UNION OF SOUTH AFRICA

DEBATES

OF THE

HOUSE OF ASSEMBLY

(HANSARD)

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

THIRD SESSION — TENTH PARLIAMENT

20th January to 24th June, 1950

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PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

ERRATA

Col. 563, line 44, *for* "several thousands" *read* "several hundred thousands".

Col. 2149, line 11, *for* "page 51" *read* "page 37".

Col. 8659, line 44, *after* "election" *read* "Mr. BARLOW".

THE MINISTRY

PRIME MINISTER	Dr. the Hon. D. F. MALAN, M.P.
MINISTER OF EXTERNAL AFFAIRS	
MINISTER OF FINANCE	The Hon. N. C. HAVENGA, M.P.
MINISTER OF NATIVE AFFAIRS	Dr. the Hon. E. G. JANSEN, M.P.
MINISTER OF LANDS	The Hon. J. G. STRYDOM, M.P.
MINISTER OF IRRIGATION	
MINISTER OF FORESTRY	
MINISTER OF JUSTICE	The Hon. C. R. SWART, M.P.
MINISTER OF EDUCATION, ARTS & SCIENCE	
MINISTER OF TRANSPORT	The Hon. P. O. SAUER, M.P.
MINISTER OF AGRICULTURE	The Hon. S. P. LE ROUX, M.P.
MINISTER OF ECONOMIC AFFAIRS	The Hon. E. H. LOUW, M.P.
MINISTER OF HEALTH	Dr. the Hon. A. J. STALS, M.P.
MINISTER OF SOCIAL WELFARE	
MINISTER OF THE INTERIOR	Dr. the Hon. T. E. DÖNGES, K.C., M.P.
MINISTER OF MINES	
MINISTER OF DEFENCE	The Hon. F. C. ERASMUS, M.P.
MINISTER OF POSTS & TELEGRAPHS	
MINISTER OF LABOUR	The Hon. B. J. SCHOEMAN, M.P.
MINISTER OF PUBLIC WORKS	

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

MEMBERS OF THE HOUSE OF ASSEMBLY

AND THE ELECTORAL DIVISIONS REPRESENTED BY THEM.

SPEAKER: THE HON. J. F. T. NAUDÉ, M.P.
DEPUTY SPEAKER AND CHAIRMAN OF COMMITTEES: DR. D. G. CONRADIE, M.P.
DEPUTY CHAIRMAN OF COMMITTEES: MR. G. P. STEYN, M.P.
CLERK OF THE HOUSE: MR. RALPH KILPIN.

Abbott, C. B. M., M.C.—Sea Point.
Abraham, J. H.—Groblersdal.
Allen, F. B.—Roodepoort.

*Ballinger, Mrs. V. M. L.—Cape Eastern.
Barlow, A. G.—Hospital.
Bekker, G. F. H.—Cradock.
Bekker, H. T. van O.—Kimberley (District).
Bekker, P. B.—Johannesburg (North).
Bell, R. E.—Houghton.
Benson, Mrs. E. A.—Durban (Umbilo).
Bezuidenhout, J. T.—Bethal-Middelburg.
Bloomberg, A.—Cape Town (Castle).
Boltman, F. H.—De Aar-Colesberg.
Botha, P. W.—George.
Bowker, T. B.—Albany.
Brink, W. D.—Christiana.
Brits, G. P.—Losberg.
Brooke, R. S.—Mowbray.
Butters, Capt. W. R.—Wynberg.

Christie, J.—Johannesburg (City).
Conradie, Dr. D. G.—Uitenhage (*Deputy Speaker and Chairman of Committees*).
Conradie, J. H.—Gordonia.
Cull, J. A.—Port Elizabeth (North).

Davidoff, H.—Edenvale.
Davis, A., K.C.—Pretoria (City).
Delport, G. S. P.—Caledon.
Deysel, A. J. B.—North East Rand.
Diederichs, Dr. N.—Randfontein.
Döhne, Col. J. L. B.—Frankfort.
Dönges, Dr. the Hon. T. E., K.C.—Worcester.
Du Pisanie, J.—Germiston.
Du Plessis, P. J. C.—Bloemfontein (District).
Du Plessis, W. C.—Standerton.
Du Toit, R. J.—Cape Flats.

Eaton, A. H. J.—Durban (Musgrave).
Eaton, N. G.—Durban (Umlazi).
Erasmus, Hon. F. C.—Moorreesburg.
Erasmus, H. S.—Boshof-Hoopstad.
Erlank, A. E.—Parow.
Eyssen, S. H.—Heidelberg.

Faurie, W. H.—Barberton.
Fouché, J. H.—Rustenburg.
Fouché, J. J.—Smithfield.
Frates, T. J.—Koedoespoort.
Friedman, Dr. B.—Hillbrow.
Frielinghaus, H. O.—Port Elizabeth (South).
Fullard, G. J.—Vryheid.

Gale, D. J.—East London (North).
Gay, L. C.—South Peninsula.
Gluckman, Dr. the Hon. H.—Yeoville.
Graaff, Sir de V.—Hottentots Holland.
Grobler, D. C. S.—Marico.

Havenga, Hon. N. C.—Ladybrand.
Hayward, G. N.—Port Elizabeth (District).
Henderson, E. J. W.—Parktown.
Henwood, Capt. B. H. — Pietermaritzburg (District).
Hepple, A.—Rosettenville.
Hertzog, Dr. A.—Ermelo.
Higgerty, J. W.—Von Brandis.
Hopewell, A.—Durban (Pinetown).
Hughes, T. G.—Transkeian Territories.
Hugo, P. J.—Paarl.

Jansen, Dr. the Hon. E. G.—Wolmaransstad.
Jonker, Dr. A. H.—Cape Town (Gardens).
Jordan, Col. R. D. P.—Rondebosch.

†Kahn, S.—Cape Western.
Kentridge, M.—Troyeville.
Klopper, H. J.—Vredefort.

Labuschagne, J. S.—Klip River.
Lawrence, Hon. H. G., K.C.—Salt River.
Le Roux, P. M. K.—Victoria West.
Le Roux, Hon. S. P.—Oudtshoorn.
Lewis, J.—Durban (North).
Liebenberg, J. L. V.—Lydenburg.
Loock, Dr. J. H.—Vereeniging.
Loubser, J. A.—Stellenbosch.
Loubser, S. M.—Malmesbury.
Louw, Hon. E. H.—Beaufort West.
Lovell, L.—Benoni.
Ludick, A. I.—Lichtenburg.
Luttig, Dr. H. G.—Mayfair.
Luttig, P. J. H.—Calvinia.

McMillan, Col. N. D.—Durban (Central).
Malan, Prof. A. I.—Gezina.
Malan, Dr. the Hon. D. F.—Piketberg.
Maree, W. A.—Newcastle.
Mentz, F. E.—Westdene.
Mitchell, D. E.—Natal South Coast.
Moore, P. A.—Kensington.
Mortifee, A. W. S.—Zululand.
Mostert, D. J. J.—Witbank.
Mushet, Hon. J. W.—Vasco.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Naudé, Hon. J. F. T.—Pietersburg (*Speaker*).
Nel, M. D. C. de W.—Wonderboom.

Olivier, P. J.—Kuruman.
Oost, H.—Pretoria (District).
Oosthuizen, Col. O. J. — Port Elizabeth (Central).
Oppenheimer, H. F.—Kimberley (City).

Papenfus, S. F.—Harrismith.
Pieterse, Maj. P. W. A.—Heilbron.
Pocock, P. V.—Pretoria (Sunnyside).
Potgieter, J. E.—Brits.

Robinson, A. E. P.—Langlaagte.
Russell, J. H.—Woodstock.

Sauer, Hon. P. O.—Humansdorp.
Schoeman, Hon. B. J.—Maraisburg.
Scholtz, D. J.—Namaqualand.
Serfontein, J. J.—Fauresmith.
Shearer, Col. O. L., C.B.E., E.D. — Pietermaritzburg (City).
Shearer, Dr. V. L.—Durban (Point).
Smit, Dr. D. L.—East London (City).
Smuts, Field-Marshal the Rt. Hon. J. C., O.M., C.H., K.C., D.T.D.—Pretoria (East).
Solomon, Mrs. B.—Jeppes.
Solomon, V. G. F.—Fort Beaufort.
Stals, Dr. the Hon. A. J.—Ceres.
Steenkamp, Dr. L. S.—Drakensberg.
Steyn, A.—Kroonstad.
Steyn, Dr. the Hon. C. F., K.C.—Bloemfontein (City).
Steyn, G. P.—Graaff-Reinet (*Deputy Chairman of Committees*).
Steyn, Dr. J. H.—Potchefstroom.
Steyn, S. J. M.—Alberton.
Strauss, Hon. J. G. N., K.C. — Germiston (District).
Strydom, Capt. G. H. F.—Aliwal.
Strydom, Hon. J. G.—Waterberg.
‖Stuart, W. H.—Transkei.
Sturrock, Hon. F. C.—Turffontein.
Sullivan, J. R.—Durban (Berea).
Sutter, G. J.—Springs.
Swart, Hon. C. R.—Winburg.

Tighy, S. J.—Johannesburg (West).
Tothill, H. A.—Bezuidenhout.
Trollip, A. E.—Brakpan.

Ueckermann, K.—Nigel.
Uys, D. C. H.—Bredasdorp.

Van Coller, Hon. C. M.—Queenstown.
Van den Berg, M. J.—Krugersdorp.
Van den Heever, D. J. G. — Pretoria (Central).
Van der Byl, Maj. the Hon. P., M.C. — Green Point.
Van Heerden, D. P.—Pretoria (West).
Van Niekerk, J. G. W.—Wakkerstroom.
Van Nierop, Dr. P. J.—Mossel Bay.
Van Rhyn, Dr. A. J. R.—Bethlehem.
Van Schoor, Rev. J. J. F.—Zoutpansberg.
Viljoen, J. H.—Vryburg.
Visser, De V.—Kempton Park.
Vosloo, L. J.—Somerset East.

