that? And now the hon. member comes here and takes exception to this. I want to give him the assurance than my hon. Leader did not use Gen. Smuts' name in an insulting way. Yesterday my hon. Leader explained very clearly in what connection he had used Gen. Smuts' name and not one of the speakers who got up on the other side was able to prove that he had used the name of Gen. Smuts in an insulting way—not one of them, and not even the hon. member for Johannesburg (North). So why are they so irritable? It only points to one thing and that is their political bankruptcy if they are irritable on account of something for which no reason exists.

But the hon. member for Johannesburg (North) stated here that he was going to support the motion of no confidence. I must really tell him that I never expected anything else. During the recess he told us and at least we read it in the newspapers that he was still a very good S.A. Party man. We therefore expected him to support such a motion. But now I want to ask him whether after his speech he had the right to think that we should expect him to support the motion of no confidence. He mentioned three points and in the first place he said that now was the time for an effort to bring together the English-speaking and Afrikaans-speaking sections. That was the first thesis laid down by him. Now I want to ask him who has made a more earnest appeal to Afrikaans-speaking as well as English-speaking people in this

country to come together than the hon. the Prime Minister in his speech in Durban and in other speeches which he delivered elsewhere. He did exactly what the hon. member stated to be one of the main points needed to-day. But after saying that he is going to vote for the motion of no confidence! Now is he being logical; is he consistent in his argument?

His second point concerns the colour question. I am not going to go into that because there is a committee which is dealing with this matter. His third point referred to the economic position of South Africa. Those were the three corner-stones on which he based his speech. Now what did he say about the economic position? He said—

I will admit that it is not black and that it is not disastrous.

Under what Government it is not black and not disastrous? Is it not under the present Government? And since that is the case he is still going to vote for the motion of no confidence. Can we find a more illogical speech than that delivered by the hon. member, his first speech as leader of the Independent United Party?

Mr. BARLOW: The dogs may bark but the caravan will move on.

*Mr. H. T. VAN G. BEKKER: I shall say no more about the hon. member for Johannesburg (North) because I want to return to the speech delivered here yesterday by the hon. member for Kensington (Mr. Moore). You know, Mr. Speaker, that this House has become accustomed to the demand made by the United Party that the hon. the Minister of Defence must go. They no longer want him and they no longer want to tolerate him. After a period of six years it has become quite clear that the United Party members still fail to realize that the time is past and is past for good when they had the right to say who should go and who should remain. They no longer have the right to say which Minister should go and I can give them the assurance that one of the last Ministers who will go will be the hon. the Minister of Defence.

Mr. RUSSELL: Are the others even worse?

*Mr. H. T. VAN G. BEKKER: No, the others are not worse, nor is the remark made by the hon. member so wonderful. We all know it and the whole country knows it; and not only do we admit it but the whole world also admits it that these Cabinet Ministers whom we have to-day form the strongest Cabinet that the Union has had for many years. We all know this. I am sorry that of all people the hon. member for Green Point, who is more green than point, should make such remarks about our Ministers. He is a man with a past.

*Maj. VAN DER BIJL: A good past.

RIGHTS AND FREEDOMS OF THE PEOPLE

Mr. HEPPLÉ: Mr. Speaker, I move—

That this House condemns the attacks by the Government on the rights and freedoms of the people both through legislative and executive acts, whereby fundamental democratic activities are curtailed and threatened and therefore calls upon the Government to restore and maintain the rights and freedoms of the people, especially—

- (a) the right of workers to associate freely, bargain with their employers and conduct their trade unions without interference;
- (b) the right of all people to freedom of thought, opinion, expression and education unhampered by censorship;
- (c) the right of free assembly and public gathering;
- (d) the right of a fair hearing before an impartial tribunal before anyone is made to suffer in his person, his property or his dignity; and
- (e) the right to a passport for all who desire to travel outside South Africa.

And this House further requests the Government to consider the advisability of taking the necessary steps to amend or repeal all Acts or regulations infringing such rights and freedoms, so that the people of South Africa shall enjoy all the civil liberties of a free, democratic society.

Mr. Speaker, the attacks upon the traditional rights and freedoms of any people are not always made by those people who aspire to despotic powers. These attacks often arise through other causes. Here in South Africa we find that this attack is a three-pronged attack. In the first place, it comes through despotic laws, laws which confer autocratic powers upon the executive and the officials; secondly, through the delegation by this Parliament of powers to officials in the carrying out of the laws in this country; and, thirdly, through the arbitrary use of such powers and the wide and free interpretation of such powers by those to whose hands it is entrusted. Sometimes this House deliberately delegates wide powers to the executive and to officials, but more often than not these powers are conferred upon the executive as the result of members of this House forgetting to observe the good old adage that the price of freedom is eternal vigilance. This House has not always been vigilant and has not always been jealous of the democratic rights of Parliament. Very often it has shown itself all too ready to cede its rights to others outside Parliament. It is not only this Government that has wanted to take excessive powers unto itself. Nor was it the previous Government of this country which wanted to do that. This is a trend that is observable in many parts of the world and has been over the ages, and especially when a Government is in a fairly weak position it

is anxious to take such excessive powers so that it need not be responsible to the Legislature. There is one significant difference, though, in this country, and that is that our present Government shows an avariciousness for these wide and despotic powers which has never been demonstrated in this country before. This Government has shown itself to be over-eager to endow itself with greater powers than this Parliament itself. Since its accession to power in 1948 this Government has demanded of this House very wide powers indeed.

Mr. Speaker, there are always very good reasons which are advanced by any Government in asking for these powers. The common practice adopted by most Governments is to point to the foreign danger, the danger across the seas, the threat to the country itself. That is the argument that has always been used and which is to-day being used, the cry not being the imperialist invader but the Communist danger or the Black danger. On that cry the Government wants to terrorise this Parliament and the people into giving them despotic powers, empowering this Government to take action without recourse to law, without recourse even to this Parliament. Governments usually say that they require these powers in order to meet emergencies and in order to apply the laws of this House effectively. There is a germ of truth in this, but it is surprising how individuals and how political parties who fight so desperately to be sent to Parliament in order to represent the people and to defend their rights are so ready to cede these rights and to pass them on to others; in other words, to take those rights away from this Parliament.

Now, we have to recognize that we are living at the present time in an age where fear propaganda plays a very important part, not only in the framing of laws but also in the election of Governments. This propaganda creates a state of mental terror to such an extent that even those who know better allow themselves to become victims of it and subjugate even their own thinking to it. Often we hear it said that the Government requires powers because there are certain hidden, secret dangers, and that it is not in the public interest to disclose what action the Government proposes to take or why the Government must take that action. But our experience shows us that when this action is taken and this Parliament, or the people themselves, endeavour to ascertain what lies behind the actions of the Government, they find that they are up against a blank wall, and gradually, one by one, the normal and traditional rights and freedoms of the people are surrendered or given away. That, Mr. Speaker, is the road to despotism, to a totalitarian one-party State.

Mr. Speaker, I want to divide, as far as it is possible to divide, this question into two parts. The first is the injustice that so often occurs to the individual in his personal life as the result of the arbitrary use of the powers that are conferred upon the executive or upon officials; and the second part is the setting up of machinery in this country for a despotic, totalitarian, police State. Hon. gentlemen on

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the Government side of the House pretend to be aghast, but they know perfectly well that this Parliament only last year conferred upon the Minister of Justice all the powers to be a dictator in the country, and that this House placed the Minister of Justice above Parliament itself, so that the adjectives I use are miserable and a rather mild description of what really has been set up in this country. These powers that I have referred to, that have been conferred by this Parliament upon the executive, make it possible at any time for any ambitious person to set himself up as a dictator. He need not necessarily be a member sitting on that side of the House. We have seen political changes in this country, many of them, and we have seen in other countries also that some of the old traditional parties with a proud record have had themselves taken over by cunning and ambitious individuals who have transformed those parties into instruments for gaining personal power. But here in South Africa we have handed ourselves over to such persons on a plate. We have rendered a service to such individuals by creating the machinery whereby they can take over this country. The law which we passed last year is tailor-made for any dictator. But I want to come back to the first category to which I referred, and that is the conferring of powers upon the executive and upon officials, the delegation of the powers of this House. Here I want to refer to the report of the Select Committee on Delegated Legislation which was appointed in 1949. I do not want to read in full the recommendations of that committee, but I will do so fully enough. This is the report of the Select Committee. The Select Committee recommended—

That after carefully considering the reports of the Select Committees on Delegated Legislation of the first and second sessions of 1948 referred to, the written representations of certain interested parties and the evidence of the Controller and the Auditor-General, the Secretary for Finance and the Secretary for Justice, which is submitted herewith, your Committee has arrived at the conclusion that the constitutional principle of the sovereignty of Parliament and the supremacy of the law would be safeguarded by the appointment of an officer vested with the necessary authority, and responsible to Parliament, who would be charged with the duty of scrutinizing all statutory instruments framed under powers conferred by statute, and to report whether in his opinion any of the said instruments merit the special attention of the House, on any of the following grounds:

- (a) That they appear to make any unusual or unexpected use of the powers conferred by the statute under which they are framed;
- (b) That they tend to usurp the control of the House over expenditure and taxation;

- (c) That they tend to exclude the jurisdiction of the courts of law without a special enactment;
- (d) That for any reason they call for elucidation or special attention.

In order to make the safeguards effective, your Committee is of the opinion that a Select Committee should be appointed at the commencement of each session to which should be referred the reports of the scrutineer.

The recommendation concludes—

That the conferment of such judicial powers should in future be used as sparingly as is consistent with efficient administration.

This Select Committee was appointed as the result of grave and growing concern among not only members of this House but also on the part of the public outside at the increasing delegation of powers. The hon. member for Wynberg (Mr. Russell) asked a question in this House on 4 March, 1952 as follows. He asked the hon. the Prime Minister whether he had any statement to make in connection with the appointment of a committee to control ministerial powers and scrutinize delegated legislation, to which the Prime Minister replied—

The Government has given careful consideration to the proposal of a Select Committee on Delegated Legislation and has decided to accept it in principle. As far as the creation of the necessary machinery is concerned, the Government intends submitting recommendations in regard thereto to the Committee on Standing Rules and Orders for consideration and the formulation of specific proposals for the consideration of the House.

That was in 1952, but the matter has gone no further. But before I leave this point, I would like to refer to the evidence led before this Committee, firstly by Dr. Holloway, in which he said—

I would suggest in the first instance that Parliament should be very reluctant to leave to delegated legislation—and this applies still more to delegated justice—decisions affecting the personal rights and freedoms of the citizen to any considerable extent. The second main principle which in my opinion should be kept in mind is to what extent the powers entrusted by Parliament to others are capable of being exercised in a dishonest or corrupt manner. If the powers are too arbitrary or too dependent on personal judgment or not particularly bound up with the principles which could be tested in a court of law, this danger will always exist. If Parliament is not ever mindful of the underlying concepts of personal liberty and integrity in public life, we will head for a bureaucratic form of government and even for a totalitarian state.

So it is not only I who have these fears. It is also the ex-Secretary for Finance. I would

also like to quote what the Secretary for Justice had to say in his evidence before the same Select Committee. He said this—

Mr. Chairman, I do not know whether I am in order but I notice that there are four categories of regulations which are suggested should be brought to the notice of Parliament. I would like to suggest a fifth category, and that is any regulations which create an offence or impose a punishment of any sort. I feel that Parliament ought to know what is happening in so far as the freedom and liberty of the individual is concerned.

I have quoted this document in order to remind this House that many minds were concerning themselves with these growing inroads into the sovereignty of Parliament, with this growing habit of conceding great and vast powers to the executive and to officials.

Mr. Speaker, I now want to give some illustrations as to how these arbitrary powers work. I want to deal first of all with the question of censorship. On the question of censorship we have immediately a very good example of the arbitrary manner in which these delegated powers are used. I want first of all to refer to the censorship under the Customs Act. Under the Customs Act it has been the habit in this country for many years to prohibit or to withhold the importation of undesirable literature. Recently we discovered that the Customs Department began to invoke a new section of the Act by which it was made a heinous offence either to import literature that had been declared objectionable or to be in possession of it. The Government switched the penalties from section 113 of the Customs Act, No. 35 of 1944, to section 124 read with section 122, which referred to goods irregularly dealt with and liable to forfeiture. Under the new practice adopted by the Customs Department, it now becomes not only an offence to import this literature but also to be found in possession of it. I do not think I am very far wrong when I say that that was not the original intention of the Legislature when they delegated these powers under the Act. If I know my fellow South Africans well enough, what they had in mind at that time was smugglers, people who endeavour to evade paying customs duties on dutiable goods, and in order to discourage such people and to stop such attempts, the Legislature applied very severe penalties, so that a person caught bringing in goods or endeavouring to evade the payment of customs duties would have to pay such a heavy penalty that he would not risk taking such a chance. But now we have the Government censoring the reading and the thinking of the people. This Government also wants so to intimidate the people of this country by its ridiculous censorship and its re-reading of the powers which were granted to the Customs Department under the Act. They are widely interpreting the law, not only to punish people who may break the law but also to terrorize the people of this country, because the reading of the Act that has now

been given by certain authorities is that if an official comes into my house and finds one of these prohibited books on my bookshelf, I would be subject to these severe penalties. Numerous individuals have actually come to me and have asked me what the position is: "I happen to have such and such a book; is it true that I will have to pay a heavy penalty or that I may be sent to prison?"

Mr. VON MOLTKE: Don't be ridiculous.

Mr. HEPPLE: The hon. member says "don't be ridiculous" but that is the law. I only wish that the hon. the Minister of the Interior would be present here in order to give his ruling on this particular matter. But here we have the ruling that has been given by the Customs Department and by officials. They have even fallen back on books that are being re-issued, that were published many years ago—some of them are classics—and these are being placed on the banned list. In view of the interjection of the hon. the member for Karas (Mr. von Moltke), I challenge the Government now to state to the people of this country what the true position is in regard to censorship. We have not had a clear statement from the Government. I am curious to know whether the Government is intending to terrorize the people in terms of this regulation which I read out, or whether the Government is merely concerned with the censoring of the reading matter of this country and preventing such literature from coming into this country. My second example of the arbitrary interpretation of the powers that are delegated was revealed in the matter of Mr. Julius Lewin's book. Mr. Lewin is a lecturer at the Witwatersrand University. . . .

Dr. CAREL DE WET: He is a liberal.

Mr. HEPPLE: I suppose that is the reason he had to be censored. This gentleman wrote a book entitled *Britain's Colour Bar in Africa*, and first of all, in last Friday's *Government Gazette* there appeared a notice to say that the book was considered indecent, obscene or objectionable and subject to the penalty that anyone who knowingly having it in his possession could be fined £1,000 or sent to gaol for five years—probably including the author himself who no doubt had some copies. There was immediately a protest and the following day a statement was issued by the Department of the Interior saying that a mistake had been made. It was not explained how the mistake had been made. But this is a clear illustration of the manner in which these delegated powers are arbitrarily applied. The hon. member for Vereeniging (District) (Dr. Carel de Wet) interjected "No wonder that the book was banned, because the writer was a liberal". That I think reveals the attitude of hon. members on the Government side of the House. The difficulty with which we are faced in South Africa under the various definitions of objectionable creatures is that we do not know how far this goes. We know it includes Communists, Socialists, Liberalists, Jingoists, Kaffer-

boeties, all sorts of people, and under these wide interpretations of course, such powers are dangerous, more dangerous than it might be under normal circumstances. Now in this question of the long lists of banned books that appear almost every week in the *Government Gazette*, we find some remarkable works. We find for instance a book that was banned under List 119 in terms of sub-section (2) of section 21 of the Customs Act of 1944, "I Theophilus Ebenhaezer Dönges, Minister of the Interior, declare the under-mentioned publications indecent, objectional or obscene" and one of them is *The Constitution of the Hungarian Trade Unions*. Mr. Speaker, I want to say quite frankly in this House that I am very interested in the constitution of the Hungarian trade unions, and I think the Minister of Labour is too. We would like to know what is happening to the trade unions on the other side of the iron curtain, and why should we be prevented from getting this information? Why should we? I frankly say that if I could have bought a copy of this book, I would have bought it, and I say that the hon. the Minister of Labour is failing his duty if he has not bought a copy. He should have it. He should be up-to-date on the trade union movement in other parts of the world, wherever it may be. The next book is a book entitled *Signed with their Honour* by James Aldridge. I have read a previous book by this man. It is fiction. It is biased in a certain direction, but why should I or any other South African be prohibited from reading this type of fiction?

The MINISTER OF LABOUR: I do not admire your taste.

Mr. HEPPLÉ: It is no use the Minister of Labour making a joke of it, because I think it would improve the minds of many members of this House if they would read a bit more. Surely it should be open to anybody to read fiction. I want to tell hon. members on the Government side of the House that this particular gentleman writes on diplomatic matters and I have read his book *The Diplomat* and found it a very interesting book. It has been banned. I want to confess to the Government that I have it in my library. I hope that I can get there before the officials of the Government, but I want to confess that I have it in my library and I bought it long before it was banned, and it was only recently brought to my attention that it has been banned. I just quote myself as one individual of all the other individuals in this country. Most of those who are intelligent enough to want to improve their minds by reading, must have some of this objectionable literature in their libraries. There is a long list here, I am just mentioning a few. Here is another one *Problems of Socialism in Hungary*. Now I am primarily concerned about problems of socialism in South Africa, but I am also interested in problems of socialism all over the world, and I do not see why I should be denied the right reading about problems of socialism in Hungary. I have no doubt that some of these books have a political bias. I am quite

sure they have. But is that any reason why we should not be allowed to read them? But this is the real crux of the question: Who are the arbiters as to what is objectionable and what is not? Is it a minor customs official? Is it the Minister of the Interior himself? Or is it the Board of Censors? Nobody is quite sure. But I say quite frankly that I would hate to have my reading matter censored by members on the Government side, and I want to assure them that I would never endeavour to censor what they have to read. There are also included in this list of political publications, also such things as *More than Kisses for Babies* by Spike Morelli, and I presume that the first people to rush to get copies of this book will be found on the Government side of the House. Here is another one *Lovelies are never Lonely* and *Honey hold that Scream*. I have no liking for this kind of literature, but presumably before these books were censored, they were read and were noted by somebody and then were censored as political or pornographic. But last year when the hon. member for Groblersdal (Mr. Abraham) introduced a motion in this House dealing with the question of pornographic literature and the internal censorship of it and when he happened to have a lot of examples of it, there was quite a meeting around him of members who wanted to read these publications. Mr. Speaker, I have given a few illustrations, and I would just like to add that even publications that have been prescribed by universities as set-works for their students, are also banned by this Government. There were two Unesco publications, one called *Roots of Prejudice* and another called *Behind the Colour Bar* and they were banned by the Government, and that was after they had been prescribed as reference books by the university. Sir, this is an interference with the right of education, the right of free thought and acquiring knowledge. If this Government believes that the only way in which it can hold the line in South Africa, is by compelling people to conform to their outlook and by refusing to allow people to arrive at a certain viewpoint through conviction, through the principle of studying the other man's point of view and studying other political systems, then it is doomed. Surely if this Government is on strong enough ground, it would have no fear of allowing its people to study to learn more about other political views or political systems. But this Government brings down its iron curtain, it is afraid and it wants to terrorize the people in its own sphere.

My next example of the misuse of these delegated powers is the question of passports. On the question of passports, I want to say that the Government is using this as a means of political punishment. The political enemies of this Government are punished through the passport system. The Minister of the Interior has said that a passport is a privilege and not a right. In his interpretation of that, he has a secret list, no less than the Minister of Justice, on which he places the names of persons who he thinks do not deserve to be issued with passports and these people are

refused the right of all South Africans to carry that passport when they proceed overseas. In some cases travel agencies refuse to grant people passages until they can produce their passports. So it becomes a restriction on the movement of the individual. And this interpretation of the powers in respect of the passport system is being carried to the extreme limit and in a tyrannical manner. We have in other legislation also delegated powers to officials appointed by the Government, such as the following:

An inspector may for any such purpose, without previous notice, at any time during the day or night, enter upon any premises whatsoever and make such examination and enquiry as may be necessary.

I want in this connection to refer to the quotation I made earlier from the evidence that was given by the ex-Secretary for Finance where he warned of the dangers of corruption. By giving such powers to inspectors, we are in fact opening the door to corruption. Powers of this nature in the hands of minor officials are a temptation, especially when they are dealing with individuals who themselves are prepared to pay for their own security. In the delegation of these powers there is not only the danger of tyranny in its application, but also the danger of placing the temptation of corruption in the way of officials. As a further illustration, we have the powers which this House gave to the Minister of the Interior under our Citizenship Act, whereby the Minister of the Interior will become the sole arbiter as to who can become a South African citizen and who cannot. He will be the sole arbiter of that. Then we have under the Suppression of Communism Act, with which I will deal later on, the powers that the Minister has to deprive persons of their legal rights, of their legal status, without any recourse to the Judiciary.

Now I come to the second category, which I referred to as the machinery for the setting up in this country of a despotic totalitarian state. This is the real and the big threat to the rights and the freedom of the people of this country. We have through various laws, but particularly through one law, conferred upon this Government, or any Government that succeeds it, all the rights and powers to set up a totalitarian state in this country. I want to deal specifically with three of these laws. We have first of all the Riotous Assemblies Act which makes serious inroads upon the liberties of the individual. Then we have the Suppression of Communism Act of 1950 which went even further. Lastly we have the Public Safety Act passed last year, whereby this Parliament surrendered everything. It is significant that since the coming into power of this Government, the two major laws to which I have referred have been enacted. They were the Suppression of Communism Act and the Public Safety Act. These two laws are political weapons which can be used by this Government at any time; they

can be used by tyrants in order to enslave permanently and completely the whole country. When we have advanced the argument in this House before, members on the Government side of the House have replied, "We only want these powers in case of emergency; we won't use these powers". My reply to that is: Of course the Government won't use these powers until they have to, but immediately this Government is threatened, or it sees that it is in danger of losing political control of this country, they will not hesitate to use this weapon and these laws.

Mr. VON MOLTKE: Rubbish!

Mr. HEPPLÉ: Why then do you want these laws? Why do you want them, if you are not going to use them? The hon. member for Vereeniging (District) says that they want these laws to fight Communism. I replied to that earlier and shall reply to it again. Whenever a government has a despotic outlook and is seeking vast powers for itself, it uses the cry of "danger to the state". To-day it is Communism, to-morrow it may be another cry, but there will always be a cry that will be used by this Government and other governments to justify the taking of these vast powers. Mr. Speaker, I have not referred to one law by which this Parliament gave away a lot of its powers to the Executive. I kept that to the last, and that was the law covering the War Emergency Powers, against which this very Government had so much to say even though this country was at war. In recent years most of the provisions of that War Emergency Powers Act have been translated into other legislation, but this Government was the Opposition that protested so vehemently against the powers that were being conferred upon the previous Government. The hon. Prime Minister referred to the late Leader of the Opposition, Gen. Smuts, as a "red Chaka" when he was introducing that measure in the House. But at that time this country was at war, there was a real state of emergency. But now we are in peace and this Government has demanded these wide powers and taken these powers. There are probably many members on the other side of the House we do not realize that they have taken the poison which is probably going to kill them. There are probably many members on that side of the House who are going to be victims of their own ruthless legislation. It is not only a threat to members on this side of the House, but it is a threat to all who believe in the traditional freedom and liberties of the people of this country. Throughout our history South Africans have died because they believed in liberty and the right to hold an unpopular point of view, the right to hold a minority point of view. Now we are abandoning those rights.

Mr. SPEAKER: Order! I have allowed the hon. member a lot of latitude, but I must remind him of Rule 73—

No member shall use offensive or unbecoming words against either House of Parliament or any member thereof, nor reflect upon any Statute, unless for the purpose of moving for its repeal, and no member shall allude to any debate of the current Session in the Senate, nor shall a member refer to any matter on which a judicial decision is pending.

Now the hon. member is criticizing or reflecting on Statutes passed by this House.

Mr. HEPPLE: Sir, may I draw your attention to the fact that in my motion I am asking for the repeal of certain Acts or regulations infringing the rights and freedom of the people. I have moved that specifically to give me the opportunity . . .

Mr. SPEAKER: The hon. member may proceed, but I just wanted to warn him.

Mr. HEPPLE: I want to remind this House of the powers that are granted to the Government under certain of these measures. Under the Riotous Assemblies Act the Minister has the right to ban all meetings and gatherings, to ban publications, to deport persons and to transport persons. Under the Suppression of Communism Act the Minister has powers to ban organizations, prohibit gatherings, deprive citizens of legal rights and status without trial before independent judge and without appeal to the courts, to restrict the movement of persons, to ban newspapers and books, to enter premises at any time and to confiscate property. Under the Public Safety Act, as I have mentioned before, the power is given to the Governor-General or the Minister, to declare a state of emergency and thereafter to suspend all laws and become the virtual dictator of the country. These powers are being used at the present time in part. Let us hope that they will never be applied in full. But even in their part application they are inflicting upon large sections of the population of this country tyranny and injustice. I want to refer in the first place to the question of gatherings. I have quoted how gatherings can be restricted or prohibited under the Riotous Assemblies Act and under the Suppression of Communism Act, but I want to remind this House again what has happened in relation to ordinary, public meetings in this country in recent times. I want to refer to what happened in 1949. I refer here to a question and reply in this House on 3 May 1949, when the hon. member for Florida (Mr. Tighy) asked the Minister of Justice—

- (1) Whether detectives of the Criminal Investigation Department were instructed to attend a session of the Congress of the Trades and Labour Council held at East Lodon on 28 April 1949; if so, why, and (b) what were their instructions?

The reply was—

Yes, on instructions of the District Commandant, South African Police, East London . . .

- (a) To carry out any duties or collect any information which may be considered to be in the interests of the State.
- (b) To take note of or collect any information which may be considered to be in the interests of the State. . . .

This visitation upon a lawful congress of trade unions reveals the attitude of this Government to legal activities of workers in South Africa. It reveals a frame of mind whereby this Government believes that an open congress comprising delegates of a trade union federation were up to some nefarious scheme and that it was necessary to send observers from the police and members of the C.I.D. in order to watch the proceedings. We had a recent instance of this attitude in a trial of certain strikers at Wolseley, where it was reported that members of the special branch (that is the political branch of the C.I.D.) attended this trial of individuals who went on strike . . .

Mr. SPEAKER: Is that case not *sub judice*?

Mr. HEPPLE: I am not dealing with the case, but only with persons who watched the case.

Mr. LOVELL: Judgment has been given.

Mr. HEPPLE: In any case, I am not dealing with the merits of the case but with the fact that among the audience there were certain persons as representatives of the Special Branch of the C.I.D., which I think is also a noteworthy fact. I want to get on to another, personal experience of gatherings. Last year I was a speaker at a public meeting, well advertised, in the City Hall in Cape Town. After the meeting concluded and when I was about to leave the platform, I noticed that at the Press table there were two gentlemen with a tape-recorder. I thought that they were representatives of the Press who had now found a short-cut to taking down the report of the meeting. I got into conversation with one of these gentlemen and immediately noticed that he behaved in a very guilty manner. When I further questioned him, I discovered that he was sent by the Police in order to take a tape-recording of the speeches that were made at that meeting. I want to say right away that I resent as a free South African having the Police coming to my meeting to take a tape-recording of what I say.

An HON. MEMBER: Are you afraid?

Mr. HEPPLE: No, of course I am not

afraid, but I say that it is an insult to any member of a political party and it is an indirect accusation that I am up to some unlawful act.

The MINISTER OF LABOUR: It probably happens frequently.

Mr. HEPPLÉ: The hon. the Minister may try to defend the position, but I am certainly not going to defend it. I say that it was disgraceful, especially as the officials were not told to make known what they were doing. If that is not a form of police state, I want to know what is. I know one thing that it is intimidation. It will not intimidate me, but I know it intimidates ordinary members of the public. It intimidates members of the public because they begin to fear that if they attend a public meeting addressed by the member for Rosettenville they might be found guilty under the Suppression of Communism Act for attending a meeting at which heresy, treason or Communism may be preached. That is the danger. I raise this matter now because last week, at a meeting in Johannesburg at the Trades Hall, held by the Society for Peace and Friendship with the Soviet Union, the Police at the end of the meeting closed the doors and took the names and addresses of every person present.

HON. MEMBERS: Hear, hear!

Mr. HEPPLÉ: My hon. friends say "Hear, hear!" Of course they will say "Hear hear!" just as they said "Hear, hear!" when the Police sent somebody with a tape-recording machine to my public meetings; so when these gentlemen say "Hear, hear!" it is ample proof that they support such Police action. They are establishing a police state in this country. They are supporting the interference with the right of people to hold meetings and to discuss the political problems of the country. Just imagine the effect these actions have upon the mind of the ordinary simple citizen of this country who does not profess to be an expert in politics and who is now terrorized and afraid to attend public meetings, especially those addressed by people like myself with advanced views, people with Left views.

An HON. MEMBER: Friends of the Soviet Union.

Mr. HEPPLÉ: The hon. member keeps on saying "friends of the Soviet Union". I am not concerned whose meeting it is; I do not care what meeting it is. People should have the right to free assembly and we have sufficient laws in this country to deal with treason, to deal with anybody who incites civil disturbance. To prevent people from gathering together and to hear views, however objectionable they may be, cannot be defended. What abject nonsense to say that we in South Africa have become so afraid to talk about Communism and the Soviet Union

that we prevent people from attending meetings to hear the other side. The day may come—I hope for their sakes it does not—when hon. gentlemen on that side may have to speak into a tape recorder. The day may come when people attending their meetings . . . [Interjections.]

Mr. SPEAKER: Order!

An HON. MEMBER: You've had it.

Mr. HEPPLÉ: At least I have provoked the interjection I want. Of course you have had it, and that is the reason why we are protesting against this and why hon. members on that side should protest against it.

An HON. MEMBER: We were not Communists.

Mr. HEPPLÉ: The hon. gentleman says that they were not Communists, but at that time they were accused of being the friends of an enemy of this country; they were accused of aiding and abetting an enemy of this country. To-day he says that they were not Communists, but that was not the issue then. To-day it is Communism, tomorrow it may be something else.

Mr. W. C. DU PLESSIS: Did you protest against that?

Mr. HEPPLÉ: I want to say to the hon. member for Standerton (Mr. W. C. du Plessis)—and I wish the hon. member for Krugersdorp (Mr. van den Bergh) was here because he was a member of my Party at the time—that in my Party there were protests against it.

An HON. MEMBER: When?

Mr. HEPPLÉ: At the congresses of my Party. Protests were raised and at that time our representatives in Parliament told us for security reasons . . . [Laughter.] Mr. Speaker, if the hon. gentlemen want a reply they will get it. The hon. member for Standerton asked me a courteous question and I am trying to reply to him.

An HON. MEMBER: Speak up; you have security now.

Mr. HEPPLÉ: Does the hon. member want me to reply? There was a protest in my Party. It did not get as far as this Parliament but they should take it up with the hon. member for Krugersdorp. I want members of this House to know that the fact that such action have been taken by the Government in interfering with the free assembly of people and the exchange of opinions, is evidence of their own liking for despotism. That is what it is, and when hon. gentlemen over there jeer and laugh when I am asked to give an explanation, and I attempt to give it, it is evidence of the same desire to stifle the other man's point of

view. I say that that can lead also to their own disaster.

There is another matter which is not very often raised on the question of free assembly because it is a matter that affects the non-European people of this country. On 18 September, 1953, two notices were issued controlling meetings, gatherings and assemblies in certain areas. These notices were issued under Section 7 of the Native Administration Act of 1927, as amended, and read as follows—

Any person who without the approval in writing of the Native Commission, or where there is no Native Commissioner, the magistrate of the area concerned—

- (a) holds, presides at, or addresses any meeting, gathering or assembly at which more than ten Natives are present at any one time, or
- (b) permits any such meeting, gathering or assembly to be held in his house or on other premises or land under his control,

shall be guilty of an offence.

Then it goes on to say—

Any person convicted of a contravention of these regulations may be sentenced to pay a fine not exceeding £300 or in default of payment to imprisonment for a period not exceeding three years.

Under these regulations Native people cannot hold a meeting for an exchange of views without the prior permission of the Native Commissioner or the magistrate. Is this the way to educate the non-European people of this country in the ways of democracy, in the ways of the free exchange of views and opinions, in the ways of arguing a matter out until one arrives at a solution? We make it a criminal offence for people to perform the normal functions of a democracy. I ask the Government where are they going when they adopt methods of this nature?

Mr. G. F. H. BEKKER: Not to Moscow.

Mr. HEPPLE: I want to remind this House now that South Africa is a member of the United Nations Organization, however much members on that side of the House disagree with it, however much many of them agitated for us to leave that Organization. We were party to certain unanimous decisions in the General Assembly of the United Nations and in participating and agreeing to those decisions we have committed our nation to be responsible for the performance and the due fulfilment of our obligations. I want to read just a few of these obligations. Article 10 of the Declaration of Human Rights says—

Everyone is entitled in full equality to a fair and public hearing by an independent

and impartial tribunal in the determination of his rights and obligations and of any criminal charge made against him.

In some of the laws which I have quoted that right is denied to South Africans, either because they have been put on the liquidators' list as Communists or for some other reason. Article 11 reads—

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

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

Under our Suppression of Communism Act offences are made retrospective so we offend in this regard.

An HON. MEMBER: Read Article 2.

Mr. HEPPLE: Article 12 says—

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

That right is also denied to our citizens. Article 20 says—

Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association.

And then, Sir, South Africa wonders why we have a case to answer outside South Africa. It is no use this Government blaming the press correspondents of South Africa and blaming the Opposition for our bad name abroad. Our bad name abroad arises from our constant violation of the Charter of Human Rights.

The MINISTER OF LABOUR: Is there any country in the world that implements that?

Mr. HEPPLE: The hon. the Minister of Labour has a peculiar philosophy. He always argues that if the other man has sinned we can sin twice as much. It is no answer to say that other countries may not be implementing it, but I want to say that most countries are making an endeavour to apply it.

The MINISTER OF LABOUR: Even Communist Russia?

Mr. HEPPLE: The Minister of Labour may be able to speak for Communist Russia. I do not profess to be able to do so.

The MINISTER OF LABOUR: [Inaudible.]

Mr. HEPPLE: I cannot hear the Minister above the cackling over here.

Mr. SPEAKER: Order! Will the hon. member continue his speech.

Mr. HEPPLE: I want to say that if the Minister of Labour is so very concerned about what Communist Russia is doing, then he should observe what I have said earlier and he should not allow this constant censorship and prevent the people of this country from finding out what is happening in Communist Russia.

The MINISTER OF LABOUR: We will give you a passport and you can go and investigate.

Mr. HEPPLE: I will take it up with pleasure if they will allow me in.

An HON. MEMBER: We will give you a one-way passport.

Mr. HEPPLE: I am sure that there is no man in South Africa who will be more delighted to see the back of me than the Minister of Labour. I prick his conscience so often that I am sure that he has not slept for years.

Mr. RUSSELL: How can you pick what does not exist?

Mr. HEPPLE: I can assure the hon. member for Wynberg (Mr. Russell) that the Minister of Labour is very worried as to what he is doing.

I will conclude by saying what my motion says, and that is that before it is too late this Parliament should call a halt, that this Parliament should first of all consider the Report of the Select Committee on Delegated Legislation. It should take some action in that regard and see that Parliament takes back to itself the powers which it has given away; secondly, that it should repeal all these vicious and tyrannical laws which it has passed, particularly the Suppression of Communism Act, the Public Safety Act and the Criminal Law Amendment Act; it should take early steps to repeal those laws and in the future it should encourage members of this House to oppose any proposal for the granting of rights to the Executive or to officials. We should be proud in this country to possess the freedom to criticize, the freedom to hold unpopular views, the freedom and the right to protest and the freedom of independent thought. Those are the freedoms that will build a big nation—not the curbing of thought, the curbing of the acquisition of knowledge, such as this Government wants to do in this country. We should open our doors and allow people to study all political viewpoints and to gather together freely and to discuss their

affairs. If this Government does that, if this Parliament does that, it will be an historic Parliament. I want to add one further remark, and that is that the Minister of Labour has been the only Minister in the House all afternoon.

The MINISTER OF FINANCE: I have been here from time to time.

Mr. HEPPLE: I said "all afternoon". I know that the Minister of Finance has been here. He is always in the House. I am referring now to the Minister of Labour who apparently has been sent here as the watchdog for the rest of the Cabinet.

The MINISTER OF LABOUR: I will deal with you when you have finished.

Mr. HEPPLE: I presume that the Minister of Labour was concerned primarily with the question of the trade unions. I think the story I have told the House this afternoon will appeal to the Minister of Labour because he knows that all these intrusions upon the rights and the freedom of the people are really attacks upon the working people of this country. They are hit hardest and they suffer most, and these laws which the Government have passed have been aimed primarily at the workers of this country. I move.