Waring, F. W.—Orange Grove.
Warren, C. M.—King William's Town.
Warren, S. E.—Swellendam.
Waterson, Hon. S. F.—Claremont.
Wilkins, Col. J., D.S.O.—Ventersdorp.
Wilkins, J.—Klerksdorp.
Williams, H. J.—Boksburg.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

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* Elected on 23rd November, 1948, under provisions of Representation of Natives Act, 1936 (Act No. 12 of 1936).

† Elected on 22nd November, 1948, under provisions of Representation of Natives Act, 1936 (Act No. 12 of 1936).

‖ Elected on 25th November, 1948, under provisions of Representation of Natives Act, 1936 (Act No. 12 of 1936).

ALPHABETICAL LIST OF ELECTORAL DIVISIONS AND CIRCLES

AND THEIR REPRESENTATIVES IN THE HOUSE OF ASSEMBLY.

Albany—Bowker, T. B.
Alberton—Steyn, S. J. M.
Aliwal—Strydom, Capt. G. H. F.

Barberton—Faurie, W. H.
Beaufort West—Louw, Hon. E. H.
Benoni—Lovell, C.
Bethal-Middelburg—Bezuidenhout, J. T.
Bethlehem—Van Rhyn, Dr. A. J. R.
Bezuidenhout—Tothill, H. A.
Bloemfontein (City)—Steyn, Dr. the Hon. C. F., K.C.
Bloemfontein (District)—Du Plessis, P. J. C.
Boksburg—Williams, H. J.
Boshof-Hoopstad—Erasmus, H. S.
Brakpan—Trollip, A. E.
Bredasdorp—Uys, D. C. H.
Brits—Potgieter, J. E.

Caledon—Delport, G. S. P.
Calvinia—Luttig, P. J. H.
Cape Eastern—Ballinger, Violet M. L.
Cape Flats—Du Toit, R. J.
Cape Town (Castle)—Bloomberg, A.
Cape Town (Gardens)—Jonker, Dr. A. H.
Cape Western—Kahn, S.
Ceres—Stals, Dr. the Hon. A. J.
Christiana—Brink, W. D.
Claremont—Waterson, Hon. S. F.
Cradock—Bekker, G. F. H.

De Aar-Colesberg—Boltman, F. H.
Drakensberg—Steenkamp, Dr. L. S.
Durban (Berea)—Sullivan, J. R.
Durban (Central)—McMillan, Col. N. D.
Durban (Musgrave)—Eaton, A. H. J.
Durban (North)—Lewis, J.
Durban (Pinetown)—Hopewell, A.
Durban (Point)—Shearer, Dr. V. L.
Durban (Umbilo)—Benson, Edith A.
Durban (Umlazi)—Eaton, N. G.

East London (City)—Smit, Dr. D. L.
East London (North)—Gale, D. J.
Edenvale—Davidoff, H.
Ermelo—Hertzog, Dr. A.

Fauresmith—Serfontein, J. J.
Fort Beaufort—Solomon, V. G. F.
Frankfort—Döhne, Col. J. L. B.

George—Botha, P. W.
Germiston—Du Pisanie, J.
Germiston (District)—Strauss, Hon. J. G. N., K.C.
Gezina—Malan, Prof. A. I.
Gordonia—Conradie, J. H.

Graaff-Reinet—Steyn, G. P.
Green Point—Van der Byl, Maj. the Hon. P. V. G., M.C.
Groblersdal—Abraham, J. H.

Harrismith—Papenfus, S. F.
Heidelberg—Eyssen, S. H.
Heilbron—Pieterse, Maj. P. W. A.
Hillbrow—Friedman, Dr. B.
Hospital—Barlow, A. G.
Hottentots-Holland—Graaff, Sir de V.
Houghton—Bell, R. E.
Humansdorp—Sauer, Hon. P. O.

Jeppes—Solomon, Bertha.
Johannesburg (City)—Christie, J.
Johannesburg (North)—Bekker, P. B.
Johannesburg (West)—Tighy, S. J.

Kempton Park—Visser, de V.
Kensington—Moore, P. A.
Kimberley (City)—Oppenheimer, H. F.
Kimberley (District)—Bekker, H. T. van G.
King William's Town—Warren, C. M.
Klerksdorp—Wilkens, Jan.
Klip River—Labuschagne, J. S.
Koedoespoort—Frates, T. J.
Kroonstad—Steyn, A.
Krugersdorp—Van den Berg, M. J.
Kuruman—Olivier, P. J.

Ladybrand—Havenga, Hon. N. C.
Langlaagte—Robinson, A. E. P.
Lichtenburg—Ludick, A. I.
Losberg—Brits, G. P.
Lydenburg—Liebenberg, J. L. V.

Malmesbury—Loubser, S. M.
Maraisburg—Schoeman, Hon. B. J.
Marico—Grobler, D. C. S.
Mayfair—Luttig, Dr. H. G.
Moorreesburg—Erasmus, Hon. F. C.
Mossel Bay—Van Nierop, Dr. P. J.
Mowbray—Brooke, R. S.

Namaqualand—Scholtz, D. J.
Natal South Coast—Mitchell, D. E.
Newcastle—Maree, W. A.
Nigel—Ueckermann, K.
North East Rand—Deysel, A. J. B.

Orange Grove—Waring, F. W.
Oudtshoorn—Le Roux, Hon. S. P.

Paarl—Hugo, P. J.
Parktown—Henderson, E. J. W.
Parow—Erlank, A. E.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Pietermaritzburg (City)—Shearer, Col. O. L., C.B.E., E.D.
Pietermaritzburg (District)—Henwood, Capt. B. H.
Pietersburg—Naudé, Hon. J. F. T.
Piketberg—Malan, Dr. the Hon. D. F.
Port Elizabeth (Central)—Oosthuizen, Lt.-Col. O. J.
Port Elizabeth (District)—Hayward, G. N.
Port Elizabeth (North)—Cull, J. A.
Port Elizabeth (South)—Frielinghaus, H. O.
Potchefstroom—Steyn, Dr. J. H.
Pretoria (Central)—Van den Heever, D. J. G.
Pretoria (City)—Davis, A., K.C.
Pretoria (District)—Oost, H.
Pretoria (East)—Smuts, Field-Marshal the Rt. Hon. J. C., O.M., C.H., K.C., D.T.D.
Pretoria (Sunnyside)—Pocock, P. V.
Pretoria (West)—Van Heerden, D. P.

Queenstown—Van Coller, Hon. C. M.

Randfontein—Diederichs, Dr. N.
Rondebosch—Jordan, Col. R. D. P.
Roodepoort—Allen, F. B.
Rosettenville—Hepple, A.
Rustenburg—Fouché, J. H.

Salt River—Lawrence, Hon. H. G., K.C.
Sea Point—Abbott, C. B. M., M.C.
Smithfield—Fouché, J. J.
Somerset East—Vosloo, L. J.
South Peninsula—Gay, L. C.
Springs—Sutter, G. J.
Standerton—Du Plessis, W. C.
Stellenbosch—Loubser, J. A.
Swellendam—Warren S. E.

Transkei—Stuart, W. H.
Transkeian Territories—Hughes, T. G.
Troyeville—Kentridge, M.
Turffontein—Sturrock, Hon. F. C.

Uitenhage—Conradie, Dr. D. G.

Vasco—Mushet, Hon. J. W.
Ventersdorp—Wilkens, Col. Jacob, D.S.O.
Vereeniging—Loock, Dr. J. H.
Victoria West—Le Roux, P. M. K.
Von Brandis—Higgerty, J. W.
Vredefort—Klopper, H. J.
Vryburg—Viljoen, J. H.
Vryheid—Fullard, G. J.

Wakkerstroom—Van Niekerk, J. G. W.
Waterberg—Strydom, Hon. J. G.
Westdene—Mentz, F. E.
Winburg—Swart, Hon. C. R.
Witbank—Mostert, D. J. J.
Wolmaransstad—Jansen, Dr. the Hon. E. G.
Wonderboom—Nel, M. D. C. de W.
Woodstock—Russell, J. H.
Worcester—Dönges, Dr. the Hon. T. E., K.C.
Wynberg—Butters, Capt. W. R.

Yeoville—Gluckman, Dr. the Hon. H.

Zoutpansberg—Van Schoor, Rev. J. J. F.
Zululand—Mortifee, A. W. S.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

BILLS OF THE SESSION

No. of Bill.	No. of Act.	Short Title.
1950.		
A.B.		
1—'50	16—'50†	Privy Council Appeals.
2—'50	21—'50*	Immorality Amendment.
3—'50	—	Administration of Estates (w). (See A.B. 47—'50.)
4—'50	18—'50*	Aviation Amendment.
5—'50	8—'50†	Atomic Energy Amendment.
6—'50	15—'50*	Asiatic Land Tenure Amendment.
7—'50	13—'50*	Medical, Dental and Pharmacy Amendment.
8—'50	—	Nursing Amendment (a).
9—'50	24—'50†	Breede River Conservation District Adjustment (S.C. 11—'50).
10—'50	23—'50*	Olifantsnek Irrigation District Adjustment (S.C. 10—'50).
11—'50	—	Estate Agents (S.C. 8—'50) (a).
12—'50	17—'50*	Rand Water Board Statutes (Private) (S.C. 4—'50).
13—'50	7—'50*	South African Mutual Life Assurance Society Amendment (Private) (S.C. 3—'50).
14—'50	19—'50†	Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) (S.C. 6—'50).
15—'50	—	Southern Suburbs of Cape Town Water Supply Act Amendment (Private) (S.C. 5—'50). [Proceedings suspended.]
16—'50	22—'50†	Copyright Amendment.
17—'50	25—'50*	Fishing Industry Development Amendment.
18—'50	14—'50†	Land Surveyors' Registration.
19—'50	2—'50*	General Loans Amendment.
20—'50	3—'50†	Part Appropriation.
21—'50	—	Native Building Workers (a).
22—'50	1—'50†	Additional Appropriation.
23—'50	9—'50*	Railways and Harbours Part Appropriation.
24—'50	5—'50†	Iron and Steel Industry Amendment.
25—'50	6—'50*	Electricity Amendment.
26—'50	30—'50†	Population Registration (S.C. 9—'50).
27—'50	4—'50*	Unauthorised Expenditure (1948—'49).
28—'50	—	Insurance (Amendment) (a).
29—'50	12—'50†	Railways and Harbours Unauthorised Expenditure.
30—'50	10—'50†	Second Additional Appropriation.
31—'50	11—'50*	Railways and Harbours Additional Appropriation.
32—'50	28—'50†	Government Villages.
33—'50	20—'50†	Administrators' Powers (Validation).
34—'50	40—'50†	Klipfontein Organic Products Corporation.
35—'50	—	Children's Amendment (a).
36—'50	48—'50†	Fertilisers, Farm Feeds, Seeds and Remedies Amendment.
37—'50	38—'50†	Dairy Industry Control Amendment.
38—'50	43—'50*	Rents.
39—'50	—	Hotels (a).
40—'50	—	Special Schools Amendment (a).
41—'50	41—'50*	Group Areas.
42—'50	—	Criminal Procedure and Evidence Amendment (a).
43—'50	29—'50*	War Measures Continuation.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

No. of Bill.	No. of Act.	Short Title.
1950.		
A.B.		
44—'50	—	South-West Africa Affairs Amendment (a).
45—'50	26—'50†	Cape Town Foreshore.
46—'50	42—'50†	Silicosis Amendment.
47—'50	—	Administration of Estates (S.C. 7—'50). (a).
48—'50	—	Unlawful Organisations (w). (See A.B. 61—'50.)
49—'50	31—'50*	Financial Relations Amendment.
50—'50	—	Births Registration Amendment (a).
51—'50	—	Magistrates' Courts Amendment (a).
52—'50	—	Natal Native High Court Amendment (w). (See A.B. 60—'50.)
53—'50	—	Public Holidays Amendment (a).
54—'50	45—'50*	Railways and Harbours Appropriation.
55—'50	—	Merchant Shipping (a).
56—'50	37—'50*	Companies Amendment.
57—'50	49—'50*	Appropriation.
58—'50	—	Marketing Amendment (a).
59—'50	27—'50*	Geneva General Agreement on Tariffs and Trade Amendment.
60—'50	46—'50†	Natal Native High Court Amendment.
61—'50	44—'50†	Suppression of Communism (S.C. 12—'50).
62—'50	36—'50†	Finance.
63—'50	47—'50*	Public Servants (Temporary Employees) Amendment.
64—'50	—	Agricultural Produce Export Amendment (a).
65—'50	35—'50*	Income Tax.
66—'50	33—'50*	Customs Amendment.
67—'50	34—'50†	Excise Amendment.
68—'50	39—'50*	South Africa Act Amendment.
69—'50	32—'50†	Pensions (Supplementary).

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

(a) Dropped in Assembly.

(w) Withdrawn.

(S.C.)—Numbers indicate the number of the printed Report of the Select Committee to which the Bill was referred.

* English version signed by His Excellency the Governor-General, under section *sixty-seven* of the South Africa Act, 1909.

† Afrikaans version signed by His Excellency the Governor-General, under section *sixty-seven* of the South Africa Act, 1909.

ACTS OF THE SESSION

I.—IN ALPHABETICAL ORDER.

20—'50—† Administrator's Powers (Validation).
2—'50—* Appropriation.
1—'50—† Appropriation (Additional).
3—'50—† Appropriation (Part).
10—'50—† Appropriation (Second Additional).
15—'50—* Asiatic Land Tenure Amendment.
8—'50—† Atomic Energy Amendment.
18—'50—* Aviation Amendment.
24—'50—† Breede River Conservation District Adjustment (S.C. 10—'50).
26—'50—† Cape Town Foreshore.
37—'50—* Companies Amendment.
22—'50—† Copyright Amendment.
33—'50—* Customs Amendment.
38—'50—† Dairy Industry Control Amendment.
6—'50—* Electricity Amendment.
34—'50—† Excise Amendment.
48—'50—† Fertilisers, Farm Feeds, Seeds and Remedies Amendment.
36—'50—† Finance.
31—'50—* Financial Relations Amendment.
25—'50—* Fishing Industry Development Amendment.
2—'50—* General Loans Amendment.
27—'50—* Geneva General Agreement on Tariffs and Trade Amendment.
28—'50—† Government Villages.
41—'50—* Group Areas.
21—'50—* Immorality Amendment.
35—'50—* Income Tax.
5—'50—† Iron and Steel Industry Amendment.
40—'50—† Klipfontein Organic Products Corporation.
14—'50—† Land Surveyors' Registration.
13—'50—* Medical, Dental and Pharmacy Amendment.
46—'50—† Natal Native High Court Amendment.
23—'50—* Olifantsnek Irrigation District Adjustment (S.C. 10—'50).
32—'50—† Pensions (Supplementary).
30—'50—† Population Registration (S.C. 9—'50).
19—'50—† Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) (S.C. 6—'50).
16—'50—† Privy Council Appeals.
47—'50—* Public Servants (Temporary Employees) Amendment.
11—'50—* Railways and Harbours Additional Appropriation.
45—'50—* Railways and Harbours Appropriation.
9—'50—* Railways and Harbours Part Appropriation.
12—'50—† Railways and Harbours Unauthorised Expenditure.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

17—'50—* Rand Water Board Statutes (Private) (S.C. 4—'50).
43—'50—* Rents.
39—'50—* South Africa Act Amendment.
7—'50—* South African Mutual Life Assurance Society Amendment (Private) (S.C. 3—'50).
42—'50—† Silicosis Amendment.
44—'50—† Suppression of Communism (S.C. 12—'50).
4—'50—* Unauthorised Expenditure (1948-'49).
29—'50—* War Measures Continuation.

PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

* English version signed by His Excellency the Governor-General, under section *sixty-seven* of the South Africa Act, 1909.

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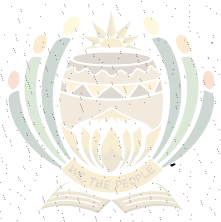
ACTS OF THE SESSION

II.—IN CHRONOLOGICAL ORDER.

1—'50—† Appropriation (Additional).
2—'50—* General Loans Amendment.
3—'50—† Appropriation (Part).
4—'50—* Unauthorised Expenditure (1948-'49).
5—'50—† Iron and Steel Industry Amendment.
6—'50—* Electricity Amendment.
7—'50—* South African Mutual Life Assurance Society Amendment (Private) (S.C. 3—'50).
8—'50—† Atomic Energy Amendment.
9—'50—* Railways and Harbours Part Appropriation.
10—'50—† Appropriation (Second Additional).
11—'50—* Railways and Harbours Additional Appropriation.
12—'50—† Railways and Harbours Unauthorised Expenditure.
13—'50—* Medical, Dental and Pharmacy Amendment.
14—'50—† Land Surveyors' Registration.
15—'50—* Asiatic Land Tenure Amendment.
16—'50—† Privy Council Appeals.
17—'50—* Rand Water Board Statutes (Private) (S.C. 4—'50).
18—'50—* Aviation Amendment.
19—'50—† Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) (S.C. 6—'50).
20—'50—† Administrator's Powers (Validation).
21—'50—* Immorality Amendment.
22—'50—† Copyright Amendment.
23—'50—* Olifantsnek Irrigation District Adjustment (S.C. 10—'50).
24—'50—† Breede River Conservation District Adjustment (S.C. 11—'50).
25—'50—* Fishing Industry Development Amendment.
26—'50—† Cape Town Foreshore.
27—'50—* Geneva General Agreement on Tariffs and Trade Amendment.
28—'50—† Government Villages.
29—'50—* War Measures Continuation.
30—'50—† Population Registration (S.C. 9—'50).
31—'50—* Financial Relations Amendment.
32—'50—† Pensions (Supplementary).
33—'50—* Customs Amendment.
34—'50—† Excise Amendment.
35—'50—* Income Tax.
36—'50—† Finance.
37—'50—* Companies Amendment.
38—'50—† Dairy Industry Control Amendment.
39—'50—* South Africa Act Amendment.
40—'50—† Klipfontein Organic Products Corporation.

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41—'50—* Group Areas.
42—'50—† Silicosis Amendment.
43—'50—* Rents.
44—'50—† Suppression of Communism (S.C. 12—'50).
45—'50—* Railways and Harbours Appropriation.
46—'50—† Natal Native High Court Amendment.
47—'50—* Public Servants (Temporary Employees) Amendment.
48—'50—† Fertilisers, Farm Feeds, Seeds and Remedies Amendment.
49—'50—* Appropriation.