Mr. DAVIDOFF: I second. I am pleased to hear that the Minister of Labour intends to reply to this debate on behalf of the Government, because there is one particular point which I will deal with at a later stage and we will be very interested indeed in his answer. I shall endeavour to add to the indictment of the mover of this motion.

An HON. MEMBER: Impossible.

Mr. DAVIDOFF: There are many things for which we can indict this Government. I shall endeavour to add to the indictment and in so doing I shall, to the best of my ability, not deal with any of the points raised so ably by the hon. member for Rosettenville (Mr. Hepple).

Before doing so, I want to take this House back to 1948 when this Government first came to power. I do not think that anybody in the country will deny, nor will any members on the Government side deny, that their victory in 1948 was a very unexpected victory. It was a very unexpected victory for the Nationalist Party, and at that time they were very inexperienced as administrators. After all, when the Prime Minister composed his first Cabinet in 1948 there were only three members of the Cabinet who had had any previous experience as Cabinet Ministers. Now, Sir, because of this unexpected victory the Government party immediately set out to entrench itself for the future, and they did so in such a manner that they did not consider the consequences to the country or to some of the people, especially those people whom the Government thought might be a danger to them. My hon. friend

has pointed out already how in many matters the Government has taken various powers to itself merely for the purpose of entrenching itself. What did this Government do straight away? It played upon the sentiments of the people; it played upon popular prejudices. It appealed to the emotions rather than to the mind and to logic, and again I must emphasize that that policy adopted by the Government because of its unexpected victory has led, unfortunately, to its taking powers which no democracy in any part of the world should have and which no Government which claims to be a democratic government should try to hold.

As has been pointed out, this has resulted in great restrictions upon the freedom of the people—the freedom of speech, the freedom of movement, the freedom of the Press, the freedom of access to the Courts. Some of our Acts has restricted the right of domicile; some of the Acts have restricted the freedom of religion and of conscience.

Mr. G. F. H. BEKKER: Where was that done?

Mr. DAVIDOFF: I will show the hon. member where it was done. I would like to quote the Act granting university status to the Potchefstroom College for Christian Higher Education. That Act allows the university to discriminate between applicants. In this regard I would also refer to the Transvaal Language Ordinance.

An HON. MEMBER: That is a provincial ordinance.

Mr. DAVIDOFF: It is dogma policy. It is Government policy. That ordinance deprives parents of the right to send their children to private church schools. It proves conclusively that continuously and at all times this Government has taken more powers unto itself for the purpose that I have stated, and in so doing has deprived the citizens of this country, from time to time, of more and more of their traditional liberties. Because of all that, it has led my hon. friend to describe in a mild manner the state in which we find ourselves to-day as a despotic totalitarian police state.

I do not know if this Government originally set out with that fixed intention, but the effect is there to-day and the effect of having all those powers vested in executives and in officials may retard not only the progress of the country, but eventually members on that side of the House may be hoist with their own petard and they themselves may suffer from the evil fruit. Different Acts passed by this Government have been referred to, and when I refer to some of the Acts which have been passed by this Government I want to give the reasons which, in my humble opinion, actuated the passing of those Acts and also state the effect, but over and above that I shall not criticize them, and accordingly, Mr. Speaker, I hope you will agree with me that I am keeping within the rules of the House. Many Acts

have been passed which have the effect which I have already enunciated and which the hon. member for Rosettenville has mentioned. In addition to those Acts, I would quote the Group Areas Act and the Population Registration Act and many more similar Acts. These restricted the right to own and sell property, and also denied the dignity of the individual.

I want to refer in particular to two Acts which were passed by this Government with a view to entrenching itself and making this country a one-party country. One has been referred to before, i.e. the Citizenship Act, but one of the main reasons for the passing of the Citizenship Act was that it was going to deprive hundreds of thousands of people in this country of becoming full citizens of this country within a period of two years, in accordance with a solemn promise made to them, and this Government purposely denied them that right and broke the promise of the Smuts regime because this Government felt that once these people were given the franchise they would exercise it against the Nationalist Party. For exactly the same reason we find that subsequently the Separate Representation of Voters Act was introduced by this Government, an Act which had a very similar effect. That Act has not been finally passed and the Government is still wanting to pass that Act because it feels that the Coloured voters in this country will vote against the Nationalist Party. In this way the Government is endeavouring to diminish the voting strength of its opponents. But I would like to give credit where credit is due and I would like to point out to the House that apparently being repentant and trying to make retribution for all these deprivations the Government passed two Acts which, in fact, gave more rights to people in the country. It is remarkable though that in both these cases the rights that accrued, accrued only to Nationalist Party followers or were used by them only. One of the Acts to which I refer is the South-West Africa Act. This Act had the effect of granting franchise rights to 23,000 people who were not entitled to the vote at that time.

Mr. W. C. DU PLESSIS: Are there no Saps in South-West Africa?

Mr. DAVIDOFF: That Act was passed at that particular time because the Government Party felt that these voters would vote for the Nationalists.

Mr. SPEAKER: Order! Under which clause of the motion is the hon. member addressing the House now?

Mr. DAVIDOFF: The general theme.

Mr. SPEAKER: No, the hon. member is going too far now.

Mr. DAVIDOFF: What I am trying to show is how this Government . . .

Mr. SPEAKER: Order! That has nothing to do with this motion.

was introduced in 1914 by Gen. Smuts after very serious industrial trouble in the country. I want to tell the Government that I do not think the trouble was serious enough to justify the action the Government took.

The MINISTER OF JUSTICE: You were a Socialist then.

Mr. KENTRIDGE: I am still a Socialist. It was said by a great statesman we are all socialist now. On that occasion, when the Bill was introduced into this House, there was strenuous opposition to it not only by the Labour Party but also by the Nationalist Party and Gen. Hertzog at that time, in opposing the Bill, as reported in Hansard 1914 page 316, said:

Personally he had been brought up with high ideals of justice in the belief that justice could always be preserved and it was not a pleasant thing for him to find anybody being forbidden access to the Courts of Law.

That is exactly what is taking place in connection with this matter.

The MINISTER OF JUSTICE: Are you saying that I am introducing a Bill to provide that no one should have the right to have recourse to the Courts of Law?

Mr. KENTRIDGE: Gen. Hertzog went on to say referring to the Rt. Hon. member for Standerton,

the strongest condemnation in the whole case came from the Minister of Defence when he admitted that he had superseded the courts because the courts would have to find the people not guilty.

That is exactly what the Minister is doing. He is superseding the Courts of Law because unfortunately for him the courts, in interpreting the law, have come to decisions which adversely affects the Minister, and therefore he comes along with this Bill. In connection with the present matter I do not want to take up the time of the House, but I submit that we are believers in the rule of law. We believe in giving the individual citizen the right of recourse to the Courts of Law, not merely on technical points but on the merits.

The MINISTER OF JUSTICE: Since when? Since 1914.

Mr. KENTRIDGE: I admit that changes have taken place. Ministers have changed considerably from the days of the war, when they wanted the Courts of Law to deal with the people whom he is now going to amnesty. I say that because the United Party, or the S.A. Party, was responsible for legislation perhaps of a slightly similar nature but by no means as serious as the present law, it does not entitle the Government to tell us that we must therefore vote for anything that the

Minister introduces. That is the position. The Public Safety Act, about which I want to say that many of us voted very reluctantly . . .

The MINISTER OF JUSTICE: But you voted for it all right.

Mr. KENTRIDGE: That may be so, but at any rate the position was entirely different then. It was just after the Port Elizabeth riots and there was a state of emergency, and even then the Minister did not have the barefacedness to come along and say that he is going to do this, that and the other thing. He introduced a Bill which made it possible for the Governor-General to declare a state of emergency.

The MINISTER OF JUSTICE: And now the Minister can do it.

Mr. SPEAKER: Order! The hon. member cannot reflect on a law passed by the House.

Mr. KENTRIDGE: I am not reflecting on a law. Far be it from me. I am reflecting on the Minister.

The MINISTER OF JUSTICE: How can you reflect on me when you supported me?

Mr. KENTRIDGE: That position was much more serious than the position we have to-day. The Minister cannot tell us that there is a state of emergency at the present moment. All he can tell us is that a certain number of people have been named and that a certain number, including trade unionists, have been banned . . . [Inaudible.] The committee suggested by the hon. member for Johannesburg (North) will do the same things as the Minister of Labour.

The MINISTER OF LABOUR: What have I done now?

Mr. KENTRIDGE: I will tell you. Under the original Suppression of Communism Act, as a sop to the trade unions and to this House, provision was made where in the case of the trade unionists the minister should be consulted. And what has he done? He has acted as a mere rubber-stamp.

The MINISTER OF LABOUR: But they were in fact Communists.

Mr. KENTRIDGE: In all those circumstances, I submit that even my friends there, if they want to be honest in their attitude to the legislation which interferes with the rights of citizens and with the rule of law, if they really meant what the hon. member for Hospital said, it is their duty to vote with us against this Bill.

Mr. HEPPLE: I will be very brief. I have come into this debate because I listened very carefully to what the hon. member for Johan-

nesburg (North) (Mr. P. B. Bekker) had to say, and I think I should reply, before we come to the end of the second reading, to one or two points he raised.

I want to say first of all that the hon. member for Johannesburg (North) and his colleagues have got themselves involved in examining the amendment to the Bill, and they have forgotten the underlying principle of the Bill itself. That is where they have gone wrong. I do not want to take up the time of the House by analysing the whole of the Bill and the amendments, but I want to quote one fundamental thing to the hon. members on my right and that is this. Section 2 of the Suppression of Communism Act provides that if the Governor-General is satisfied amongst other things, that any organization is engaged in activities which are calculated to further the achievement of any of the objects referred to in paragraph (c) or (d) of the definition of "Communism" in section 1, he may without notice declare that organization to be an unlawful organization. From that point, that organization having been declared illegal, the Minister may then instruct the Liquidator to draw up a list of all the members of that organization, and the law provides that where a man is or was at any time a member of that organization, he can be named. That is the cardinal point. Anyone who was at any time, even if it was 50 years ago, a member of that organization, can have his name put on the list of the Liquidator and he can then be dealt with by the Minister. Then he has to go to court to prove his innocence. According to the hon. member for Johannesburg (North) the innocent need not be afraid; they will be able to prove their innocence. But first of all it will be most difficult, once that label is stuck on you, to disprove the charge against you, especially after many years. Secondly, it is contrary to our concept of justice to say that a man is presumed guilty until he proves himself innocent. [Interjections.] The difficulty I always have in this House is that hon. gentlemen opposite are always quoting Britain or France or some other country to me as an example of the principles upon which we should organize South Africa. I protest against that. It is the retrospective effect of the original law that breaks down all the arguments of the hon. member for Johannesburg (North). The hon. member said that he had to rely on his commonsense rather than on his legal knowledge. I would suggest that he should also consider the aspect of justice. It is all very well for the Minister of Justice to sit there as the man in whose hands it is to declare an organization illegal and to draw up a list and then to punish people. In regard to people having recourse to the Courts of Law. I think that is best illustrated by practical cases. The case of Piet Huyser was mentioned here, and that of Solly Sachs. I want to show what has happened. Take firstly the case of Solly Sachs. Solly Sachs admitted that he was a member of the Communist Party, but that he was expelled in 1930.

The MINISTER OF LABOUR: But he kept on making propaganda.

Mr. HEPPLE: The law says that anyone who has at any time been a member of such organization shall go on the Liquidator's list and can be punished by the Minister for something he did as far back as 1930.

The MINISTER OF JUSTICE: And do you believe that?

Mr. HEPPLE: But that is a fact.

The MINISTER OF LABOUR: Solly Sachs propagated Communism right up to the time of the passing of the Act.

Mr. HEPPLE: But that was not the basis upon which he was dealt with, because that would have had to be proved. The Minister would have had to prove that in a Court of Law, that he was propagating Communism since the passing of the Act. So that interjection by the Minister of Labour shows that he himself is not aware of the real terms of the Act by which he is assisting to punish people. But, more than that, I want to draw a very good parallel. I have mentioned the case of Solly Sachs. Under section 2 of the Act the Minister can declare the Springbok Legion, for example, to be an illegal organization. I know that hon. members opposite have always considered it to be illegal. They can now declare the Springbok Legion to be an illegal organization and then draw up a list of the members.

Dr. JONKER: And they expelled Frankie Waring.

Mr. HEPPLE: The hon. member for Gardens says: "And they expelled Frankie Waring." So therefore Frankie Waring will be put on the list and have the penalties provided for under the Act applied to him, the same as in the case of Solly Sachs. There you have the parallel. It shows how this evasion of the recourse to the Courts of Law makes the application of the law very arbitrary. In other words, it puts the power into the hands of the Minister to deal with anyone in any manner which he may think fit, and of course it will always react against innocent people. [Interjections.] Now the hon. member for Hospital (Mr. Barlow) is making his usual irresponsible interjections. He is very clever in making his irresponsible statements in this House. He told the hon. gentlemen on that side of the House, with whom he was not so popular at the time, that the South African railwaymen drove the trains into each other but the Natives of the Congo did not.

Mr. BARLOW: On a point of explanation, I want to say that is not quite true. The hon. member says it is in Hansard, but I never read Hansard.

Mr. SPEAKER: Then the hon. member must accept his word.

Mr. HEPPLE: Mr. Speaker, I only went by Hansard, which I have in fact read while the hon. member says he has not.

I must deal with one of the points raised by the hon. member for Hospital when he spoke on this measure and when he quoted the case of the Electrical Workers' Union in Britain. He mentioned the names of the leaders and said: Here we are; here are Communists who brought Britain to a standstill. I said no, the leaders did not decide to strike; the rank and file took a ballot. He said: No, no, no. I did read that in Hansard because I was surprised that Hansard wasted so much space on all the "Noes". But I quote from the *New Statesman and Nation* of 23 January 1954 to set the facts of the case before the House.

Mr. BARLOW: That is a Communist newspaper.

Mr. HEPPLE: I am glad the hon. member has gone on record for that statement. This is what it says—

A great deal of nonsense has been spoken in the Press about a Communist conspiracy designed to sabotage defence projects and to disrupt the national economy. After hearing all that the employers' spokesman had to say along these lines, the court of enquiry ruled that they had produced no evidence that it had a political rather than an industrial objective. The simple fact is that the electricians were not alone in demanding wage increases and taking strike action, as in Britain they are still free to do.

I have another paper with a photograph of thousands of these electrical workers waiting to cast their ballots.

Having disposed of the hon. member for Hospital, I want to come back to the Bill itself. I want to come back to the hon. member for Johannesburg (North) and to appeal to him. Apparently he was very badly advised on this Bill, and he finds himself committed to a policy which is going to lead him into a lot of difficulties. He will have a lot of trouble with his conscience before he is much older, because as this law will continue to be applied innocent people will suffer, and the hon. member for Johannesburg (North) will wonder why he committed himself in the way he has done. Mr. Speaker, I have quoted as an illustration the case of Solly Sachs and the possibility of a same case of Frankie Waring. I want to say that as far as this man Huyser is concerned, I do not know all the particulars, but the Minister of Labour has said that he has proof that he was a member of the Communist Party in 1945 or 1946. But there again I come back to the fact that the wording of the law and its application are purely retrospective. People are being punished for doing things which were not unlawful when they did them, and it is on that basis that we say that it is pretence to say a man has recourse to the Courts of Law. He has no re-

course because if a man was once a member of an organization and left it or was expelled, he can only deny that he is a member of that organization but throughout of his life he will be punished and prosecuted by the Minister. That is my objection to this Act. And the provisions in this Bill are not going to help the position. I have mentioned in this House before that one of the biggest weapons being used by the Western Democracies to-day are people who have recanted and who have deserted Communism. But in this country this Government says, "Once a Communist, always a Communist", and there is no getting away from it, unless one joins the Nationalist Party. There is no other way of purging yourself.

The MINISTER OF LABOUR: Not one of those who were banned has recanted.

Mr. HOPEWELL: What about Mr. S. M. Peterson?

The MINISTER OF LABOUR: Do not talk nonsense.

Mr. HEPPLE: I want to conclude by referring to section 6 of the Bill, where it is provided that the Minister shall furnish such person with a statement in writing setting forth the reasons for such notice as can be disclosed without detriment to public policy and public safety. I want to say here and now that it will always be contrary to public policy to give a man a fair and just reply, unless that man is such a confirmed Communist that he cannot get out of it. It will always be contrary to public policy to give a man a fair and just reply. I hope that the hon. gentlemen who are so keen on finding justification for supporting the Government will carry out their promises that they will move strong amendments, and we will then see the reaction of the Government.

Mr. BLOOMBERG: I do not propose to detain the House very long but I have been persuaded to enter into this debate to point out one or two things arising from the debate last night and this afternoon. It appears from the remarks made by the hon. Minister and those who support him that the Minister now takes credit for the fact that under the 1950 Act and the 1951 Amendment Act, together with the present Bill under discussion, in certain circumstances named and listed and banned persons will have access to our courts. He also says, and those who support him also express that point and they try to create the impression that the Minister is now, as he did previously, paying a great deal of attention to the principle of *audi alteram partem*. Now, Sir, the Minister in his opening remarks claims credit for the fact that under the original Act of 1950 and under the Amending Act of 1951, the right of access to the courts and the principle of *audi alteram partem* was always protected, and in that respect the hon. member for Johannesburg (North) (Mr. P. B. Bekker), who made a very valuable contribution to the dis-

cussions this afternoon, seems also to have fallen for the suggestion that those rights have always been protected for the citizens of this country. I am sure that the hon. member for Johannesburg (North) has unwittingly fallen into the trap, because I want to show to the House this afternoon that so far from the citizens of this country being given under the original Act by the Minister the right of access to the courts, and the privilege of the principle of *audi alteram partem*, I hope to show that it was at all times the intention of the hon. the Minister that they should not have the right of access to our courts and that the principle of *audi alteram partem* was never a principle he intended to extend to them. I want to show that the hon. the Minister is now sailing under false colours when he claims that he at all times gave this protection to the citizens of this country. I say that the right of access to the courts and this principle, of which we have heard so much in this debate, and the limited rights that are now being given to the citizens of this country, are in no way due to the hon. the Minister. On the contrary, I want to show to the House that until the courts decided otherwise, it was always the contention of the hon. the Minister that these people did not have the right of access to the courts and that the principle of *audi alteram partem* had no applicability in their case. Now in that connection I want to quote to the House as briefly as I can a judgment that was given in the Transvaal Division in 1952, and I refer to the case of Tefu v. The Minister of Justice. In that case the plaintiff claimed in a trial action by way of a declaration that the inclusion of his name in a certain list compiled by the Liquidator in terms of section 4 (10) of the Suppression of Communism Act, 44 of 1950, as being a member and/or active supporter of an organization known as the Communist Party of South Africa was wrongful and unlawful, and he asked for an order expunging his name from the list. Now the court held, after the exceptions that were taken—

That Parliament had not directly nor by necessary implication directed that the Liquidator had to settle the list of past and present members or active supporters of the Communist Party, rather than merely to compile it. Consequently the court's jurisdiction to investigate the correctness of the objective facts of the plaintiff's membership or active support, and to render the action taken by the Liquidator and thereafter by the Minister of Justice on an incorrect finding of fact had not been ousted. Accordingly the declaration disclosed a course of action against both defendants . . .

and therefore the Minister's exception was dismissed. But the interesting feature of the matter is this: What was the Minister's contention in that case? The hon. the Minister instructed his law advisers to set up this position: they excepted to the declaration. On what grounds? They took exception to the declaration as follows—

The defendants' exception that the declaration discloses no cause of action rests on the contrary contention that the question of plaintiff being, or ever having been either a member or an active supporter of the said organization, is not a matter of fact, which it is competent for this court, or in fact any other Court of Law, to enquire into and determine.

That is the attitude adopted by the hon. the Minister. He says in his exception to this declaration, and this is the contention of the hon. the Minister "That no Court of Law had the right to inquire into and determine on this question of facts". Then he went on, that is counsel appearing on behalf of the Minister to contend—

That the combined effect of the above provisions of the Act lead inevitably to the conclusion that the Legislature has appointed the Liquidator as the person to hold an inquiry into the question whether any individual was or had ever been a member or an active supporter of an unlawful organization, and to form a decision on that question, which (if his decision was in the affirmative) resulted in the inclusion of that individual's name on the list. Such decision—though reviewable on well-established principles if improperly reached—was conclusive and the question of fact was not justiceable by any Court of Law.

That was the contention of the hon. Minister. So I want to say this to the House: If the hon. Minister and his friends take up the attitude that he can claim credit for making this provision in our law (in the 1950 and 1951 Act) that people have the right of access to the courts and that the principle of *audi alteram partem*, to which I want to refer in a moment, is something that he has conferred on the citizens of this country, then I say that the hon. the Minister is taking up an attitude which is not justified by the facts. I do not want to waste the time of the House, Sir, by referring to the Minister's own speech when the original Bill came before the House in 1950 and again when the Amending Bill was before the House in 1951, when he took up the attitude that in order to get effective control over the so-called Communist menace in this country, he wanted the courts excluded. The Minister said so in so many words. That is on record, as is the actual case I have referred to, a case that will remain on record for all time in this country, the record of a case in which the hon. the Minister, speaking on behalf of the Government, contended that the courts had no right to enquire into questions of fact, unless they could show *mala fides* on the part of the Minister of Justice and the Liquidator. As you know, Sir, and as the hon. Minister knows, the Appellate Division has laid down that it is almost a matter of human impossibility for any litigant to show *mala fides* on the part of the Minister or those under him, and in those circumstances what earthly hope has a litigant of getting redress if his right of action is

has just explained to the House is that the provision in this clause especially is designed in order to deal with meetings of Natives and Europeans where it is assumed by the Minister that feelings of ill-will will be engendered. In effect, what he is really going to do is to ban all the meetings, to prevent people from holding meetings on the parade on Sundays, or in Native locations on Saturdays or Sundays—the sort of days on which Natives do hold meetings, meetings which they use in order to express their feelings and put their views before the public. I think it is a most dangerous proposition. I should always, in any case, have been against this type of legislation for the reason that the hon. member for Benoni (Mr. Lovell) has stated—that it is a very dangerous practice in any society to interfere with the rights of public expression. But it is particularly dangerous in a society like ours . . .

The MINISTER OF JUSTICE: In the existing law I can prohibit all meetings in Cape Town for a year. This does not go any further.

Mrs. BALLINGER: If the hon. the Minister will only take his own statement, that he wants this clause so that he can ban particular meetings or meetings in particular areas . . .

The MINISTER OF JUSTICE: Otherwise I would be compelled to prohibit all meetings in Cape Town, for instance. I do not want to do that.

Mrs. BALLINGER: But that does not help the case at all. I think all the powers are bad. All that the Minister is trying to do is to succeed in getting power to do this particular thing. He knows that the community would not stand for a blanket ban on public meetings, and he has made it quite clear that what he wants, therefore, is power to select the meetings that he will ban. I contend that I know exactly the kind of meetings that he is going to ban, and I think that it is an extremely dangerous course to proceed upon. I think that the state of public opinion in South Africa makes it most important that there should be a public outlet for strong feelings. The Minister is not going to make the situation any safer by banning those Native meetings. All he is going to do is to drive any agitation there is underground, which will result in a situation where we literally do not know the forces that we are up against. We have told the Minister this until we are tired. It is no good trying to legislate to control the South African situation by making it more and more impossible for people who sit in this House and legislate for the country to know what the mood of the community is. It is already difficult for the Europeans who are legislating for the control of the country to know what is going on among the non-European population. That has always been one of my main criticisms against the segregation policy. When you hive people off into separate camps you

make it practically impossible for them to know one another. You make it practically impossible for them to understand what is going on in different communities and, now to add to that separation which is already so great, is highly dangerous. This power to close down all means of public expression where the Minister thinks it may be dangerous—the very thing that the Minister ought to know about . . .

The MINISTER OF JUSTICE: They can go into a hall.

Mrs. BALLINGER: But the Minister has taken power to deal with that, too. He has only just specified the particular new powers which he is taking here. He is not giving away any other powers, he has got all these powers already, as he says. That is where the real danger lies, and if the Minister insists on going on like this, then we can only warn him that this is not the way in which to govern South Africa.

Mr. HEPPLE: Surely the Minister realizes that the powers for which he is asking here are virtually the same as the blanket power which he professes to dislike. Instead of issuing a blanket prohibition, he will now prohibit individual gatherings, which I presume he will do after consultation with the police. I want to say that my experience of the police force is that they always believe it contrary to public policy to allow gatherings, particularly gatherings of non-Europeans. First of all it makes a lot of additional work for the police; secondly, the police are always afraid that there might be disturbances if feelings should run high. The Minister will always get a recommendation that it is contrary to public order for meetings to be held. Surely the Minister has had enough experience to know that if you prohibit people from meeting together and from holding meetings, you are going to create all the circumstances for underground movements and for revolution. The best way is to allow people to blow off steam. When you allow them to do that they will find out that the things they thought were so important are not so important after all. But there is an attitude on the Government side of the House which seems to be that to prohibit people from talking about things they will really stop talking about them. They think that if you prohibit people from talking about things, the people will stop talking and thinking about those things. That is nonsensical, because the people will not stop thinking and they will not stop talking. I say that what the Minister is asking for here is something . . .

The MINISTER OF JUSTICE: I want to stop them from being incited.

Mr. HEPPLE: I want to tell the hon. the Minister of Justice something which he should already know: you cannot stop people from being incited if they have inside them the

reasons for being incited. I cannot be incited to do anything unless I have feelings on those matters. And that applies to everyone, whatever his colour may be. If you are going to prohibit people from holding meetings, and you think that by those means you are going to prevent them from being incited, then the Minister is barking up the wrong tree. I say that, in fact, what the Minister is doing is to create all the circumstances for the very thing that he is trying to prevent. I tell the hon. the Minister that he should let these people have their meetings. It is one thing for me to get on a platform and make a revolutionary speech, but it is another thing for the people to begin bloody revolution. The circumstances in history have shown that it is not where people have been allowed free speech that there have been revolutions. It has been where they have been prohibited from having the right of free speech. I warn the hon. the Minister that by taking these additional powers he is creating all the circumstances which he really thinks he is going to prevent.

Mr. LOVELL: Mr. Chairman, there is one further point that I would like to put to the hon. the Minister in connection with this clause. He knows that there is a provision in the Riotous Assemblies Act which makes it an offence to make speeches which may engender hostility between European and non-European. There is a specific offence created if a person makes those speeches . . .

The MINISTER OF JUSTICE: Prevention is better than cure.

Mr. LOVELL: What is the Minister preventing? You can never be certain that the meeting is going to create feeling of hostility, you can only have reason to apprehend it. Now if the Minister get reports . . .

The MINISTER OF JUSTICE: Has this ever been abused by me or by any previous Government—this particular clause?

Mr. LOVELL: It has often been abused. In my opinion, every time you prohibit an ordinary meeting, it is abused.

We are not concerned with whether it is abused or not; we are discussing the law which we are making in this House. I want to say this to the hon. the Minister: in his police report that at a particular meeting Mr. A or Mr. B or Mr. C made a speech which engendered hostility between European and non-European, then he has his remedy. Those persons, if they are subversive agitators, can be taken before the courts and they can be punished for creating hostility between European and non-European. The Act says so. Why must the Minister have the power, quite arbitrarily? He explains that he only acts upon reports of individual police. Those police in turn act upon the reports of informers. By the time the information reaches the hon. the Minister it is so unreliable, yet he has to act

upon it. And, in order that there should be no possibility of such a thing happening, to whom does he give the benefit of the doubt? Does he give it to the people at the meeting or to the reports of the police which are, in many cases, by reason of the source from which they come, unreliable? And he is asking us to give him powers to do that sort of thing! I say no, I will not be a party to giving him these powers and I say that he has plenty of other resources by which to deal with people who try to create hostility between the races. The Minister has that section of the Riotous Assemblies Act which makes it an offence, and he has the whole of the Common Law of South Africa, which is a very good law and which covers anybody who tries to create any trouble, whether it be under the law of treason or sedition or incitement to public violence. The Minister has a whole series of legislation at his disposal without this extraordinary legislation, and for that reason I feel that the hon. the Minister should not ask for any more powers than he now has.

Mr. BARLOW: Mr. Chairman, after hearing these speeches I have come to the conclusion that in this Labour corner there is an enormous amount of exaggeration. I heard the original Act introduced into this House by the late General Smuts. And when the United Labour Party had full power, we never asked for the Act to be withdrawn because we knew that we could not afford to do on account of the black man in South Africa. It was on account of the strike on the Rand that they could not do it, because there was not the protection of the police that there is to-day . . .

The CHAIRMAN: How is that relevant to this clause?

Mr. BARLOW: It is relevant because if my hon. friends are in order then I must be in order in criticizing what they have said. The hon. member for Benoni (Mr. Lovell) talked about the police being used. I remember, not so long ago, the Labour Party asking the Commissioner of Police to send police to their meetings to protect them. In the last election the United Front asked for police protection against the Nationalist Party.

Mr. LOVELL: Not the Labour Party. Nonsense.

Mr. BARLOW: Oh yes. The Labour Party has become so small that they do not remember what happened. I just do not understand. The hon. the Leader of the Labour Party who says "Oh, we must not allow anybody to come in and say 'you cannot hold meetings'". It has been done in England for the last hundred years. It was done for John Burns on Black Friday seventy-five years ago in Trafalgar Square. They have a law in England which they refer to as "reading the Riot Act" . . . The Magistrate comes out and he says "You must all disperse at once".

according to the existing Act I have not the power to say that I only prohibit certain meetings.

Mr. LOVELL: You have it under other Acts.

The MINISTER OF JUSTICE: No, this concerns only the Riotous Assemblies Act. I now ask the House to give me the right, when I prohibit meetings in a township, to give the public the relief of holding meetings six days a week but not on the seventh. So it is really intended to limit the application of my banning order. But hon. members protest against that. Where is the sense in that?

*The hon. member for Ventersdorp (Mr. Greyling) asked me a question. I can just tell him that in terms of the Riotous Assemblies Act, only meetings which are held in a public place out of doors can be prohibited. I have, however, the power under the Suppression of Communism Act, to prohibit meetings held indoors. Where I suspect that Communist propaganda will be made, I have the right to ban a meeting.

Mr. KENTRIDGE: Mr. Chairman, it is almost amusing to hear the hon. the Minister telling us that he is trying to limit his powers. This Minister is voracious for power.

The MINISTER OF JUSTICE: Do not misrepresent what I said. I said it was to limit the application of my banning order.

Mr. KENTRIDGE: The Minister wants to make his powers more flexible, so that instead of having to ban meetings generally, he will be able to ban only certain ones. Now my objection is this, that I do not trust the Minister. I like the Minister personally, but I do not trust the Minister if he were to get this flexible power, flexible in regard to how he will apply it or to whom. He knows that if he bans all meetings in Johannesburg there will be such an outcry that it will affect the Government. Therefore he wants the right to do it in such a quiet way that no one else will be upset. Under the Riotous Assemblies Act, passed in 1914, Gen. Hertzog opposed the principle of that Bill.

The MINISTER OF JUSTICE: No, the matter we are dealing with now is the Act passed in 1930, not the one passed in 1914.

Mr. KENTRIDGE: In 1930 Gen. Smuts bitterly opposed that Act introduced by Mr. Pirow, and to show his disapproval he moved that the Bill be read that day six months, and that Bill dealt particularly with the question of creating animosity between Europeans and non-Europeans.

The CHAIRMAN: Order! That does not concern this Bill. This clause does not deal with that matter.

Mr. KENTRIDGE: But we are dealing with

the Riotous Assemblies Act. I want to know from the Minister whether he will agree with me that should he ban all Nationalist meetings which create hostility between Europeans and non-Europeans, he cannot do so because it would raise such a furore that his power would wane. I submit that his power will not be limited but extended by making it more flexible, and that that is done to meet the wishes of the Minister.

Mr. HEPPLE: Before we vote on this clause I want to tell the Minister that we have no confusion in our minds as to what the Minister is after. We object to this clause because of what the Minister has now made clear to the House, and which was commented upon by the hon. member for Troyeville (Mr. Kentridge). The amendment the Minister is proposing, which he says will give him flexibility in the exercise of his powers, is the very thing which makes these powers more vicious, because now the Minister will have arbitrary powers to discriminate and to pick upon certain times and places and certain gatherings. As the hon. member for Troyeville has correctly stated, he dare not apply the blanket banning of meetings, because there would be an uproar from every section of the community.

The MINISTER OF JUSTICE: I applied it in Port Elizabeth and East London, and the people were satisfied. Those are the people you want it for.

Mr. HEPPLE: But the Minister knows that he is taking powers which are more vicious because of the arbitrary way he can apply them. Their flexibility is what makes them vicious. The hon. member for Ventersdorp (Mr. Greyling) said earlier this afternoon that I had attacked the police. That is the old technique always used by members opposite. I drew the correct picture. I asked the hon. members whether they are prejudiced . . .

The MINISTER OF JUSTICE: There you are most unfair.

Mr. HEPPLE: I want to give the Minister an example. We have often tried to hold meetings on the steps of the Johannesburg City Hall. Under a Municipal by-law passed about two years ago by the United Party City Council, the Labour Party has tried to hold meetings. The Council says they must have a lot of information before a meeting can be held, amongst which is a report from the police. I have never yet heard the police say that it is in order to hold a meeting. They are always afraid of a disturbance.

The MINISTER OF JUSTICE: And when there is a disturbance you blame the police.

Mr. HEPPLE: Now the Minister is seeking powers which are even more vicious and he says that if there is a riot we will blame the police, but why must the police decide whether a meeting I want to hold will be dangerous?

When we want to hold a meeting, the police say there is the danger of a disturbance. I know there is a lot of disturbance in this House when I speak, but what is going to happen to the Minister? Will he apply these vicious powers?

The MINISTER OF JUSTICE: It is not I who stopped the Labour Party meetings.

Mr. HEPPLE: I still say that it is the flexibility of these powers which will make them even more vicious.

Mr. WARING: I can understand the attitude of the Labour Party in opposing this clause, because they opposed the original measure, the original Act. If there was no amendment here but merely a repetition of what is said in the old Act, they would still oppose it. But I want to understand the hon. member for Wynberg (Mr. Russell). Did he oppose the original clause in the old Act? The hon. member for Wynberg asked me questions which I am prepared to answer and his Whip can just leave him to me.

Mr. V. G. F. SOLOMON: [Inaudible.]

Mr. WARING: No, that hon. member has just come into the House and he does not know what happened before. He should not interfere between me and the hon. member for Wynberg. I understand, and I think that the hon. member for Wynberg has accepted it, that this new clause gives the Minister the right to specify a particular meeting that should be banned without applying a blanket banning order. You could call that a more flexible power. I would say that in that respect it is more respectable than a blanket ban. The Labour Party has told us that they do not want the clause anyway, but I want to know where the hon. member for Wynberg stands. I say to the hon. member that he could not have opposed this clause in the Riotous Assemblies Act as it was originally.

Mr. RUSSELL: [Inaudible.]

Mr. WARING: The hon. member admitted that he might apply it as general machinery and he said that he did agree to such powers being granted because they were necessary. I want to deal specifically with this clause, because we are now dealing with a clause and not with a general motion. I want to say this. I can see nothing in this particular section that is very far from the essence of the original Act. The hon. member for Troyeville (Mr. Kentridge), I presume, in 1930 opposed this particular section. Therefore he is now being consistent. That power has been used by the Government over and over again, also by the Government of which the hon. member for Troyeville was a member. Has any Minister of Justice used this power granted to him under the section to prevent meetings unnecessarily? What I want to know is this: What is this all about? In 1942 there was a test case. The Government must have used

it, and I know that in Gen. Smut's time he also used this power.

An HON. MEMBER: That does not make it right.

Mr. WARING: It is no good the hon. member saying that that does not make it right. He was a party to it and accepted it in the spirit in which it was used by the Minister at that time. It is all very well for members to say that the Minister will ban Labour Party meetings. But what happened? Has this power been abused by any Minister or any Government? That is the test.

Mr. LOVELL: Yes, everyone of them abused it.

Mr. WARING: That is your line. I want to put it to hon. members that a Public Safety Bill was passed through this House, and we had the same things said then, namely that its powers would be abused by the Minister. But has any Minister misused the powers granted to him under that Act?

Mr. LOVELL: Yes, give him time.

Mr. WARING: If he does, this is the forum in which the Minister can be pinned down.

Mr. RUSSELL: And what procedure do you use to pin a Minister down?

Mr. WARING: There are many ways in which the Minister can be pinned down for abuses under the legislation. One way is when his vote is discussed, because his salary comes into it. You can nail him down, and you can also do it on public platforms. We are still in that position that if a Minister abuses his powers in this country, he can be held responsible. I do not believe that this country will swallow dictatorial powers being used by any Minister. The people of this country will not stand for any Minister abusing his power, and the proof of the pudding has been in the eating thereof, as the history of this country shows. I feel that the circumstances are such that there is no major demand made on this Committee in regard to this amendment. The hon. member for Wynberg has not satisfied me that there has been, and I would like to ask him specifically, if this amendment comes to a division, will he vote with the Labour Party?

Mr. RUSSELL: Of course.

Mr. WARING: And is it his point of view that this clause should go completely?

Mr. RUSSELL: I do not like these powers.

Mr. WARING: Because this part of the clause has been on the Statute Book of this country since 1914, and was amended in 1930. With all the opportunities that there have been for repealing it, the hon. member and the party he represents have never endeavoured

HEPPLE - DEALS with secret service)
ESTIMATES OF ADDITIONAL EXPENDITURE OF
FROM REVENUE + LOAN FUNDS,

The MINISTER OF FINANCE: There were three new commissions appointed since the Main Estimates were framed. One was in regard to the separate representation of voters, the Commission that sat during the recess and which has now been converted into a Select Committee again. That is £5,500. Then there is the Commission in connection with income tax. That also sat during the recess and that was also again converted into a Select Committee, and the report is available. That was £700. Then there is a Commission sitting with regard to the separate facilities for non-European education at our universities, £1,000. That accounts for the increase in the Vote. The other commissions are still sitting, for which the original amount was asked.

Now in regard to secret services, the reference here to defence is necessary because provision which formerly existed under that Vote in connection with secret services has now also been transferred to that Vote. There are three Departments concerned, Native Affairs, Justice and Defence. As my hon. friend knows, that was a matter which was considered by the Select Committee on Public Accounts. Information was there given as to the expenditure of this money and how it had to be accounted for, and the provision made here, and the procedure adopted, is in accordance with the procedure laid down by the Select Committee on Public Accounts.

Mr. SUTTER: On this item of secret service money, I fully appreciate the Minister's position and I do not think anyone here is interested in details, but this figure seems to be increasing every year. When one goes back to the war years, when the country was locked in a war, and when the Minister himself will readily admit that there were grave reasons for spending money on secret services, the amount was considerably lower than it is now. I have noticed a tendency for this figure to increase considerably. I think it is a bad principle that the question of defence should be wrapped up with these other departments. I think the public is entitled to know what the secret service Vote is in connection with defence. The others are more of a civilian nature. I would like the Minister to give us some information, naturally without detail, as to why there is this considerable increase over the years, when the maximum amount required for secret services only ran into a few hundreds of pounds. Is the Minister by his laughter perhaps suggesting that money was asked for that was not accounted for during the war? The Minister will be the last to deny that there has been a considerable increase and that during the war years we spent only a few hundreds of pounds a year. But these figures are becoming somewhat globular now. It is approaching five figures, and I think some indication should be given of what circumstances exist that require an increase out of all proportion to what used to be spent during the war.

The MINISTER OF FINANCE: I do not

know whether my hon. friend desires me now to give him all that information. He appreciates that for obvious reasons of security it is impossible to do so. But what did amuse me, when he took exception to my smile, was that he is comparing this sort of work with what was necessary before or during the war. Well, the hon. member knows of the existence of the cold war and everything in connection with that. To-day we are fighting Communism and subversive activities. In regard to all these things, our requirements are much larger to-day. As I said before, the Departments concerned are Justice, Native Affairs and Defence, and that should be sufficient for my hon. friend. It is not desirable to give him more information, which in any case I cannot give him because I am not spending the money. The Government is responsible for the security of the country and it has to do what it considers necessary to do, and as far as the expenditure is concerned I have to accept the certificate of the Minister concerned, and the Auditor-General also has to accept that certificate, according to what was laid down by the Select Committee on Public Accounts.

Mr. DURRANT: This increase of £1,500, is this additional expenditure required for all these three departments, or is it an increase only in respect of one Department, say Defence?

The MINISTER OF FINANCE: No, it is for all.

Mr. HEPPLE: Mr. Chairman, I find the reply of the Minister of Finance very disturbing. When he tells this House that this Vote concerns Native Affairs, Justice and Defence, he links up three Departments in regard to secret services, which seems to imply that there is something sinister going on amongst the Native people of this country. The Minister said that for security reasons he should not tell us, and secondly, that he has not the information in any case. I wonder whether the Minister realizes the effect of the statement he made this afternoon. If there is anything that is calculated to create suspicion in the minds of the Native people in this country, it is the statement that he made this afternoon. He is suggesting that it is necessary to set up espionage arrangements in this country to deal with the Native people of this country. I think that is a most dangerous state of affairs and a very dangerous admission. I am surprised to hear such a statement from the Minister of Finance. I think this House, which is really the only place where we can discuss matters like this, should have further information either from the Minister of Finance or from the Ministers concerned. I myself feel very distressed and perturbed at the fact that these three Departments have been linked up in regard to secret service activities, of which apparently this House cannot get any information.

Mr. WATERSON: Mr. Chairman, I think I must say that the hon. member for Rosetten-

ville (Mr. Hepple) is taking a rather irresponsible line. Anybody who knows anything about the responsibilities of government knows that there are certain functions which must be undertaken by the Government and that in the interests of public safety details cannot be given to the public. We on this side of the House accept that fact and as far as we are concerned we do not propose to press the matter further.

Vote put and agreed to.

Vote No. 11.—“Pensions”, £128,800, put and agreed to

On Vote No. 12.—“Inland Revenue”, £101,775,

Mr. WATERSON: Mr. Chairman, Votes C and E appear to me to be at least bad budgeting, if nothing else. Here is the Minister of the Interior, only four months ago, asking for a sum of £8,500 for his postal, telegraph and telephone services, and now he comes along and asks for almost 50 per cent more. There must be some special reason why he wants nearly to double this amount for postal and telegraph services this year. The same applies to the next item, miscellaneous expenses. One does not know what the miscellaneous expenses are, but he apparently under-estimated them by almost a third also, the difference between £92,000 and £139,000, which is £47,000. I think the Committee is entitled to know whether there was a mis-estimate in the original Estimates, or what has occurred in the Department since that date?

Mr. DURRANT: Mr. Chairman, I join with the hon. member for Constatntia (Mr. Water-son) in asking for the reasons for this increase. Perhaps the Minister will reply. He will notice that throughout these Additional Estimates there is a demand for increased expenditure for telephone services in the majority of the Departments. I understand that the Government has introduced a rigid economy campaign in the public service. Will the Minister tell us whether it is the demands of the public which have caused the Department concerned to increase its expenditure, or whether it is the breakdown of the efficiency campaign instituted in the public service by the Government, because the Minister will notice that in all these Departments there is a demand for more money for this item.

The MINISTER OF FINANCE: I only propose to deal with each particular Department when the question is raised. As far as this increase is concerned, it is due to the fact that there has been intensive speeding up of the collection of income-tax, and that has necessitated the use of telephones and telegraphs to a much greater extent by the Department in connection with various inquiries that had to be made. As far as the £47,000 is concerned, that is due to the introduction of the savings levy in the Budget of last year, which necessitated considerable expenditure in connection with the purchase of mechanical appliances,

machines to deal with this special savings levy. That accounts for this increase, and no provision was naturally made when the Estimates were framed because it was a Budget proposal.

Mr. V. G. F. SOLOMON: There is an unusual item about the Estate of A. G. Sandoz.

The MINISTER OF FINANCE: That was a case where this person, Mr. Sandoz, was a Swiss national who died in 1953 in Switzerland. He possessed shares in South African companies to the value of £240,000. He left this part of his estate to a body called the Swiss Benevolent Society in London. Because it was a South African company, this company was liable for estate duties and the estate duty amounted to £98,509 12s. 7d., which was paid by the Estate. Then very strong representations were made to us by the Swiss Government, who pointed out that the work which this society was doing in London was really work which the Swiss Government was liable for, otherwise they would have to pay these people who were being paid out of this fund, and the Government then decided, as an act of grace or favour, to refund half of the duty paid. An equivalent amount of duty is still paid, but on the representations of the Swiss Government half of the duty which was payable on this investment was refunded.

Mr. SUTTER: Mr. Chairman, on this question of the £47,000, I understood the Minister to tell us that this is for the purchase of mechanical appliances.

The MINISTER OF FINANCE: And for other additional work.

Mr. SUTTER: Will the Minister give us an indication whether these appliances will be used after this obnoxious tax is removed, or are we to take it that this savings levy is now a permanent thing?

The MINISTER OF FINANCE: I am not prepared to discuss it.

Mr. SUTTER: Then we take it that if the Minister embarks upon this expenditure, that tax will be permanent.

The MINISTER OF FINANCE: The machines will be useful for other purposes, also.

Mr. WARING: Mr. Chairman, I gathered from the Minister that some of these additional items are due to the fact that a speed-up has taken place in the Department in the collection of income-tax. I hope the Minister realizes that we on these benches, although we have to agree to the amount, do so very reluctantly, especially as income-tax returns have come almost in duplicate during the last year.

The MINISTER OF FINANCE: I thought the House was anxious that I should be up to date.

member for Troyeville (Mr. Kentridge), provides for what is virtually a special Court. It is a judicial committee which has as its members a Judge, an advocate of at least ten years standing and a Magistrate of at least ten years standing. Furthermore, the amendment provides, in my opinion, a test of the Minister's sincerity when he says that he himself does not really want the responsibility which this anti-communist measure gives him.

The MINISTER OF JUSTICE: I never said that.

Mr. R. A. F. SWART: Well he said that he does not enjoy shouldering that responsibility. So now this is a test of the Minister's sincerity, because in the amendment we now remove the possible danger that there can be any danger to public policy. We have in our amendment a secrecy clause which suggests that the members of the judicial committee shall be sworn to secrecy. Consequently, it would seem that under this amendment, when this judicial committee is established, the Minister can rightly come along to that committee and give the full reasons as to why he has issued a notice to any particular individual.

We on this side of the House realize that in dealing with the Communist danger in South Africa, it may be necessary from time to time, in the interest of public policy, for the Minister not to disclose, in open Court at least, the source of his information. And we believe that in terms of the amendment, which should be acceptable to the Minister, he will be able to come along to that judicial committee and, without fear of what may happen in the interest of public policy, he will at the same time be able to give the person—who in this case is in the position of an accused person—a fair trial and full reasons for issuing that notice on that person.

Mr. WARING: I would like to take the opportunity of thanking the hon. member for Zululand (Mr. R. A. F. Swart) for his congratulation to the members of the Independent United Party group for putting forward an amendment on the Order Paper. I formally wish to move that amendment.

I would like to point out to my hon. friend that we in this Independent group indicated that we would move such an amendment in the Committee stage. I never heard the hon. member for Zululand, or any other member in his Party talk about moving an amendment at that stage. Up to now they have only adopted a negative attitude towards every clause of this Bill. Yet now he comes along and very sarcastically says that he wants to congratulate us on waking up to these particular qualifications or amendments that are to be moved. But why does the member not tell us the whole story? He has asked for it and he is now going to get it. Why does he not tell the story about his little committee that the United Party set up after they had made a mess of things during the early stages of the passage of this Bill. Why does he not

tell the Committee—and it is a fact—that they said they must get an amendment in case they are forced to support the Independent United Party amendment.

Mr. V. G. F. SOLOMON: That is quite untrue.

Mr. WARING: No, that is not untrue. That is a little stunt that has been played and that was organized by the hon. member for Wynberg (Mr. Russell). It is their stunt to put up the hon. member for Troyeville (Mr. Kentridge) so that the front benchers could get in. That is what happened and the hon. members know it. We were not going to raise this matter, but now the member for Zululand comes here . . . [Interjections.] But now he is getting the truth and the Committee is getting the truth. This is just a little stunt that they have put up.

Mr. Chairman, I want to say that I support the spirit of the amendment moved by the United Party; an amendment moved, at last, in a constructive way. I support that. I think that my amendment is better but, obviously, a person always thinks that his amendment is better than someone else's. However, what I do want to point out to the hon. member is this, that actually this section—as I realize—is taken out of the Riotous Assemblies Act. It is taken out *in toto*. So, again, all this business about "we on this side of the House stand for the fundamental rights of the Court"—why did the hon. member not stand for those rights in connection with the Riotous Assemblies Act? Now he says that the penalties are not so great. Not the principle, now it is that the penalties are not so great! That is the issue. I have not come here to tell the hon. the Minister—as we have mentioned—that we do not stand on these great high principles. We on these benches have said that we want to get down to tin-tacks. We say that we realize that this has come out of an Act which was introduced in the old days and which has been used by the United Party without anything like this amendment which has been suggested, and without the spirit of the amendments which have been suggested by both the Independent United Party group and the United Party. We want to say to the Minister that there is considerable concern in the minds of the people—and the Minister may say it is misrepresented—that the powers he has been granted here and which do give a man the right to go to a Court on review, are limited. His defence, or the case that he can put forward is one in which he has to rely on the *mala fides* of the Minister, the capriciousness of the Minister, and in that way the man in the street feels that he may be limited in the conduct of his defence. Now we want also to try and bring in a greater safeguard. We feel that this is something which is important, and it is an improvement. It may even be an improvement to the Riotous Assemblies Act. We want to persuade the Minister to accept an amendment of this kind. We say this to the Minister. It will take away

HEPPLE

RIOTOUS ASSEMBLIES AMD. BILL

COM. STAGE.

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from him a tremendous personal responsibility. Our amendment does not seek to set up a judicial committee. The hon. member for Zululand spoke about a virtual special court being set up. We say it should be the Supreme Court. We are not afraid to say it should be the Supreme Court.

Mr. R. A. F. SWART: Not one judge.

Mr. WARING: You know, Mr. Chairman, I cannot understand the hon. member. Now it is one judge that he does not like.

An HON. MEMBER: So he does not like the judges either.

Mr. WARING: No, we say that we think that this should go to the Supreme Court. We say that the basis of it should be the reasons why the Minister has banned this man, and that those reasons should be considered by the Supreme Court. I want to read the context of this amendment—

In line 50, to omit "sub-section" and to substitute "sub-sections"; and to add the following sub-section to follow the proposed new sub-section (2) inserted by paragraph (c):

"(3) Any person to whom a notice has been delivered or tendered under sub-section (1) shall be given an opportunity of dealing with the reasons furnished by the Minister under sub-section (2) and if the Minister thereafter refuses to withdraw the said notice, such person may appeal against such notice to any division of the Supreme Court having jurisdiction. Such court may uphold the decision of the Minister, or may set it aside if it is satisfied that there are no substantial reasons to believe that the achievements of any of the objects of Communism would be furthered if the person concerned were to attend any gathering within the area or the period specified in the notice."

We ask the hon. the Minister to give this amendment serious consideration. He himself has indicated that he does not like to have the responsibility. No one would like that responsibility. We say in this particular instance: Is this the means by which the Minister can overcome the difficulty? In the other case the man has access to the courts on the facts. Here he has no access to the courts on the facts. He only has access to the courts on the basis of a review and we ask the Minister to give this his serious consideration. We put this forward in an attempt to get agreement on a clause which apparently now the United Party are prepared to accept if an amendment of this nature goes through, which is contrary to the attitude they adopted in the House. We put it forward in that spirit.

Mr. HEPPLE: Mr. Chairman, this clause deals with the matter that so much disturbed the Minister when the Appeal Court gave judgment in the Ngwevela case. I would like to draw the Minister's attention to the heading of that case, which reads as follows—

Before the Minister of Justice exercises his powers under Section 9 of the Suppression of Communism Act No. 44 of 1950, as amended, the person affected is entitled to be given an opportunity of being heard.

The Minister then told the country that he was going to take the necessary steps to see that the loopholes in the law were closed. And when he introduced this measure he said: "I now give effect to the judgment of the Appeal Court". He also said: "We are now complying with the proviso of the Appeal Court". But, of course, he is doing nothing of the kind. The Appeal Court found that a person has the right to be heard before the Minister exercises his powers. [Interjection.] The hon. member for Johannesburg (North) (Mr. P. B. Bekker) says that is not correct. I have just read the heading to the case, which says—

Before the Minister of Justice exercises his powers under Section 9 of the Suppression of Communism Act No. 44 of 1950, as amended, the person affected is entitled to be given an opportunity of being heard.

Before the Minister exercises his powers, The hon. member for Johannesburg (North), in order to justify his standpoint in this House, is now quarrelling with the Appeal Court judgment. I do not want to argue with him. Mr. Chairman, the Minister has come to this House and said that he is now giving effect to the Appeal Court judgment, but he is doing nothing of the sort. What he is doing is to insert in this particular clause the original clause which appeared in the Riotous Assemblies Act, which means that a person will have the right to be heard after the Minister has banned him; only after the Minister has banned him. Therefore the Minister is not complying in any respect with the decision of the court.

But I also want to say this, that at the time when the decision of the court became known, the Minister immediately issued a statement. I think he was at his home in the Free State then. He issued a statement that he would take the first opportunity during this present Session of Parliament to rectify the position. The Press which supports his Party had leading articles and other articles by a certain advocate saying that the intention of this Parliament was that the persons concerned should not have access to the courts and should not have the right to be heard before they were banned; and they said that steps would be taken to prevent them from having that right. That is why I am at a loss to understand my friends on my right who say there is access to the courts. Further proof now that they have found out where

they are wrong is their own amendment, which shows that they have discovered that there is no access to the courts. They are endeavouring to get the Minister to see their point of view. But I want to ask these gentlemen what they are going to do if the Minister rejects their amendment. Are they then going to vote against this clause?

Mr. WARING: No.

Mr. HEPPLE: Then I do not understand why they are moving their amendment because I am quite sure that the Minister is not going to accept it.

Now in so far as the amendment of the United Party is concerned, I want to say right away without having had an opportunity of studying it very deeply that we are very much opposed to the setting-up of a judicial committee which will perform the functions of our courts. We say that the courts are there and that they are perfectly competent to deal with this matter. We have always asked and demanded that a person should be tried and punished by a court of law. We say that it should not be this Parliament or any secret committees or the Minister or the Cabinet. We say that the courts should be the bodies to try persons under this Act. I feel that the United Party is taking a very dangerous step when it proposes that a judicial committee should be set up. By proposing that a judicial committee should be set up to perform these functions, they are agreeing to the proposition that the courts should be circumvented. We disagree with that entirely. We say that it must be decided by the courts and that a person should be tried in the courts. The Minister owes an explanation to the House and to the country as to why he has come to us and said that he was complying with the decision of the court, when in fact he is not complying with that decision. Is he evading the decision of the court? To use his own words, he is closing the loopholes, and he is preventing access to the courts. That is what he is doing. I want to remind the Minister of his own words. When he was introducing this Bill he said that this so-called important right that these people obtained through the Ngwevela judgment, the right to be heard beforehand, is really not of very much importance. Those were his very words. He said that eventually the power still rested in the hands of the Minister and that is the decisive factor, and the Minister by his amendment here is making sure that the power still rests in his own hands and he is not prepared to let it go any further. I am quite sure that both the United Party and the Independent United Party are going to discover that the Minister wants no truck with their amendments which will take that power from him. The Minister has made up his mind that he will retain that power, and he will not let it go, but I hope he will tell the House and the country why he says he will comply with the decision of the court when in fact he does not do so.

Mr. P. B. BEKKER: Mr. Chairman, just to show how wrong the hon. member for Rosettenville (Mr. Hepple) is, he quotes the heading of that particular case. He quotes the heading, but listen to what the actual judgment says, and not the heading. The heading is put on by the annotators, but this is what the judge said—

The exercise of the right to demand an opportunity to be heard does not therefore entail recourse to a court of law, nor does it entail an enquiry where witnesses are heard orally.

So when he speaks of the right to have a hearing before the order he is quite wrong, and the judge goes on to say this—

Both in Halliday's case and Sachs's case, the courts, in arriving at their ultimate conclusion, were influenced by the fact that the special provision which was made for the application after the order was issued and the maxim *audi alteram partem* negative the application of the maxim before the issue of the order.

That is the point. In Sachs versus Minister of Justice, 1935, Sachs was ruled out of court because under the Riotous Assemblies Act Mr. Sachs had the opportunity after the order was issued of having a hearing. Section 6, which we are dealing with now, does precisely that. Section 9 is now brought in, which is word for word Section 1 (13) of the Riotous Assemblies Act.

An HON. MEMBER: We said so.

Mr. P. B. BEKKER: They did not say so. What the Minister is doing is to import by this amendment precisely what the judge said was lacking.

Mr. LOVELL: No.

Mr. P. B. BEKKER: I will read it again. In the case of Sachs, the judge said that because Sachs had the opportunity of being heard after the issue of the order he was out of court. Now the Minister provides that he shall furnish such person with a statement after the order.

Mr. LOVELL: After the order; not before.

Mr. P. B. BEKKER: The Minister brings it in in conformity with the Riotous Assemblies Act. [Interjections.] Mr. Chairman, they just do not want to take the point. The situation is quite clearly this, that this paragraph under discussion which amends Section 9 brings it into conformity with the Riotous Assemblies Act, and the Riotous Assemblies Act, since 1930 when the amendment was brought in, provides that when the Minister takes swift and unfettered action, that after his order has come into effect the person concerned has the opportunity of appealing to the Minister and the Minister shall give his reasons.

Mr. LOVELL: It excludes the right to go to court.

Mr. P. B. BEKKER: But that was the position under the Riotous Assemblies Act since 1930.

Mr. HEPPLÉ: But not under this Act.

Mr. P. B. BEKKER: The hon. member says there are two separate Acts. I say they are inter-related. Both aim at tackling subversive activities against the State. If it was good law in the Riotous Assemblies Act, why is it bad law now?

Mr. LOVELL: It was good law but bad politics.

Mr. P. B. BEKKER: I am talking law now and not politics. But they mislead the country. The position is this, that there is access to the court. This clause is in conformity with the Riotous Assemblies Act, as amended in 1930, and as followed in the case of *Sachs v. Rex* and brought into conformity with the judgment in the *Ngwevela* case.

Now this is the point I wish to take up in regard to what was said by the hon. member for Orange Grove (Mr. Waring), namely the appeal to the Minister on the bases of public policy. If the Minister says it has been the law since 1930, that is true and we have no quarrel with him. If the Minister takes the point that it has worked before, we have no quarrel with him. But we say there is one point which is bad in this and in the previous Act, and that is that this Minister or any other Minister since 1930 can, in the ultimate end, say that for reasons of public policy he will give reasons but not the facts to the court. The hon. the Minister says he can come to Parliament under Section 14, but what I said in regard to public policy also applies to Parliament. But the Minister must remember that we of the Opposition will not have any facts at all when an arbitrary Minister acts in that way, and that is a difficulty which we should meet if possible. I say, therefore, that if the hon. the Minister cannot see his way clear—and I would respect it if he said so—then we should have a gathering of Parliament in a Select Committee, which is not a political court, where we should learn to meet in South Africa on questions of the defence and the public safety of the country, over and above party politics. There is no reason why selected men from the Opposition and from the Government could not meet to discuss these problems.

Mr. RUSSELL: In equal numbers?

Mr. P. B. BEKKER: I shall leave that remark unanswered. It is a temptation, but I am not trying to score debating points now.

Mr. RUSSELL: Do you see my point?

Mr. P. B. BEKKER: No. But let us leave

these Press points or "oomph" points and get on with the debate. As the Riotous Assemblies Act is and as this Bill is, there is a point where a blind is drawn over the proceedings. If the Minister says he does not want to change it, I respect that. But I say he should consider it from the point of view of public trust and confidence, because that has been undermined for some reason or other, and consider whether it is not possible to provide machinery whereby the Minister could take members of the Opposition into his confidence, under oath, and get a concerted effort made against subversive activities in the State, because South Africa and in fact the whole of Africa are passing through serious times at present. We have tried in this amendment to meet this situation and we would be very glad to hear from the Minister how he views the position. The question of a Select Committee does not really apply to this Bill, but belongs to the other functions of Parliament. But there is one inescapable weakness in the Riotous Assemblies Act and in this Bill, that on the question of public policy the Minister and the Minister alone, with his advisers, may be in the know but the Opposition know nothing and cannot carry out their functions honestly. We should try to gather together to meet that point and devise something whereby we can set at rest unnecessary friction and discord.

*The MINISTER OF JUSTICE: Mr. Chairman, I regret that the young member for Zululand (Mr. R. A. F. Swart), my namesake, is not here.

*Mr. R. A. F. Swart: I am here.

*The MINISTER OF JUSTICE: In regard to his speech, I want to point out how easily these misrepresentations are made in this House, and if it is done here we know what happens outside. He speaks here about "review". I want to correct him. He should be more careful. I have told him, "There is no accused". If I had not corrected him and someone were to read his speech in the newspapers, the impression would be conveyed that we want to punish an accused person, and that I will punish him without the intervention of the court. Then also he says, "The Minister says he does not want these powers". I did not say that. I said I did not like it. I said I did not like recommending to the executive what action should be taken, but I want those powers as Minister of Justice if I am to do my duty. I do not like the Opposition but I want them here. [Laughter.] I do not like these duties but I like to do my duty. Now he comes and says: "This is the test of the Minister's sincerity". What does he mean by that? In other words, if I do not accept the amendment of the hon. member for Troyeville (Mr. Kentridge) I am not being sincere. But why would I be insincere?

*An HON. MEMBER: Russell taught him wrongly.

MONDAY, 8 MARCH 1954

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

CRIMINAL PROCEDURE AND JURORS AMENDMENT BILL

Leave was granted to the Minister of Justice to introduce the Criminal Procedure and Jurors Amendment Bill.

Bill brought up and read a first time; second reading on 10 March.

DENTAL MECHANICIANS AMENDMENT BILL

Leave was granted to the Minister of Health to introduce the Dental Mechanicians Amendment Bill.

Bill brought up and read a first time; second reading on 10 March.

PROVINCIAL COUNCILS CONTINUANCE BILL

First Order read: Second reading, Provincial Councils Continuance Bill.

*The MINISTER OF THE INTERIOR: I move—

That the Bill be now read a second time.

This is a Bill to prolong the lives of the provincial councils of the Cape Province, the Transvaal and the Orange Free State. In terms of Section 75 of the South Africa Act the lives of these councils expire respectively as follows: On 13 March in the case of the Free State, on 21 March in the case of the Transvaal and on 28 March in the case of the Cape Province. As regards Natal, the life of that provincial council also expires on 21 March but Natal has not asked to be included in this Bill. The other three provinces have indicated through their administrators that they desire this Bill.

There is a general desire that the provincial council elections should be held on the same day in all four provinces and all four provinces have approved of the principle but they were not unanimous in regard to a suitable date. Natal wanted an early election because they want to dispose of their financial session before 15 June. In any case that is now impossible because they are only having their election on 9 June and they are therefore in this position that it will not be possible now to pass their financial measures before 15 June. The other three provinces may, if they consider it necessary, still have their elections on the same day but they can only do so if they hold their elections either during the parliamentary session or during the holiday months, or else the period between their date of expiry and the first meeting of the new

council will be prolonged so much that it will be inconvenient for them particularly with an eye to the financial measures that they will have to pass. By extending the lives of these councils to 30 June we shall overcome all these difficulties and those provinces will now be able to pass the necessary financial measures and the election can then be held on a common date after the parliamentary session and the holidays. If the expiry date is fixed at 30 June the election can be held at any time after that date, provided that such a date conforms to the usual period stipulated for such elections, namely 14 and 21 days after 30 June for nomination, while 28 to 35 days have to elapse before the election itself can take place. No agreement has as yet been reached regarding the date. There is as yet no unanimity as regards a suitable date for the election and of course it depends in the first place on the enactment of this Bill to prolong the official lives of the present councils.

Sir DE VILLIERS GRAAFF: One has listened with considerable interest to the hon. the Minister of the Interior to find whether there was any really adequate reason as to why these elections should be postponed. The reasons which the hon. the Minister has advanced seem to have regard only to the holding of elections somewhat later than what one would imagine would be necessary if the life of the provincial councils terminated in the ordinary way. He speaks of the difficulty of clashing with the holidays and the difficulty of clashing with the Parliamentary Session. Now, Mr. Speaker, it would not be the first time in the history of this country that we have known provincial elections to clash with a Parliamentary Session. The last one was held during a time when Parliament was sitting, and if I am not mistaken Parliament adjourned for a period in order to allow members to participate in those elections. It seems difficult to understand why there should be this postponement. Why has this matter been allowed to run on, so that the Minister now suddenly has to come to the House and ask for an extension of the life of the provincial councils? He says that it is recognised that it is desirable for all four provincial council elections to be held on the same date but by this legislation he is ensuring that in future, unless there is new legislation, they will never be held on the same date again, because he is now arranging to allow the provincial council election in Natal to take place on the ninth of June and the elections in the other three provinces some considerable time after the thirtieth of June. That means that unless sittings take place on exactly the same day after the elections, which is unlikely, that the lives of the four provincial councils will not be the same. Therefore it seems that by this legislation there is every possibility of his defeating the very aim which seems to underlie this legislation. One wonders what the reason could be for this unnecessary delay. The hon.

Minister says that the various provinces have requested this procedure through their administrators, but unless I am mistaken, this is a matter which the administrators decide themselves, not the provincial councils or the executive committees. Must we take it then that these requests have come from the individual administrators? Because this seems to be a function which under the South Africa Act the administrators seem to perform without necessarily the advice of their executive committees. I think that we have the right to ask whether there are no other reasons for this extension? Why have these elections not been allowed to be held in the normal way, at the usual time, and why do we have to pass this legislation now? I think that in the absence of a more adequate explanation from the hon. the Minister, I must move—

To omit "now" and to add at the end "this day six months."

If there is a more adequate explanation forthcoming from the Minister, then we can consider the advisability or otherwise of withdrawing the amendment.

Mr. V. G. F. SOLOMON: I second.

*Mr. VAN DEN HEEVER: I did not think that we would have a debate on a matter of this nature and that there would be an amendment such as has now been moved by the hon. member for Hottentots Holland (Sir de Villiers Graaff). May I remind the hon. member of a few points. In the first place, if the lives of the provincial councils are to expire now as would ordinarily happen the elections will take place towards the beginning of June—in the last week of May or in the first week of June. Apart from the fact that in Natal we already have the position that their date clashes with the Whitsun period and notwithstanding the fact that they know this, they are proceeding with the election and they are not asking to be included in this measure, apart from the fact, I wish to say, that late in May to early June is a very inconvenient time for an election, particularly on the Transvaal Highveld. The hon. member for Johannesburg (North) (Mr. P. B. Bekker) will know that when he stood for election at Wakkerstroom in 1944 the election was held on May 10 and even then it was a tremendous problem to get into touch—for postal votes—with all those farmers who had trekked to the Lowveld for the winter. The hon. member will remember this very well. Even at that time there were numbers of farmers in the Lowveld and in Swaziland and we had a great deal of trouble in arranging for those people to vote by post. Now those hon. members want us to have the elections early in June, which is very much more inconvenient for then many people will be away. But the hon. member for Hottentots Holland has forgotten another very important fact and that is that early in 1942 the lives of the provincial councils had expired and for no particular reason the previous Government

created the precedent of having elections on a common date and not only did they pass a law to enable the lives of all the provincial councils to expire on the same day but they extended the lives of the provincial councils by 18 months, till somewhere in October, 1943. That is what the United Party did at that time. They created a precedent there. But now, because Naal does not want to agree and because we are allowing Natal to have its way in this matter, now the hon. members says that we are not going to have the elections on the same date. I still hope that Natal will fall in with this measure proposed by the Minister and that the hon. members from Natal will still get up at the last moment and ask us to include Natal in this measure. If they do so I think we shall be able to say that Natal is again beginning to become part of the Union and we shall begin to have hope. But I really cannot understand what the hon. member for Hottentots Holland now has up his sleeve, except that he is full of suspicion. He says it is the exclusive function of the administrators to fix the election dates but in 1942 the United Party did not say that it was the task of the administrators to fix the dates of the various elections—then they deliberately extended the lives of the councils, practically to seven years. From the nature of the case the administrators have consulted their executive committees on this matter, as was also done at that time. I really do not know what ghosts the hon. member is seeing and I still hope that he will withdraw his amendment.

Mr. MITCHELL: I propose to be very brief in this matter. I gather that one of the underlying reasons for this proposed legislation was to get a common date for the holding of the election, but this Bill does not give us a common date for the holding of the elections at all.

Mr. J. E. POTGIETER: Blame Natal!

Mr. MITCHELL: If it is a case of agreement between the administrators, then that agreement can be achieved without this Bill. This Bill has nothing whatever to do with a common date for the holding of the elections. It merely extends that life of the provincial councils, for whatever the reason may be. It makes the official meeting for the purposes of Section 17 (3) of the Act extended to 30 June. But if this Bill is passed, you still require the approval of the administrators to hold the elections on a common date, and you do not need the Bill for that purpose. This Bill does not help at all in that regard, whatever it may do about extending the life of the provincial councils. If you need a common date, if that is desirable from the point of view of the Minister, then I hope he will tell us what steps are being taken to get a common date.

Mr. HEPPL: I am surprised that the hon. the Minister has not given us more information about the reasons for this Bill. After all,

the life of the provincial councils terminates after the effluxion of five years and the extension of the lives of the provincial councils is something quite unexpected. One would have thought that the necessary preparations for the elections could have been made. The hon. Minister has mentioned the holidays intervening and making it difficult to hold the elections at the normal time. In so far as the Parliamentary Session is concerned, there does not seem to be a very great difficulty as far as Natal is concerned. I think the Minister could have given us something better than he has given us to justify the Bill before the House. He will be the first to agree that the principle of extending the lives of provincial councils is bad. After all, the South Africa Act lays down that the life of a provincial council should be five years and the necessary preparations for the election of new councils should be taken in hand in time. I hope the hon. the Minister will give us more information when he replies to the debate.

*Mr. MAREE: I was really surprised at the hon. member for Natal (South Coast) (Mr. Mitchell) and his contribution to the debate. The hon. member indicated here that simply by discussions by the administrators a common date for the provincial council elections in all four provinces could easily have been fixed without this legislation. But the hon. member ought to know that such discussions have taken place and coming from Natal he should also know that even before the beginning of those talks the Administrator of Natal had told the Press that Natal would not agree to any election date except in May. In other words, the Administrator of Natal, acting under pressure from the Executive Committee controlled by the United Party, wanted to place the other provinces before an accomplished fact. Under such circumstances how can one expect that an agreement will be reached by discussions alone? That is why the Minister has adopted this method at least to comply with the request of the other three provinces if the Natal administration did not want to agree. To show that Natal acted with undue haste to place the other provinces before an accomplished fact, it is only necessary to draw attention to the fact that the Administrator of Natal had hardly returned to his province after the talks at the Cape when an election date for Natal was announced, and after the election date had been announced they discovered that it was an entirely inconvenient date because it falls a day before Ascension Day, so that they will not be able to count the votes the following day. They decided with quite undue haste with the specific purpose of forestalling the Minister in case he was coming forward with a motion to prolong the lives of the provincial councils. Subsequently they again postponed the election date, fixing a new date which now falls only a few days after Pentecost, consequently making the holding of public meetings in the election contest in Natal practically impossible.

Mr. MITCHELL: On a point of order, is

the hon. member allowed to refer to the provincial elections in Natal? It has nothing to do with this Bill.

*Mr. SPEAKER: The hon. member must confine himself to the Bill.

*Mr. MAREE: The purpose of the Bill is to fix a common date and if the hon. member adopts that attitude I shall be prepared to move from this side that Natal should be included in the Bill and then I should like to hear what their standpoint will be. However, I shall tell you why those members will not support such a motion and why Natal does not want to be included in this Bill. It is not because it is essential that they should have an early election in Natal. Members of the Natal Executive Committee have stated that they do not need legislation to hold the election later because they can simply introduce the Part Appropriation Ordinance before 21 March and then hold the election there in August. But in spite of the fact that this will still be inconvenient for the other provinces because it still falls in the severe winter months, they were unable to come to an agreement and now Natal is going through with this early date simply because the Natal Executive Committee who are members of the United Party want to try in that way to take the wind out of the sails of the Federal Party. The reason is that they want to show the Federal Party that the Provincial Administration of Natal has certain powers which cannot be touched by the Union Government and that they will now by no means bow to the will of the other provinces or of the Government but that they will have their own way, that they can do as they please. Now the Executive Committee controlled by the United Party wants to take the wind out of the sails of the Federal Party by depriving that party of this argument which they would otherwise have had. They are also afraid that if more time is allowed the Federal Party will consolidate itself to such an extent, as a result of the disunity within the United Party, that the United Party will suffer at the election. That is the only reason why Natal does not want to fall in with the other provinces. That is the only reason why they want to have the election on an impossible date.

Mr. RUSSELL: Has the hon. member moved an amendment so that he can now discuss this matter?

*Mr. SPEAKER: The hon. member may proceed, but the other reasons for the delay, the party reasons to which he refers, are not relevant.