PARLIAMENT
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SELECT AND SESSIONAL COMMITTEES

Printed No. of Report.	
S.C. 1—'50.	Public Accounts [First—*On Unauthorised Expenditure,* 1948-'49; Second—*On Appropriation Accounts, etc., for* 1948-'49].
S.C. 1A—'50.	Public Accounts [Third—*On Accounts of Regulatory Boards, etc.*].
S.C. 1B—'50.	Public Accounts [Fourth—*On Petition of Municipality of Potchefstroom*]
S.C. 2—'50.	Railways and Harbours [First—*On Unauthorised Expenditure,* 1948-'49; Second—*On Controller and Auditor-General's Report on Accounts, etc.*].
S.C. 2A—'50.	Railways and Harbours [Third—*On Petition of J. Farrell*].
S.C. 3—'50.	*South African Mutual Life Assurance Society Amendment (Private) Bill.*
S.C 4—'50.	Legislative Effect of *Rand Water Board Statutes (Private) Bill.*
S.C. 5—'50.	*Southern Suburbs of Cape Town Water Supply Act Amendment (Private) Bill.*
S.C. 6—'50.	*Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Bill.*
S.C. 7—'50.	Subject of *Administration of Estates Bill.*
S.C. 8—'50.	Subject of *Estate Agents Bill.*
S.C. 9—'50.	*Population Registration Bill.*
S.C. 10—'50.	*Olifantsnek Irrigation District Adjustment Bill* [Hybrid Bill].
S.C. 11—'50.	*Breede River Conservation District Adjustment Bill* [Hybrid Bill].
S.C. 12—'50.	Subject of *Unlawful Organisations Bill.*
S.C. 13—'50.	Standing Rules and Orders.
S.C. 14—'50.	Crown Lands.
S.C. 15—'50.	Pensions, Grants and Gratuities [*On Railway and Treasury Memoranda and Petitions referred*].
S.C. 16—'50.	Irrigation Matters [First and Second—*On Reports and Petitions referred*].
S.C. 17—'50.	Native Affairs.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

UNION OF SOUTH AFRICA

HOUSE OF ASSEMBLY DEBATES

(HANSARD)

THIRD SESSION — TENTH PARLIAMENT

The sign * indicates that the speech was delivered in Afrikaans and then translated.

FRIDAY, 20th JANUARY, 1950.

MEETING OF PARLIAMENT.

Pursuant to Proclamation of His Excellency the Governor-General, No. 158, dated 30th June, 1949, summoning Parliament to meet on this day for the dispatch of business, members met in the Assembly Chamber of the House of Assembly, Parliament Houses, Cape Town, and Mr. Speaker took the Chair at 11.35 a.m.

The CLERK OF THE HOUSE read the Proclamation.

VACANCIES.

Mr. SPEAKER announced that vacancies had occurred during the recess in the representation in this House of the following electoral divisions, viz.:

(1) South Peninsula, on the 2nd August, owing to the resignation of Mr. M. Sonnenberg.

(2) Drakensberg, on the 9th August, owing to the death of Mr. H. Abrahamson; and

(3) Harrismith, on the 1st September, owing to the resignation of Mr. E. R. Strauss.

NEW MEMBERS.

Mr. SPEAKER also announced that during the recess the following vacancies had been filled, viz.:

(1) Mayfair, on the 17th August, by the election of Dr. Hendrik Gerhardus Luttig;

(2) South Peninsula, on the 31st October, by the election of Mr. Lewis Charles Gay;

(3) Drakensberg, on the 31st October, by the election of Dr. Louis Stefanus Steenkamp;

(4) Benoni, on the 9th November, by the election of Mr. Leopold Lovell; and

(5) Harrismith, on the 7th December, by the election of Mr. Simon Frederik Papenfus.

Mr. PAPENFUS, introduced by Mr. Serfontein and Col. Döhne, made, and subscribed to, the affirmation, and took his seat.

Dr. H. G. LUTTIG, introduced by Mr. Potgieter and Mr. du Pisanie, made, and subscribed to, the affirmation, and took his seat.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Bills—

Additional Appropriation Bill (1R), 726; (2R.), 869; (Committee), 890; (3R.), 890.

Administration of Estates Bill (1R.), 9; referred to Select Committee, 262; withdrawn, 5549;

New Bill (1R.), 5549.†

Administrators' Powers (Validation) Bill, (1R.), 2770; (2R.), 4852; (Committee), 4868; (3R.), 4964; Senate amendment agreed to, 5174.

Agricultural Produce Export Amendment Bill (1R.), 8662.†

Appropriation Bill (1R.), 7433; (2R.), 9280, 9670; (Committee), 9706; (3R.), 9706.

Asiatic Land Tenure Amendment Bill (1R.), 10; (2R.), 2159; (Committee), 2221; (Report Stage), 2869; (3R.), 2939; Senate amendment agreed to, 3077.

Atomic Energy Amendment Bill (1R.), 9; (2R.), 2224; (Committee), 2229; (3R.), 2229.

Aviation Amendment Bill (1R.), 9; (2R.), 4051; (Committee), 4052; (3R.), 4053.

Births Registration Amendment Bill (1R.), 6131.†

Breede River Conservation District Adjustment Bill (1R.), 10; (2R.), 2153; referred to Select Committee, 2155; (Committee), 5070; (Report Stage), 5070; (3R.), 5070.

Cape Town Foreshore Bill (1R.), 5296; (2R.), 7912; (Committee), 7940; (Report Stage), 7945; (3R.), 7969.

Children's Amendment Bill (1R.), 2938.†

Companies Amendment Bill (1R.), 7417; (2R.), 9255; (Committee), 9256; (3R.), 9256.

Copyright Amendment Bill (1R.), 263; (2R.), 5176; (Committee), 5297; (3R.), 5297.

Criminal Procedure and Evidence Amendment Bill (1R.), 4852.†

Bills—*continued.*

Customs Amendment Bill (1R.), 8752; (2R.), 9241; (Committee), 9242; (3R.), 9242.

Dairy Industry Control Amendment Bill (1R.), 3225; (2R.), 7945, 7976; (Committee), 9256; (Report Stage), 9280; (3R.), 9280.

Electricity Amendment Bill (1R.), 1571; (2R.), 2122; (Committee), 2221; (3R.), 2342.

Estate Agents Bill (1R.), 32; referred to Select Committee, 79.†

Excise Amendment Bill (1R.), 8752; (2R.), 9242; (Committee), 9245; (3R.), 9245.

Fertilisers, Farm Feeds, Seeds and Remedies Amendment Bill (1R.), 2938; (2R.), 9862; (Committee), 9874; (Report Stage), 9889; (3R.), 9889.

Finance Bill (1R.), 8148; (2R.), 8767; (Committee), 8768, 8883, 9240; (Report Stage), 9241; (3R.), 9241.

Financial Relations Amendment Bill (1R.), 5833; (2R.), 8012; (Committee), 8014; (3R.), 8014.

Fishing Industry Development Amendment Bill (1R.), 263; (2R.), 5177; (Committee), 5182; (3R.), 5182.

General Loans Amendment Bill (1R.), 488; (2R.), 726; (Committee), 730; (Report Stage), 731; (3R.), 731.

Geneva General Agreement on Tariffs and Trade Amendment Bill (1R.), 7959; (2R.), 8148; (Committee), 8149; (3R.), 8149.

Government Villages Bill (1R.), 2770; (2R.), 4053, 8072; (Committee), 8079; (3R.), 8079.

Group Areas Bill (1R.), 4851; (Guillotine), 7322; (2R.), 7433, 7556, 7691; (Committee), 8245, 8287, 8417, 8553; (Report Stage), 8663; (3R.), 8773; Senate Amendments agreed to, 9491.

Hotels Bill (1R.), 3626.†

Immorality Amendment Bill (1R.), 9; (2R.), 2163, 2231; (Committee), 3810; (Report Stage), 3813; (3R.), 4005; Senate Amendment agreed to, 5175.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Bills—*continued.*

Income Tax Bill (1R.), 8752; (2R.), 9212; (Committee), 9229; (3R.), 9240.

Insurance Amendment Bill (1R.), 2342.†

Iron and Steel Industry Amendment Bill (1R.), 1140; (2R.), 1571; (Committee), 2126; (Report Stage), 2342; (3R.), 2549.

Klipfontein Organic Products Corporation Bill (1R.), 2938; (2R.), 5511, 5549, 5651; (Committee), 6627, 6635, 6763; (Report Stage), 7845; (3R.), 7969; Senate Amendments agreed to, 9590.

Land Surveyors' Registration Bill (1R.), 263; (2R.), 2140; (Committee), 2151; (3R.), 2221; Senate amendments agreed to, 2939.

Magistrates' Courts Amendment Bill (1R.), 6635.†

Marketing Amendment Bill (1R.), 7830.†

Medical, Dental and Pharmacy Amendment Bill (1R.), 10; (2R.), 731; (Committee), 1621, 1716; (Report Stage), 1721; (3R.), 1721.

Merchant Shipping Bill (1R.), 7417.†

Natal Native High Court Amendment Bill (1R.), 6763; withdrawn, 7829.

New Bill (1R.), 7959; (2R.), 9890; (Committee), 9894; (3R.), 9896.

Native Building Workers Bill (1R.), 680; (2R.), 1789.†

Nursing Amendment Bill (1R.), 10; (2R.), 3813, 4005, 4022.†

Olifantsnek Irrigation District Adjustment Bill (1R.), 10; (2R.), 2156; referred to Select Committee, 2158; (Committee), 5070; (Report Stage), 5070; (3R.), 5070.

Part Appropriation Bill (1R.), 680; (2R.), 973, 1140, 1313, 1418; (Committee), 1476; (3R.), 1476.

Pension (Supplementary) Bill (1R.), 8909; (2R.), 9211; (Committee), 9212; (3R.), 9212.

Bills—*continued.*

Population Registration Bill (1R.), 1571; (2R.), 2498, 2603, 2777, 2944, 3077; referred to Select Committee, 3159; personal explanation by Minister, 3225; (Committee), 5664, 5771, 5834; (Report Stage), 6177, 6275; recommitted, 6277; (Report Stage), 6286; (3R.), 6537; Senate Amendments agreed to, 9245.

Potchefstroomse Universiteit vir Christelike Hoër Onderwys (Private) Bill (1R.), 80; referred to Select Committee, 263; (2R.), 1935; (Committee), 3175; (Report Stage), 3645; (3R.), 3801.

Privy Council Appeals Bill (1R.), 9; (2R.), 916; (Committee), 972; (Report Stage), 973; (3R.), 973; Senate Amendment agreed to, 2932.

Public Holidays Amendment Bill (1R.), 6947.†

Public Servants (Temporary Employees) Amendment Bill (1R.), 8417; (2.), 9857; (Committee), 9858; (Report Stage), 9858; (3R.) 9858.