*Mr. MAREE: I hoped that by mentioning those points I would be able to move hon. members on the other side to persuade the Natal Provincial Administration to accept this legislation. But I have finished with the argument which I wanted to mention. I just want to say that as far as the members of the

Nationalist Party in Natal are concerned, they most strongly disapprove of the attitude of the Natal Executive Committee in connection with the fixing of the date and we shall regard it as a special privilege if the hon. the Minister will include Natal in this legislation in order to make it a common date. If the position in Natal is to continue as a result of the attitude of Natal, they will have one election date for Natal alone while the other three provinces have their elections later on a common date. This means that in this extensive election, such as these elections which affect the entire provinces, we shall have to deal with postal votes which will have to come from everywhere in the country and that means that we shall now need a double organization in connection with postal votes. This is true for all parties. The same organization will have to be instituted twice throughout the whole country and I think that for this reason the Government would be perfectly justified to compel Natal to fall in with the general idea, even if they do not want to do so, because the costs will, after all, have to be met out of the pockets of the public. We should not like to do this because we want to achieve such ends by means of co-operation but if the Natal United Party now wants to be difficult in connection with this matter we can consider taking other steps. I want to make this last appeal to them to reconsider their position and to support this legislation.

Mr. BOWKER: I am not satisfied with the reasons given by the hon. member for Newcastle (Mr. Maree) for the introduction of this Bill. I appreciate his feeling for people who have to conduct elections during the winter months, but I do not think that there is a sufficient reason for the other claim that he made regarding a duplication of the work in connection with postal votes.

Mr. VAN DEN HEEVER: What was the reason in 1942?

Mr. BOWKER: I do not think that created a precedent justifying the Government to introduce this Bill now.

Mr. VAN DEN HEEVER: Why not?

Mr. BOWKER: Those were different circumstances. The opinion has been expressed across the floor of this House that it would be desirable to have the provincial elections on one date, and that I think we can all agree with. But no provision is made in this Bill, quite apart from Natal, to hold the elections on one and the same date. I feel that the hon. Minister should give us more adequate reasons for the introduction of this Bill. We have heard it said outside that this Bill is introduced for political reasons, that the timing of the provincial council elections should be in favour of the Government, and that the Government is seeking to hold the elections during the recess when they can send their whole force into the fight, also members sitting

on the other side of the House, so as to make it a major political contest. I see no harm in that, but if that is the position, I do not see why the Government should not say so. At least it would be a more definite reason for the introduction of this Bill than the hon. Minister has given us this afternoon.

Mr. STUART: I sincerely hope that the line taken by the Government will not be approved of for any reason advanced so far. All that has happened in Natal—and I am not a member representing Natal—is that they are going forward in the ordinary course holding the election in the normal way as they are entitled to do.

An HON. MEMBER: What about 1942?

Mr. STUART: The hon. member for Pretoria (Central) (Mr. Van den Heever) asks "What about 1942"? He says that this was done by the United Party in 1942. All that means, Sir, is that because Natal has had the audacity to do what it is entitled to do in law, everybody has been digging away for precedents, and they now produce a precedent during the war. That is their justification. Of course anything may take place in connection with elections under certain circumstances. But everybody is shouting "Did not the United Party do the same thing in 1942?", entirely forgetting that that was in war-time. I do not know for what special reasons it was done in 1942, and as a matter of fact it is quite irrelevant, because it is perfectly open, as a matter of fact, for an independent like myself to stand for Natal and get in. The point is that we are entitled to get in at the legal time, and that is the legal time. Now an entirely illegal time is proposed for the three other provinces, and without the action being justified in any way. And then one of the Nationalist Natal members gets up and says: The only reason why the United Party is forcing this—I have not seen any sign of that; the Administrator is simply doing his job—is in order to prevent having their withers wrung by the Federal Party. The only reason that I can imagine for the Nationalist Party to interfere in the matter at all, is because they want time for another party to gather sufficient strength to enable them to get in as a third party and get a seat or two in Natal. The whole thing strikes me as the most unnecessary, indecent bit of political string-pulling that one can possibly imagine, and I do hope that those who are defending the interests of Natal, will stand firm in the matter.

Mr. LAWRENCE: The hon. member for Newcastle (Mr. Maree) quite unnecessarily suggested that there was some ulterior motive for the Administrator of Natal deciding to hold the provincial elections in Natal in May, but, as has been pointed out by the hon. member for Transkei (Mr. Stuart), what it is proposed to do in Natal, is merely carrying out the law.

The Provincial Council of Natal will expire by effluxion of time towards the end of this

for the amelioration of the position. So the argument, I am afraid is not a very good argument. It does not stand up to scrutiny, and I am only surprised that the hon. Minister and his supporters put that forward in a House like this, where the cry of a shortage of farm labour has been a familiar cry for many more years than probably they can recollect, and that may be their only excuse for using that argument. The fact is that this policy was framed as a segregation policy. If it had not been a segregation policy as Gen. Hertzog maintained, if it had in fact been a policy designed to meet the farm labour shortage, or at least if the main part of this Bill had been framed because of this situation and the difficulties of finding accommodation other than in the Native reserves and released areas, then I say there has been ample time for Governments to change it. The demand for farm labour has been incessant in all the years that I have been in this House, and if any other government had seen the provisions of the 1936 Act in these terms, I have not the slightest doubt that earlier attempts would have been made to change this essential section in the Act. But it had to wait in fact for the high priest of apartheid to attack that provision in this Bill and to destroy the foundation of the segregation policy. And not only to destroy the foundation of the segregation policy as evolved by the earlier Nationalist Party Government, but to hasten the process of integration, which is one of the main characteristics of present-day society—it had to wait for the apostles of apartheid to wipe out the promises that were made to the Africans in 1936 that for what they were losing in European areas—and that was a lot—they would be given alternative rights in the Native areas; that they would be given homes and the opportunity for economic advancement, which this policy was designed to deny them in any areas other than released areas.

Inevitably the effect of this Bill, as has been said time and time again, is to draw into what the Minister would call the European economic system large numbers of Africans who have so far found it possible to remain at least on the outskirts of it, the large number of squatters, whose numbers are so large that nobody knows how many there are—the Minister has no information, the Farm Labour Committee had no information. We are legislating for people we know nothing about; all we do know is that their numbers are very considerable. What the Minister is proposing to do is to uproot them from those areas where they have established something of an independent existence and to draw them into our economic system more completely than it has ever been possible to do before. He is making them part and parcel of our economic life. And he is not only making them part and parcel of our economic life; he is making them part and parcel of our economic life with no alternative but dependence on employment provided by Europeans. There is nowhere else where they can go but into the employment of Europeans. To that

extent it is an absurd argument that they are not being made part and parcel of the economic life of this country. But they are being made part and parcel of the economic life of this country without any claim to rights whatsoever; they are being drawn into the orbit of European industrialism, which includes agriculture in this modern age, with duties only and no rights. The Minister says that these people shall be servants in this country, but they will be servants without any opportunity of being anything better than servants. In no circumstances shall they have either the right to become free men, economically free men, that is capable of choosing the sort of life they will lead, or the right to own a roof above their heads, except as the servants of other people. I personally am not opposed to integration. This House knows that. I am persuaded that the whole standard that South Africa has been able to achieve has depended on the integration of the African population. And I shall repeat often in this House that what is South Africa, is the result of the combined effort of all sections of the population, no matter what their racial character may be. But what I am opposed to is integration on the terms which the Minister offers for this integration.

Mr. HEPPLE: Mr. Speaker, on a point of order, I doubt whether you can hear what is coming across here from hon. members on the other side who are carrying on a running commentary, almost drowning the speaker.

Mr. SPEAKER: Hon. members who protest must also realize that they are sometimes sinners in that respect too.

Mr. HEPPLE: What is the complaint about me? I think that your remark, Mr. Speaker, was uncalled for.

Mr. SPEAKER: Order! I am here to maintain order.

Mr. HEPPLE: Sir, I draw your attention to the fact that these gentlemen here are carrying on a running commentary.

Mr. SPEAKER: The hon. member must please resume his seat.

Mrs. BALLINGER: I must say that I feel that the hon. member's objection was well taken. I have given up the attempt to complain about what is going on at this end of the House. I believe, Sir, that you do not hear what is going on at this end, but since I began to speak, hon. members on the other side have simply continued to say: "What is the point?", "What is the point?", "What is the point?" I am not responsible for their lack of intelligence, but I find it very difficult to carry on with the debate when I am continually interrupted, and I think certainly that we can call for your protection . . .

Mr. SPEAKER: Hon. members should allow the hon. member to continue her speech uninterrupted.

Mrs. BALLINGER: As I have said, I am not opposed to integration. I have said so repeatedly in this House.

Mr. HEPPLÉ: I rise again on a point of order and I want to say that the hon. gentleman again shouted: "What is the point, Margaret?"

*Mr. SPEAKER: Will the hon. member who made that remark, please rise in his seat. If hon. members will not allow the hon. member for Cape Eastern to continue without interruptions, steps will have to be taken.

Mrs. BALLINGER: I will have another try to finish my speech without the assistance of my neighbours. Let me repeat for the third time the point that I was trying to put, that I am not opposed to integration. The hon. Minister knows that. But I will never accept the kind of integration which the hon. Minister is offering which, as I said, is integration with duties and no rights. I cannot accept that, because I believe that that is the most dangerous policy for a country of this kind. I believe that to encourage the integration of our Native population into our economic life, without giving them hope of advancement, is creating the greatest danger for the safety of the whole of our community. What is happening in South Africa—as the Minister ought to know or as his department ought to be able to inform him—is that the European population, as has been repeatedly stated here, is gradually drifting off the land, and that the Native population is steadily drifting on to it. I would commend to the Minister's attention an analysis of the situation that appeared recently in an article in the *Star* by Mr. John Bond, in which he declared that our rural areas were steadily becoming Native reserves. In other words, the dependence of our agricultural community on the presence of a large number of Natives is becoming a startling feature of the population distribution of this country, and if we remember, what I am trying to underline, that this large Native population on which our economic activities are dependent, is entirely without rights and without hope, then I think the hon. the Minister is gravely responsible for the development of a situation which is endangering the foundations of our society. The hon. Minister claims that I have no right to discuss these matters, that I have no right to urge him, that I have no right to argue about the implications of his own policy, that I have no right to defend the implications of the segregation policy. He says that in so far as I represent an entirely different policy, I cannot call upon him to answer my questions as to what the positive side of his policy is, that I have no right to say to him: Why are you not providing alternative means of livelihood for the people whom you are uprooting from the position in which they now live? I may say that that is a very strange political doctrine, a very curious analysis, a very curious interpretation of the

obligations of minorities. I can understand very well how the hon. the Minister comes to it and I shall have a word to say about that later, but I must say that I regard it as an extremely dangerous interpretation of the methods of a parliamentary system. After all, Oppositions have rights and duties and they must do their duty to the best of their ability. As I said a moment ago, I can see why the hon. the Minister takes up this attitude. I can see that he would be very glad to be able to establish this principle that people who do not agree with his policy may not ask him questions.

The MINISTER OF NATIVE AFFAIRS: I did not say that.

Mrs. BALLINGER: Oh, yes, that is what the Minister said; there is no doubt about it. The hon. the Minister's statement to me was that since I did not believe in the segregation policy I had no right to ask him about the positive side of segregation.

The MINISTER OF NATIVE AFFAIRS: I did not say that.

Mrs. BALLINGER: I trust the hon. the Minister will explain what he meant. I think he had better do so. I had a feeling that after he had let himself go in that violent explosion the other evening, he was a little shaken by his own emotional outburst. His claim, as I understood it and as most members on this side of the House understood it, was that since I did not approve of the segregation policy I had no right to ask him what he was doing about the positive side of that policy. He was not prepared to answer questions from me about the segregation policy . . .

The MINISTER OF NATIVE AFFAIRS: I certainly did not say that. I made my position very plain in my reply.

Mrs. BALLINGER: It could not have been so very plain, because neither I nor the public seem to have escaped the impression that he was not prepared to answer questions from me about the segregation policy. I must state my own position in regard to what the hon. the Minister seemed to me to say when he challenged me that I had no right to ask him what he was doing about the development of industries or the improvement of Native areas which would enable the squatters to find a home there. He obviously found himself in a very great difficulty. He is, of course, essentially vulnerable in that matter in that he is here scrapping a responsibility which the original protagonists of segregation accepted, and he is at the same time showing us none of the alternatives that he should be in a position to offer in return for what he is taking away from the African community. I can understand, therefore, that he does not want to answer questions on this; and I can see the argument from his own point of view that people who do not agree with him

adjourn in this arbitrary fashion at this stage? There is the hon. the Prime Minister in his seat, his name has been mentioned in this debate, and I am sure that the Prime Minister would like to have an opportunity of getting up in this House this afternoon and dealing with the matters that were put before him by the hon. member for Wynberg. But this is a most unusual procedure. When, in the ordinary course—and I speak subject to correction—a Minister who is in charge of a debate wishes to cut off discussion for some reason—unless it is the reason that I have given—he will get in touch with his Whips, negotiations would take place between the Whips on either side, and then, if agreement is not come to, the Minister would perhaps go on speaking for a little longer and then may move an adjournment, and the matter may then come to a vote. But the Chief Whip of this side of the House has explained that there have been no negotiations between the Whips. And if this motion is carried, if the hon. the Minister is so foolish and so unwise to force his politically unseemly motion to a division, what will be the effect? The effect of this motion will be that the freedom of speech of this House is being curtailed, because there are other members on this side of the House who want to take part in this debate.

Let me remind you, Mr. Speaker, that this is the last private members' day. The Government is taking away private members' days as from to-day; from now on we go on in chains in this House, in forensic chains. We have to do the business of the Government on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays; and not only in afternoons, but in the evenings as well—Monday, Tuesday, Wednesday and Thursday evenings. This is the last occasion on which, during this session of Parliament, private members will have an opportunity of rising in their seats and speaking on this fundamental motion which has been moved by the hon. member for Wynberg. Yet the Minister of the Interior, without warning, without consultation, without agreement and without negotiation between the Whips, without following the time-honoured customary usage of this House, has sprung this surprise on us and moves the adjournment of the debate. That is not a good reason for moving the adjournment of the debate. That is not the way in which to treat members of this House, or to treat members of the Opposition, many of whom are anxious to get up and make their contribution towards this debate. I hope that the hon. the Minister of Finance, the Leader of this House, will use his influence to induce the hon. the Minister of the Interior to withdraw this motion. Politically, it is an unseemly motion. It is without precedent. I never remember a case of this sort where a Minister, apart from a few asides, an attempt to fight a rearguard action and not to meet the points that have been made by the mover of a motion, runs away from it in this way. This is a typical case of running

away from a motion. Is that the reason why the Nationalist Party sat for two and a half hours in caucus this morning? Was it in order to run away like this? [Laughter.]

Mr. SPEAKER: Order! Order! The hon. member must confine himself to the motion before the House.

Mr. RUSSELL: Was it the price of mealies they were discussing?

Mr. LAWRENCE: I do not know whether it was the price of mealies; I do not want to go outside the scope of the motion before the House, and the price of mealies is decidedly not a matter germane to the motion before the House. But I do ask that question, is that the reason? I hope that while I have been speaking wiser counsels are prevailing in the mind of the Minister. He has said that this motion can be dealt with in three ways—he has not dealt with it in any way at all as yet. He was on his feet for about 20 minutes. He said a few airy nothings, general observations.

Mr. SPEAKER: Order! The hon. member must come back to the motion itself.

Mr. LAWRENCE: May I urge that the procedure which the Minister seeks to adopt this afternoon is not in accordance with the best traditions of the House. Certainly it is flouting the rights of private members on this day, when private members have their last available opportunity of getting up and speaking on the motion. Yes, the rights of private members are coming to their inevitable doom to-day. Yet the Minister seeks, even on this day of triumph for the Government, when in future they will have it all their own way, to take something, even a little, away from private members. In those circumstances, I hope that the Minister will not be foolish enough to persist in this very unwise action of his, otherwise we shall have to divide on the issue.

Mr. MITCHELL: Mr. Speaker, I want to support what the hon. member for Salt River (Mr. Lawrence) has said. The position is this, that I believe I am right in saying that for many years past we have not had such an attack on Ministers as the hon. member for Wynberg (Mr. Russell) launched to-day.

Mr. SPEAKER: Order! The hon. member cannot now refer to the debate.

Mr. MITCHELL: I am merely pointing out the background of the motion by the Minister of the Interior. The Minister has had a chance to make his speech. But what is the practical effect of the motion he moves? It is that the mover of the motion shall not have an opportunity of replying to the very forcible points he tried to make. All the Ministers from the Minister of Finance downwards have been under the very heaviest criticism, but the Minister of the Interior takes advantage of the

rules of Parliamentary procedure, and of course with a well-drilled following behind him to try and stop the discussion. He tries to evade the point of the criticism made by the hon. member for Wynberg. That is what is amounts to. I say without fear of contradiction that the Minister of the Interior has tried this method in order to get his colleagues out of their predicament. The Minister has not said a word in reply to the debate, but now he comes with this attempt to evade the whole issue and to prevent the mover from replying to the feeble attempt the Minister has put up, and it is for no other purpose but to prevent the hon. member from replying to the debate.

*Dr. J. H. O. DU PLESSIS: Mr. Speaker, I want to express my surprise at the attitude adopted by the hon. member for Salt River (Mr. Lawrence) and the hon. member for Natal (South Coast) (Mr. Mitchell). The hon. the Minister of the Interior made it very plain that one of the chief reasons why he prefers this House not to discuss this matter further is the fact that a Joint Select Committee is sitting in regard to the question of the Coloured vote.

*Mr. SPEAKER: The hon. member cannot discuss that now.

*Dr. J. H. O. DU PLESSIS: I just mention the fact that the Minister gave that as a reason for the adjournment. Now I cannot understand why the hon. member for Salt River and the hon. member for South Coast, who are both members of the Select Committee, and who are aware of the fact that the Committee is still deliberating—we meet again to-morrow at 2.30 p.m.—cannot accept that. If we discuss this matter further to-day, it can only mean that we will be discussing a matter which will make our deliberations in the Committee still more difficult. That is the reason why the Minister of the Interior proposed that the debate be adjourned, and I certainly think that it is a very sound reason.

But the hon. member for South Coast voiced another argument as to why the discussion should continue. He says the Minister of the Interior wants to shut the mouth of the hon. member for Wynberg (Mr. Russell). I just want to tell him that we on this side of the House could have debated this subject for such a long time that the hon. member for Wynberg would not have had an opportunity of replying. But now that the hon. member for South Coast accuses the hon. the Minister of doing so in order to make the hon. member keep quiet, I say that is nonsense. I do not want to discuss the matter further, but I want to appeal to hon. members opposite. The Minister is quite correct. He said in his speech that this whole debate arose to a large extent from the discussions we had in regard to the Coloured vote. That matter is *sub judice*. We are busy dealing with it and any further discussion here can only make those deliberations more difficult. The hon. member for Salt River was the first man to say last

year that those negotiations should be entered into in a good spirit . . .

*Mr. SPEAKER: Order! The hon. member should confine himself to the motion.

*Dr. J. H. O. DU PLESSIS: For those reasons I support the motion of the hon. the Minister.

Mr. HEPPLÉ: Mr. Speaker, the Minister of the Interior, by moving this motion to adjourn the debate, has taken away the opportunity for further discussion. There is another group on my right, and also the Labour Party, which would have liked to express their views.

An HON. MEMBER: This is private members' day.

Mr. HEPPLÉ: That is the very point. That is what surprises me.

Mr. SPEAKER: Order! The hon. member cannot use arguments that have been used before.

Mr. HEPPLÉ: I am not repeating arguments. I am protesting against the motion before the House. I say to-day is the last of the private members' days and for that reason the Minister should not have curtailed the debate, or otherwise he should have consulted other members of the House to see whether they wanted to speak before him. If he wanted to evade the embarrassment of being entangled in the speeches from his side of the House, he should at least have waited until five o'clock before moving his motion, but now he has sounded a very sour note. We have ended private members' days in an unpleasant manner and I must express my grave dissatisfaction at this attitude of the Government. Private members' days are becoming looked upon with contempt instead of being the sacred institution that they should be. I think the Minister could have found many other ways of evading this issue without curtailing the rights of private members.

Mr. T. O. WILLIAMS: Mr. Speaker, I cannot accept the view of the hon. the Minister of the Interior and the hon. member for Stellenbosch (Dr. J. H. O. du Plessis) that the effect of having this debate would be to make the work of the Select Committee more difficult. Under the chairmanship of the hon. member who is so widely known for his high impartiality I cannot see that a wide debate such as this would influence the work of the Select Committee. I have risen here to speak merely because I had wanted to air some of my own views on this matter. No doubt the Minister would have found none of them new and quite useless. At present I do not know whether to choose between the right wing, represented by the hon. member for Salt River (Mr. Lawrence), which says that the Government is adjourning the debate

Mr. HEPPLE: We welcome this measure and we are so pleased with it that we have agreed that the Minister may take all stages of the Bill to-night, but I want to take this opportunity of saying a few words to the Minister in connection with some of the provisions of the Bill. While the increased benefits and the reduced contributions are of course very welcome to all the workers in this country, and also the provision for expectant mothers, I am sorry that the Minister has not made provision for workers who are put on short time. I am quite sure that the Minister could have devised some way of helping those workers who are placed on short time and who do not get any benefits from this Fund. Rather than see large reductions in contributions, I am sure it would have been better and more advisable to do something for workers who are constantly put on short time and who were originally excluded, seasonal workers particularly.

The Minister has said this evening that the Government has come to the conclusion that the Fund is now strong enough; they have examined it from an actuarial standpoint and they believe that no good purpose will be served in continuing to build up the Fund. But I think the Minister will agree with me when I say that while people are able to contribute to a fund, that is the best time to make them continue contributing. As the Minister knows, we on these benches have never shared the opinion of those people who believe that the Unemployment Insurance Fund should be used for other schemes. After all, the workers who are in employment contribute to this Fund as an insurance against the time when they may be unemployed. As far as the halving of the contributions, particularly from the employers and the State, is concerned, the Minister may be anticipating things. He may be a little too hasty in this matter. He will remember that I asked him a question earlier in the Session as to how much had been paid out in benefits over the last three years. These figures are very revealing. In 1951 £585,000 was paid out in benefits; in 1952 this figure increased to £861,000; and it is estimated by the Department that for 1953 the amount will be over £1,000,000, which reveals that there is a growing unemployment—not frightening—but there is a growing unemployment. Whatever the actuaries may have calculated, I want to warn the Minister that if we should have unemployment of any magnitude, and we have lost the opportunity of continuing to collect this money, which is in a way a savings fund not only for the workers but for the State as well, we will be in difficulties. The majority of the workers do not begrudge paying. Of course, they will thank the Minister for halving the contributions. That is only human. Nevertheless, the amounts involved were not considerable, and they would not have minded continuing for another twelve months to pay the amounts that they are paying at the present time. I put these points to the Minister for his consideration in case

he contemplates taking some other action in the future. I say that we welcome this measure just as the trade unions and the workers of this country have all indicated to the Minister that they welcome it, and we will help him to speed it through the House.

Mr. DU TOIT: I have just a few remarks to make in connection with this measure, that is to ask the Minister whether he will consider extending the benefits to the widow of a man who loses his employment through death. There have been cases in the past when men have contributed regularly to this Fund during the course of their employment and where they have died suddenly and where no benefit has been payable to the widow and the orphans. I wonder whether the Minister will consider as an act of grace including such persons within the scope of this Bill? If he did so it would be a very kindly gesture and it would be greatly appreciated by people who have had the misfortune to lose the bread-winner who contributed regularly to this Fund during the course of his employment.

Mr. DURRANT: As has been indicated, this Bill is generally welcomed, but there are two points on which I would like to hear the Minister's views when he replies. As the Minister knows, working women who have been employed for a number of years and who have contributed regularly to this Fund, lose their contributions to the Fund on ceasing to be contributors through marriage. As the Minister knows, this is a matter which causes a good deal of discontent among female workers in industry, and I would like to ask the Minister if he would be prepared to consider the introduction of some scheme whereby a certain percentage of the contributions of these working women can be refunded to them on an assurance from them that they will not be gainfully employed in industry again.

The second point that I would like to put to the Minister is this. I had contemplated introducing an amendment in the Committee stage in regard to the schedule attached to the Bill. I think that the time has arrived, due to the general development in industry as a whole and due to the depreciation of our money in relation to wages, that the scales under the groupings as they exist at the moment should be increased. The hon. the Minister will remember that the groupings had been previously changed from those laid down in the original Act which was passed in 1946, but the maximum salary on which a wage-earner can contribute to the Fund remained at £750 per annum. Let me put it to the Minister this way, that the majority of artisans in industry to-day are earning £60 or more per month, and there are many artisans in industry who in fact are not contributors to the Fund to-day by virtue of the scales of pay that they now receive, primarily due to the shortage of manpower and the high wages paid in industry. I would like to ask the Minister to give serious consideration to the

question of increasing the maximum earnings to, say, £960 per annum. As I have indicated to the Minister, it is impossible for me to move any amendment in that regard for the reason that I am unable actuarially to work out the contributions; naturally that can only be determined by an actuarial investigation, but I hope that the hon. the Minister will give serious consideration to this point because what is happening to-day is that large numbers of workmen and people who are entitled to draw unemployment benefits are precluded from being contributors to the Fund as such.

THE MINISTER OF LABOUR: In reply to the hon. member for Rosettnville (Mr. Hepple), I have already given consideration to the question of paying some benefits to workers on short time. But I am afraid that that may act as an inducement to employers to put their workers on short time when it is not absolutely necessary, and as a result of that fear which might be quite unjustified, I have felt that it may be unwise at this stage to make a provision of that kind. I know that there are many hard cases. I have already made provision in previous amendments for contributors who accept work at a lower wage than the wage in that group in which they were contributors, to receive some assistance, but the question of short time will have to receive much more consideration. As I say, I do not want to provide an inducement to employers to put their workers on short time.

The hon. member is concerned about the reduction in contributions. I do not think the hon. member need fear that the Fund may become insolvent as a result of the reductions, which are now proposed. On the present basis of the payment of benefits—and I have no reason to fear that it won't continue for some time to come—we have virtually a state of full employment. I think the most recent figure shows that we have approximately 12,000 unemployed throughout the whole country. Of course, they are not all contributors, but on the present basis it means that approximately £2,500,000 will still accumulate to the Fund every year.

Mr. HEPPLE: On the new basis?

THE MINISTER OF LABOUR: Yes, on the new basis, and I think that is ample. The hon. member knows that whenever the opportunity presents itself I will endeavour to effect further improvements in the interests of the contributors.

The hon. member for Pinelands (Mr. du Toit) wants to know whether benefits can be paid to the widows of contributors. I have already given instructions to the Unemployment Insurance Commissioner to examine this matter. Unfortunately we could not deal with it in time to incorporate an amendment, if deemed advisable in this Bill. It is a question as to whether the Fund will be actuarially sound. We do not know what amount will be involved if we decide to pay widows a

certain amount, even if it is an *ex gratia* payment. But I can assure the hon. member that the matter is being investigated, and if I find that it is possible to do so, I will certainly introduce an amendment of that nature at some future date.

The hon. member for Turffontein (Mr. Durrant) is concerned about women contributors who marry.

Mr. DURRANT: After a period of employment.

THE MINISTER OF LABOUR: That is an extremely difficult matter. Once you create a precedent by refunding contributions to any particular class, you do not know where you are going to stop, and even if the women do marry, it very frequently happens that they have to seek employment again, and they are again subject to the risk of unemployment. My main difficulty is that it will create a precedent. If I have to refund contributions to any particular class of contributor, I do not know where it is going to stop, because I will get demands from all other classes of contributors; for instance, those who go on pension after a certain time. The hon. member knows I do not grant exemption to all pension funds. It is only certain special pension funds which receive exemption in terms of the Act.

In regard to the maximum amount of £750 in earnings, that is a matter that can be considered, but my difficulty has been that I never receive requests from workers to be included in the Fund. The only requests which are made to me are for exclusion, and I am afraid that if I decide to include another class of contributor it will cause more trouble than it is worth. I have received no requests that workers receiving more than £750 a year should be included. If I receive such a request it is a matter that can be considered. I am pleased that the House is prepared to accept the Bill and I move the second reading.

Motion put and agreed to.

Bill read a second time.

House in Committee:

On Clause 5,

Mr. DURRANT: I would like to move the following amendment on this clause—

In line 45, to omit "eight" and to substitute "twelve".

The clause will then read—

During a period not exceeding twelve weeks after the birth of a live child, or four weeks after the birth of a still-born child.

Mr. CHAIRMAN: I am sorry but as this amendment would involve increased expendi-

whatever the period may be. But if we did so, what about the interim period? The whole matter would then remain suspended in mid-air. For that reason too I support the Minister. I am against this measure and I think the medical practitioners throughout the country are against it, but the Minister is acting like a responsible person; and what would any responsible person do? This thing has existed for 16 years and for 16 years the Council has acted in good faith. Are we now going to cut it off suddenly and say that it no longer exists because we do not like it? Or would a responsible person say: "I know that there is uncertainty with regard to this matter; in the first place I am going to indemnify the Medical Council; I am going to safeguard the Council against claims for damages, and, in the second place, when I investigate this matter I am going to retain the *status quo* which has existed for 16 years." That is what is being done in this Bill. I therefore support the Minister. I say that any responsible person would maintain the *status quo*, which has existed for 16 years, until such time as we can introduce something better; because if we are merely going to indemnify the Medical Council this whole matter will remain suspended in mid-air and then we are going to have a worse situation than we had before 1938. I do not like the position which obtained from 1938 to 1952, but I say without any hesitation and without any reservations that to my mind this is still a better position than the position that obtained before 1938. I say therefore: Let us as responsible people support the Minister in this Bill and say that we are going to indemnify the Medical Council and that we are going to retain the *status quo* until such time as this matter has been investigated. For that reason I would urge the Minister in the first place to appoint a commission of enquiry and in the second place I am going to move an amendment at the third reading, of which I should like to give notice, an amendment to the effect that this legislation will not be of a permanent nature but that it will apply for 15 or 18 months, for example, and that it will then cease to be of force, so that we can have an opportunity in the meantime of investigating this matter. That is what a responsible person would do. Maintain the *status quo*; do not pass this as a permanent measure and let these things be investigated. I want to move that amendment because if we make this legislation of a permanent nature, we are immediately going to give people rights which they will eventually regard as rights that they have in terms of the Act. But if we accept this reservation, we shall not be taking away rights from the people and they and the whole country will know that we have taken an interim step, and we shall then have protected the Medical Council and retained the *status quo*.

*Mr. TIGHY: Why not a Select Committee?

*Dr. CAREL DE WET: My reason for not asking for a Select Committee is because if we

have a Select Committee this Bill will not go through and it is necessary for this measure to go through because there are some cases pending, and in the second place I think that when it comes to the constitution of the commission of inquiry it ought to be representative not only of medical practitioners, not only of specialists, but the public should be adequately represented on it. I just want to add that the vast majority of medical practitioners are honest and honourable people who do their work because they love it.

*An HON. MEMBER: They are adequately paid for it.

*Dr. CAREL DE WET: A farmer also makes a lot of money out of his farming, but if a farmer makes £100,000 out of his farming, it does not mean that he is not genuinely fond of farming. He still loves farming. The vast majority do their work because they love it, but there is a small group of people in the medical profession—and I am not ashamed to say so—who want to commercialize the medical profession, and I say that they must know that they are unwelcome, that people who want to commercialize the medical profession are not welcome in South Africa and that we as a House and as individuals who are interested in what goes on in South Africa, deprecate it most strongly and regard them as unwelcome. I do not begrudge any person a good living but I say that the medical profession should not be commercialized. This legislation was not passed to control honest people; this measure in connection with fees is to control dishonest people, and for that reason, as far as this particular clause is concerned, I shall also move an amendment in Committee, because I feel that we are now giving these people greater opportunities to abuse their position, and we should exercise stricter control over the individual who wants to cheat. I have referred to people who want to commercialize the medical profession. This is such an important and serious matter, not only to the Medical Council but to every patient, that if perhaps there are people who want to make political capital out of this or who are intent on serving their own interests, we should let them know that they are going to bump their heads and that they will regret it if they do it.

I want to conclude on this note that it would be premature on my part to make recommendations here, and I have deliberately refrained therefore from making recommendations and saying that this, that or the other course should be followed. I have merely tried to indicate the uncertainty which prevails in connection with this whole matter in all quarters, and I would therefore urge the Minister to appoint a commission of enquiry. I say that it is essential that it should be done now. I plead with the Minister of Finance. I know that a commission of enquiry costs money, but since 1910 there has never been a commission of enquiry in connection with this matter that we are dealing with now, and I think the

indemnify the Medical Council and to safeguard the position of the Minister with an undertaking that steps will be taken—the hon. member suggests the appointment of a commission; I do not know whether this is the best step—in order to have a thorough investigation and to devise ways and means of preventing the position from deteriorating further. I have a certain amount of sympathy for this proposition. We do not want to aggravate the difficulties which have arisen, and I hope that the Minister in replying to the second reading debate will put forward some proposals to this House beyond proposals which he did put forward when he introduced this measure, in order to give us the assurance that he is not going to let the matter rest where it is at present and that some steps will be taken to prevent this scramble for higher fees—I can call it nothing else—this scramble to get on to the specialists' register in order that certain practitioners may make money much more quickly than they have been able to do in the past.

I want to leave that point and come to the other clause in this Bill which I consider very controversial. It was only lightly touched upon by the hon. member for Yeoville (Dr. Gluckman), and here again I speak as a layman. I refer to Clause 25, which amends Section 80 of the principal Act.

Dr. GLUCKMAN: 26.

Mr. HEPPLÉ: Clauses 25 and 26. They have now been separated. First of all I want to remark upon the peculiar position that is now arising. As the law stands at present, Section 80 makes no distinction between chemists and druggists and the medical profession. In making their charges to their patients they all fall under this clause, which says—

(2) Any chemist and druggist who contravenes any provision of sub-section (1) shall be guilty of improper or disgraceful conduct within the meaning of Chapter IV of this Act, and it shall be the duty of the board to take cognizance of and deal with such conduct under that chapter.

In other words, the question of overcharging patients was dealt with on an ethical basis by the profession itself, and I think that has been a very good safeguard for the public. I think the record shows that the profession has been able to safeguard the public very well, and the doctors themselves have respected the authority of their own peers and they have acted accordingly. But now it is proposed to divide chemists and druggists from the medical profession. The new Section 80 (1) will retain this ethical control in so far as chemists and druggists are concerned, but so far as the medical profession is concerned, entirely new machinery is being set up, which I think is quite unnecessary. I cannot understand what has prompted the authors of this change to make it. It seems to me as though

it is creating a loophole for the dishonest practitioner. I would like to quote to this House what this clause provides.

The MINISTER OF HEALTH: Clause 26?

Mr. HEPPLÉ: Yes, Clause 26, which deals with charges made by the medical profession, provides for new steps that must be taken in relation to the rendering of accounts and the disputing of accounts. In the first place it is provided—

Unless the circumstances render it impossible for him to do so, before rendering any professional services, any registered person shall inform the person to whom the services are to be rendered or any person responsible for the maintenance of such person, of the fee which he intends to charge for such services—

- (a) When so requested by the person concerned; or
- (b) When such fee exceeds that usually charged for such services.

The next step is—

Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient), shall, within 14 days after receipt of a request in writing to that effect, provide that patient with a detailed account. . . .

Now the patient gets the detailed account and it is provided in sub-section (3) that—

The patient may within 14 days after receipt of the detailed account and further information, if any . . . in writing inform the practitioner that in his opinion the amount claimed is unreasonable and set out the grounds on which such opinion is based.

Then sub-section (4) provides—

The practitioner may within 14 days after receipt of the grounds referred to in sub-section (3) submit to the patient an amended claim in substitution for his original claim.

Then follows the fifth step—

If no reply is received by the patient from the practitioner and no amended claim is submitted, or if an amended claim is submitted and the patient considers such amended claim also to be unreasonable, the patient may, within 14 days after the expiration of the period referred to in sub-section (4) or after receipt of the amended claim, apply to the Council for a determination of the maximum amount which the practitioner should have claimed from the patient in respect of the services rendered.

All this means is that a medical practitioner

can render any account he likes, making, if he likes, an exorbitant charge. The patient will no longer be able to bring this to the attention of the Medical Council immediately so that the Medical Council can be made aware of a medical practitioner who is not behaving in an ethical manner. Now the doctor will be completely indemnified against punishment for his behaviour. The patient must now get in touch with the doctor and say to him: "Look, you have charged me this amount; I think it is exorbitant", and the doctor, who may have chanced his arm, is now protected by law.

The MINISTER OF HEALTH: We are making provision for that in an amendment.

Mr. HEPPLE: I am very pleased to hear that the Minister is going to amend this. If I may say so, I think the only amendment is to maintain the existing condition. I think it would be very wrong to encourage dishonest practitioners to render exorbitant accounts. However few people of that type there may be, they will bring dishonour on the medical profession and they will get away with it time and again. I am very pleased to hear that the Minister is going to move an amendment. I hope that that amendment will maintain the existing condition.