Railways and Harbours Additional Appropriation Bill (1R.), 2449; (2R.), 2773; (Committee), 2773; (3R.), 2773.

Railways and Harbours Appropriation Bill (1R.), 7201; (2R.), 8150; (Committee), 9245; (3R.), 9646.

Railways and Harbours Part Appropriation Bill (1R.), 869; (2R.), 1811, 1967; (Committee), 2059; (3R.), 2059.

Railways and Harbours Unauthorised Expenditure Bill (1R.), 2343; (2R.), 2774; (Committee), 2777; (3R.), 2777.

Rand Water Board Statutes (Private) Bill (1R.), 79; referred to Select Committee, 80; (2R.), 1929; (Committee), 1932; (3R.), 3174.

Rents Bill (1R.), 3226; (2R.), 9706; (Committee), 9735; (Report Stage), 9855; (3R.), 9855; Senate Amendments agreed to, 9897.

Second Additional Appropriation Bill (1R.), 2433; (2R.), 2601, 2771; (Committee), 2773; (3R.), 2773.

in debate rests with the Chairman and I have submitted the above to the Chairman and he agrees with the views expressed by me.

GROUP AREAS BILL.

Leave was granted to the Minister of Labour (for the Minister of the Interior) to introduce the Group Areas Bill.

Bill brought up.

*The MINISTER OF LABOUR: I move—

That the Bill be now read a first time.

Mr. KAHN: Mr. Speaker . . .

Mr. SPEAKER: Order, order. No debate is allowed on the first reading of the Bill. The hon. member might have raised an objection when leave was asked to introduce the Bill, but he cannot do so now.

Mr. KAHN: All I wish to do is to object to the date for the second reading.

The MINISTER OF LABOUR: I have not given the date yet.

Motion put and agreed to.

Bill read a first time.

The MINISTER OF LABOUR: I move—

That the Bill be read a second time on Monday.

Mr. KAHN: May I raise objection to the date which has been selected by the hon. the Minister for the second reading of this Bill. This Bill is one which affects properties in South Africa to the value of scores of millions of pounds. It affects the trading rights of the whole commercial and business community and in those circumstances it seems to me to be unfair to put the Bill down for the second reading as early as the 1st May before an adequate opportunity has been given to all those affected—and that is practically the entire nation—to study the terms of this Bill. I would therefore ask that a later date be selected, otherwise, as far as I personally am concerned. I cannot agree to a date as early as the 1st May for the second reading of this important measure.

The MINISTER OF LABOUR: It is merely a formality to put down the date as the 1st May but I will convey the hon. member's views to my colleague. I cannot give him any assurance that the second reading will not be taken on the 1st May but I will convey his remarks to my colleague, and he will decide whether or not to take the second reading on that date.

Motion put and agreed to.

CRIMINAL PROCEDURE AND EVIDENCE AMENDMENT BILL.

Leave was granted to the Minister of Lands (for the Minister of Justice) to introduce the Criminal Procedure and Evidence Amendment Bill.

Bill brought up and read a first time; second reading on 1st May

ADMINISTRATORS' POWERS (VALIDATION) BILL.

First Order Read: Second Reading the Administrators' Powers (Validation) Bill.

*The MINISTER OF NATIVE AFFAIRS: I beg to move—

That the Bill be now read a second time.

Clause 38 of the Urban Areas Act of 1945 provides for the making of regulations by (a) the Governor-General, (b) the Minister, and (c) a Local Authority. Sub-clause 5 of that clause provides—

> That no regulation issued by a local authority shall have force of law until such time as it has been approved by the Administrator and the Minister of Native Affairs and until it has been proclaimed in manner prescribed.

There is no definition in the Act of the word "Administrator" and that is where the difficulty has arisen. The validity of certain regulations proclaimed in the Transvaal has been challenged because the preamble of the Notice spoke not of the "Administrator" but of "the Administrator-in-Council". This is how it reads—

> It has pleased the Administrator-in-Executive Committee and the Minister of Native Affairs to give their approval to—

And then follow the regulations concerned. This matter arose by way of appeal from a magistrate's office and was taken to the Supreme Court, where arguments were adduced in favour of and against the contention that "Administrator" could also mean "Administrator-in-Executive Committee". This question was fully considered by the Court and the eventual finding was as follows as delivered by the Judge—

> The word "Administrator" in section 38 (5) must be given the meaning attached to it by the definition in section 3 of the Interpretation Act (Act No. 5 of 1910) and that meaning is the Administrator himself. Obviously the view of the Administrator himself and the view represented by the resolution of the Executive Committee may be different.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

The result was that those regulations were declared to be invalid, and this finding caused a very serious position in its effect on Urban Native Administration. In the Cape Province and in the Orange Free State the Notices of Administrators show that the regulations had been approved in terms of the law by the Administrator. In the Transvaal, however, it was the custom to use the expression "Administrator-in-Executive Committee" and in Natal "Administrator - in - Executive Committee" of "Administrator acting on the advice and with the approval of the Executive Committee".

The first Natives Urban Areas Act was passed in 1923 and since that time sets of regulations have always been drafted and proclaimed in accordance with the procedure I have described, i.e., that in the Cape Province and in the Free State they have always been proclaimed as "Approved by the Administrator". In the Transvaal and in Natal it was usually the "Administrator-in-Executive Committee" or "The Administrator acting on advice and with the approval of the Executive Committee". The validity of any of these sets of regulations, many of which have been in force ever since 1923, can now at any time be disputed in a Court of law, and it is probable that the finding of the Court in such a case would follow on the lines of the case I have mentioned and that they would be declared invalid. I may say that there are 206 sets of these regulations in operation in the Urban Areas of the Transvaal and 75 in Natal. Irrespective of clause 38 which is in question in particular now, there are eight other clauses of the Act which provide that before a particular measure can be taken the Administrator must be consulted.

That is the difficulty we are faced with and there is the possibility that many of these regulations and the actions of the Administrators may be challenged and that a state of chaos may be created if we do not put this matter right in good time. The Bill provides that where an Administrator-in-Executive Committee has given his approval to regulations in this manner, such approval is now made valid, and the same applies where an Administrator-in-Executive Committee or on the advice his Executive Committee has so acted; there such action is also made valid. The object of this Bill is simply to legalise what already exists. Large numbers of these regulations have been in existence since 1923 and the matter has only now come before the Courts, and the Courts have declared that, in the circumstances which I have mentioned, the regulations are not valid, and it is therefore absolutely essential that the position should be rectified. I move.

Mr. STUART: Before I come to the merits of this Bill, which in some way combines an example of continued ineptness on the part of the Native Affairs Department with an example of how the Native Affairs Department is spreading out steadily towards a form of autocracy which has never been applied throughout the Native Affairs Department, I wish, not to congratulate the Minister, but to express my surprise at seeing him here. I thought he had gone down to meet the Bunga, the Transkeian General Council. Sir, one of the most extraordinary things about the Minister is that you find him where he ought not to be, if you find him at all. The Transkeian General Council has been awaiting the Minister's arrival since last Wednesday. He was supposed to be there, according to them. According to the local authorities he was coming, if he could. I am fully aware that the Minister was dealing with his own vote in the period under discussion and I am perfectly certain that with the capacity that the Government has for adjusting its own arrangements, and for arranging things to suit the convenience of Ministers, it would have had no difficulty whatsoever in keeping the Minister's vote over until he returned. I am aware that as a matter of fact, the United Party, I understand, or the rest of the House, was given the power more or less to select which vote shall come forward, but I can imagine no reason why that vote should have come forward at a time when the Minister, with all due deference, should have been attending the opening of the General Council.

Mr. SPEAKER: Order, order. What has that to do with the second reading of this Bill?

Mr. STUART: It has this to do with it, that I object to the Minister being here now.

Mr. SPEAKER: Order, order. I must ask the hon. member not to do that, because I would have objected if the hon. Minister had not been here. Would the hon. member kindly confine his remarks to the second reading of this measure.

Mr. STUART: On the merits of this Bill, it is quite obvious that one half of the administration of the Urban Areas Act, throughout South Africa, is, at this moment until this Bill has been passed, completely and utterly null and void. In other words, dozens and dozens — I think the Minister gave numbers running into hundreds — of the regulations under the Urban Areas Act are null and void. In other words, one half of the measures which have led to the incursions into town locations from time to time, which have led to trouble of every description during the last few years, has been based upon a misconception of the law. One half of them have been based on something which is not operative. Now we are asked in one fell swoop

(6) whether he will issue instructions for cargoes of wheat to be insured in future; if not, why not.

Reply:

(1) Cost of wheat £214,663
Freight prepaid 47,114
Total £261,777

(2) No. The exact amount of premium which would have been payable is not available, but the free from particular average rate is estimated at 10s. 6d. per cent.

(3) Cost of wheat £4,542,256
Freight prepaid 900,062
Total £5,442,318

(4) See reply to (2).

(5) (a) See reply to (2).

(b) As the Government has decided to peg the price of bread, the subsidy payable would be increased to the extent of the extra cost for insurance.

(6) No, because it is Government policy not to insure goods imported for Government accounts.

Method of Calculation of Prices by Produce.

The MINISTER OF AGRICULTURE replied to Question No. III, by Mr. Robinson, standing over from 19th May:

Question:

(1) Whether he will explain how the fixed prices of (a) maize, (b) meat, (c) wheat, (d) oats, (e) barley, (f) rye, (g) fresh milk, (h) cheese milk, (i) condensing milk, (j) butterfat and (k) citrus are arrived at;

(2) on what detailed figures and data were the prices of the above commodities last fixed and how were such figures arrived at;

(3) to what extent did the prices last fixed in respect of the above commodities differ from the figure representing the average cost of production in each case;

(4) whether he will state what the cost of production in each case was found to be by (a) the National Marketing Council and (b) the Board of Trade and Industries; and

(5) what price was recommended in respect of each commodity by (a) the National Marketing Council and (b) the Board of Trade and Industries.