As far as the rest of the measure is concerned, we have no comments to make. When we come to the Committee stage, we will be interested in the amendments that the Minister is going to introduce. I hope he will take cognizance of the proposals which have been made by the hon. member for Vereeniging (District), and when we have the Minister's proposals we will be able to consider them in the Committee stage and decide what action to take.

***Mr. MAREE:** I should like very briefly, purely as a layman in this sphere, to refer to a few points which in my opinion are of great importance. The hon. the Minister, if I understood him correctly, has said in his introductory speech that if the profession were to let him know through the Medical Council that they want an alteration in the system of the register or that they want no register at all, he will consider it. But I want to point out that it has been indicated a number of times during this debate by the hon. member for Vereeniging (District) (Dr. Carel de Wet) and also by the hon. member for Rosettenville (Mr. Hepple) that it is not only the medical profession which is interested in this legislation, and it therefore seems to me that the hon. the Minister should not wait until the medical profession, through the Medical Council, asks for a change in circumstances, and particularly since we have this position that the public is represented on the Medical Council by two members only. In those circumstances I think that the hon. the Minister as Minister of Health is the guardian of the public in their health services as much as he is the guardian of the Medical Council,

and I feel therefore that it is essential for the hon. the Minister to give careful attention to the representations of the hon. member for Vereeniging (District) to have this whole matter very thoroughly investigated, even if the Medical Council does not ask for it, because in my opinion the interests of the public are concerned with this.

Then I would also just refer to the section to which the hon. member for Rosettenville (Mr. Hepple) referred, the section dealing with the charges which medical practitioners may make. We have this situation, as has been indicated, that if this Bill goes through in its present form, every medical practitioner will simply be able to send an account for an amount which is fixed quite arbitrarily by him and which may be altogether too high, in the hope that 90 per cent of the patients will not make inquiries and will simply pay, which usually happens in practice. I feel that we should give the public protection in this connection. But let us taken even that small percentage of the public which does make inquiries. When that small percentage of patients who have received such excessive accounts have received a specified account from a medical practitioner, then in terms of the provisions of the Bill they must inform the medical practitioner within a fortnight that they believe that his charge is too high, and they must also state why in their opinion his charge is unreasonable and excessive. This is not something which the ordinary layman, who is not conversant with the fees that may be charged, can do; it is something that should be done by people who have more knowledge than the ordinary layman. The result is that the layman who does make inquiries, when he comes to this provision will come up against a problem which will make it impossible for him to protect his rights, and it seems to me that the ultimate outcome of it will be that the public will be left entirely in the hands of the medical profession, and in saying this I do not want to allege that the medical profession is abusing the position. I know that the vast majority of the medical practitioners even charge lower fees than they are entitled to charge. I know that they have the greatest sympathy with the public and with their patients. But it would not have been necessary for us at all to insert a provision of this nature in the principal Act or in this Bill if there were not a few of them who from time to time have abused their rights, and it is against those people that the public should be protected. The protection given to the public must be as simple as possible; it should only be necessary for a patient to lodge a complaint in some quarter that he believes that his account is too high, without making this difficult for him, and it seems to me that the process which is now being proposed is calculated to make it as difficult as possible for patients to get their rights. For that reason I personally cannot support this provision in the clause, and I hope that the hon. the Minister will see his way clear to amend this clause, at any rate, so that

*Mr. S. J. M. STEYN: On a point of order, is the hon. member allowed to say of another hon. member that he dances around in regard to principles?

*Mr. VAN DEN HEEVER: I want to tell that hon. member that the properties of farmers are expropriated in released areas. They are told that they have to sell and if they do not sell the land can be expropriated. No Europeans are allowed to live there; it is Native land. But those hon. members do not want to allow this to be done to the Natives in the European areas. No, in the European areas the Natives must enjoy rights which the Europeans do not enjoy in the Native areas. That is a deplorable attitude to adopt in this House. It is an attitude which may just as well be adopted by Patrick Gordon Walker and Dryburgh and those other members of the British Labour Party. What is being said here simply sounds like their spirit speaking through other lips.

No, it seems to me as if that spirit of absolute liberalism has completely overpowered the United Party. The hon. member for Parktown (Mr. Cope) was perfectly right when he said after the election that it was quite unnecessary for the hon. member for Cape Eastern (Mrs. Ballinger) to form a Liberal Party because all the principles of the Liberal Party could find full expression in the United Party. That is what the hon. member for Parktown said and of all the things he has said that was the truest.

Last night the hon. member for Queenstown made another point. He said that this measure was destroying the democratic rights of the municipalities. I see that this also appears in the first paragraph of the amendment moved by the United Party, namely that the statutory powers and privileges of local authorities are illegally usurped thereby, that it is undemocratic and dictatorial. I believe that the Johannesburg City Council is going to co-operate in connection with this scheme as they have done thus far, in spite of the pressure which our friends in the party opposite has brought to bear on them. They are going to co-operate. But now I want to say this: Supposing they do not co-operate or that any other local authority does not want to co-operate with the policy of the government of the day, then I want to declare here that Parliament is the sovereign body in our country and the sovereign government in this country is the Cabinet. That idea that we should allow local authorities to drop a spanner in the works of the Central Government's policy is an unsound idea; it is a monstrosity in any democratic country. Any government that consents to that is a weak government. We cannot allow and we will not allow any municipality to put a spanner in the works just as little as we will allow a provincial council or any other body to do so. All the powers which those bodies have are powers which have been delegated to them to be used by them and if they abuse those powers or use them in such a way that the policy of the Government of the day is

undermined, those powers must be taken away from them and placed in the hands of an authority which will carry out the policy of the State. This is not a new idea which I am advocating here. I already advocated that idea in the 20's and in the early 30's when the United Party City Councillors in this country dropped a spanner in the works of the Government's policy of protection which was introduced by the Nationalist Party in 1925. It is not a new idea which I am expressing here. I say that we cannot allow such a thing. If we allow that in regard to a number of hostile municipalities in this country they can completely paralyze the Government's policy and direct it in a course which is exactly the opposite of that in which the Central Government wants to direct it. I also want to say here that this is not only my idea and the idea of the Nationalist Party but that the United Party also unequivocally supports this idea. Do you remember, Mr. Speaker, that when the Provincial Council in the Free State passed an ordinance to introduce the ward system for municipalities, the then United Party Government twice vetoed that ordinance? They did not want to allow it to become a law of the Free State because they said that it would not be to the benefit of the United Party supporters. They would lose too many wards. Purely political reasons influenced them entirely to ignore the will of the Free State Provincial Council and to obstruct it. We also had the position in 1924 that the lives of the provincial councils were prolonged so that they could have an election on the same date in 1943. On that occasion the hon. member for Salt River (Mr. Lawrence) got up in this House and said that it was not a question of what the provinces wanted or did not want. It was a question of what the Central Government wants, for the Central Government is the sovereign body in this country and that is why it was making this law. That principle was therefore accepted, and for our friends over there to pretend now that it is such a terrible thing that the Central Government wants its policy carried out with or without the assistance of the local authorities, that, I say, is something which we cannot take seriously. We do not think that they believe it themselves.

Mr. HEPPLÉ: Mr. Speaker, the hon. member for Benoni (Mr. Lovell), when he spoke in this debate the other day, stated the standpoint of the Labour Party, namely, that we are opposed to this measure and that we are supporting the amendment of the United Party. I would like to say that we would have preferred to state the various reasons in a different sequence because we place more emphasis on the latter part of their amendment rather than on the earlier part. However, I want to say that the hon. the Minister of Native Affairs, in introducing this measure, quite fairly painted a picture and gave the history of the background of the development of these areas. But there were certain aspects left out of the picture, and other speakers

during this debate have not mentioned them either, and I think they are important aspects.

The hon. the Minister and the hon. member for Wonderboom (Mr. M. D. C. de W. Nel), have both rightly pointed out that the Western Areas have become a festering sore in Johannesburg. They have told us the story of the exploitation of the inhabitants, the difficulties, the threat to the health of the community, the "rack renting", the over-crowding, and all the other evils that exist. I want to make the observation to this House that those are not the only black spots in South Africa. There are even European areas in Johannesburg that almost measure up to this description. However, this Bill deals with the Western Areas and other areas contiguous to them, and I want to ask the hon. Minister and his colleague if they really believe that this measure is entirely in the interests of the inhabitants themselves? There are other reasons, and the Johannesburg members in this House know that there are other reasons. They will know those reasons if they have lived in Johannesburg for a long time, and know of the conditions which have led to the development of the Western Areas and similar slum suburbs of Johannesburg.

Mr. Speaker, what has happened since the earliest days of Johannesburg is that the White man has not faced up to his responsibilities towards the housing requirements of the Native community. For many years the Europeans have merely accepted the Native as being a bird of passage coming in to . . .

An HON. MEMBER: We have heard all that.

Mr. SPEAKER: Order! I am sorry to interrupt the hon. member, but that argument cannot be used. It has been used before. The hon. member must confine himself to the principle of the Bill, the removal of the black spots of these four townships and the resettlement of the Natives in another area. The Bill has nothing to do with the general problem of housing.

Mr. HEPPLÉ: I respectfully submit that this is a problem of housing . . .

Mr. SPEAKER: No, that is my ruling.

Mr. HEPPLÉ: Mr. Speaker, with respect, I want to say that this is a question of re-housing people who live in slums, and I must approach this measure as being one which is directly concerned with the re-housing of such people. There is no other way in which one can approach it. This is not something that can be isolated from the whole problem: the question of the background to the growth of those slum suburbs. The housing of the Native people of Johannesburg is the very issue at stake. The hon. the Minister will be the first to admit that. Johannesburg has consistently failed to house the Natives that have

come in there to work for the White man, and as a result the Western Areas have become over-crowded. More and more Natives and coloured people are trying to find a place in which to live, even where they are living in absolute squalor. My aim is to argue this Bill on its merits and show this House that this will be no solution unless we can find some way of assuring that the new townships will not develop into slums. That is the whole basis of this Bill. For instance, I would like to point out that in a lot of the townships into which the Europeans have diverted the non-Europeans in the past years, such as Orlando, Moroka, Pimville, not only have they started off as slums and shanty-towns, but they are developing into worse and worse slums every day, and no attempt is being made to deal with that problem. The hon. member for Johannesburg (North) (Mr. P. B. Bekker) has made the comment in this debate that in the Western Areas, to use his words, "Natives pour in there every night". If I have to deal with this problem as the hon. member for Johannesburg (North) rightly did, I must deal with this question of people pouring into the Western Areas.

Mr. SPEAKER: This is not a question of housing. The hon. member was addressing the House on the general question of housing, and I do not think that that affects the objects of this Bill.

Dr. GLUCKMAN: Mr. Speaker, may I raise a point of order? You will recall that in the very amendment of the United Party, in its preamble, reference is made to the urgent need for housing and for slum clearance, and if you will refer to the Bill, Clause 1, sub-clause 9, you will find there that reference is made not only to the specified areas which are detailed in the schedule, namely, the four areas which comprise the Western Areas, but also to other areas. I respectfully suggest that in the circumstances you will perhaps be kind enough to permit some reference to housing?

Mr. SPEAKER: Yes, I will permit that, but I cannot permit a general discussion on housing, I gave that ruling last night.

Mr. HEPPLÉ: I thank you, Mr. Speaker; I understand the point you are making and I will observe that. The hon. member for Johannesburg North mentioned that thousands of Natives pour into these Western Areas every night, and I want to say that that not only happens in the Western Areas, but it happens in many other places in Johannesburg, because there is this enormous surplus of homeless Natives in Johannesburg. They pour into the backyards of the Europeans, they are accommodated in the outhouses of the Europeans, in every suburb, and even the Municipal hostels are overcrowded. Although the police raid night after night, they cannot deter them; they sleep under the beds, they sleep in the passages and they sleep in the lanes. That is

the picture of conditions that exist in Johannesburg, and therefore we on these Labour Party benches say that the Government is approaching this whole question from back to front. Instead of first dealing with the general question of housing, the Government is trying to tackle this slum. But all slums must be dealt with. It is essential that all slums be dealt with. The unhappy record of the Johannesburg Municipality in this matter is, I think, a disgrace to the city. When the hon. the Minister of Native Affairs introduced this measure and gave the history of the beginnings of the plan for the removal of the Western Areas, he referred quite briefly to a resolution taken in the Johannesburg City Council in October, 1944. I have a press report that appeared in a certain Johannesburg newspaper at the time, dealing with this matter. I think the hon. member for Westdene (Mr. Mentz) and the hon. member for Mayfair (Dr. Luttig) quoted that Mr. Gordon of the Johannesburg City Council had mentioned that the Ratepayers and the Labour Party group in the Johannesburg City Council had either initiated or approved of this. I would like to tell the hon. the Minister a little of the history of this. That motion of 1944 arose out of the consistent failure of the Ratepayers party, which had ruled Johannesburg for 21 or 22 years, to do anything at all about housing in Johannesburg. My Party consistently fought them in elections on that very issue, and we got public support on it to such an extent that in 1945-6, the Labour Party, for one year, had control of the Johannesburg City Council. The hon. member for Johannesburg (North) was very proud to quote three Councillors in connection with the housing of Natives; he mentioned Councillors Page, Hurd and Gordon. I want to say that these particular gentlemen have a shameful record in this matter which is shown by the fact that while a contract was signed in the one short year that the Labour Party controlled the Johannesburg City Council, for 5,100 Native houses, for the next six years not a single contract was signed. The United Party was responsible for that. The Ratepayers had disappeared. It is against this background that we have to examine the measure that is before the House.

Mr. Speaker, we have heard mention made of moving these people to Meadowlands. The hon. the Minister has said that he is not going to move these people until alternative accommodation is provided for them. He said there will be an excellent transport service for them. Does the hon. the Minister know what the present transport facilities are on the South African Railways between Johannesburg and the existing Native townships of Orlando and Pimville, where Natives have sometimes to walk several miles to get to the stations? Where they are crowded like sardines into the trains and are often left behind? That they cannot get to Johannesburg and many of them turn up late for their work because the Railways find it impossible to provide adequate transport facilities? Does the Minister know that in Johannesburg the streets converging on to the central

railway termini in Johannesburg are one mass of Natives running and dashing to catch their trains in order to get home? A new problem is being created in this effort to clear up the so-called black spots, creating new difficulties and new points of friction in the built up areas of Johannesburg.

With reference to the general picture, it is quite apparent to me that this legislation is based on the assumption that there must always be hostility between European and non-European, that we must always build up buffer areas between European and non-European. In so far as the Western Areas are concerned, I concede immediately that there has grown up a source of friction because Europeans who go to the suburbs adjacent to the Western Areas have to pass through these slums. There have been incidents and there is always danger—or at least, the European always feels there is danger. This unpleasant situation does exist, but surely this is merely a question of slum clearance. All over the world, wherever law abiding citizens have to pass through slum areas, through danger areas, they are placed in the same position. There are always slums, there is always overcrowding where crime and disease are prevalent, and in those places there is always danger to people who have to pass through such areas. That situation obtains in London, in New York and in most of the big cities of the world. This is not a question of these slum quarters being non-European quarters; that merely adds to the friction. However, let us accept that it is because they are non-European slums that they constitute a threat to the Europeans. The proposal here to remove the non-Europeans is to remove points of contact and remove points of friction. But, as I have illustrated on the question of transport, those points of contact and points of friction are now going to be created in other places. In this desperate attempt to apply this uncertain policy of apartheid, the Government is acting like the boy who sticks his hand in the hole of the dyke; he has only got two hands, and as fast as he closes one hole another one breaks open. The Government is creating new stresses and strains in our society in attempting this hare-brained scheme of removing the Western Areas.

Now Mr. Speaker, I want to say quite frankly to this House—and I will not be popular for saying it—that a lot of agitation against the Western Areas has been the responsibility of white politicians. I am not accusing one political party of this and it does not only apply to the Western suburbs of Johannesburg. It applies to other suburbs of Johannesburg and it applies to other parts of South Africa. For years back a careerist politician or a man with ambition would seek some issue on which he could whip up support—and members of this House will agree with me when I say that very often he was successful. That is what has happened in the case of Western Areas. They have taken up this issue and they have made out to the people of Johannesburg that because it is a non-European slum it constitutes a danger to the Europeans living in the

adjoining suburbs. But I want to tell members of this House that one of the biggest dangers of Johannesburg to-day is in the central area itself where a European, or a non-European for that matter, dare not walk alone in the streets of a night, and hon. members know that. There are certain streets in the very centre of Johannesburg where people are attacked by lawless elements. So this pretence that these evils exist only in this area, or mainly in this area, is quite misleading. Even in my own constituency, which is a respectable European suburb, we have recently had the problem of white hooligans who have been a menace to the rest of the community. It happens in almost every suburb. I do not agree with this picture that was painted by the hon. member for Wonderboom (Mr. M. D. C. de W. Nel) that this applies only to the Western Areas. It applies equally to many other areas.

Mr. Speaker, we have had some criticism in this House from the hon. member for Johannesburg (North) (Mr. P. B. Bekker) and the hon. member for Orange Grove (Mr. Waring) of the fact that the United Party has had a change of attitude in this matter. I do not want to discuss the particulars, but I say that I welcome the attitude adopted by the United Party to-day. [Interjections.]

Mr. SPEAKER: Order!

Mr. HEPPLÉ: I believe that they feel to-day that winning votes and elections will not be the solution of the problems of this country. They are adopting a realistic attitude. The problems which face this country to-day are far too serious for us to think of whether we will be kicked out at the next election or not. Those issues are so serious that all responsible men must face up to them and tackle the problem no matter what the consequences, because unless there is some light thrown on these dangerous subjects, unless some courageous stand is taken against the reckless policy of the Government, South Africa is doomed. I disagree entirely with the policy of the Government that points of contact between European and non-European must be points of friction. That is a negation of the whole growth of our society in this country, and it is a denial of their own attitude, in many ways, to the non-European. Their legislation is driving in the direction of trying to separate the European and the non-European to a ludicrous extent and to an extent which they will never be able to apply.

An HON. MEMBER: That is an old story.

Mr. HEPPLÉ: There are a few questions that have been asked in this debate to which replies have not yet been given. The first is this: Where is the Government's plan for the 350,000 houses for urban Natives which are said to be essential to the Native people in this country? The late Dr. Bremer gave the

figure of 350,000 houses which are needed in the next 10 years. Where is the Government attempt to solve that? I would like the Minister to answer. That is the important thing, and not this trivial matter of the Western Areas. The next question I would like the Minister to answer is: What is going to happen to the population of the Western Areas who are not Natives? There are 3,000 Coloureds, 2,500 Indians, and 700 Chinese inhabitants there. I admit at once that it must be impossible to get a true census of the actual number of inhabitants in the Western Areas. In spite of the 1950 survey made by the Johannesburg Municipality, I am quite sure that they never got anywhere near the true figures. My knowledge of what goes on in Johannesburg tells me that there are probably many more residents in those areas than the figures given. What about those people? The hon. member says the solution lies in the Group Areas Act. I know that these people are going to be transferred somewhere under the Group Areas Act. That raises a point which was also raised by other members here, and that is in connection with the freehold title. What is going to happen about the freehold title and the trading rights and the bread and butter of these people who are not Natives but who will be affected? I think the Minister owes the country and these people whose lives are in jeopardy some kind of answer. He owes them some kind of warning as to what their fate will be. The Minister would be failing in his duty if he does not tell the House and the country what their fate will be.

There is a further point to which the Minister should reply, and that is that the Minister should give us some facts, and not generalities—perhaps the Minister of Transport will do so—as to what type of transport services will be provided. Will it just add to the existing burden of transport between Johannesburg and the Native areas, or will a large supplementary service be provided, capable of conveying this traffic? I hope the Minister will be able to give us figures of the estimated numbers that they expect to be able to carry and how soon they will be able to empty Johannesburg at night and bring workers in in the morning. These are all things that are concerned under this Bill, because it affects the people working in Johannesburg who will now have to go 10 miles to work, instead of being in walking distance. They are entitled to know what compensation they will get.

Finally, I want to say that I am sorry that the Government have brought in this measure in the way they have. Some of the Government members have derided all talk of co-operation. The hon. member for Westdene (Mr. Mentz), for example, pointed out that co-operation is impossible, that you cannot co-operate with these people. The hon. member was talking about co-operation with the City Council. I am talking about co-operation with the people in these areas. The hon.

member for Johannesburg (North) gave a parallel of certain slum clearance schemes in London. I say that applies throughout the world. However miserable a man's home may be, he clings to it, and the more miserable it is, the more dearly he clings to it. [Laughter.] And it is for that reason that forcible methods will meet with resistance, and that is why people must be educated and shown what their alternative accommodation will be. They must also be shown that they are not merely being dispossessed but that they are being given something better. The Government will be the first to admit that what is in the minds of the Native people in the Western Areas is not that they are being moved out there for their own good, but that they are being moved for the good of the Europeans.

An HON. MEMBER: Don't talk nonsense!

Mr. HEPPLÉ: When we listen to the speeches of the Government members, that opinion is strengthened, that this is a measure for white apartheid and not a measure for better accommodation for non-Europeans. I want to say to the Government on the question of freehold title that I am not concerned about rackrenting and slum landlords, but I want to give the Government some advice and it is this. When a man has something to lose he takes great care that he does not lose it. If a man has a small cottage in one of these areas for which he is paying so that one day it will become his freehold property, he will be one of the most law-abiding and conservative citizens. He will have something to lose and he will make sure that he does nothing which could make him lose that possession. But the Government does not seem to have the intelligence to grasp that. If the Government made that approach to the non-European people and gave them hope for the future and gave them something in which they have a stake and gave them a house, however simple it may be, at least they would feel it was their own and cling to it through thick and thin. That is a philosophy that the Government could well apply to the non-Europeans, and when the Minister talks about not giving freehold title to the Native people in Meadowlands because that is a European area, how does he square that with his own statement that total apartheid will take 100 or 200 years? What hope is there for the next three or four generations? I want to say that as far as the Native people are concerned, they find it difficult enough to think about their own welfare, let alone thinking about the next generation, but the Minister wants them to think of five generations from now and for that reason he is not inviting co-operation from the Native people, but hostility. That is why we are opposing this measure.

Mr. S. J. M. STEYN: Mr. Speaker, this debate which has been prolonged for days has covered a very wide field, so wide that we had to listen to the hon. member for Pretoria

(Central) (Mr. van den Heever) a few minutes ago discussing the United Party's security policy during the war. Sir, it is understandable that the field covered by this debate had to be wide, because in this Bill we see brought to focus perhaps the greatest and most difficult problem that faces South Africa. That is the problem of the part that has to be played in our society by an integrated Native labour force. I, however, do not wish to deal with that wider aspect of the question at the moment. I want to deal specifically with the provisions of this Bill as an attempt at the removal of the Natives residing in the Western Native Areas. I do that because during the course of this debate some peculiar statements have been made about the United Party and its policy and the consistency of its policy.

An HON. MEMBER: Peculiar?

Mr. S. J. M. STEYN: We found that even in the speech of the hon. Minister when he introduced the Bill. Let me say that I am not an ardent admirer of the Minister's policies. I think he knows that. But I want to pay him this tribute, that he introduced this debate on a remarkably high standard, and I do not think that anyone could have put the case of the Government more reasonably than the Minister did. But even he set a bad example in some minor details. In order to build up his case, he used in support of his argument a few instances from past history without giving the full facts to the House. I think, for example, of his reference to the attempt by a certain Native called Ngema to establish a freehold township near Johannesburg. The Minister did not tell the House that at the time this Native attempted to establish the township he was bankrupt and was in debt to the extent of £60,000, and that he shortly afterwards did go bankrupt, and that the chief reason why the Johannesburg City Council refused him permission to establish that township was that it realized that his intention was to rehabilitate himself by the exploitation of his fellow-Natives. In the same way the hon. the Minister referred with derision to the fact that whereas the United Party City Council had established Dube as a freehold township, they eventually gave the land to the Natives there on a 99-years' lease. But the Minister did not tell the House that as the City Council of Johannesburg is not a sovereign body it has to implement its policy within the laws laid down by higher authorities such as the Government. The City Council of Johannesburg could not give freehold rights in Dube because a provincial ordinance governing the granting of title in these areas prevented it. But perhaps those are minor points in the Minister's opinion. The pity is that other people base their whole argument upon this type of statement by the Minister. We had, for example, the arguments that came from the Nationalist Party and from friends of the Nationalist Party, that by its attitude in regard to this

Bill the United Party abandoned its principles and its undertakings. Mr. Chairman, that argument was put up in the form of a syllogism, consisting of the usual three parts. The first part was that the United Party was committed to the removal of Natives from the Western Native Areas. The second part of the proposition was that this Bill deals exclusively with the Western Native Areas. The conclusion was therefore that by opposing this Bill the United Party was deviating from its own policy. I want to submit that even if one accepts for the sake of argument the first part of the premise, that the second part of the premise could only have been stated by someone who had not read the Bill but accepted the interpretation given to it by other people. Mr. Speaker, let us have a look at this Bill. We must ask ourselves the question whether this Bill is limited in its application to the Western Native Areas only, because only in respect of the Western Native Areas is the United Party's policy in dispute. We must also ask ourselves, if this Bill is to be limited in its application, apart from its terms to the removal of the Natives from the Western Native Areas, why does the Bill not say so? Why does the Bill say exactly the opposite?

HON. MEMBERS: Hear, hear!

Mr. S. J. M. STEYN: In the first instance, let us look at the long title of the Bill—

To provide for the removal of Natives from any area in the magisterial district of Johannesburg . . .

Not the Western Native Areas but any area. That is the principle of the Bill—

. . . or any adjoining magisterial district and their settlement elsewhere . . .

That is the principle of the Bill, according to the long title. Not the Western Native Areas, but all Natives the Minister may wish to remove, in Johannesburg, or in adjoining magisterial areas like Pretoria, Germiston, Roodepoort, Maraisburg or Vereeniging. Let us also look at the definition clause in the Bill, definition (ix) in Clause 1 of the Bill—

“Specified area” means any area described in the schedule to this Act, and any area within the magisterial district of Johannesburg, or within any magisterial district adjoining such first-mentioned district, to which the Governor-General may, by proclamation in the *Gazette*, apply the provisions of this Act.

Not Parliament; the consent of Parliament is not necessary to extend it to the adjoining magisterial districts, or to any area in Johannesburg. It can be done by proclamation of the Governor-General acting on the advice of the Minister of Native Affairs. Let us also

look at Clause 24 (a) and (b), and we will see that not only does the Bill give the Minister the power to extend its application to other areas than the Western Native Areas, but it also imposes different obligations upon the Minister for the time when he extends it beyond the Western Native Areas. There is provision in Clause 24 which lays down an obligation on the Minister to provide alternative housing; in sub-section (a) it says—

In the case of a Native residing in the township of Sophiatown, Martindale, Newclare or Pageview (the Western Native Areas) as described in the schedule to this Act, other accommodation for himself and his household or (if he so elects) a right to occupy land on which such other accommodation may be provided by him.

But then there is a sub-section (b) which does not refer to the Western Native Areas, and that reduces the obligation upon the Minister. It clearly lays down—

In the case of any other Native, a right to occupy land as aforesaid.

That refers to a Native outside the Western Native Areas. But it is said that the United Party is running away from its own policy because this Bill is exclusively intended to deal with the Western Native Areas.

Mr. Speaker, if we look at Clause 12 (1) of the Bill, we see this—

The object for which the board is established is to effect the removal from specified areas . . .

Not only the specified areas in the schedule, but also areas which may be included by proclamation under the other provisions and the definition of the Bill. And then we see, in sub-section (iii) of Clause 12 (1) (c)—

To sell, let, hypothecate or otherwise dispose of, or encumber any land belonging to the Board, or to exchange it for any other land or to donate it for any purpose or to deal therewith in any other manner as the Board may deem fit.

Not only for the implementation of the Western Areas slum clearance or removal scheme. Then, I think in the anticipation that this argument would be exposed as completely specious, there was a further argument adduced to prove that the Bill would be limited to the removal of the Western Native Areas, and that argument was that in order to extend the provisions of the Bill in practice, the Minister would have to come to Parliament to ask for funds. Again I want to say, with profound respect to the people who use this argument, that such an argument is only possible on the part of one who did not read the Bill. What does the Bill provide? Only in one instance

HEPPLE

(MEDICAL DENTAL
Committee etc.)

ing in my name because the Minister has met us in the amendment proposed by him. We are grateful for this concession and we feel that it will help to reduce the disputes and the unpleasantness which sometimes arise in connection with fees.

I just want to mention one further point, that if this clause had gone through as it stood there would have been bargaining between the medical practitioner and the patient over every small fee and it would not have come to the knowledge of the Medical Council, but with this amendment every difference between the doctor and the patient will come to the notice of the Medical Council and we are grateful to the Minister for it.

In connection with this clause I just want to say this, too, that there is a small group of medical practitioners in this country who want to commercialize the profession and I think it is just as well that they should know that this clause has been inserted in the Act to restrict them. I do feel that the medical profession is too honourable to leave the matter in the hands of those people who want to commercialize the profession. I hope that this will have the necessary effect.

Mr. HEPPLE: Mr. Chairman, I am pleased that the Minister has moved this amendment which he has explained to the House, but I am still not satisfied that this is an improvement upon the existing position. The Minister says that the Medical Council complains that petty complaints are submitted to it and that the public are running to the Medical Council with complaints about overcharging, most of which have no substance. But surely the Medical Council should not, because it is faced with this situation, throw the onus back on the patient. At the risk of offending some of the doctors and members of the Medical Council, I want to say that I suspect that the matter goes much deeper than this. The present position throws the responsibility on the doctor to act in an ethical way, and if he does not, he is dealt with by the Medical Council, which is a great deterrent for doctors not to overcharge. During the second-reading debate I raised this matter specifically because I have had experience of a considerable number of cases, and my experience teaches me that the ordinary man does not know his rights. He receives an account from the doctor and feels that it is too much, but he does not go further. Only in a very small percentage of cases does the patient go to the Medical Council. It is the constant threat over the head of the doctor that someone may go to the Medical Council that is effective. But this new machinery throws the door wide open to the medical profession, and during the second-reading debate I said that a doctor may send out twelve accounts all containing serious overcharges, and perhaps only one patient resists his claim, and he then reduces his account and merely says: "I am sorry; let us make some arrangement", and the charge is reduced; but in the meantime the other eleven patients have paid, and most of them

may not have been able to afford it. Now the Minister's amendment is to the effect that when an amended claim is submitted to the patient, after the patient has complained, a copy of the complaint is sent to the Medical Council. I do not see how that will help the average citizen. He will complain to the doctor, who will submit an amended claim and send it to the Council. But what about the original charge? There is nothing in the Minister's amendment to compel the doctor to send his original claim as well as his amended claim to the Medical Council, so the Medical Council condones the amended claim. In other words, the Medical Council will merely file this amended claim. I see nothing in the amendment or the Act which will compel the Medical Council to deal with these amended claims.

The MINISTER OF HEALTH: If there is no settlement, the Medical Council follows it up. It is only in the case of a settlement that the Medical Council must be informed how the settlement took place.

Mr. HEPPLE: Is that condition in the amendment?

The MINISTER OF HEALTH: Yes. He has to send them a copy of how he fixed the matter up.

Mr. HEPPLE: So when he submits an amended claim through the patient and comes to a settlement with the patient, that is all sent to the Council?

The MINISTER OF HEALTH: Yes, he has to notify the Council how it was settled.

Mr. HEPPLE: I agree that this is an improvement, but I would still like to know from the Minister what is the real purpose for wanting to change the existing arrangement. The public are perfectly satisfied.

The MINISTER OF HEALTH: The Medical Council informs me that under the existing arrangement they can hardly do anything. It was a very difficult business.

Mr. HEPPLE: All I can say is that I am very suspicious, because if this is a complication which applies to the medical profession, what is the purpose of retaining the old arrangement in so far as chemists and druggists are concerned? Because I assume that if the Medical Council cannot handle all the claims of the doctors, surely it will be a thousand times more difficult for the Pharmacy Board to handle the claims of the chemists and druggists and to deal with the position as far as they are concerned. That is what raises doubts in my mind, this differentiation between doctors on the one hand and chemists and druggists on the other hand. If it is necessary for doctors, surely it is even more necessary for chemists and druggists.

Col. JORDAN: I accept the amendment moved by the hon. the Minister to the scheme set out in Clause 26, the new section 80 (*bis*). I accept, too, that the amendments on the Order Paper moved by the hon. member for Vereeniging (District) (Dr. Carel de Wet) are fair amendments. I accept that these amendments are designed to tighten up the machinery now being created. Having admitted that, I still say that this machinery is cumbersome and in all probability completely unworkable. I think that the Medical Council, in the recommendation that it has made, will find that it has jumped from the frying-pan into the fire. During the Minister's second-reading speech the Minister made the suggestion—where he got it from I do not know—that this type of machinery is like that which the legal profession possesses. Well, Mr. Chairman, I think that if ever it was suggested to the legal profession that it should substitute for its present efficient system of taxation provisions of this sort, if it were forced down their throats, most of my colleagues would be driven to Valkenberg or into the ranks of the medical profession. Now, this is most curious machinery. First of all, the old provision is preserved, and that is that where you propose to render professional service you have to inform the patient at his request what fee you intend to charge, and if the fee, quite apart from any request that is made, exceeds that normally charged, you have to tell the prospective patient what you are going to charge and what would be the normal fee to charge. Now how that links up with the rest of the machinery is rather difficult to see, because when you get to sub-section (2) you find that the practitioner who has claimed payment for professional services shall within 14 days after receipt of a request in writing to that effect provide a detailed account. What I want the hon. the Minister to appreciate is the enormous multiplicity of documents which under this curious system will pass to and fro between the patient and the medical man. First of all, there is the account rendered. Then there is the request within 14 days for a detailed account. Then there is the detailed account. After that, within 14 days after the receipt of the account and further information, if any, the patient may inform the doctor that in his opinion the amount claimed is unreasonable. Now it does not matter whether there is any case to be made probative of the alleged unreasonable charge or not. The patient merely has to say that it is unreasonable to set this ball rolling. It has been the experience of the medical profession, in my belief and in the light of my experience in handling these matters for the last 40 years, as I have had, that in general it is the lower-income groups who are thoroughly unreasonable in relation to accounts submitted to them by medical practitioners, and it will be found that where these accounts are rendered, and this machinery becomes better known, doctors are going to have practically every account they render challenged under this procedure.

The MINISTER OF HEALTH: No, this is in extraordinary cases, where he has told the man that there will be a fairly high account and he will charge him £30, and then he comes along with an account of £40, and then the man wants to know why it is more.

Col. JORDAN: That does not appear to be so. Sub-section (2) says—

Any practitioner who in respect of any professional services rendered by him claims payment from any person (in this section referred to as the patient) shall, within 14 days after receipt of a request in writing to that effect, provide that patient with a detailed account and such further information relating to the amount claimed as the patient may require.

That is doing something which is not even expected of a lawyer in the taxation of costs before the taxing master. You frame your account and invite the person to appear before the taxing master with you and to make his objections to that account. Here not only can the patient demand a detailed account, but he can also demand such further information as he may elect to ask for. The burden that can be placed upon a doctor under this machinery even in the initial stages of its operation is a burden which is going to interfere grossly with the practice of medicine. It means that the doctor is going to become a sort of clerical assistant to himself, or, alternatively, he will have to employ clerical assistants to meet the demands which will be made upon him under this machinery to which he is going to be subjected. But look at what happens after that. After the detailed account has been received, the patient may say, within 14 days: I think your claim is unreasonable. That is in the next sub-section.

The MINISTER OF HEALTH: Have you read the first clause, Clause 26?

Col. JORDAN: Yes, I have read that.

The MINISTER OF HEALTH: He has got to tell the patient that there will be a bigger account. It is only then that it happens, and not with every account.

Col. JORDAN: In practice you will find that it will apply to practically every account.

Dr. CAREL DE WET: It is the same today.

Col. JORDAN: To-day you do not have the burden of this onerous machinery cast upon the doctor. I am not arguing in favour of the permanent retention of the existing system. I am perfectly prepared to accept that the existing system is unworkable, but I do say that this system is infinitely more unworkable, and I say that I am speaking with some 40 years of experience of taxation of accounts behind me. [Time limit.]

HEPPLE(NATIVE RESETTLEMENT BILL)
(Committee)

*The MINISTER OF NATIVE AFFAIRS: No. The usual routine provision there is that persons may receive such subsistence allowances and remuneration as may be necessary, but the appointment of persons in the service of the State is subject to the condition that only their subsistence expenses may be covered.

*Mr. S. J. M. STEYN: This side of the House regrets that the hon. the Minister is so determined to continue with the constitution of the board in the way it was originally designed in the Bill, because one of our chief complaints against the Bill—though not the only complaint—is that while the Minister demands the co-operation of the Johannesburg City Council in the implementation of a certain scheme, and so on the other hand demands for the Johannesburg City Council that it should eventually shoulder the responsibility for the result of this work, the Minister at the same time does not want to give the Johannesburg City Council full responsibility. It is, as I have already said, that the Minister is determined to tell the City Council of Johannesburg and possibly also other City Councils on the Witwatersrand: "I want your co-operation, but before that I want to see you rendered completely powerless. There must be complete submission to my standpoint and my ideology." I do not think that any City Council of the magnitude and importance of Johannesburg will be content with that. One does not want to cover the whole field of the second reading again. The fact remains that after the division at the end of the second-reading debate the principle of the Bill was accepted, and what we have to do now as a responsible Opposition is to see whether we can amend the implementation of that principle to such an extent that the possible injustice and the possible inconvenience which may be caused to the public by the application of the principle is alleviated as much as possible, and it is fundamental to the standpoint of the United Party that when it comes to the implementation of a tremendous task affecting racial relations, there is a greater possibility that the implementation of that task can be peaceful and sympathetic to all the people concerned when the responsibility rests in the hands of a local authority which is well known and which is acquainted with circumstances there and which has been dealing with those circumstances for many years. But we must say that if this task is to be tackled by a board appointed by the Minister on which the Minister's ideologies will triumph, we are very concerned about the matter. Therefore it is not possible for us to accept the suggested compromise of the Minister, because the principle we want to stress is that when a City Council is asked to do work which is really its own work, then that City Council should also be in the position to express its views in the performance of that duty. It is bound by the principle of the Act, but in its execution it can implement its own views and

methods, and unless the Minister wants to concede that, there can be no agreement.

*Prof. A. I. MALAN: Who pays for it?

*Mr. S. J. M. STEYN: That is not the point. The Minister of Finance makes available millions of pounds every year by way of subsidy to the Provincial Councils. Is it the Minister's policy, as a result of that, that every provincial council should be changed into a council on which he has the majority? That is the analogy. It often happens in public life in South Africa that the State provides money, but leaves the implementation of the policy to the people directly concerned, and the people who eventually will be directly concerned in this problem, who for the next couple of hundred years will have to live with this problem, are the ratepayers of Johannesburg, the citizens of Johannesburg, and their rights should be recognized and they should not be rendered powerless, as the Minister wants to do here.

Mr. HEPPLE: I am not surprised that the hon. the Minister has rejected both these amendments. I think his explanation as to how he arrived at the figure of nine and how he endeavoured at every stage to meet the wishes of certain individuals on the Johannesburg City Council must be accepted. But I think that this Committee is missing the main point of the clause and the amendments. Too much fuss is being made of the composition of this board. After all, this board is only going to perform functions subject to the approval of the Minister. The Minister has said that this board is going to carry out the work that is provided for under this Bill, and that is the removal of the inhabitants of the Western Areas to another location and to provide them with alternative accommodation. Does it matter very much, in view of the powers of the board, whether all the members of that board are nominees of the Minister or whether it is an impartial board? Under Section 12 of this Bill the powers of this board are clearly defined and they are very much limited. For instance, Clause 12 provides that the object for which the board is established is the following—

To effect the removal from specified areas of natives residing in those areas and to provide for the accommodation elsewhere of such natives.

Throughout the clause the powers of the board are limited. This board can do nothing without the approval of the Minister. It cannot acquire or exchange land without the approval of the Minister.

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

Mr. HEPPLE: But I am dealing with the composition of the board.

The DEPUTY-CHAIRMAN: The power of the board is a different matter altogether.

Mr. HEPPLE: But the constitution of the board depends on their functions and I am trying to show . . .

The DEPUTY-CHAIRMAN: Order! The hon. member must abide by my ruling.

Mr. HEPPLE: Mr. Chairman, there are a dozen members here who want to sit in your place.

The DEPUTY-CHAIRMAN: Order! Will the hon. member kindly come back to the clause.

Mr. HEPPLE: I am arguing that it is not of great consequence what the composition of the board is in view of the functions of the board. The board merely carries out the functions that are defined in this measure with the approval of the Minister. I have quoted Clause 12 in order to clarify to the Committee, which seems to have lost sight of that fact, how limited those powers are.

The DEPUTY-CHAIRMAN: The hon. member can raise that aspect when we come to Clause 12. He must come back to the clause under consideration now.

Mr. HEPPLE: I am not arguing the merits of Clause 12.

The DEPUTY-CHAIRMAN: Order! Will the hon. member obey my ruling.

Mr. HEPPLE: I am obeying your ruling, but I am saying to you that I am not arguing the merits of Clause 12. I have only mentioned what the powers of the board are, because my argument is purely this, that the arguments that have taken place in this Committee this afternoon as to the composition of the board seem to be of no consequence whatsoever. They are absolutely futile; the powers of the board are strictly limited. It does not matter if the members of the board are all United Party members or all Nationalists or all Labour members. That board can only carry out the functions that are laid down here, and everything they do is subject to the approval of the Minister. The hon. the Minister has raised a pertinent question, and that is that if this is a hostile board, they can probably sabotage the Act, but if one refers to the clause and if one refers to the powers under the clause which I am not permitted to quote, it will be seen that even a hostile board will not be able to prevent the work being done, because immediately they endeavour to sabotage it the Minister has the power to replace them. The Minister has the power to change the board, and therefore I say that it is quite futile for us to argue whether there should be nine members on the board or ten members and what their political complexion should be. The real argument must come

under Clause 12, and I say that the Minister can well afford to be generous towards the Johannesburg City Council and individual members of the Council, because he knows that this measure will sufficiently control the members on this board, and that unless they are prepared to carry out the wishes and instructions of the Minister and the policy of the Government, they would not last on that board for five minutes.

An HON. MEMBER: How could he get them out?

Mr. HEPPLE: He has the power to remove them under this measure. We have listened to the amendment moved by the hon. member for Kensington (Mr. Moore) and the amendment moved by the hon. member for Johannesburg (North) (Mr. P. B. BEKKER). We cannot support either of these amendments because we believe that it makes no difference what the composition of this board is.

*Mr. P. B. BEKKER: It is a pity that hon. members explode propaganda bombs here and then walk out and go and drink tea. I hope they will return, because the position is not as the hon. member for Turffontein (Mr. Durrant) stated here. I am quite prepared in the third reading—you correctly pointed out, Mr. Chairman, that I could not do it in the Committee stage—to indicate how the former Leader of the United Party indicated in the City Council that it is understood that the Government wants to appoint a corporate body with legal status. I do not know whether the hon. member realizes that, but as soon as a body becomes a corporate body, as soon as a body has legal status, it has the right to go to court, or it can be ordered to do something by the courts. That is accepted by the City Council and by the leaders of the United Party. Therefore when the hon. member for Turffontein talks in that way, he either does not know what the term "corporate body" means, or else he has not sketched the historical background properly.

The second point is this. The hon. member for Vereeniging (Mr. S. J. M. Steyn) makes this surprising statement—I leave out of account the idea that the hon. the Minister will appoint only Nationalists to this board, because that is purely party propaganda—but the hon. member makes this surprising statement in regard to the merits, that because the City Council will later have to take responsibility for this scheme, therefore they ought to have a say in regard to the way in which the plans are now being implemented.

*Mr. S. J. M. STEYN: Why do you put words into my mouth?

*Mr. RUSSELL: He said nothing of the kind.

*Mr. P. B. BEKKER: That was the hon. member's statement, but I want to refer him to the Natives (Urban Areas) Act of 1945,

consumer with a cheap article and you want to do so at the expense of the taxpayer and then they have to be protected by an import tariff. Then we were the weaklings who had to be protected. At that time we were humiliated overseas, and now I want to say something in connection with the footwear industry. What is the position to-day? To-day South Africa is the giant. South African footwear manufacturers are the giants and to-day the position is exactly the opposite. To-day an embargo has to be instituted to protect the British footwear manufacturer from the South African footwear manufacturer. At that time we did not fall for the stories of the Chamber of Mines when they said that our industry was no good. That is why we should be very careful to-day. Regarding this alleged existence of industries which have no right to exist in this country I say that I want to go so far as to say that there are no such industries. They only exist in the propaganda journals and in the propaganda machinery of the Chamber of Mines which is violently opposed to the establishment and development of secondary industries in South Africa. I want to suggest to the Government to consider this when they receive applications from those industries and when they consider whether they should receive protection or not.

Then I want to make another point. It is not in connection with this fine gesture by the Government, namely this gesture of reducing the taxes of those who receive lower salaries. In that connection I should like to suggest to the Government that the breadwinner of a family with more than three children should be exempted from income-tax up to £1,000. Our friends on the other side have again come along with their immigration story this afternoon. I also like many immigrants, but via the cradle and not via the steamer. The time has come for the Government to recruit immigrants via the cradle. But we have done nothing but talk in that direction.

*Mr. DURRANT: You are now taking over our policy.

*Mr. M. J. VAN DEN BERG: We must not forget that the immigrants who come into this country and particularly that those classes who are recommended by the gentlemen on the other side all bring a problem with them. We have to be very careful in that connection. The immigrants who come to South Africa on a large scale create a problem and therefore I shall be glad, since we have no family allowances, if at least this method can be resorted to in order to encourage bigger families in this country in an indirect way—no, I might almost say a direct way. [Laughter.] Apparently this is a point where everyone agrees with me. I do not exactly want to insist on three children as the number. The reason why I have fixed it at three is to encourage our people to have larger families and to strengthen our population and one way

of doing that is by encouraging larger families in this country as big states have already done in other countries. In Europe big states subsidize larger families. I am not advocating a direct subsidy here but I am advocating one way in which the fathers of families can be met. It is one attempt which we can make to have larger families in this country. I am now speaking for myself but, apart from highly qualified technicians, I am opposed to large-scale immigration. I am no afraid to say that. I shall say it in any locality in South Africa that I am opposed to it because such large-scale immigration creates problems in this country, problems which will give us a great deal of trouble in the future and I can only say that the way to solve those problems is to strengthen the European population by the sound, national method of having larger families.

Then I should like to submit the following to the consideration of the Government. Hardly a budget comes before the House when certain assistance is not granted every year to our pensioners. Every year their conditions are improved. This is a credit to all. We all strive after that and we always welcome it. But I hope it will also be welcomed when I say that I want to suggest that in the future before any pension is again improved the Government should give priority to the pensions of our police officials in South Africa.

*Mr. TIGHY: For five years we have been asking you to do that and you have done nothing yet.

*An HON. MEMBER: What did you do?

*Mr. M. J. VAN DEN BERG: I do not know why the hon. member for Florida (Mr. Tighy) gets angry when I say this.

*Mr. TIGHY: I am not angry.

*Mr. M. J. VAN DEN BERG: I had expected to receive his approval as well. I am saying this, Mr. Speaker, because we should not forget that from the day they enter the service until they leave it our police officials are in danger. And if we compare their pensions with those of the ordinary civil servants we ask ourselves: Why that discrimination? They are all citizens of this country. The only difference is that the one is in danger all his life while the other is not. I hope and trust that there will be no change in pensions in this country before the pensions of the police officials are brought into line on a basis of right and justice in comparison with the pension scales of other civil servants.

Mr. Speaker, I want to congratulate the Government on this progress, on this sound basis on which they are governing South Africa. For the future my wish for the Government is that it will continue with that policy which it has followed thus far. There is a new tendency in South Africa to-day in regard to cardinal questions of policy and one of the new trends which we have and of which

we should take note is the newly announced Native policy of our friends on the other side.

*An HON. MEMBER: The liberal policy.

*Mr. M. J. VAN DEN BERG: It is the proclaimed United Party integration policy in regard to which some members have the courage to get up and to say: "That is our policy." It is a policy which is in direct conflict with the policy that is being followed by this Government. But what is further confusing the issue is the effort made by a few members on the other side to back out of it again. Hon. members of the Independent wing of the United Party have also stated their case. But the hon. member for Edenvale (Prof. Fourie) said: "I stand for economic integration and it must continue"; and the Leader of the Opposition said that he agreed with that. The hon. member for Edenvale also said: "Economic integration is the basis of political integration."

*Mr. DURRANT: No.

*Mr. M. J. VAN DEN BERG: Who says "No"? I expected one of them to back out again and to say "No". I expected that there would again be some of them who would not have the courage to stand by what they advocate. I expected that an attempt would again be made to confuse the issue. The United Party is again running away this afternoon. They are again becoming cowardly, for when you run away from your own proclaimed policy you are cowardly. On 18 February the hon. member for Edenvale said the following among other things. He was speaking about economic integration when the hon. member for Brits (Mr. J. E. Potgieter) said—

May I ask you a question?

The hon. member for Edenvale replied: "Yes," and then the hon. member for Brits asked—

Where the hon. member is now drawing attention to economic integration, does he mean that political integration must necessarily result from that?

*Prof. FOURIE: Yes, Mr. Speaker, I am one of those who are convinced on the strength of the facts known throughout the whole history of the world that you cannot stop at economic integration . . . the basis of political integration is economic integration. I am being perfectly honest in regard to this matter.

*Mr. TIGHY: That is Fourie; it is not the United Party. [Laughter.]

*Mr. M. J. VAN DEN BERG: A few days later the Leader of the Opposition said the following: "I now want to tell you exactly where the U.P. stands"; and then he set his seal upon it by saying that they would watch with a critical eye what was now happening in Rhodesia; "that new experiment which is now taking place in Rhodesia we shall now

study with an eye to our proclaimed policy of integration which is the basis of political integration." They take as a test the experiment which is being made in Rhodesia. In other words, the former member for Langlaage (Mr. Robinson) was perfectly right when he said that the Leader of the Opposition had with his colour policy, linked up the United Party with the colour policy of Rhodesia. [Time limit extended.] I say that the United Party are now coming along with that policy and they want to see what is going to happen in the future but I think that we can say in anticipation to the hon. the Leader of the Opposition and his party: You need not wait for the result of that experiment; such an experiment has already been made on the Gold Coast and in Kenya. The experiments which have been made there, namely to integrate the Natives and to train them in the positions of the Europeans and to let them take root, have shown clear results. Those hon. members need not wait for further experiments. The Natives there have said: "We want to have nothing to do with what you want to do for us; there is only one solution and that is that you must get out here."

Mr. HEPPLÉ: Mr. Speaker, before I deal with the Budget, I wish to associate myself with the remarks made by previous speakers in wishing the hon. the Minister of Finance a speedy recovery to full health, and also the hon. the Minister of Lands and the hon. the Minister of Economic Affairs.

The hon. member who has just sat down, who is the Chairman of the Select Committee on Public Accounts, has had very little to say about the Budget, although he has offered some advice to the vigorous youth of the country in regard to increasing the population, and in regard to the question of integration. However, I will not deal with those matters, because I want to deal with the Budget. I will deal with it first by moving as a further amendment—

To omit all the words after "That" and to substitute "this House declines to go into Committee of Supply unless and until the Government undertakes to take the necessary steps—

- (a) to relieve workers of the crushing burden of living costs by means of—
 - (i) substantial reductions in indirect taxation;
 - (ii) increased subsidies on food, particularly to reduce the prices of maize and bread;
- (b) to protect the agricultural industry and the legitimate farmer against speculators by pegging land prices and imposing a tax on land held out of use;
- (c) to reduce the excessive expenditure on defence to rational proportions, consistent with changed world conditions and the rapidly receding threat of war; and
- (d) to encourage the expansion of Native

education by progressive and generous increases in the allocation of funds from General Revenue for this purpose."

In the circles of the Government and the circles of the rich this Budget has variously been described as a good Budget, as a wise Budget. I want to say that from the standpoint of the common man it is a bad Budget, it is a mean and a callous Budget and it is a stupid Budget. It is a Budget that is calculated to exacerbate race relations in this country and to antagonize the voteless millions in South Africa. This Budget fawns on the rich and it filches from the poor. It is a Budget that was conceived in the minds of people who take every opportunity they can in order to highlight the structure of our society of master and servant. It is not even benign towards the people of this country who are on the lowest income levels. Of course, this Budget pleases gentlemen on the benches opposite, and it pleases the rich farmers and the rich industrialists; it pleases the super-tax payers and it even to some extent pleases the ordinary taxpayers. But to what extent does that account for the population? That is only one-quarter of the population of this country. What of the other three-quarters of the population? What do they get out of this Budget? They have got very little out of it. On top of that, the Bantu people have now the threat over their heads that there can be no intellectual progress for them, no literacy for them unless they pay for it themselves. I will deal with that point at greater length later. This Budget is not only inflationary, not only does it contain the elements of further increases in the cost of living for those who get no benefits from this Budget, not only is it discriminatory, but it is totally unrelated to the existing economic conditions of South Africa to-day and it totally ignores the priorities which should be in the mind of this Government to-day. It is an astounding Budget that has come from the Minister of Finance, particularly as it follows so soon and so close after the panic Budget that we got from the Minister only nine months ago. Nine months ago the Government Party had been successful in the elections and had increased its majority in this House. Therefore there was no political reason why we should have got the Budget that we did get, and there is no political reason why we should get the Budget that we have got now. What then must have been the motives which have guided the Government to produce the Budget that has been introduced at this particular time? Last year, nine months ago, this Government introduced a Budget which lashed out at the wage and salary earners of this country, it found avenues of further taxation and it increased what the public had to pay as a result of the previous Budget of 1952—and now the Minister of Finance comes to this House and he throws a few crumbs from his table. He gives back a little bit of what he took away

last year and he assumes the role of a benign benefactor of the people of this country. But, of course, the facts are totally different. He has really given nothing to the people of this country. The few favourite rich have got something, which the Minister has not dared to offer them before and which I say is a disgrace that he should have given them at this time. Last year he introduced new taxation, heavier taxation. Let us look at the type of taxation he introduced last year. In the mind of the Minister of Finance last year, in the minds of this Government last year, the situation in South Africa was so critical that the Minister of Finance had to bring in a tax on the people's bread. When a government has to tax the people's bread, it is in a state of desperation. That is the ultimate of all taxation, and that was the situation last year. He raised the price of white bread by 2d. and of brown bread by 1d. Then there was such an outcry, and there were so many demonstrations even among his own followers, that he had to withdraw the increase in the price of brown bread. But he only did that as a result of the public outcry. However, I am not dealing with that so much as with the fact that a government which taxes the people's bread must be in a desperate position, and that is what the Minister proposed last year.

An HON. MEMBER: But it was a question of subsidies, not an increase in price as such.

Mr. HEPPLE: I know the hon. gentlemen there will not admit it. I know they are ashamed of it. But not only that, the Minister then put a compulsory savings levy on the whole population, with a basic rate of £6 for rich and poor alike; admittedly, he had a surcharge on the richer group, but there was a basic rate of £6 on the whole community.

The DEPUTY-SPEAKER: How is that relevant to this debate?

Mr. HEPPLE: We are discussing the Estimates of Expenditure this year, and they have everything to do, I submit, with last year's Budget and the Budget of the year before. I am going to refer at length to the previous Budget and I think I have the right to do so when discussing the present Budget. The hon. Minister has prepared this Budget on the basis of the taxation he imposed last year. Then, Sir, he also increased the price of petrol; railway rates and railway fares went up; the cost-of-living allowances of public servants were pegged. Not only were the public servants affected by that pegging, but that set the standard for employers outside, private employers, and so cost-of-living allowances in this country have been pegged, even though the cost-of-living has gone up since the last Budget was introduced in this House. These were the demands made by this Government upon the wage and salary earners of this country. That was the Budget last year. In addition to that, the hon. Minister painted a

very grim picture of the state of affairs in this country and he warned the people of this country, when referring to the Loan Estimates and the extraordinary amount of money that was required, and in explaining the need for this Savings Levy, saying—

As the result of the colossal development that this country has experienced during the post-war period and the accompanying concentration of population in urban areas, it has not only been essential to find large capital sums for the expansion of our Railways and the supply of power, but we have also fallen into arrear with other public services and works such as housing, schools, hospitals, water supplies and other auxiliary services.

Unless we make special attempts to make up this leeway the country will not be able to derive the full benefit from the increased productive capacity created by the hundreds of millions of pounds that private investors have spent on the development of our resources.

Those were the Minister's words nine months ago. What has happened in the meantime? We know of course that this Minister is very happy to have secret reserves; we know that this Minister always budgets for huge surpluses, and we know that he under-estimates his revenue year after year. In that regard, I want to say at this point that the Minister should not be proud of the fact that year after year he comes with a Budget which reveals these enormous surpluses, these enormous under-estimates of revenue. Apart from that the words of the Minister of Finance nine months ago, if correct, meant that there was an enormous back-log of capital works in this country, both in the public and the private sector. There is an enormous need of funds for those purposes. What has happened to the Minister now that he curtails public expenditure in that regard, that he decides that this expenditure is no longer necessary? To further his point of view in that particular matter, I would just remind the hon. the Minister of what he said in regard to the question of the subsidy on wheat and meal, when he made this appeal to the wage and salary earners of this country, saying—

I have therefore emphasized that this rising expenditure must compel the Union eventually, as in the case of other countries, to find a considerable portion of the revenue by taxation on the lower income groups.

In other words he was going to reduce the income tax level, to bring every single individual of the community into the income tax net. That is a picture he painted to us last year. This followed upon his previous year's Budget of 1952, which we have to bear in mind this year in order to get a picture of the present Budget, wherein he increased the price of beer, cigarettes, mineral waters, sweets, telegraph and telephone charges. In that same

year the Minister of Economic Affairs agreed to higher cinema prices to be paid by the community; at the same time he reduced the primary tax rebate from £31 to £26. These, I submit, were taxes of desperation. And now the whole scene has changed and the Minister now produces this extraordinary Budget and he throws out his gifts, his bounties, not to the mass of the people, but he throws them out to the favoured few. That is what the Minister does. Now we also have to take into account that not only does this Minister have a surplus of £18,000,000 almost every year, with which to help him out of his difficulties—he always manages to produce, thanks to the contribution of all the people of the country, an £18,000,000 surplus every year. But in addition to that, I would like to remind this House that there has been a slowing down in the issue of assessments for the past year and that will mean an enormous increase in the money that will flow into the coffers, because the assessments have gone out late and this tax money that should have gone into the previous year, will come in during the current year. So the Minister has always got a little nest-egg for himself to deceive the people that he is a good financier, that he is running the finances of this country in a statesmanlike way. But let us examine his gifts. If what the hon. Minister of Finance tells this country is correct that there is a complete reversal of the gloomy situation that existed nine months ago and that he can now completely reverse his attitude towards taxation, let us see what he does. Does he give the bounties to the needy in this country? Of course not. He distributes his bounties among the favoured few. He is giving to the rich under this Budget. First of all, he has reduced the maximum rate of tax from 15s. in the £ to 10s. in the £ for those earning over £16,000 per year, by which he has given them £400,000. He has reduced the rate of surcharge from 20 per cent to 15 per cent for super tax payers, among whom are some of the gentlemen on the other side too, and in that way he gives away another £1,300,000. He also gives a special plant and machinery allowance to industry, which in some respects is a good thing, but in other respects is a contribution to those who can best afford to pay taxation. He has given generous allowance on farm machinery and farm buildings to the rich farmers of this country. When we analyse to whom these bounties are given, we find that he has, as I said earlier, satisfied and pleased about one-quarter of the population of this country. But look at the figure of the number of people to whom go the £400,000 (probably much more), where he has reduced the maximum rate of taxation. According to the figures for 1951 there were 220 individual tax payers and 366 companies classified in the £16,000 and over group of incomes per annum. In other words, less than 600 tax payers are going to share this bounty of almost £500,000. These are the people to whom the Minister has given his bounties, and in order to salve his conscience he has thrown a few crumbs to

the pensioners and veterans in this country. That is what the Minister does. To the rich he has even given more. He says that the intention in that regard is that he wants to encourage initiative, he wants to encourage private enterprise and free competition in this country. The Minister loses sight of a most important and fundamental fact. Even in a capitalistic society, to encourage the initiative of these favourite few, these 600 who are the cream of our country to get the benefits from the Minister, he forgets the many millions of workers who make them rich and make them super-tax payers. They make their thousands and their millions out of workers of this country, the people who slave and work and make those profits for them. Does the Minister give them anything? Of course he gives them nothing. In framing this Budget, the Minister has gone out of his way in order to distribute his benefits to the rich and to aggravate the class divisions in this country. When you talk about class discrimination, this is a Budget of class discrimination of the very worst form, and for that reason it is a stupid Budget and a provocative Budget.

There are many other things that the Minister could have done with the money he is now distributing. We have suggested some of these things in our amendment. First of all, would it not have been a great contribution to this country if the subsidy on maize had been increased? The farmer would have got the price he has received up to now, but a large subsidy on maize would have brought down the price of foodstuffs in this country because maize plays such an important part in our whole economy. That would have been a very valuable contribution in the interests of the people of this country, particularly the poor people. Another thing: As the Minister was so quick to increase the price of bread last year, one would have expected him to be just as quick, having the opportunity this year, to reduce the price of bread, but he has not done it. He could have done something also in order to deal with the great surplus we have in this country of butter and other commodities. He could have subsidized those too, and made them more available to the people; he could have helped to bring down the price of butter and cheese and meat, the necessities of life of the people of this country. Most of all, if he wanted to help every section of the community, he could have introduced some valuable reductions in indirect taxation. There he could have brought about a valuable reduction and everybody could have shared in the benefits flowing from that. He could have made an allocation to the wage and salary earners of this country to enable them to get relief from the crushing burden of medical costs. The wage and salary earners of this country could have received a rebate in respect of taxation for extraordinary medical expenditure. He could have done that. He could have made a greater contribution towards housing. He could have increased cost-of-living allowances to bring them in line with the increased cost of living. He could have done that too. But

he did not do that. There is one other thing that I should remark upon. Immediately upon the announcement that the tax on mineral waters was to be revoked, we got an announcement from the mineral water manufacturers that this was not going to be passed on to the consumers. When the tax was first imposed in 1952, the price of cold drinks went up for the consumer. But now it is not going to be reduced to the consumer. What advantage is this rebate to the people of South Africa if they are not going to get back what the Minister took from them?

Now I come to a further point which is covered in our amendment too and that is the provocative action of the Minister when introducing this Budget to point out that henceforth if the Native people of South Africa want to become literate, they must do so at their own cost. The hon. member for Constantia (Mr. Waterson), I think, stated the case very clearly against this action of the Minister when he pointed out that the Native people of this country cannot be judged merely by the amount of direct tax which they pay; they must be judged by the enormous contribution they make first of all in indirect taxation in all forms, and secondly by the valuable contribution they make in the way of cheap labour to our economy. I say that what this provocative action of the Minister has done, was to say to the Native people of South Africa: From Parliament you will get nothing, from the white man, you will get nothing. Must they demand from their employers higher wages so that they can become income-tax payers, so that they can pay for all these benefits they desire? This is a warning to tell the Native people of this country that their only salvation lies along the road of demanding higher and higher wages, because this Parliament says that there will be nothing from this Parliament because the Native people made no contribution.

AN HON. MEMBER: That is not true.

Mr. HEPPLER: But it is true. The Native people make a vast contribution to the economy of this country indirectly, but now they are to be refused a share in the public purse, and therefore they will be justified in saying to their employers, which I hope they will do, and which I advise them to do—and I say that advisedly—to state to their employers The Government will give us nothing and if we have to pay for it, we must get the wages and salaries whereby we can house ourselves and pay for our own education. That is the logical consequence of the provocative action of the Minister and that is the only answer to it. By pegging the contribution from the public purse at £6,500,000, the Government belies all their statements that they want to uplift the Native people of this country, that they want to help them and that they want to make the native a self-respecting person in our economy. I think it was last year, or the year before, that this matter was discussed at the Transvaal Congress of the

Nationalist Party and there were two points of view, but the Government has taken the reactionary point of view, the dangerous point of view. I am surprised at them, because this can have very serious repercussions. When the hon. member for Krugersdorp (Mr. M. J. van den Berg) talks about the bad reputation that is given to the country overseas by statements coming from this side of the House, then I want to say that nothing that we on this side of the House can ever say can do South Africa more harm than the statement of the Minister of Finance in relation to Native education. My time is running short and I want to come to another point. [Interjections.]

*Mr. SPEAKER: Order! I am continuously receiving complaints by hon. members on that side of the House that they are being interrupted by hon. members on the other side of the House, and I appeal to hon. members to give the hon. member a chance to make his speech.

Mr. HEPPLÉ: Mr. Speaker, I am glad that the hon. the Minister of Defence is in the House, because I now want to come to the point in regard to Defence that is contained in our amendment. I raised this matter last year and said that South Africa was spending far too much on defence. This year I see we are again spending close on £20,000,000 on defence. Our amendment says that in view of changed world conditions and the rapidly receding threat of war, South Africa should review its attitude towards this enormous amount that we are being asked to vote for Defence this year. For the past three years we have been voting approximately £25,000,000 per annum. There was a slight reduction last year and there is a very slight reduction of about £3,000,000 this year, but I say, with the shattering events that are taking place in the world to-day, with the vast change in fire power and the development of the atomic and hydrogen bombs, a completely different situation has developed in the world, and I say that South Africa should consider its Defence expenditure in the light of these changed world conditions. I know that it has become a habit in this and other countries to draw a blanket of silence over discussions relating to Defence, but I think the time has come when we can have a full and frank discussion on the question of our Defence expenditure. In view of the matters that I have raised here this afternoon, I think that our money can be put, or at least a portion of our money can be put to far better use, and I think that the Minister of Defence himself will agree with me when I say that it is necessary for us to do some new thinking in regard to defence. Before the Korean war broke out we were spending something less than £10,000,000 per year, and we were satisfied with that amount; with the outbreak of the Korean war our expenditure jumped up to £23,000,000. Now, although there seems no possibility of a re-opening of the Korean war, it seems as if we

are going on blindly spending this money. I believe that the statement was made in Another Place that considerable amounts of money are now being spent to provide places to accommodate the accumulation of arms and supplies required for military purposes. I hope that the hon. Minister of Finance when he replies to the debate will deal with this question of this enormous amount of money that is being spent on defence in this country and whether the Government has considered a review of the position. It would appear not to be the case from the figures we see in the Estimates. In relation to the same matter, I regret that the hon. the Prime Minister is not here to-day, because I would have liked to put a question to him direct. I think that in view of the fact that South Africa is so closely tied up with other countries, the other Western powers, in relation to these shattering developments which have taken place with the explosion of hydrogen bombs, that South Africa should not remain silent in this particular matter. South Africa is one of the biggest producers of uranium in the world to-day. We have commitments to provide uranium to our allies and I think for that reason we cannot any longer leave it in the hands of one nation to make decisions that will commit this country. I think the events of recent months have been so frightening that South Africa should not remain silent. I hope the hon. the Prime Minister will say something on behalf of South Africa and will demand, like Australia and Britain and India have demanded, that there should be an early meeting of the Big Three and that there should be discussions on the question of the hydrogen bomb and the atomic bomb. I hope that South Africa will have something to say about this matter, because South Africa is no longer a negligible country in these matters.

Finally, I want to deal very briefly with the point in my amendment that deals with the question of taxation on land. We are asking that steps should be taken by the Government to protect the agricultural industry and the legitimate farmer against speculators by pegging land prices and imposing a tax on land held out of use. I have mentioned this matter in the House before and I am surprised that we have not yet seen any reaction from the Government. What is happening in our farming areas in South Africa is a threat to the economy of the whole country. Old-established farming families are selling out and land speculators and cheque-book farmers are taking over the rural land of this country. Ridiculous and enormous prices, uneconomic prices are being paid for land. It will not only be the poor unfortunate farmer who goes off the land who will suffer but also the urban community. Every section of the community will suffer because these land barons are seizing more and more land because they have the cash with which to buy it. I raise this matter in the interests of the country. I say that the Government cannot allow this matter to deteriorate further. It is absolutely essential in the interests of the country that

the Government should take this Session of Parliament to act against those who are acting against the interests of South Africa by speculating in land and buying up these enormous tracts of land.

Finally, I want to conclude by summing up and saying that I have tried to present to the Government a critical analysis of where we of the Labour Party think this Budget falls short. I have endeavoured to point out to the Government the folly of introducing a Budget of this nature, and I hope, although the Minister of Finance is not in the House, that the points that we have raised will be fully and thoroughly dealt with by the Minister himself if he is here or otherwise by the Deputy-Minister of Finance. We feel that these are urgent and pressing problems and they do call for a reply.

Mr. WHITELEY: I second. When the hon. the Minister presented his Budget, he stated that he was going to breathe a spirit of optimism. However that may be, he certainly gave good cause for satisfaction to certain sections of our community, so much so in fact, that a couple of days later it was reported: that the Stock Exchange was delighted. No doubt many of these people in the higher income groups will consider this Budget to be economically sound. We say that we think it is lacking, we think it is very deficient, in social justice, and as has been pointed out by the hon. member for Rosettenville (Mr. Hepple) our regret is that more of the benefits distributed by the Minister did not reach the lower income groups. When one considers the Budget closely, therefore, one comes to realize how lop-sided it is. I am not unmindful of the fact that small benefits were granted to the ordinary man in the street. But we think that these benefits fall far short, lamentably short, not only of the needs of these people, but also—which is of more importance—of that to which they are entitled. We were told by the hon. the Minister that the taxpayers were going to “reap the fruits of their sacrifice”, and immediately the hon. the Minister proceeded to distribute his concessions on the false assumption that we are a population of only 3,000,000 people, or it may be more correct to say so many thousand taxpayers, instead of the twelve or thirteen million people we have with us to-day, all of whom are human beings.

I want to speak to-day on the spirit of sacrifice and ask who made this sacrifice. The concessions would seem to indicate that the higher income groups made terrific sacrifices, judging by the amount of consideration they got in this Budget. The Minister gave his reasons, but I still cannot help feeling that as far as sacrifice goes and as far as the needs of the people are concerned, the Budget definitely falls short, and I think the distribution was both unfair and inequitable. What are the facts, Sir? The sacrifice made, by the whole of the people, made it possible for the Minister to introduce a bumper surplus, a spectacular surplus, and the Minister told us

that we had turned the corner, that there must be a rising standard of living for the whole of the people! At this point one could reasonably ask, how we arrive at this very desirable position, who made the sacrifice and who reaped the benefits? Was the effort of the majority of the people—and by the majority of the people I mean the workers—was their effort one whit less than the effort of those upon whom the benefits were conferred? Let us take the first point. There was a call for thrift throughout the nation, and I think the Minister will agree with me when I say that the ordinary worker, the ordinary man in the street, made a praiseworthy effort in this direction, more praiseworthy indeed when we consider how little he had to spare, and we must not forget that surely a great contribution was made to the sound economy of our country by the non-Europeans and especially the Bantu. I say again that this effort was the more praiseworthy when we consider that they generally made that effort on short rations. Another contribution, one which I think is the greatest of all, which is often forgotten, or which at least may be disregarded, and unfortunately one which cannot be assessed—last year heavy additional taxation was imposed which resulted in a magnificent surplus. I want to ask who paid the bulk of that taxation? Anybody in business knows that business can pass on tax burdens to the consumer in increased prices and so on. I have known, in my business experience, instances where a higher tax, paradoxical though it may seem, has also produced a higher profit. Take material that is sold by the yard. When a tax is levied and the costing shows that it takes an eighth of a penny to cover that tax, business itself, being not interested in fractions, adds a farthing per yard to the price of the material, therefore paying the tax and making a greater profit. I assure you that we have had an instance of that only in the last few days. Everybody knows that the price of tea has gone up by 6½d., and I need only read two headlines from the Press in this regard to illustrate my point. A certain organization which is interested in people drinking tea, worked out what the effect of the increased price would be. Let me read the headlines—

Tea is up, but only by one-fiftieth of a penny per cup.

The next headline is—

9d. a cup for a pot of tea.

I believe that the price of tea is controlled at 6d. per cup, but what they are doing now is to sell a smaller pot for 6d.

The MINISTER OF ECONOMIC AFFAIRS: It probably has a biscuit with it.

Mr. WHITELEY: I only point this out to show how energetic people are in passing on the tax to the ordinary people. It is the man in the street who pays all the time, and these are the invisible, and the unknown, sacrifices

that he makes. The Minister said in his Budget Speech that the tax-payers were going to reap the fruits of their sacrifices. We say therefore that the ordinary man who got such small benefits from this Budget should be recognized more fully. He should have more substantial benefits granted to him when these benefits are floating around.

Mr. Speaker, these are not the only sacrifices that the worker made. I want to quote the Minister's own words in the Budget Speech. Speaking of sacrifices and speaking of the wage-earners he said—

The commendable spirit of restraint, which guided the majority of our wage-earners in the claim for higher wages.