Reply:

The information sought by the hon. member is contained in the reports of the National Marketing Council which I am prepared to make available to him for perusal.

Amount Invested by Joint Wool Organisation.

The MINISTER OF AGRICULTURE replied to Question No. III, by Mr. Waring, standing over from 23rd May:

Question:

(1) (a) What was the amount held by the Joint Wool Organisation in the Union on the 31st March, 1950;

(b) how was this amount invested; and

(c) on what dates were the various investments made; and

(2) (a) what was the amount in the Wool Levy Fund as at 31st March, 1950; and

(b) in what investments was the amount held.

Reply:

(1) At the 30th June, 1949, the Joint Organisation in London held £14,568,129 of profits on South African wool, approximately half of which is invested in the Union by the Joint Organisation.

(2) The net balance in the Wool Levy Fund amounted to £2,313,719 7s. 4d. at the 30th June, 1949 and is invested with the Public Debt Commissioners.

The wool year ends on the 30th June of each year and figures under (1) and (2) are not available as at the 31st March.

Capt. HENWOOD: Arising out of the reply, can the hon. the Minister tell us how the money has been invested. Has it been invested with the Public Debt Commissioners? Has it been invested on call or for a fixed period.

The MINISTER OF AGRICULTURE: I refer the hon. member to a statement made by Mr. McHardy a few days ago.

The MINISTER OF AGRICULTURE replied to Question No. V, by Mr. Bowker, standing over from 23rd May:

Question:

(1) What is the amount of South African wool profits held by United Kingdom Dominion Wools Disposals Ltd;

(2) under what terms are the profits held;

(3) how is the money invested and at what rate of interest;

(4) what is the amount of wool profits held by the South African Wool Disposals Organisation in South Africa;

(5) where and how is this money invested and at what rate of interest;

(6) whether the investments received his approval; and

(7) what is the total amount of South Africa's share in wool profits, to date, under the various disposal schemes.

Reply:

(1) £14,568,129 on the 30th June, 1949.

(2) In accordance with the Wool Agreement.

(3) The investment of these funds is entirely at the discretion of the Joint Organisation.

(4) Nil.

(5) and (6) Fall away.

(7) 50 per cent.

Petitions for Exemption from Unemployment Insurance in W.P.

The MINISTER OF LABOUR replied to Question No. VII. by Mr. Kahn, standing over from 23rd May:

Question:

(a) which persons and/or organisations have applied for or intimated approval of the proposed declaration of persons employed in Caledon, Ceres, Malmesbury, Montagu, Paarl, Piketberg, Robertson, Stellenbosch, Tulbagh, Wellington, Philadelphia and Worcester not to be regarded as contributors under the Unemployment Insurance Act, and

(b) which persons or organisations in each place have so applied on behalf of contributors under the Act.

Reply:

(a) and (b) The "Federasie van Blanke Werkers" submitted petitions signed by the majority of European contributors in each of the districts referred to.

Mr. KAHN: Can the Minister tell us how many have signed?

The MINISTER OF LABOUR: I haven't got the figures here.

LIMITATION OF PROCEEDINGS ON THE GROUP AREAS BILL.

*The PRIME MINISTER: I move—

That the proceedings on the Group Areas Bill be limited as follows:

(a) twenty-two hours shall be allotted for the second reading;

(b) twenty-four hours shall be allotted for the Committee Stage;

(c) three hours shall be allotted for the Report Stage; and

(d) three hours shall be allotted for the third reading.

For the purposes of this resolution—

(1) Conclusion of stages.—At the conclusion of any period of hours allotted under paragraphs (a), (b) and (d) Mr. Speaker or the Chairman shall forthwith put the question before the House or the Committee and any amendments, other than amendments proposed by a Minister, which have been moved but not disposed of shall drop: Provided that on the second and third readings, Mr. Speaker shall allow the Minister in charge of the Bill to reply to the debate before the question is put.

Mr. Speaker or the Chairman shall thereupon proceed to put forthwith without debate any amendments which have been moved or may be moved by a Minister and thereafter only such further amendments as may be moved by a Minister and such questions, including clauses as amended or as printed, as may be necessary to dispose of the stage.

At the conclusion of each stage of the Bill the date for the next stage shall be fixed by a Minister.

(2) Report stage.—At the conclusion of the period allotted for the Report Stage any amendments (other than amendments proposed by a Minister) which have been moved but not disposed of shall drop. Mr. Speaker shall then proceed to put forthwith without debate any amendments which have been moved or may be moved by a Minister. Mr. Speaker shall next put the question: "That the Bill as amended be adopted", which shall also be decided without debate and shall be deemed to include any amendments made in Committee of the Whole House which have not been taken into consideration.

(3) Time for adjournment of House.—When business is interrupted at the

conclusion of the period of hours allotted, the application of Sessional Orders fixing the time for the adjournment of the House shall be postponed until the proceedings on the business interrupted have been completed.

The object of the proposal before the House, is to limit the discussion of the Group Areas Bill. The application of this limitation will take place as shown on the Order Paper, in accordance with a specific form which is usual in respect of discussions where such limitations are imposed. I assume that no-one in this House likes to place restrictions on debates and I assume that the other side of the House, in any case, will not welcome the restriction which is now proposed, and I can also assure the House that this side is not anxious either to place such restrictions on debates. Unfortunately, however, the experience which we have gained, especially since last year, and also during discussions of measures which have come before the House this year, has not been very happy, and it has, therefore, become necessary for us to propose a motion of this kind and to place limitations on the discussion of this very important and contentious Bill now before the House.

Mr. SULLIVAN: You admit that it is contentious.

*The PRIME MINISTER: In principle the necessity of a limitation of this kind can, at least, at this stage, not be doubted. This guillotine method was created by the Leader of the Opposition a few years ago and it has become a fixed institution, as the Rt. Hon. member has said in our parliamentary procedure. It might just as well appear in our Standing Rules and Orders. This institution for the restricting of debates was introduced not by this side of the House, but by the other side of the House, and with one exception, viz., its application to the Citizenship Bill last year, this side of the House has never yet used this measure. In every case where this measure has been applied in the past, it has been done by the other side of the House. I take it, therefore, that this motion will not be opposed on principle, and I also take it that we are not going to be told over and over again, as we were on a previous occasion, that we are applying steamroller tactics.

*Mr. S. J. M. STEYN: That is exactly what you are doing.

*The PRIME MINISTER: The time which is proposed in this motion to be given for the various stages of the Bill amounts altogether to 52 hours, that is to say, 22 hours for the second reading; which means, calculated on the basis of a full day, that for the second reading, two-and-three-quarter days will be available; that for the Committee Stage 24 hours are made available (which means three full days); and then for the less important stages, the Report Stage and the third reading each, three hours are allowed. Altogether this will make 52 hours.

In order to limit the possible debate on this motion as much as possible, I should like to give all the information in regard to the past application of such restrictive measures. The guillotine was applied for the first time in 1940, on the War Measures Bill. Hon. members will appreciate that when under that legislation the power was taken from Parliament and placed in the hands of the Cabinet, the Bill under discussion was a highly contentious one and that when the limitation was imposed, ample time had to be allowed for the discussion, and altogether the discussions of that Bill took up 78 hours, but 39 of these 78 hours were spent on an unlimited discussion on the second reading. It was only after that that the limitation was imposed on the further discussion, for which 39 hours were allowed. When, the year after, an amending Bill to the same measure came up in this House, a restriction was again imposed, which meant the application of the guillotine to every stage of that particular Bill, and 41 hours were allowed for this highly important measure. In 1941 a very contentious Bill was introduced, dealing with factory machinery and building work, and for that measure 27½ hours were allowed under the guillotine method. In 1942 it was again applied to the Rents Bill, which also was a contentious measure and altogether only 18 hours were allowed for that Bill. In 1944 it was again applied to the Settlements Act Amendment Bill. This was a question of servitudes, a most contentious Bill which was strongly opposed, and for that measure 31¼ hours altogether were allowed. Included in those 31¼ hours were 25 hours during which there was no limitation.

*Mr. RUSSELL: Was the motion for the guillotine proposed before the Bill was discussed?

*The PRIME MINISTER: In 1946-'47 the Marketing Act Amendment Bill was introduced, for which altogether 34 hours were allowed, being the limited and unlimited periods together.

*Mr. STRAUSS: That is wrong.

*The PRIME MINISTER: Then we had the Bill on the Dongola Nature Reserve. This was strongly opposed and it was discussed in two successive Sessions, and in the two Sessions together 30½ hours were allowed for it. Finally, the guillotine was applied last year by this Government to the Citizenship Bill to which, altogether, 66¾ hours were allotted. But included in those 66¾ hours,

were 46¾ hours when there was no limitation but an all-night sitting. Consequently, the real limitation which was applied under the guillotine, amounted to 20 hours. These are the official figures as set out by the Clerk of the House in his Report. The guillotine to be applied to the Group Areas Bill allows altogether for 52 hours. As I have said, there are 2¾ days for the second reading, including the morning sitting; and for the Committee Stage no less than three full days, including also the morning sittings. If hon. members judge this question entirely impartially, I think that they can come to no conclusion other than that the House and the members are being very fairly and even liberally treated by the limitations imposed on the debate. In that respect I do not think there can be any complaints.

In conclusion, I just want to add that when the guillotine came into force in the first instance, a limit was placed on the discussions of the guillotine motion itself. The Government in power at the time allowed three hours for the discussion of the motion. The then Government was of opinion that three hours were sufficient for the discussion of a motion similar to the one now proposed. But those three hours were not taken up in full. In other words, the discussion of the guillotine motion itself on that occasion took up less than three hours. I just want to say this, that we think that this fixed time of three hours for the discussion of this motion in those circumstances and in view of our experience of the past, are quite ample. I beg to move.

*Mr. OLIVIER: I second.