A commendable spirit of restraint. Surely, Sir, that is an effort on the part of the ordinary people; surely that is a sacrifice, but when we in the Labour Party ask for a reduction in the price of bread, or in the price of any other necessity of life, then we are considered unreasonable. It is unfortunate for these people that more benefits were not given to them. The hon. the Minister, starting at the top of the social scale, and, responding to the full urge of his generosity, he distributed big benefits on his way down, but unfortunately for the people, his spirit of generosity oozed then departed as he neared the lowest strata of our society. This was unfortunate indeed, firstly for the people who had shown this great spirit of thrift, who were called upon to save, who were called upon to be provident, and who had also shown this commendable spirit of restraint, and, furthermore, who had also shouldered the additional burden of taxation passed on to them, or should one say passed down to them, by these harassed and care-worn manufacturers and business concerns. Because we raised a surplus of £15,000,000 last year, not forgetting the other £18,000,000—and it must be remembered that this did not come from the backlog; it came from current revenue and did not even rock our economic foundations—are we then unreasonable when the country can afford all this, if we ask again for the total abolition of the means test? At this point I would like to thank Government members who have supported this plea. The Minister has done something, the cost of which was estimated at a paltry £150,000. I call it paltry when it is compared with the big concessions made, and when it is compared with the big surplus shown, and I ask the Minister to erase this blot, this means test, from our copy-book and also from our consciences. I say that when our economic foundations are so sound, it is wicked, and abominable to impose this means test on the aged people, a means test, the abolition of which would ease the consciences of members on both sides of this House.

Another point which troubles the consciences of members in this corner is the shocking attitude of the hon. the Minister of Finance towards Native education. This is one of the Budget's black spots, as pointed out by the hon. member for Constantia (Mr. Waterson).

Apart from the £6,500,000, the Bantu now has to find any increase from his own pocket. That is certainly not only a definite restriction of Native education, but it is a definite restriction to his development, if we want the Bantu to become an efficient member of our society and our industrial system, and it could be regarded as a gratuitous insult to the whole of the Bantu population. If I am any judge, Sir, this debate will produce some scathing remarks on that provision, but knowing that this question is going to be dealt with satisfactorily by other speakers, I am going to be very brief in my comments. We are told that the Bantu must bear the increased cost of Native education. Maybe he does pay it, and maybe he not only contributes to the well-being of the European, but he also contributes to European education. If ever we want to form a sound judgment of come to a sound decision, there is one thing we must do, and that is, to separate that which is apparent from that which is real. The apparent always seems right; the real always is right. Apparently it is right and just that every section of our community should pay for its own education. For this reason the Budget limits its contribution to Bantu education. It says "So much and no more". This attitude, this argument, is unfortunate; it is deplorable, and more than that, it is false. It is false if we separate that which is apparent from that which is real. Apparently the Bantu does not pay; really he does pay. Taxation hits the lower income groups hard. It is the percentage of income paid in taxation that counts, and that being so, I say that if the Bantu paid no direct taxation whatsoever he would still be paying a bigger percentage of his income in taxation, than the European who pays both direct and indirect taxation. This indirect method is a sly method that creeps in by the back door. The Bantu pays indirect taxation on every purchase that he makes. If the indirect taxation of a commodity is 2s. 6d., the man earning £3 per week pays 2s. 6d., but if a man earns £300 per week, he only pays 2s. 6d. There is no discrimination between the Bantu and the millionaire. These are the ordinary people who make the sacrifices every time, and in this Budget, no benefits were given to the lower grades of our society. The oldest political game in the world is the make believe that the rich pay the taxes. It is not true. These taxes are passed down. They are passed down to the purchaser, be it a European or a Bantu. It was said in Pitt's time that you could tax the shirt off a fellow's back without any complaint. To-day they have perfected that art so well that I believe you could tax the gold fillings out of a man's back teeth without disturbing his conversation.

I want briefly to consider one or two other factors. No matter who signs the cheque to pay for a tax, it comes out of that which is produced, and the worker is the producer. Taxation crushes the buying power of wages, and that is why indirect taxation, of which we take little notice, is so severe on the lower income groups. We all know it is a fact that to-day you have to pay a pound to get 10s. worth of goods, and, therefore, the pound is

Jagger asked a question; in 1933 in the British Parliament Mr. Lunn asked a question; in 1935 Mr. Lunn asked another question; in 1936 Mr. Grenfell; in 1937 Mr. Peter MacDonald; and in 1939 Lt.-Commander Fletcher. It is not as though these things are kept quiet and as though nobody knows about them. Members of Parliament ask questions and Ministers are bound to reply. And when that information becomes public, what is the reaction of the Press? In every case the reaction of the Press and of Exeter Hall has been precisely what it has been in this case. The present unbridled misrepresentation and the attack on South Africa by a section of the British Press and by their spiritual colleagues, Exeter Hall, in regard to the question of transfer, always follows a settled pattern, the pattern of the past. Look what Sir Charles Rey says in 1951. He says this—

The politeness of the British Government's replies has not been generally emulated by the Press and public of Britain, certain sections of which have been eager to demonstrate their ignorance of the subject and of South African conditions generally by hysterical outbursts of ill-informed criticism.

And that was at a time when they were following the procedure advocated by the hon. the Leader of the Opposition. The result was still the same. In the same article he says this—

But this very proper and reasonable proposal in 1950 that Dr. Malan announced after a preliminary canter in 1949, that he proposed to take up the question again on the old established procedure, this very proper and reasonable proposal was greeted with almost offensive criticism by a section of the British Press and people who raised all the old arguments and some fresh ones against any consideration being given to the proposal.

That was the position in the past and it will be the position in the future. Look how bitterly Gen. Hertzog complained, at page 85 of the Blue Book, and at page 17, in 1925, already when they were following this "gentlemanly" procedure. Were they spared the attacks of a section of the British Press and of the British public? No, Sir, those attitudes have become customary.

I want to say that the attitude of sections of the British Press and of the public of Great Britain make it difficult to avoid the inference that they are either ignorant of this undertaking to transfer the territories, made as long ago as 1909, or that they wish to imperil our belief in the British Government's *bona fides* and sincerity to carry out their undertaking to transfer, and to help to create conditions favourable for such a transfer.

What practical steps can be taken at this stage? The hon. the Prime Minister has said that the first step is now with this backing

of Parliament to go and negotiate again. Sir Charles Rey has given, I think, two very useful steps which can be taken almost immediately. He says—

In the first place it should be clearly and unequivocally stated by both Governments, and made known to the inhabitants of the Protectorates that they . . .

that is the Governments—

. . . recognize that there is a clear agreement embodied in the Schedule to the Act of Union that the British Government would transfer the control of the territories to the Union Government subject to certain conditions.

That is the first thing. Have that clarity, and have it brulled abroad in the Protectorates so that they know there is an agreement and it is only the question of conditions that is left open.—

Secondly, consultation with the Natives of the territories should be put in hand forthwith, not about whether transfer is to take place or not (which was settled in 1909), but about the terms and conditions which the Natives would wish to see included in the act of transfer; that is, the Schedule to the Act of 1909 plus any other conditions which might reasonably be considered desirable.

Then, thirdly, he says that they can discuss ways and means of superseding Sections 20 and 25 of the Schedule which have now become obsolete—the point which Gen. Hertzog dealt with in one of his replies and with which I am not going to deal now.

This is admittedly a difficult problem, but I do not consider that the real interests of South Africa and of Great Britain are in conflict. I think it is in the mutual interests of both countries to eliminate every possible and every potential source of friction between them, and to consolidate goodwill between these two Governments. I think that is the over-riding consideration. This problem of the Protectorates has been a standing sore over the years, and the removal of it can only be in the interests of both Governments for co-operation in the future. If the problem is regarded in its proper perspective and against its historical background, and its future effect on relations between the two countries, there is no reason whatsoever why the hon. the Prime Minister's motion should not be accepted practically unanimously, both here and in Great Britain. After all, it merely stresses the urgency that the matter should now be settled in terms of the Schedule of the South Africa Act, and asks for immediate resumption of negotiations from the stage reached in 1939. This is nothing to cavil at. It is nothing to divide the people of South Africa on or, for that matter, to divide the two countries. It is precious little that is

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being asked for. But the attitude taken up by members of this House may have a very great influence on the future course which this dispute may take. In any case, South Africa's interests are clear in this matter. The hon. the Prime Minister has said that Great Britain is 6,000 miles away, we are on the spot. Our interests are clear in this matter and those interests must prevail, otherwise our noble words "South Africa first" will be nothing but a tinkling symbol and a meaningless phrase.

Mr. HEPPLE: Mr. Speaker, the hon. the Prime Minister and the hon. the Minister of the Interior have traced at great length most of the history relating to this question of the transfer of the Protectorates. Most of what they have told us this afternoon is very well known. The hon. the Leader of the United Party has commented on parts of this question, and I do not propose to spend too much time on that aspect of the matter. I would like to approach this whole question from a slightly different angle. But before I do that I want to express my amazement at having heard this afternoon statements from the hon. the Prime Minister and from the hon. the Minister of the Interior in which they quote Cecil Rhodes as their great ally and the man on whom they are basing the policies of to-day. One would never have conceived that in South Africa the members of the Nationalist Party could have produced Cecil Rhodes as having been their authority, as being the model upon which they are to base their policies of to-day. I presume the next thing we are going to have will be statues and momentos to Rhodes and to Jameson carried on the lapels of members of the Government Party. In order to justify a case, I can understand certain gentlemen in the benches of the Government side of the House producing many weird and strange arguments, but to hear what we have heard this afternoon, the setting up of Cecil Rhodes as a model of the Nationalist Party—that should surely be marked down as a turning point in the history of South Africa.

The MINISTER OF HEALTH: You did not follow the argument. You are too stupid to follow the argument.

Mr. HEPPLE: I know that the hon. gentlemen are worried about the lead that has been given to them in this matter. The hon. the Prime Minister's motion has two propositions, the first is that this House should state that the transfer of the free territories should take place as soon as possible, and the second one is that with the backing of this House the hon. the Prime Minister should presume the negotiations from the stage which they reached in 1939. I should like to deal with the second aspect first.

The hon. the Leader of the United Party has disagreed with the hon. the Prime Minister and has said that this is not the method to adopt. He has also said that the timing is

bad and that the method is bad. I want to say that I see in this another political tactic of the hon. the Prime Minister. I see in this another manoeuvre by the hon. the Prime Minister to drive a wedge into the ranks of the United Party; an attempt to use this question of the Protectorates in order to create division in the ranks of the United Party.

Mr. DURRANT: Do not be concerned about us.

Mr. HEPPLE: The hon. the Prime Minister has concerned himself very much with the question of these three territories ever since he assumed office, and he has made many statements in connection with them, and I feel that the excuses that he has made this afternoon about the futility of endeavouring to pursue the normal channels of diplomatic negotiations cannot easily be accepted. We all know the hon. the Prime Minister too well to accept the suggestion that he has been so very easily deterred from his path. After all, he is a man of great determination and he is a man who refuses to be thwarted. He is a man who, when he has set himself to a course of action, pursues his objective relentlessly. He is not so easily fobbed off as the hon. the Minister of the Interior would have us believe. This matter goes much deeper than that, and in order to adduce some support for the argument I have advanced that it is a political tactic, I would like to remind the hon. the Prime Minister of what he said in 1951 in this particular connection. He made a speech at East London in connection with the Protectorates, and he was asked about that speech at the opening of the Free State Congress of the Nationalist Party on 11 September 1951. I would like to quote a report from the *Rand Daily Mail* of 12 September 1951. This is what was said—

Dr. Malan, opening the Free State Congress of the Nationalist Party in Bloemfontein to-night, said that the statement that he was reported to have made at East London on the incorporation of the Protectorates into the Union was not a true reflection of what he had said.

And these are his words—

I said at East London that if necessary, that is, if there is no other course, we shall make the matter an issue at the next general election. I said definitely "If necessary" because I know Mr. Strauss and his party. They now say they are in favour of incorporation but if I go to Parliament for a petition for incorporation to be submitted to Britain, the United Party will do what they have always done before, they will say that they are in favour of it and then they will vote against it. They did that in the case of the Group Areas Act and in cases of other legislation that the Government has introduced. They said they were for it but they voted against it. In the case

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of the incorporation of the Protectorates they will say the time is not right, but they will say that because a Nationalist Government rules the country. Mr. Strauss has said in his declaration that he will secure incorporation. What both Gen. Smuts and Gen. Hertzog could not do, he will do.

The hon. the Prime Minister made that statement in 1951 to the congress of his party at Bloemfontein. In other words he realized that this was a political issue and he proposed then to make it an issue at the last general election! but he did not do so. He has now chosen to bring the matter before this House, and I suspect that it is not entirely as the hon. the Minister of the Interior has said, that he wants the backing of this House before he proceeds along the frustrating path that has been pursued by his predecessors. I think you will all admit that over the 40 years since Union, South Africa has been involved in a lot of high diplomacy, with British diplomacy always having the edge over South Africa. I think we must admit that this matter has been put off time and again, that on various pretexts it has not been brought to finality or to a final decision. Those are not matters of argument, those are facts. But what I do say is that the hon. the Prime Minister cannot resist the opportunity of furthering a political objective that he has in mind, at the same time as endeavouring to achieve the incorporation of the Protectorates. It was in this situation that, I think we must realize, this matter was brought before this House. I want to say that in so far as the first part of the Prime Minister's motion is concerned—and that is the question of incorporation itself—that the time has arrived when it merits a point of view from every section of this House. The hon. the Prime Minister has heard the viewpoint of the Leader of the United Party, and I would now like to tell the hon. the Prime Minister where my party stands in this matter.

The Labour Party wants to say that we do not deny the fact of the Act of Union, the background to this matter. But our attitude is based upon several considerations. The first is that we are now in 1954 and that we are not in the year 1910. Our second consideration is that there have been many political changes in South Africa since 1910, and also in Britain. The outlook of politicians all over the world has changed considerably since 1910. But in so far as the South Africa Act is concerned, we have to bear in mind the fact that certain safeguards in Sections 20 and 25 of the Schedule that were included at the time, have disappeared as a result of the Statute of Westminster and the Status of the Union Act. In addition we have had the Native Act of 1936, which was not contemplated at the time of Union. That must also be borne in mind. There is another aspect of which I am sure the hon. the Prime Minister is conscious, and that is the vast changes that have taken place in the political outlook of Britain and the so-called "liquidation" of the British Empire. The hon. the Prime Minister

this afternoon referred to the fact that Great Britain, with vast territories all over the world, is now endeavouring to convey the impression that these small territories inside South Africa are of major importance to her. I want to say that if South Africa had handled this question in a different way—and I include the time prior to the hon. the Prime Minister's term of office—we might have had a different approach.

Now I come to the most important aspect of our consideration; the matter that weighs heavily with my Party, and that is the fact that we are not only dealing with the transfer of 293,000 square miles of territory, we are not only dealing with the transfer of cattle and the possessions of those Territories, but we are dealing with over a million human beings. We are dealing with the destinies of over a million human beings, and this is the consideration that has weighed most with my Party. In that regard I want to remind the hon. the Prime Minister of a reply which he gave to a question which was put to him at the Congress of his Party at Bloemfontein in 1951. I want to quote the exact report as it appeared in the Press. In dealing with the question of the Protectorates the hon. the Prime Minister had dealt with the need for some further action, stating that we could not have stalemate continuing for all time. And this is what he said in reply to the question from Colonel Döhne, M.P. for Frankfort, who asked—

... whether the Natives in the Protectorates would be given Parliamentary representation in the same way as Union Natives, the Prime Minister said that the way in which the Territories would be governed was laid down in the South Africa Act. Nothing was said there about representation in the Union Parliament. The Territories would be governed in the same way as the Union Reserves were governed at the moment, by the Cabinet and by Proclamation.

I am sure that the hon. the Prime Minister will be the first to agree with me that when people are going to be transferred from the colonial control from one Imperial power to that of another, they are very much concerned with its effect upon themselves; they are concerned to know whether it is going to mean an improvement in their condition or a worsening of their condition. In those circumstances, the statement that the Prime Minister made to his Congress must have had a very important impact upon the minds of the people in the Territories, because the policy of the present colonial power, Great Britain, in so far as its possessions are concerned, is a march towards self-government. The hon. the Prime Minister has stressed his disagreement with that point of view, and he looks upon the Gold Coast, for instance, as a threat to South Africa, and he does not want a repetition of that situation inside our borders. He would not like, for instance, to see the Native people of Bechuanaland, Basutoland or Swaziland having the same self-government as those of the Gold Coast.

The PRIME MINISTER: What about the Bantu Authorities Act?

Mr. HEPPLÉ: Yes, I am conscious of the Bantu Authorities Act, but it is a far different thing from self-government as obtains in the Gold Coast. Under the Bantu Authorities Act there is a very restricted type of self-government; it has so many restrictions upon it that the Native people look on it with disfavour.

The PRIME MINISTER: Do you want to make them independent states?

Mr. HEPPLÉ: No, I am not advocating that they should be independent states, I am trying to point out to the hon. the Prime Minister one of the major obstacles. I am relating the reply which the Prime Minister gave at the Congress at Bloemfontein to the present situation; that while it may have satisfied the fears of members of his Party, at the same time it set up other fears in the minds of the people in these Territories. These are consideration that we must not blind ourselves to. I say that the form of government inside these Territories is a matter for the future. What we are now concerned with is the question of reaching a stage where we can, satisfactorily, win the approval and the goodwill of the people in these Territories.

Mr. Speaker, my Party believes that if a correct approach is made, if a proper example is set, there should be no difficulty at all about winning these people into the Union. After all, we know that at the present time large numbers of them depend upon the Union for their livelihood; they come over the borders into this country to work. Our mining industry depends upon the Basuto, to a very large extent, for their labour. And it is a two-way traffic. They would not come into the Union to get this employment if they were able to get a livelihood in their own Territories. And the same applies to us, we would not use their labour if we could get sufficient of our own. These compensating factors must all be borne in mind by both sides. It is idle for us to pretend that these things do not exist. I am sure that the hon. the Prime Minister will be the first to agree with me that the goodwill of these people must be won, and the goodwill of these people cannot be won by telling them that they are only going to exchange masters; that instead of having the benign and passive British attitude towards their Territory, they are going to get the South African policy which is more positive but which is, in some ways, more harsh in their eyes. On the credit side—as it has been called by the hon. the Minister of the Interior—the benefits that will accrue to these Territories might well be dissipated by their fears of their fate, not only politically but socially as well. The laws of the Union have changed in the last 40 years, and they have changed considerably. The hon. the Prime Minister knows that the thinking in Great Britain has departed radically from what it was in 1910, and he also knows that in two years time he will have to deal with a Labour Government in Great Britain. That

Government is prepared to go very much further than even the Conservative Government, and the Conservative Government goes very much further than the hon. the Prime Minister wants them to go in so far as the African Territories are concerned. I feel that the onus is thrown on to the hon. the Prime Minister, and is thrown on to South Africa to show up in sharp relief for the people of these Territories what the alternatives are.

If this question is going to remain a matter for argument between the British Government and the South African Government, that is the surest way whereby to engender hostility from the population of those Territories. For that reason the Labour Party feels that not only should these people be consulted, but that they should give their consent to the transfer. We feel that that is the *sine qua non* of the whole problem.

The PRIME MINISTER: You are going much further than the British Government.

Mr. HEPPLÉ: Yes, we admit we are going much further.

The PRIME MINISTER: You admit that?

Mr. HEPPLÉ: Yes, we are going much further than the British Government, because we believe that the only permanent solution is to deal with this matter on a realistic basis. The hon. the Prime Minister has a fear in his mind that if the people of the Territories are consulted they will always say no. They may say no at the present time, but if South Africa makes the invitation wide enough, and offers greater hope to these people . . .

An HON. MEMBER: Equal rights.

Mr. HEPPLÉ: If they are given greater hope within the borders of the Union, then it will be a question between the people of these Territories and South Africa.

In the arguments that have gone on this afternoon in this particular matter, great reference has been made to the arguments that went on between Gen. Hertzog and the British Government in regard to the meaning of the phrase "the full acquiescence of the populations concerned". This argument went backwards and forwards until, in the end, a formulation was agreed upon when Mr. MacDonald, on the 24 February 1948, said this—

My understanding of the position is as follows: there is no question of altering or adding to the pledges which were given during the passage of the South African Bill in 1909. These are summarized in paragraph 3 of our proposed joint statement. In your letter of the 29 December you said that you assumed that no more was meant by the word "acquiescence" than "goodwill towards the idea of transfer to the Union". As Sir William Clark has explained to you, I am quite prepared to accept that the words "full acquiescence" in the *aide-mémoire*

should be interpreted as meaning "good-will". I should have no objection to your saying publicly that you so interpret the expression, and I should be prepared to do the same.

To which, on 1 March, General Hertzog replied and said that he accepted that position and that he would not press the point any further. But subsequently this matter has been reopened and there now appears to be some doubt cast upon this interpretation. In order to clarify the standpoint of my Party, we want to remove this doubt and this confusion and say that there should not only be consultation but that there should be consent. We say that that is absolutely essential if this matter is going to be solved on any permanent basis, and for that reason I move a further amendment—

To omit all words after "Protectorates" up to and including "possible" and to substitute "should be effected by the two Governments concerned as soon as the majority of the inhabitants of each Territory respectively clearly indicate that they are satisfied that such transfer would be in their own interests".

This amendment of ours does three things.

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

Evening Sitting.

Mr. HEPPLÉ: When the debate adjourned I had just moved my amendment to the motion of the hon. the Prime Minister. This amendment agrees that transfer should take place, but only after the inhabitants have been consulted and their consent obtained. It also agrees that the Government should proceed with the negotiations for the transfer of these Territories. The Minister of the Interior has said that the Prime Minister has handled this matter in the way he has in order that he should go forward with the backing of this House. He wants the backing of Parliament in order to strengthen his hand. I cannot quite understand why he has adopted this procedure because I cannot see how it will strengthen his hand, especially in the light of his own arguments, where he has quoted at great length from history to show that it is an accepted fact that for various reasons the transfer has been delayed. But however that may be, Mr. Speaker, I was surprised at the attitude of the Prime Minister and also that of the Minister of the Interior when they set up as a test before this House the patriotism of the members of this House. They posed the question that unless we fully supported the motion of the Prime Minister, we would be unpatriotic, and tears almost came into the eyes of the Minister of the Interior when he talked about "my country, right or wrong". I was surprised to hear that, especially in view of the Government's own attitude in regard to "my country, right or wrong".

An HON. MEMBER: Rather tell us about caviar.

Mr. HEPPLÉ: I would like to be fair and to pose this question to the hon. gentlemen opposite and ask them: If the Labour Party were the Government of this country [laughter] and they were in the minority, would they support the transfer of the Protectorates in the light of our non-European policy? That is a fair question, but they run away from it. Of course they would no more think of supporting it than the man in the moon. [Interjections.]

Mr. SPEAKER: Order!

Mr. ABRAHAM: May I ask you a question? To whom would you transfer the Protectorates, in the light of your policy?

An HON. MEMBER: In the light of the moon.

Mr. HEPPLÉ: I always welcome questions and interjections of a fair nature.

An HON. MEMBER: What is wrong with this one?

Mr. HEPPLÉ: But if those hon. members are going to descend to a lot of stupid frivolities, I hope you, Mr. Speaker, will intervene, because I do not know whether you can hear it up there, Mr. Speaker, but I am getting a lot of nonsensical interjections which have no bearing on the matter before the House.

In reply to the question the hon. member put to me, I want to answer him in this way. We would transfer it to South Africa, but the Nationalist Party have not got the sole right to patriotism and the sole right to being good South Africans. That right belongs to everyone. I would like them to remember that not everyone in this country supports the policy of the Government. Far from it. That is what the Prime Minister should bear in mind, and as for the hon. member for Groblersdal (Mr. Abraham), I am surprised to see him in the House this evening after the Prime Minister and the Minister of the Interior rose in the House to-day as the formulators of the policy of Rhodes. Is he an admirer of Rhodes? He should be hiding his face somewhere else. [Laughter.] Mr. Speaker, that is a very fair question that I pose to the Government. If they want to set as a test of the patriotism of the Opposition in this House the question whether they support the policy of the Nationalist Party, we must ask a question in reverse: Would they in the same way support the policies of the other parties in this country as a test of patriotism?

Now the Minister of the Interior, in a very long dissertation on this question, eventually reached the point where he was quoting Sir Charles Rey and some articles he had written in connection with the transfer of the Protectorates, and towards the end of his speech he said: What is the next logical step? What

is there we can do from now on? And then he said: Let us take the propositions put forward by Sir Charles Rey and see whether we cannot work from that, the two points he made so that the two countries should give their recognition to a clear agreement for transfer, and secondly, that the inhabitants should be consulted forthwith, but not on the question whether the transfer should take place or not, but on terms and conditions of that transfer; and the third point was to devise ways and means to overcome or to supersede Sections 20 and 25 of the schedule to the Act which were wiped out by the Statute of Westminster. Mr. Speaker, our amendment accepts the first proposition. It half-accepts the second proposition, but we say that not only should the inhabitants be consulted, but their consent must be obtained. I submit that the proposal that the inhabitants should be consulted merely on the question of ways and means is merely a technical argument, because it is no good consulting them in any form if they are merely going to be consulted on the terms of transfer; because we know very well that it will be the Governments of South Africa and Great Britain which will lay down the terms and conditions of the transfer. Those are matters of high policy, but what is important is the question of the consent of these people, and I believe that there is a good possibility in the future, not through the policy of this Government, but there is a good hope in the future to their agreeing to the transfer to the Union. The Prime Minister has said in reply to this question, when he spoke, that the general public interest is far more important than the interest of the million people who are involved in this transfer. But I am sure that if the Prime Minister reflects on that statement of his, he must realize that it is through minorities that the greatest national crises arise. You cannot have a discontented minority.

An HON. MEMBER: Like the Labour Party.

Mr. HEPPLÉ: A great deal of our legislation in this House has arisen because of the injustices which may be applied to sections of the community, but when these unwilling people who have to be brought in merely because a deal was made between an imperialist power, and what South Africa appears to be setting herself up as now, namely a colonial power, there can be nothing but friction and discontent and unhappiness on the part of the people concerned. But I say our amendment offers the Prime Minister our support to go ahead with these negotiations and to consult with these people. He may not agree with our proposition that their consent is to be obtained, but the door is open to him to proceed with the negotiations, to negotiate with Britain for the Transfer and to consult with the inhabitants of these Protectorates. I would ask him always to bear in mind the most important fact, which is this,

that we are not only transferring 293,200 square miles of territory, but also over one million human beings, and their wishes and aspirations must be taken into account. Unless that is done, if the transfer is effected, it can only have a very unhappy ending.

Mr. EATON: Mr. Speaker, I second the amendment moved by my leader. In doing so, I firstly want to reply briefly to an interjection made by the hon. the Prime Minister when we mentioned that we would require the consent of the inhabitants before incorporation took place; the Prime Minister interjected and said that we are going further than Great Britain. I want to remind the Prime Minister that Gen. Hertzog was not prepared to go over the heads of the people in the Protectorates, because he said in 1925 that—

Our position has always been as a party (the Nationalist Party) that we are not prepared to incorporate in the Union any territory unless the inhabitants are prepared to come in.

I do not know of anything that has happened subsequent to that that could persuade the Labour Party that Gen. Hertzog was wrong in making a statement of that kind on behalf of South Africa. I think it was a very sound statement indeed, and the inference I must place upon the Prime Minister's interjection is that the present Nationalist Party is not concerned about the wishes of the inhabitants of the areas.

The PRIME MINISTER: What about the Joint Statement? Do you agree with that?

Mr. EATON: The Joint Statement is the next issue, and I will deal with it. The Joint Statement is the issue which the Prime Minister has indicated practically brought about the successful conclusion of this difficult problem, and it was made in 1938, and a new interpretation was put upon the word "consent". It was agreed that it did not mean the consent of the inhabitants, but it would mean reasonable consideration of the wishes of the people, but not necessarily their consent; that their goodwill was necessary. I think that was the word used. Now, on the question of goodwill, it is interesting to note in plain words the difference between goodwill and consent. Is it possible to have consent without goodwill, or alternatively to get their goodwill without their consent? I do not see a great difference here but I do submit that to get their consent with their goodwill is what we should all aim at, and to my way of thinking it is impossible to get their goodwill without their consent. That is why we feel that the most direct and the quickest way of solving this problem is to do what we suggested in our amendment: Go straight to the people and only then give the necessary green light to proceed either to Britain or to South Africa. In that connection I want to draw the Prime Minister's attention to the possibilities that exist for a successful transfer. In the first place, there are three

There is South Africa and Great Britain and the inhabitants of the Territories, and the combinations that can come from the activities of these three parties can be a combination of Great Britain and South Africa, South Africa and the Territories, and the Territories and Great Britain. Those are the three possible combinations and I am quite sure that if there is only agreement, as there appears to be at the moment, between the Territories and Great Britain, that will actually mean that they do not want the transfer to take place at the present moment. The other combination, Great Britain and South Africa, will be an agreement which will most likely exclude the wishes of the inhabitants of the Territories, and I do not think that that is likely to succeed. The third is the one which we envisage in our amendment, and that is obtaining agreement and finding a way to get the goodwill and consent of the inhabitants of the Territories, because we believe that if the Prime Minister of South Africa can achieve that, then there is very little that Great Britain could do to prevent the transfer taking place. I do not believe that Great Britain would refuse to grant that transfer if we had agreement and consent between ourselves and the Territories concerned. I believe that in the end that will be the best way of bringing about the transfer of the Territories to South Africa. But the question to-day appears to be not the rights and the legality of the transfer to the Union. I think we are all agreed that such transfer should take place. The real problem is how to bring it about. The Prime Minister has adopted this method as a starting point, the resumption of talks between ourselves and Great Britain. The intriguing thing to me is why the Prime Minister has adopted this course. Why could not negotiations have been continued as from the stage when they were interrupted in 1939? Why could not the discussions have taken place at the diplomatic level and without any reference to this Parliament at all, except for a report that discussions have been resumed? Is it because an attempt has been made by the Prime Minister to get negotiations resumed, and has that attempt failed, with the result that the Prime Minister now has to adopt this method to get progress? I do not know. I am just suggesting that there must be a reason for the Prime Minister moving this motion here to-day. It is not necessary to get the consent of this House and of the Other Place for the resumption of the talks. It was never obtained prior to opening the talks in the past. The question arises why it has been brought forward at this stage. There are two possibilities. The one I have already mentioned, that Great Britain may not be prepared to resume talks, and the Prime Minister has had to adopt this method of compelling Great Britain to take notice of the position. The other possibility is that Great Britain may not be prepared under any circumstances to continue the talks as long as there is the possibility of the transfer taking place and this country at a later stage becoming a republic. That may be one of the reasons. I put it to the Prime Minister: What

would be the fate of the Protectorates if they came into the Union and the Union was later declared a republic? Would they be in the republic, or would they revert to their former position? We do not know. That is a question which will have to be answered before we can hope to get the goodwill and the consent of the inhabitants of the Protectorates. They have the right to know what their fate will be, and from what the Prime Minister has said to-day in giving us figures of what the Union is doing for its own Natives as compared with what the British Government is doing for the Natives in the Protectorates, is it outside the bounds of possibility that we can convince these people, in terms of our own amendment, that it will be to their own interest to come into the Union? Has the Prime Minister no confidence in his case, putting it direct to the inhabitants of the Protectorates? He is trying to convince us, but we do not have to be convinced. It is the inhabitants of the Protectorates who have to be convinced that their interests lie with us in South Africa. That is in terms of our amendment. We say that we want the inhabitants of the Protectorates to be satisfied that it will be in their interest to come into the Union. Surely the most direct approach is the best one to make under these conditions? We are satisfied that it is the only approach which is going to bring about a good result. We can talk about discussions with Great Britain and about anything else we like, but in the final analysis we will have to come to an agreement between the inhabitants of the Protectorates and ourselves, and that will finalize and finally bring about the transfer of these Protectorates to the Union. The possibilities are present. There is the possibility that certain things will have to be agreed to by this Government, and I am quite sure that we as a party will go a long way towards helping the Prime Minister to formulate a suitable policy which will gain the consent of the inhabitants of the Protectorates. I think we have the key; we have the answer. The Prime Minister in the past has not heeded what we have said about the type of legislation and the type of consultation that should take place between the Government and those who are being governed. We have many good plans in this respect and I am quite sure that the Prime Minister could get the transfer of these Territories if he paid more attention to what we of the Labour Party have advocated in this House from time to time.

*Dr. J. H. STEYN: Mr. Speaker, the hon. member for Umlazi (Mr. Eaton) made a few statements with which I want to deal briefly, together with those made by his Leader, because they are precisely similar. He said one thing that struck me, namely that transfer ought to take place. I do not think I misunderstood him, even though he sits rather far from me. I think we all agree on that point. He added certain conditions to it, and they are the same conditions that were mentioned by the Leader of his Party. I just want to mention it briefly. The first is that South Africa should state its intentions in regard to

the Natives more clearly. Now, I do not know what the Labour Party really means when it says that we should state our intentions more clearly. The Native policy of the Union of South Africa is very clear indeed. The Native policy visualized for the eventual transfer of those territories has been laid down in the Schedule, and the combination of those two ought to give him the reply to his question. Then he made a second statement, that before transfer takes place the Union should obtain the consent of the Natives concerned. That is a new concept entirely in regard to this whole argument. There they now go much further than Britain itself.

*Mr. LOVELL: But not further than Gen. Hertzog.

*Dr. J. H. STEYN: I will deal with that later. Somebody mentioned the name of Gen. Hertzog over there. I do not know who it was, but it is an entirely new idea in regard to this whole matter. They go further than the Government wants to go, and further than the official Opposition suggested, and they go further than the British Government itself wants to go. It is a unique statement and an attitude they increasingly adopt in recent times.

Then, Mr. Speaker, he made a few other statements here on behalf of the Labour Party. The first was that in this motion he sees nothing else but an attempt to derive party political benefit. In this whole debate he sees nothing but an attempt to derive political advantage. He therefore sees nothing but party politics in all the negotiations and the developments there were in our Native policy since Union. Do I understand him correctly? He shakes his head. But what else can he expect? It is the logical outcome of everything that has taken place in the past which we see here to-day. It cannot take place in any other way than it is taking place to-day. Then he also said that we are dealing here with the transfer of people. We do not doubt that. Of course people will have to be transferred here. But are those people different from people of the same kind whom we already have in the Union and elsewhere in South Africa? Are they different from the people who are being dealt with now in the Federation in Rhodesia? Why does he make a special point of it in regard to South Africa? It is a generally accepted principle in Africa and one which will not change. "The population should know what they can expect." That was his further standpoint. Of course they should know that. That has been the intention and the basis of the attempts made by every single Prime Minister of South Africa, to let them know what they can expect. All the negotiations which took place were with this object. But then he said something important, and I must take it that that is their policy, because his seconder repeated it. He admits that they are dependent on the Union. We therefore take it that the Labour Party agrees that the Native territories are dependent on the Union. He admits, further, that they

will derive great benefit when transferred to the Union. It is very interesting to find that these two points came from that side of the House. Notwithstanding the attitude they usually adopt and the tendency they always have to exaggerate their case, it is interesting that they have to admit that the Natives will be more at home here and receive better treatment than they receive at present. They both nod approval, and I therefore take it that it was no chance remark or a misinterpretation on my part, but the official opinion of the Labour Party.

Mr. Speaker, I then turn to what the Leader of the Opposition said here this afternoon. I must tell you that I have not yet quite recovered from the shock I received. The first question I wish to put to him is this: Whose standpoint did he represent here this afternoon? Is it the standpoint of the Party of which he is the Leader, or did he also attempt to state Great Britain's case here? We who sat listening to him here cannot help thinking that he appointed himself—because he would not receive such an appointment from Britain—to defend their case here, and I do not think they are grateful to him. The way in which he did so this afternoon has done more harm than any other speech which I have ever listened to in South Africa, harm to his own case. He said that consultation with the inhabitants of those territories does not amount to consent. That was his first submission. Then he immediately proceeded, almost in the very next sentence, to suggest a new definition of consultation, viz. partial consent. I hope I am doing him no injustice.

*Mr. STRAUSS: That is not what I said.

*Dr. J. H. STEYN: I am very glad to hear that. He therefore still thinks that consent, partial or otherwise, is not required. Have I now understood him correctly?

*Mr. STRAUSS: I said: "Consultation is not equivalent to concurrence."

*Dr. J. H. STEYN: Therefore consultation is not equivalent to consent. That is what I have just said and with which he did not want to agree. No, Mr. Speaker, we will get no further by that means; saying a thing in a speech or by way of an interjection and then immediately denying it again before those words have reached the air will not take us any further.

*Mr. STRAUSS: I think my hon. friend should rather ascertain what I did say.

*Dr. J. H. STEYN: I think my hon. friend told me just a moment ago what he said. It is on record and it is enough.

Furthermore, he stated here this afternoon that the speech by Dr. Malan "was most provocative and mischievous". If he could say that about the speech of the Prime Minister, I wonder what the country will say about his speech? The speech he made here this after-

by the church. A short while ago it was reported in the Press that the Chairman of the Broadcasting Corporation, Dr. Pellissier, had attended a meeting of the Transvaal Synod where the Springbok Service also came up for discussion. After the explanation given by the Chairman of the Broadcasting Corporation the Synod expressed its appreciation of the moderation of the Springbok programmes on Sundays. I think the relations between the Church and the Broadcasting Corporation were settled in a good spirit on that particular point and that they understand each other. The Broadcasting Corporation has to render a certain service. Sometimes people expect very lively programmes throughout the week and some even expect this on Sundays. There are people who think nothing of a Sunday. Then there are some people who have their Sundays on different days from ours and it is a very difficult matter to deal with such a cosmopolitan population as we have here. The one's Sunday is the others' wedding day as I sometimes see here where I am boarding. You cannot really satisfy all the people. But I say that since the Synod has expressed itself so favourably and has expressed the view that the Springbok Service is now giving a very moderate service on Sundays we should express our appreciation of the fact that the service is now regulated in such a way on Sundays that one person is mercifully allowed to listen to a beautiful sermon on a Sunday while the other can listen to beautiful music and also, if he wishes, to the world news. Well, I say that we can consider ourselves fortunate that the Broadcasting Corporation is giving such a fine, rational programme to suit everybody's taste so that the wishes of practically everyone are satisfied.

In closing I just want to tell the Minister that we are very grateful for the progress that has been made in connection with the expansion of telephone services on the platteland. We hope that if it is at all possible to spare a few shillings the Minister will take into consideration those people who are far away on the platteland and who are really in particular need of that service. Petrol is expensive; transport is expensive; marketing competition has become keener and if the ordinary town-dweller wants a telephone and a man on the farm wants one I think the man on the farm should have preference because we know that he has to feed the town-dweller and that it is more difficult for him to communicate with those with whom he has to communicate.

*Mr. HAYWARD: Never in all the years that I have been sitting here have I listened with greater attention to a Minister who has given a more thorough reply in connection with his Vote than this Minister. But that is typical of this Minister's office and also of the Postmaster-General. During all these years I have always been courteously received when I have gone there; everything is done there to help us. When we receive no assistance it is refused so kindly and so sympathetically that we feel perfectly comforted when we leave, knowing that the chief clerk and the Post-

master-General will do everything they possibly can for us. I want to associate myself with the hon. member who spoke here about Springbok radio. It would be wrong to interfere there and to change that service. If someone does not want to listen to a radio broadcast it is very easy for them simply to switch off his radio and then he need not listen. There is another person who occupies an unenviable position, namely the Director of the Broadcasting Corporation for he has to deal with so many people and it is impossible to satisfy everybody. It would be impossible to meet all the demands even if he had been sent here by the angel Gabriel. But I nevertheless have one complaint. I hope the Director will arrange matters so that when we want to listen to music there will be a music programme for us. This is not always the case at present. It happens that perhaps a drama is being read on all the transmissions. I am only asking him to make it possible for the listener always to make a change. If the Director complies with this request I shall be perfectly satisfied.

*Mr. P. M. K. LE ROUX: Mr. Chairman, I feel that I want to express my gratitude to the Minister and to the staff of the Department of Posts and Telegraphs for the courteous, friendly and obliging way in which they address one when one goes to see them on matters in connection with their Department. They have really learnt how to say "no" in a friendly way and the only complaint I have against them is that they say "no" too often and "yes" too seldom. What I am saying here I am saying on behalf of a large part of the North West and yet I want to say that we are very grateful to the Minister and his Administration for the progress that has been made in providing telephone services in that far-flung area. Of course, there are still many needs and I trust that our gratitude for what has already been done will perhaps contribute towards a quicker realization of what still has to be done, or we hope that this will be done as soon as possible.

I feel that I also want to say a word of thanks not only on my own behalf and on behalf of the members of Parliament but also on behalf of the public. I want to thank the Post Office staff in general and when I refer to them I am thinking particularly of those people who have something to do with the post office exchanges. It seems to me that you have to be specially adapted to that sort of work to be able to serve at a post office exchange, to have those receivers on your ears when people constantly ask for numbers, always followed by the question when the caller will get through. It is difficult to remain patient and I thank heaven that it is not necessary for me to work there. If we take into consideration how seldom we find cases of discourtesy on the part of the staff of the exchanges I want to say frankly that they deserve our gratitude and appreciation as expressed in this House and I gladly want to give expression to those sentiments. It only happens in the most exceptional cases that someone is discourteous when, for instance,

we communicate with the exchange by telephone.

I nevertheless want to ask the Minister and also the Director of the Broadcasting Corporation and the Radio Board not to change the Sunday programme as was requested here this afternoon. On the contrary, I want to congratulate him on the way in which that programme is drawn up so that it will be attractive to all. Whether or not we always feel like that, Sunday is different from an ordinary weekday and I am convinced that the vast majority of the people of South Africa prefer a different type of service on Sundays from what we get on ordinary weekdays and the Corporation is providing us with such a different service which is more sacred in character. I think it behoves all of us to reserve at least one day per week for the more serious things of life. When I think of this I want to express my personal gratitude for the production by John van den Berg of that brief quarter-hour programme entitled "Klein Dingetjies" on Sunday evenings when the sun is beginning to go down. Personally I find it refreshing, elevating and ennobling and I have heard so many people refer to it with praise and appreciation that I can recommend it to all listeners. I do not think anyone who has listened to it will say that it was not pleasant. I want to ask the Minister whether he cannot arrange with the Director and the Radio Board to publish and to make available to the public in the form of a pamphlet those priceless thoughts which he expresses and which he has given us over the radio from time to time and which he will still be giving us in the future. I think there will be a greater demand for such pamphlets than they may think. I hope it will be possible and with these few words I again want to thank the Minister and his staff and the Administration and I also want to thank them for what they are still going to do to meet the requirements particularly of my constituency.

Mr. MOORE: Mr. Chairman, I do not wish to detain the House, but I would like to refer to this question of the introduction of television in South Africa.

Mr. SUTTER: You have had the answer already.

Mr. MOORE: We have not had any answer. We have had many excuses, but no answer. Now, Sir, this matter has been tackled in other countries. We know, of course, that broadcasting in South Africa, and first of all wireless transmission and then wireless telephony, came to South Africa through private enterprise. All the progress that has been made has come in that way. After private enterprise has blazed the trail, a Government department or a statutory body such as ours, or the B.B.C., takes over and they exploit and improve. Now we have reached the stage again where we must take an important step forward, and I do not think that the South African Broadcasting Corporation is the right body to do it. We are not a socialist country,

as the United Kingdom is, but the United Kingdom in the early stages had television in small centres first, and now they have considered this very important question as to whether broadcasting and television should be controlled in the same manner; and in the United Kingdom, a socialist country, they have decided that television at this stage should not be controlled by the B.B.C. This has been supported by people who in the ordinary way are strong supporters of the B.B.C. and I feel that we will not make progress in South Africa until private enterprise in South Africa is given free rein. I saw the other day that an ordinary experimenter had been told: "You are not to transmit television; the distances you are transmitting are too great." But we want someone to transmit for these long distances. We should not be told on the Wiatersrand where we have the densest concentration of population, that we cannot have television until the Karroo or Namaqualand or the mountainous parts of South Africa have it, because television is not easily transmitted in the mountainous parts of the country. I know that a few years ago television could be transmitted a few miles only. To-day it can be transmitted throughout the United Kingdom. Sir, I should like to see an experimental station in Johannesburg without any further delay. I think the population of the Rand could support it. It would be near enough to the centre. Do not let us feel in South Africa that the Rand cannot have television because the outlying centres cannot have it at this stage. You see, to take up this attitude is to take up the attitude of a very famous character in our Broadcasting Corporation, Oom Mertin. Oom Mertin, if I may quote him, discussing this matter, would put it this way: "Gee Johannesburg televisie en vir Oosfontein uitlaai! Laat ek sien." I think we should take that step forward, and I suggest to the Minister that he should give private enterprise free rein in providing television.

Mr. HEPPLÉ: Mr. Chairman, I just briefly want to put before the Minister a complaint about broadcasting. I want to tell him, in case he does not know, that there are increasing occasions upon which programmes are interrupted through technical faults and the announcers have to apologize for programmes which cannot be continued, much to the annoyance of music-lovers. There are many occasions when we even hear technicians or officials in the studio giving instructions to the people who are broadcasting. It seems to me that in the technical arrangements there is more carelessness than should be allowed in an organization of this nature. On many occasions there are hissing noises or noisy scratching on the records that are broadcast, and interference of all kinds which spoil the music which is put over the air. One can understand that there are occasions when they are faced with technical difficulties, but one does not like to hear in the beginning of a programme the lady in the studios counting one, two, three. It shows that there is some lack of control in the studios.

Often we have fading. There is a considerable amount of fading, especially in the Peninsula. I have been told that this is due to causes which they have not been able to discover as yet.

There is another matter I wish to bring to the notice of the Minister, and that is reception in the intensely built up areas such as we have in Johannesburg. In these densely populated, flat areas of Johannesburg, listening in has become a very serious problem. It seems to me that the broadcasting authorities are not taking cognizance of all the difficulties that exist in these areas. These huge blocks of flats are put up and nothing is done to retard the noises that emanate from the lifts and other electrical appliances. I understand that in other countries it is illegal for any owner of a block of flats not to take steps to suppress these noises. I believe there are special gadgets that are used to eliminate the noises. In South Africa there is no such law and the result is that in many of these blocks of flats in the built up areas of Johannesburg it is quite impossible to listen in without hearing all these disturbances and interferences. One can go from one block of flats to another and receive the same complaints. People pay their licences but are prevented from listening to the programmes. I think it is the responsibility of the Broadcasting Corporation to investigate this matter, and legislation should be introduced in order to ensure that listeners who pay their licences should be able to listen to the programmes and get proper reception, which they are denied at present through the selfishness of people who refuse to take the necessary steps to cut out these electrical interferences.

Mr. COPE: Mr Chairman, I want to raise three matters. The first is the question of the telephone backlog in the urban areas. I would like to say that as far as I am concerned, I have received the utmost courtesy and consideration from the telephone officials with whom I have had to deal in regard to the shortage of telephones. I also very much appreciate the explanation given by the hon. the Minister this afternoon in regard to this matter. But I would like to make suggestions to him on two points. From what he said, apparently the two major reasons why it is difficult to catch up with the telephone backlog in the urban areas are lack of buildings and lack of technicians. In regard to buildings, his difficulty, I believe, is due to the Public Works Department, and I want to ask him whether the time has not come for the Post Office to undertake its own building. It seems to me that the Public Works Department, which has to cater so widely in providing buildings, is somewhat too inflexible for the requirements of the Post Office. I wonder whether the Post Office cannot institute its own building staff to supervise a good deal of the work, which might be done by private enterprise. It would, of course, require a supervisory staff to handle the building, but I think a good deal of the work—if not the major part of it—could be done by private

enterprise. In this regard I want to point out that in Johannesburg, particularly, there are certain pockets which are particularly bad in regard to obtaining telephones. It is due to the location of the exchanges and the routes taken by the main connecting lines. One such pocket is Greenside, and particularly the lower part of Greenside, where the majority of residents have not a hope of getting telephones for anything up to three years, apparently. It is just bad luck that they happen to be situated where they are. One appreciates the technical difficulties, but it seems that if a building could be provided they could get 'phones.

In regard to technicians, I wonder whether the Post Office is utilizing the available labour in the most efficient manner. Is it not possible for a good deal more of the work of a similar kind to be done by non-European labour? The Electricity Supply Commission to-day is erecting practically all its major power lines with non-European labour. It is a simple type of work, but it requires supervision. If non-Europeans could be admitted into the lower and simpler types of work, it might release technicians who might be utilized on the more difficult type of work.

Then the other two points I want to raise very briefly are: Firstly, the question of collecting radio licence fees. The Post Office does this for the Broadcasting Corporation, and in some of the major centres such as Johannesburg a special staff is used to go round and collect fees. I want to know whether those collectors are actually Post Office officials or whether they are just engaged on a temporary basis, because unfortunately these collectors have got the backs up of many people. They seem to be very careless in their collections and frequently leave rather severe notes for people who have already paid their licences. Many cases have been reported to me in this regard, and I think it wants looking into.

Finally, I just want to mention the question of the accuracy of telegrams, particularly telegrams in English. There is a feeling in business circles with which I am in contact, particularly in Johannesburg, that telegraphic transmission has deteriorated to a considerable extent. Sometimes it has a lighter side to it, and I will conclude by giving my experience of one businessman who had had a very trying day dealing, amongst other things, with the problem of inaccurate telegraphic transmission. Eventually he decided to have a holiday at Cape Town and he telegraphed his mother: "Arriving Wednesday if convenient". One may imagine the concern of his mother when she received a telegram reading: "Arriving Wednesday for confinement."

The MINISTER OF POSTS AND TELEGRAPHS: Mr. Chairman, I think I should now reply to a few of the points raised. The hon. member for East London (City) (Dr. D. L. Smit) raised the question of the local extension of telephones there. I can only inform him that provision has been made

for Cambridge, at East London, for the expenditure of £29,000 in this year's programme. He also raised a question regarding apartheid at Umtata. I know nothing about it. I gave no instructions. But this was evidently an arrangement come to locally between officials of the Native Affairs Department and the post office. So it was a local matter agreed upon at Umtata.

The hon. member for Roodepoort (Mr. M. C. Botha) mentioned the case of a member of the staff of the Department of Posts and Telegraphs. I am very sorry about this incident. That person who was unjustly treated is a young man; he appealed and his appeal was upheld. I am very sorry that it happened but it is something about which I as Minister have no say seeing that I have 30,000 officials. I just want to say that where officials feel that they have been unjustly treated as in this case it is perfectly right for them to go as far as they possibly can to obtain justice. I am glad that he is now satisfied that justice has been done in his case. It is in his own interest, and I think he also accepts this, that he need no longer work in those surroundings where this incident took place and it is in his own interest that he was sent to Pretoria.

The hon. member for Pinelands (Mr. du Toit) raised the question of a centenary stamp for the centenary of the Cape Parliament. Many such applications are made. We get them regularly about once a quarter, but this is an important matter and this is the first time the question has been raised. I will investigate it. It is, of course, a matter which will have to be decided upon by the Cabinet and I cannot express an opinion at this juncture, but I will give full consideration to it.

The other matter raised by him was in regard to the issue of the new series of stamps. We have been busy with this new series for a long time and it has now been decided upon. If we start afresh now it will take another few years before we can issue it. I give him the assurance that as soon as this series has been in vogue for a reasonable number of years, four or five years, consideration will be given also to a series depicting the flora of this country, and to other suggestions which have already been made.

In regard to Parliamentary broadcasts, the question was raised whether copies can be supplied. The hon. member knows that copies are supplied to the House and to various people from time to time. How many copies are available I do not know, but I will bring the matter to the notice of the Broadcasting Corporation. Perhaps they can supply a reasonable number of copies.

Then the hon. member for Lydenburg (Mr. Liebenberg) spoke about the question of Sunday services and of Springbok Radio. I can only say that the reply of the Corporation is that it is following a strict policy in connection with Sunday programmes and it exercises strict control over the material that is broadcast. Talks between the S.A.B.C.

and the Radio Committee of the Synod take place from time to time. Recently the Synod adopted a resolution expressing appreciation to the Corporation. There are three services. It is not necessary to listen to only one of them.

In connection with the remarks made by the hon. member for Prieska (Mr. P. M. K. le Roux) it was really a pleasure to hear an expression of appreciation of the services of the staff. I think we are inclined to criticize too hastily, particularly in the case of the women who work under the most difficult circumstances. They are compelled—they are not requested—to work overtime and if anything goes wrong they are criticized. We so often hear about letters that have gone astray but people do not realize that over 2,000,000 letters are dealt with every day. When one single letter occasionally goes astray people write to the newspapers about it but they never say that 2,000,000 letters have been delivered to the correct addresses. I also want to express my gratitude and appreciation to the staff of the Department of Posts and Telegraphs. They are working under difficult conditions because there is a shortage of staff and under these circumstances I think we should be very glad that they are still doing their work so well.

The hon. member for Kensington (Mr. Moore) again raised the question of television. This is definitely a matter which by law is entrusted to the Broadcasting Corporation. It states here definitely—

The operation of a station for a radio communication service . . . including transmission by television shall belong to the Broadcasting Corporation. This licence shall not be issued to any person without the consent of the South African Broadcasting Corporation.

This is a matter for them to investigate and they have already informed us that they are doing so. I may inform the hon. member that I am informed by the Director that his information in regard to television in Britain is not quite correct, but that it is operated by a public utility company and not by private enterprise.

I may explain to the hon. member for Rosettenville (Mr. Hepple) that we have a law against interference.

Mr. HEPPLÉ: But nothing is done about it.

The MINISTER OF POSTS AND TELEGRAPHS: But it can be done. A committee of experts has been appointed by me consisting of members from the post office, the Broadcasting Corporation, and a few others, to investigate the matter, and they are investigating the whole question of this interference and other matters connected with it.

The hon. member for Parktown (Mr. Cope) raised the question of the collection of licence fees and other matters in regard to broadcasting. Here again, I honestly cannot give him the information at the moment, but I will definitely see that he gets all the information

HEPPLE
 { INDUSTRIAL CONC. BILL }
 LEAVE TO INTRODUCE

*Mr. TIGHY: Before I sit down I just want to ask the hon. the Minister to tell the House, when he replies this afternoon, why the matter was kept so secret for a period of at least six months. I hope that the hon. the Minister will give us that information, and with your permission, Sir, I should like to ask him a few questions. I should like to ask him what committee dealt with the Bill.

*Mr. SPEAKER: Order! Those are questions which the hon. member may ask during the debate on the Second Reading. I must admonish the hon. member; he is ignoring my ruling.

*Mr. TIGHY: I am referring to the motion, Mr. Speaker; I do not wish to refer to the Bill. But in any case I wish to ask the hon. the Minister why the matter was kept so quiet; why was there the secrecy?

Mr. HEPPLE: It is necessary for this House to ask the Minister for assurances before granting him leave to introduce this measure, for two very important reasons. The first is the policy of his Party in relation to trade unions and the threats that they have made over the many years as to the action they are going to take in order to change the trade union organization in this country and the industrial relations in this country. The second good reason is the adverse publicity or the ominous publicity that has resulted. . . .

Mr. SPEAKER: Order! The hon. member cannot discuss that. I believe the hon. member was present when I gave guidance to the hon. member for Florida (Mr. Tighy) and when I warned him. I hope the hon. member will not transgress my ruling.

Mr. HEPPLE: I listened very carefully to your ruling when the hon. member for Salt River (Mr. Lawrence) was speaking and I am speaking within that ruling.

Mr. SPEAKER: Order! The hon. member cannot say that. The hon. member was starting to make a second-reading speech.

Mr. HEPPLE: I want to assure you that I am not going to deal with the principles of the Bill which is not yet before the House. I have referred to the policy of the Government Party in passing. I now want to say that the information that leads us to ask for assurances from the Minister is the publicity which the Minister himself has given in the country in advance. In this regard I want to draw your attention to the fact, Sir, that the Minister saw fit not to come to this House but to go to his constituency in order to discuss this matter. His own newspaper has come out with advance publicity on the matter—

Nuwe wetgewing op vakbonde. Minister Schoeman kondig Regeringsplan aan.

Here we have the headlines to two pages of publicity in the official organ of the National-

ist Party, the *Transvaler* on the 3rd of this month. In his constituency on Saturday, 1 May, the Minister spoke for well over an hour dealing very fully with this measure. Not only did he deal with this measure in order to placate his constituents, but in addition to that he even went so far as to reveal the plans of the Cabinet without this House knowing about it. It is on that basis and it is because of the methods adopted by the Minister that we must ask for assurances. I would like to read to this House what the Minister himself said in his constituency in relation to the Bill itself. He said—

Hierdie nuwe Nywerheidsversekeringswet bestaan uit sowat 86 artikels.

Then he went on to say this—

Met die oog op die feit dat meer as helfte van die Sitting alreeds verby is en dat die orige tyd byna uitsluitend deur finansiële maatreëls in beslag geneem sal word, het die Kabinet Woensdagoggend besluit dat slegs die tweedelesing van hierdie wetsontwerp hierdie Sitting sal deurgaan.

Mr. LAWRENCE: It is a Cabinet secret that he let out.

Mr. HEPPLE: He went on to say—

D.w.s., die Volksraad sal gevra word om die beginsel van die wetsontwerp aan te neem. Daarna sal die wetsontwerp na 'n Gekose Komitee verwys word en die ander stadium van die wetsontwerp sal met die volgende Sitting dan deurgaan.

Mr. SPEAKER: The hon. member can make those remarks; in the second-reading debate.

Mr. HEPPLE: I am not arguing on the merits.

Mr. SPEAKER: Order! The hon. member is arguing. He is reading extracts from newspapers and I say that that can be done in the second-reading debate.

Mr. HEPPLE: Thank you, Sir. I merely read that report in order to show that the information has been placed by the Minister himself before the country, and it is in the light of that information that we now ask for assurances. I want to state here in the form of an amendment what assurances we would like to have. I move—

To omit all the words after "That" and to substitute "this House declines to grant leave for the introduction of the Bill unless it receives satisfactory assurances that—

- (a) no new principles will be included that might cause industrial unrest;
- (b) the existing rights of workers to organize freely and combine together

to strengthen their bargaining power will be preserved; and

- (c) the proposed industrial tribunal will not limit the traditional system of collective bargaining nor bar access to the courts on matters of fact as well law."

It is necessary for the Minister to give some assurances to the House at this stage in relation to the matters which I have raised, first of all in the light of his Party's policy and secondly in the light of events that have taken place in this country in recent months. We are well aware that the registered trade unions in this country held a conference in Cape Town last week. There were delegates from 72 trade unions, representing over 224,000 workers, and over 90 per cent of those workers expressed their disagreement with this measure which the Minister proposes to bring into the House. In addition to that one of the vice-chairmen of that conference was one of the committee that on several occasions interviewed the Minister in connection with this Bill. In the first part of our amendment we ask that no new principles will be included that might cause industrial unrest. I would like to draw the attention of this House to the attitude of the Minister towards organized labour in this country and to his provocative statement. . . .

Mr. SPEAKER: Order The hon. member can do that at a later stage.

Mr. HEPPLE: I certainly shall do it at a later stage. I shall be very happy to do it at a later stage.

Mr. SPEAKER: Order! The hon. member must not do it now.

Mr. HEPPLE: No, I shall not do it now.

An HON. MEMBER: He is nevertheless doing it.

Mr. HEPPLE: The leaders of the trade union movement have taken exception to the attitude of the Minister and to the whole method that he has adopted in dealing with this matter. We in this House also take exception to it. There was nothing whatever to prevent the Minister from handling this matter in the normal way. He has had plenty of time to do it; he could have seen that the proposed measure was gazetted; he could have given enough time to the trade unions and members of Parliament and interested bodies to offer their comments to him, but the Minister chose other means, and the means he has chosen have caused a great deal of misgiving and doubt in our minds. It is for that reason that we have taken the exceptional course at this stage of refusing to give the Minister leave to introduce this Bill until we get these assurances from the Minister. I warn the Minister that unless we do get these assurances, unless

the Minister changes his stubborn mind on this matter, there is going to be a great deal of trouble.

*HON. MEMBERS: Where?

Mr. HEPPLE: I shall gladly answer all the questions that my hon. friends care to put on that side but I cannot answer more than one question at a time.

Mr. ABRAHAM: May I put a question to you?

Mr. HEPPLE: Before I say "yes" may I say that I have yet to hear the hon. member for Groblersdal (Mr. Abraham) ask a sensible question. If it is going to be a sensible question, if it is going to be one that the House can understand, I shall be glad to answer it.

Mr. ABRAHAM: To what trouble have you just been referring? Are you making a threat?

Mr. HEPPLE: Let me tell the hon. member for Groblersdal, the Minister and all the members of the Government Party that they must not underrate the patience of the trade union movement. I want to say that they must not judge the trade union movement by the handful of Nationalist Party stooges who act as organizers in the trade union movement.

Mr. SPEAKER: Order! The hon. member cannot go into that.

Mr. HEPPLE: I have moved my amendment and I end with an appeal to the Minister even at this late stage to consider the appeal that we have made to him and endeavour to do something to delay bringing a measure of this kind—in fact not to bring it in at all.

Mr. DAVIDOFF: Mr. Speaker, I second the amendment. I appreciate the difficulty in debating the question which is now before the House. We appreciate, also, that the debate must of necessity be very circumscribed and I want to give you the assurance that I will in no manner attempt to circumvent the rules of the House or the ruling which you have given at the beginning of this debate. We are in a great difficulty, as the House will appreciate. Not having seen the Bill, not knowing the contents of the Bill, we are limited to giving our reasons for our opposition to leave to introduce, to what appears in the Long Title of the Bill. We appreciate that difficulty, and under those difficulties we shall do our best. I also would like to remind the House that almost all the precedents that I have been able to gather, of opposition, by means of an amendment, to leave to introduce have been in cases where the particular Bills concerned have been gazetted and brought to the notice of the members. That, unfortunately, is not the case in the present instance. I say that that is very unfortunate

because, as has been pointed out to the House, there is no question whatsoever but that the draft Bill, in different draft forms, has been circularized to certain employee and employer organizations in the country. I say, and I say without fear of contradiction that that almost amounts to a scandalous state of affairs, because we in this House, the members of Parliament who have got to decide on the Bills, who have got to pass the Bills, should be the first ones to be consulted. I want to emphasize as strongly as I possibly can that the least that the hon. the Minister could have done in this case was to have given us notice simultaneously with the notice that he gave to any other bodies. I must also emphasize the fact that the hon. the Minister took it upon himself, before any notification to this House or to the members of this House, to make reference to this Bill at a political meeting in his constituency last Saturday. I am not going any further than to say that that almost amounts to a contempt of Parliament and of the members of Parliament. It is because of these difficulties and because of the attitude that the hon. the Minister of Labour took up that we are forced, at this stage, to come forward and oppose the introduction of this Bill on the grounds stated by the hon. member for Rosettenville (Mr. Hepple) and others.

Mr. Speaker, if we read the Long Title of the Bill we see that, *inter alia*, it says it is going to—

amend the law relating to the registration and regulation of trade unions and employers organizations, the prevention and settlement of disputes between employers and employees.

The employers and the employees in this country are the ones who are most vitally interested and affected by this Bill that is now going to be introduced. And we know and the country knows that the employees, almost by unanimous resolution, representing over 200,000 workers have denounced this Bill.

An HON. MEMBER: On whose instructions?

Mr. DAVIDOFF: We also know—according to a Press report—that the Chairman of the Federated Chamber of Industries stated—that this might be his personal opinion—that the employers' associations and the Chamber of Industries are opposed to this Bill. Here we have a case put before the country that both the employees and the employers, the people most vitally affected, as I have said, have condemned the Bill. That is an additional reason why we on the Labour benches say that we have every reason to oppose leave to introduce.

Then I would like to refer the hon. the Minister particularly and the hon. members of this House, to the often stated policy of this Government. It is stated in the following words—

The system of collective bargaining has out-stayed . . .

The MINISTER OF LABOUR: That has nothing to do with this motion.

Mr. DAVIDOFF: It goes on to say—

. . . its usefulness entirely. Under the new economic system . . .

Mr. SPEAKER: Order, order! The hon. member can make those remarks at a later stage.

Mr. DAVIDOFF: Yes Sir, but I am just . . .

Mr. SPEAKER: No, the hon. member cannot argue about it.

Mr. DAVIDOFF: Very well, Sir, but reference was made to the fact that this Government wants to bring about a new state of affairs under which the system of collective bargaining would lose its usefulness entirely. That stated policy has never been repudiated by the hon. the Minister or by any member of the present Government. It has never been repudiated although we have to go back to 1943 to find the genesis of this policy. Mr. Speaker, the point that I want to make is that this Bill—and again I am only referring to the long title—shows clearly that it is possible that this Bill will bring about that state of affairs to which I have referred. We know that years ago in other parts of the world—and now I am referring to this part of the long title—

to provide for the establishment of an industrial tribunal and to define its functions.

We know that years ago in other parts of the world similar tribunals were started, and that in those parts of the world we eventually found that the workers became servile to the State; that the State controlled the workers. I refer, for instance, to Italy . . .

Mr. SPEAKER: Order! The hon. member can make those remarks in the second reading.

Mr. DAVIDOFF: Yes Sir, I just want to say . . .

Mr. SPEAKER: No, the hon. member asked for certain assurances and he must address the House on those assurances.

Mr. DAVIDOFF: Yes Sir. The assurance that we ask in terms of Clause C of our amendment reads as follows—

The proposed industrial tribunal will not limit the traditional system of collective bargaining nor bar access to the Courts on matters of fact as well as law.

I say that there has been created a very dangerous specimen in the creation of what may be a similar tribunal, although it may be . . .

This poem was written ten days after his execution. She says this—

Oh, England, what is this that thou hast done!
A deed so black, so steeped in coward shame
that we, thy British subjects o'er the seas,
must weep hot tears of bitter self contempt
to bear so foul a name. Alas! alas!
Thou dost not know, or see, or feel. Deaf,
dumb
and stone blind, thou reelest to ruin.
What is one young and gallant life to thee?
What matter faith and knightly-hood and honour
to those, who calmly starve young babes
to death?
"England, thou hast already lost thy spurs!"
So spake another of thy modern seers.—
Thy "spurs?" Aye, knighthood, manhood,
name and fame!
All, all are lost; and England—Milton's
England,
now grasps a tinsel Empire in their place.
We wish her joy of her so noble choice,
and turn away our hearts to the lone grave
where Scheepers lies, away to burger-faith
to nobler manhood, truer Chivalry
than ever Empires breed.

England, Farewell!

Mr. Chairman, that is past. Even the attitude of the politicians of England changed. It ended with the National Convention at which the people of this country, English and Afrikaans, decided to try to forget what had happened in the past and to build a united South Africa in this country. That is the spirit in which we must carry on in this country. That is the spirit which we must regain in this House, not a spirit which does not appreciate and which does not understand and which does not even try to understand what has happened in the past in this country, and what hallowed names these men represent to a certain section of our people.

Mr. Chairman, I am prepared to accept it that the hon. member for Port Elizabeth (Central) (Mr. R. A. P. Trollip) does not know the history of this country, and did not feel and did not know what was meant by this name of Scheepers. I want to make an appeal to the hon. member to get up and say that he was not aware of the true background of Gideon Scheepers.

Mr. MENTZ: He should apologize.

Mr. WARING: That he now understands, possibly, that things were seen in a different light from that which he was given to understand before he made his speech. [Time limit.]

*Mr. J. H. FOUCHÉ: Mr. Chairman, this speech by the hon. member for Orange Grove (Mr. Waring) was like a cool fresh breeze blowing through our political life. He is a person who can judge objectively, and as long as we

can hear such speeches, I have every hope for the two sections of the population of South Africa. Here we have someone who has demonstrated that he can judge reasonably. As long as an Afrikaner of the Cape fought on the side of England during the Boer War, he was a hero. But if he fought with the Boer forces he was branded as murderer. That is why I say that it is most refreshing to hear from a person who speaks English in his home, a eulogy on those Afrikaners who stood by their nation.

The hon. member for Pinetown (Mr. Hope-well) gets terribly worked up when the nationally-minded Afrikaners refuse to take part in England's wars. The other evening here he took it amiss because we did not join up during the last war. I expect he would like to see the Afrikaners taken advantage of just as the French are, because usually England fights her wars to the last Frenchman; and if she has no Frenchmen then the Afrikaners must be used. But this time we were too clever; we did not get ourselves shot, and that is why we were here to gain the victory in 1948 and 1953. Had we gone fighting it might have been the last of us and then we should not have been able to save South Africa.

Mr. HOPEWELL: May I point out that I have not yet taken part in the debate.

*Mr. J. H. FOUCHÉ: I beg your pardon, I meant the hon. member for Pinelands (Mr. du Toit). I listened attentively to the speeches of the hon. member for Kensington (Mr. Moore) and the hon. member for Pinelands, when they pleaded that we should once again put the Coloureds into uniform. The Afrikaners still feel very allergic to having the Coloureds in uniform, because the Afrikaners still remember the days of the Pandours when Afrikaners were shot down by those Pandours; and when they pleaded so passionately here for the Pandours, I saw before my mind's eye the hon. the Leader of the Opposition as brigadier, with kettledrum and drum before him and on either side of this regiment Sergeant Major Moore and Sergeant Major du Toit, all marching together; and then I heard them playing the bagpipes, one playing "Onward Christian Soldiers" and the other "We are marching to Pretoria". The hon. members so badly want to recreate these "Pandoer" regiments just as they were in the past...

*The CHAIRMAN: Order, order! I appeal to hon. members to return to the subject under discussion now. The discussion which has taken place thus far has dealt with that particular subject quite sufficiently and now we must return to the subject, namely, the Defence Vote.

*Mr. J. H. FOUCHÉ: Thank you very much for your ruling, Mr. Chairman. I was on the point of speaking to the hon. the Minister.

*Sir DE VILLIERS GRAAFF: You must speak softly to him.

*Mr. J. H. FOUCHÉ: I merely told hon. members opposite what we think of their plans. The hon. member for Hottentots-Holland (Sir de Villiers Graaff) says that I must speak to the hon. the Minister. I want to tell him that if there is one Minister of whom we Nationalists are proud, then it is the present Minister of Defence. Now while I am speaking to the hon. the Minister, I wish to plead for our Rifle Associations. The hon. the Minister knows that the pleasantest and most enjoyable sport for Afrikaners is target shooting, but cartridges are so expensive that to-day a poor man can scarcely take part in that type of sport. To-day it is practically only the rich man who can take part in this sport. If we bear in mind how well our marksmen did recently at Bloemfontein in the Bisley, and how well our people did overseas when they went to Scotland, then it is surely high time that we meet these people halfway.

I wish to plead with the hon. the Minister, too, to reinstate the military reviews. To me it was always an institution of great educational value. Our people competed among one another; various rifle commandos met there; aeroplanes were sent to give demonstrations, and also land forces were sent to show people what they could do. Therefore I should like to see these military reviews reinstated. Our people on the platteland are greatly in favour of them.

Mr. HEPPLÉ: Mr. Chairman, I want to strike a somewhat different note in this debate. I would like to deal with the Defence Vote.

An HON. MEMBER: Quite clever.

Mr. HEPPLÉ: The hon. the Minister will remember that last year I raised the question of the amount which this Parliament was voting for Defence, and at the time I moved a token amendment to reduce the amount asked for, merely to provoke some discussion upon the Vote. Unfortunately the House was not interested, with the possible exception of the hon. the Minister himself. I think that he understands very well why I do that. This Parliament is unique among the Commonwealth Parliaments, and probably among most democratic Parliaments in that it treats the Defence Vote as if it is a sacred cow which must not be criticized. That is a very dangerous thing indeed. It is one thing for a country to take every precaution possible and to spend as much money as possible upon defence, but it is another thing for a Parliament to blindly vote money without the Government being accountable to Parliament. It is the function of Parliament to criticize and to evoke some discussion on a matter of this nature, and for that reason I rise again this year in order to discuss the matter with the hon. the Minister.

As I said last year, I am making no objection to the amount spent on the main items for A.C.F. training and the Permanent Force. I am not concerned with those matters

at all. That is a normal requirement of the Defence Vote and it is an essential. The point which I want to raise, which I raised in the Budget debate earlier, is the question of the money that we are spending for special equipment. Last year the hon. the Minister replied to me by saying that we have certain commitments and that we must honourably fulfil those commitments. I have no quarrel with that, but what I do feel is that the hon. the Minister should explain to the Committee, further than he did last year, the reasons why we are still maintaining our Defence Vote at an amount of roughly £20,000,000. We are in a different position from most other countries, as has been said earlier in this debate, in so far as our expenditure on defence is concerned. The new circumstances that have arisen in recent years in the world, with the atomic bomb and the hydrogen bomb, require not only from other parts of the world but also from South Africa a "new look" on the question of defence. It requires us to have a much different outlook. For instance, I heard in the debate yesterday a discussion about a bomber squadron, and I think that the hon. the Minister is correct when he says that such a thing is secondary in importance at this stage in South Africa's defence, and that there are other matters that are of greater importance. But I want to say this, that the tone of the debate year after year in this House on defence matters must give great comfort to any enemy of this country.

Mr. BEZUIDENHOUT: And to the jingoes.

Mr. HEPPLÉ: I do not think that an interjection like that will help either. I say that I would like to have seen this Committee having a debate upon defence expenditure, and I would like to have seen the hon. the Minister in a position where he would have to give far wider explanations of the policy that is generally being followed by the Government in relation to defence in this changing world. We have spent in less than four years over £100,000,000. I have here a report that was issued by the Department of Defence. I quote from the *Rand Daily Mail* of 23 February of this year—

It was stated by the Department of Defence that since 1948 nearly a £1,000,000 has been spent on providing additional storage space for the Union's military supplies, while the expenditure of a further £100,000 in the near future is planned in order to meet the urgent demand in some measure.

Mr. Chairman, if we continue stock piling in that way, there will be no end to the demands for storage space, and that raises the question which I raised last year, the question of obsolescence. I agree that we have to take a certain degree of risk in that regard, but perhaps it would be worth the attention of this Committee to consider to what extent we must

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