Mr. STRAUSS: The Prime Minister, Sir, in introducing this motion, did not touch the real point of this motion at all in his introductory remarks. He has referred to a number of guillotine motions introduced in the past, and he gave the periods which were allocated. That, to my mind, is beside the point in regard to the guillotine motion on this particular Bill.

HON. MEMBERS: Why?

Mr. STRAUSS: I will tell the House why. [Interruptions.] I want to say at the start that we on this side of the House are most resolutely and irrevocably opposed to this unprecedented step, and I say unprecedented step quite advisedly. I will come to show why it is unprecedented for this House to adopt a guillotine motion in the circumstances that prevail in this particular case. The guillotine motion, as we all know, and as we have had experience of it in the past years, is a very special procedure which is adopted only in exceptional circumstances where a very special case can be made out for such a motion; and a very special case must be made out for it before any self-respecting Government can ask the House to accept such a motion. I want to give an instance of the kind of case that was made out in regard to the War Measures Bill which the Prime Minister has referred to. When the guillotine motion was introduced on that occasion, the then Prime Minister, now the Rt. Hon. the Leader of the Opposition, said this; and I would like the hon. the Prime Minister to pay attention to it. He stated—

> All efforts that have been made to negotiate and to come to terms about the length of the debate on this Bill have failed, and the result is the Government is perforce driven to an expedient of this kind in order to keep our debates within reasonable limits.

And then he goes on to say—

> Several days were occupied in fighting the introduction of this Bill. A number of days more have been spent over the second reading, and it was only after an unprecedented all-night sitting, an unprecedented extended sitting, and the ultimate application of the closure, that it was possible to secure the second reading of this Bill.

Then he goes on further, and I think I am justified, after what the hon. the Prime Minister has said, to indicate the circumstances which prevailed then—

> If this was a Bill which was unnecessary in the circumstances of the country, then the position might be different and there might be some reason for this violent and endless opposition. But this Bill or some such Bill is necessary, empowering the Government to deal with the war situation in which the country finds itself, some such Bill with such extended powers is necessary.

And then, Sir, finally, the Prime Minister said this—

> We had a situation by no means as serious as this in 1936, when the Natives Representation Bill was before the Joint Sitting of the two Houses of Parliament. On that occasion the Bill which was a long and important one, was voted through its earlier stages and when ultimately the second reading had been taken and it had gone to the Committee Stage, the Order Paper, just as on the present occasion, was found to be clogged with endless amendments . . .

The Prime Minister has forgotten to tell this House that the War Measures Bill was a short Bill of a few clauses, unlike this Bill which is before the House at present. As the then Prime Minister indicated, the Order Paper was clogged with endless amendments. He continued—

> . . . not so many as there are now, the number of amendments on the present occasion far transcends any experience which we have had in Parliament. But at this stage, Sir, when the Government of the day found it was faced with violent, virulent, irreconcilable opposition, which might lead to endless debates and waste of time, the Government came forward with a guillotine motion on which this present one is modelled.

That was the guillotine motion in connection with the War Measures Bill. Now, Sir, you see therefore what a vastly different situation we find ourselves confronted with here today, compared with the War Measures Bill to which the hon. the Prime Minister referred. This motion is quite unprecedented in this respect, that on every one of the motions to which the Prime Minister has referred and which his gullible followers applauded, the guillotine was proposed only after the Government had clear evidence at that time that there was very definite opposition and lengthy and protracted opposition. But that is not the position in this case. In this case there is as yet no parliamentary indication of the attitude this side of the House will take up. On this Group Areas Bill with which we are dealing, not a minute of the time of the House has as yet been taken up, apart from the first reading, which was formal, let alone a minute of the time of this House wasted on the discussion of that Bill. And the Prime Minister has had no indication of the attitude of this House in regard to the Bill. It is quite true that the Whips of the Government Party have come to us and asked our Whips what time we would require for the discussion of this Bill. It is perfectly true that we replied that we were not going to set limits to ourselves on a measure of this kind, introduced in the circumstances in which it was introduced, and at this stage of the session. That is quite true. We would not be doing justice to our duties as a self-respecting and virile Opposition . . . [Interruptions.] Yes, Sir, this same Government Party went through the country during the Easter recess and said that this Opposition was an easy Opposition; you had to just take the first few stages, and they started lying down. Now the Government is squealing, and individual members are squealing because they realise that this Opposition is prepared to do its duty and to fight for the rights of the minority. We on this side will do our duty. We say this is a completely unprecedented step. I make bold to say, when the hon. the Prime Minister gets up, he will not be able to point to a single instance where this special procedure of the guillotine, where this far-reaching and extraordinary step has been taken in circumstances when there has been no indication whatever that there will be long and protracted discussion. All that happened is that the Whips asked us whether this Party would be prepared to be placed in a strait-jacket, and we said no, we were not prepared to place a time limit on the discussions of this nature.

Dr. VAN NIEROP: But surely that was an indication of opposition?

Mr. STRAUSS: I am surprised, Sir, at the facile way in which the Prime Minister comes here buttering up the motion when he introduces it. I am very surprised, because he had very definite views about guillotine motions in the past. He showed signs of recognising the democratic rights of minorities, of the Opposition in this House. I had a feeling that the hon. the Prime Minister had not divested himself completely yet of a feeling of regard, of a feeling of respect, of a feeling of appreciation for those rights in this House, because look at what he said in this very debate from which I have already quoted some of the remarks of the then Prime Minister. I would like to read from his speech on that occasion.

Mr. S. J. M. STEYN: The dead hand of the past.

Mr. STRAUSS: On that occasion the present Prime Minister moved an amendment and he said this in support of his amendment, and on the motion of the then Prime Minister—

> This motion is not aimed at restricting the time, this motion does not aim at safeguarding the dignity of the House, this motion is nothing but an attack on the rights of hon. members of this House. This motion is nothing but a gangster motion.

And remember, Sir, this motion was introduced only after there were clear signs of determined, virulent and protracted opposition. He continued—

> It was said on a previous occasion that in South Africa there had been only one instance of an action like this one having been taken against the people, and that was in the instance of Chaka.

The Prime Minister may have forgotten this, and I want to quote this because his mind will be somewhat revived. He went on to say that the then Prime Minister was a white Chaka. But he thought that he had not gone far enough and he continued—

> No, Mr. Speaker, when I say the Prime Minister is the white Chaka, it still looks as if he is something purely South African,

but he is a red Chaka because we have in his actions here a clear indication of the state of mind of the Prime Minister and his violation of the liberties of the people is nothing but an indication of his red Imperialism.

What happens today? What kind of Chaka have we here? What is this? I do not want to refer to him in the extravagent language he used. But how would he, sitting here today, describe this — a totally different state of affairs to what obtained then. This country was engaged in the biggest war in history, and the Parliament of this country had committed the country to that war, as the hon. the Minister of Finance has often said in the country, by a free vote of the House. We were committed to the war policy and the Government in the execution of that policy had to come to this House, with that small Bill of three clauses, and a vast amount of time had been taken in comparison with this Bill. Those were the words of the Prime Minister. I say, Sir, that the extravagent words the Prime Minister used on that occasion did himself no honour. He does himself even less honour today than then, in bringing forward this motion in these circumstances. I say, why, in view of the past attitude of the Prime Minister, does he come before the House today with this motion? He has, as I have said, after all some vestiges of a democratic outlook and I can only come to the conclusion that it is a relentless driving force which sits behind him in the person of the cold, aloof and sinister Minister of the Interior. I can only come to the conclusion that the Prime Minister is today a willing tool in the hands of that cold and unrelenting man. This Minister of the Interior has not shown a South African outlook. His outlook is an un-South African outlook. [Interruptions.] His mind has become infected with the mental virus of totalitarianism. His mind has become infected with the virus of the jackboot, the gag and the guillotine. And the Prime Minister is prepared to betray his own past in order to become the willing tool of that sinister and sly man, the hon. the Minister of the Interior.

I want to refer to the disadvantages of the guillotine. The guillotine, on an important Bill like this, on any Bill, but more so on an important Bill like this, places Parliament in a strait jacket. We are placed in a strait jacket when we move amendments and when the time runs out in the Committee Stage or in the Report Stage, our amendments fall away. That is not the way to consider important, difficult and involved legislation of this type. The Prime Minister the other day, when he introduced his motion for morning sittings and I asked him whether the guillotine would come, referred to you, Mr. Speaker. He said he was a democratic man, or words to that effect; he was an upholder of parliamentary institutions, and he referred to you, Mr. Speaker, as the guarantor of the rights and liberties of members here, and particularly of the minorities on this side of the House. Now what does he do with the guillotine? He places you in a strait jacket and he divests you of your normal functions and discretions of allowing a section or an aspect of the Bill to be discussed until it has been discussed adequately and completely, and the closure would then be accepted. He divests you of those functions, Mr. Speaker, and here again the Prime Minister is disloyal to what he said only a few days ago. He goes back on his very immediate past. The country will take note of what the Prime Minister does.

Then we ask, and the country asks, why this very contentious, this highly contentious, this involved and difficult legislation at the tail-end of the Session of Parliament? Why could this not have been brought in earlier or why could this Bill not have been published for general information even before the Session commenced? We had the same thing last year. This is beginning to make the impression on the country, and we on this side are convinced, that this is a deliberate procedure, a settled technique on the part of this minority Government — a Government representing a minority of the people, which has been twice defeated in this House and defeated in the Other Place; only a few days ago — I do not want to refer to it, but it is germane to this matter — the Population Registration Bill was passed by a single vote, by a majority of one — this Government, Sir, of all Governments, follows the technique of forcing legislation through by these questionable means.

Then I would like to ask the Prime Minister . . .

Mr. G. F. H. BEKKER: What happened two years ago?

Mr. STRAUSS: The hon. member is concerned about what happened two years ago; I am concerned with what is happening here. I ask the Prime Minister this. He has made no attempt to tell us what the urgency is for this legislation; why is it so urgent to have this legislation; why must it be forced through in this particular manner? The Prime Minister said nothing about that, and I would like to ask him. You see, Sir, the country will want to know why the bread-and-butter Bills, like the Administration of Estates Bill, which is very urgently needed, the Birth Registration Bill, a Bill which we have been given to understand is basic to the Population Registration Bill because it includes the registration of Native births; we want to know why all these Bills are thrown to the wolves in order to clear the path for jackbooting and guillotining this Bill through Parliament. Those are not the only two Bills,

There is the Children's Bill on the stocks. That is an important measure concerning the care of the children of this country, but it has to be scrapped. The Hotels Bill is important from the point of view of developing the tourist traffic and for setting a standard for the hotels of this country. There is the Insurance (Amendment) Bill and the Special Schools Bill, a measure of some urgency for the handicapped children of the country. There is the Fertilisers Bill — the Fertilisers, Farm Seeds and Medicines Bill — which is of importance to the farming community of the country. All these are swept aside. Bread-and-butter legislation, important social legislation such as it is, and we cannot expect too much from this Government, are thrown on the scrap-heap and Parliament is put into a strait jacket to rush through this particular Bill at the pleasure of that cold and aloof man, the Minister of the Interior — and the Prime Minister allows himself to be made a tool for all that.

I want to make an appeal to my hon. friend, the hon. the Minister of Finance. He has been a respected Parliamentarian for many years. Will he tell us why this Bill has to be jackbooted through Parliament? What is the urgency of this Bill? We have not been told, and the country does not know.

Finally, I want to make this point, that this Bill of all Bills ought not to be jackbooted through Parliament in this fashion. This Bill affects vitally and fundamentally inter-racial relationships in the country in a most profound way. On these questions, these racial questions, these questions of racial relationships we should have a fundamentally different approach from the approach this Government is making. Right from the start, since the general election, when they won the election with the misleading slogan of apartheid, their approach to racial questions in the country has been fundamentally wrong. There has been an iron curtain between them and the people concerned. Now there is going to be this approach to this Bill, and I say the approach should be vastly different. It should be the approach — I appeal to the Prime Minister and to the Minister of Finance — it should be the approach of wisdom, of patience and of consultation.

Mr. S. J. M. STEYN: The approach of Gen. Hertzog.

Mr. STRAUSS: Yes, it should be the approach of the spirit of Gen. Botha, the spirit of Gen. Hertzog. Is this Government bereft completely of all sense of wisdom, of all sense of statesmanship? When they approach these questions, cannot they approach them in a spirit of reasonableness, of fair inquiry and full consultation, in a spirit of trying to get an agreed measure and carrying the people of the country with them? Surely an attempt ought to be made to find such a basis. Instead of that, it is the Prussian mentality of the jackboot, of trampling on the rights of free speech of members of this House, and of trampling on the feelings of people outside.

I want to warn the Prime Minister. If he does not know it, he ought to know what people throughout the country, throughout the length and breadth of the country, are feeling and saying about this Government. I am not talking about people who are primarily politicians or followers of this party or that party. I am talking about the quiet, level-headed, moderate people of the country. They are beginning to say that this Government, in its actions both in Parliament and outside Parliament, are showing signs that indicate quite unmistakably the pattern of the police state coming. [Interruptions.] Yes, Sir, I know for a fact that the Government is very sensitive indeed of being called Nazi and dictatorial and that kind of thing. I know they do not like it. They like to protest most vigorously against it. If that is so, why not let us have some indication, why not let them give the people of this country, this House, and the world — there is no isolation today — a clear indication that they are fundamentally and absolutely a democratic party?

An HON. MEMBER: They cannot.

Mr. STRAUSS: Sir, these fears and disquiet outside, this state of perturbation . . .

Mr. STUART: On a point of order, Mr. Speaker, cannot something be done to enable us to hear what the speaker is saying? There is a continual stream of interruptions and we cannot hear.

*Mr. SPEAKER: I will appreciate it very much if hon. members will give the speaker an opportunity. I am doing my best, but even from the Chair I find it very difficult to hear what the speaker is saying. I cannot say there are interruptions, but there is such an amount of conversation and continual observations that it is almost impossible to follow the debate. I appeal to hon. members to assist us in the debate.

Mr. STRAUSS: I will not keep the House much longer, but I would make an appeal to the Prime Minister on these lines. These things are being said in the country; these fears and disquiets are being felt and there is great perturbation in the minds of the people. Let me tell the Prime Minister directly to his face that there are many good Nationalists who are becoming afraid, men with a great stake in the country who are deeply perturbed about the pattern that is being unfolded by the conduct of this Government.

If that is the case, why not let us have some wisdom, why not let us have some patience and some tolerance? Is there no

sense of democratic patience in this Government? Must everything be forced, everything ideological, everything for the political stock-in-trade of this Government? Must that be jackbooted through the House? No, Sir, I appeal to the Government to realise that they are dealing here with delicate matters which affect the feelings of people in the country. A very great deal of harm has already been done to race relationships in this country. In the two years this Government has been in power — I do not say we did not have bad relationships before — but in the two years this Government has been in power, there has been a feeling of utter frustration and hopelessness in the minds of many sections of the people.

An HON. MEMBER: The kaffirs.

Mr. STRAUSS: That is a very irresponsible thing to say. If we want to prosper in this country we must apply wise statesmanship to every section. We cannot live with an iron curtain between the white man in this country and the Native in this country. We must have consultation and we must carry them with us. The policy of Gen. Hertzog was a wise policy as far as that is concerned. The policy of whatever line you want to follow in regard to these people is to consult them and to try to carry them with you. The Prime Minister is not doing that here. The policy in the past has meant a tremendous amount to this country, the policy of having the contributions that were made and are being made by the vast non-European labour force in the country, submissive and co-operative, ready and willing to help us to build up this country; that is what we had; and that is fast disappearing, and instead of helping in that direction this will only disturb matters further. I would appeal to the hon. the Prime Minister —do not rush this legislation through the House at this stage; let us get that evidence which they are so anxious for people to accept; let us have some evidence to show that this Government is prepared to follow the path of wisdom, the path of statesmanship, the path of fair inquiry and full consultation and, who knows, a solution may be found for this question, a solution which will not throw this whole question into the melting pot of party politics. I appeal to the Prime Minister on those lines and now I would like to move as an amendment to the Prime Minister's motion—

> To omit all the words after "That" and to substitute "this House regards the motion of the Prime Minister as an unwarranted attack upon its honour as the highest legislative body in the country and as an invasion of its liberty and its position of responsibility to the people and therefore considers it to be its imperative duty to reject the motion and to issue a grave warning to the country against this dictatorial curtailment of the fundamental rights and liberties of the people and of Parliament".

Dr. FRIEDMAN: I second. May I appeal to hon. members on the opposite side of the House to treat this question with the seriousness it deserves and in their attitude to enhance rather than to detract from the dignity of the House. The Prime Minister, in the course of his remarks appealed for an impartial judgment on this issue. I would like to address an earnest appeal to members on the opposite side of the House, and especially to the back-benchers on the opposite side of the House. In my experience, whenever discussion is curtailed the back-bencher is the first to be silenced. Whenever the guillotine is erected he is the first to be pushed into the tumbril. Therefore, Sir, if members, particularly back-benchers on the other side of the House have a due regard for their dignity and status as members of Parliament, they will associate themselves with us in supporting this amendment and rejecting the motion of the hon. the Prime Minister.

Mr. UYS: Did you ever protest against the guillotine when you were a back-bencher?

Dr. FRIEDMAN: Indeed we did. When we were in power we never hesitated to criticise our Government when we felt it was necessary.

Mr. OLIVIER: You never felt it was necessary.

Dr. FRIEDMAN: We were held together by a fundamental loyalty to the principles of our party. We were never held together by the crack of the party whip. We were held together by a sense of freedom and responsibility. Of all measures, this measure least merits the application of the guillotine. As the hon. member for Germiston (District) (Mr. Strauss) pointed out, this Bill is very far-reaching in character. This Bill, if passed in its present form, will vest enormous powers in the hands of the hon. the Minister of the Interior, a Minister who has developed an insatiable appetite for power, like a flame abundantly fed. If this Bill becomes law, it will result in a large shift of power from the Legislature to the Executive, and in the circumstances, Sir, our right to oppose must be carefully guarded. In the circumstances, our rights as private members should be strengthened, not diminished. Sir, our right to discuss and scrutinise, our right to criticise and question, is on this occasion the only check we have to the delegation of so much power and authority. We on this side of the House, Mr. Speaker, have

a great respect for your position and your authority. I always feel, Sir, that a guillotine is a reflection upon the Chair. It suggests, Sir, that the Government is not prepared to entrust the protection of the minority to your able hands.

*Mr. H. S. ERASMUS: Why did you introduce the guillotine?

Dr. FRIEDMAN: We are at all times ready to uphold your authority, as we are confident that we as a minority are safe in your hands. A Minister of the Crown is apt to take a very one-sided view of the legislative machine. He is naturally anxious to pass his measure as expeditiously as possible. The Minister is apt to forget that, from another point of view, it is just as important to prevent it being passed. The right to oppose must be jealously guarded. The right to oppose is an essential and integral part of the legislative machine. It is true that the right to oppose may be abused. It may degenerate into obstruction. But it is impossible to remedy the abuses without trenching on the uses. If at first we tolerate only a slight encroachment on our rights, in time these encroachments will become bolder, and in the end Parliament will be reduced to a mere automatic device to register the arbitrary decisions of the Executive; and so by a process of attrition the fortress of our liberties will be reduced. Parliament is an institution of slow and ordered growth. Every one of our prerogatives has been evolved as a safeguard against arbitrary power. These prerogatives have been wrested from tyranny itself after a long and bitter struggle. We dare not grow weary in upholding our rights. The weariness of democracy is the opportunity of dictators. If we relax our vigilance and countenance such hateful devices as the guillotine, then we are in danger of disarming ourselves against arbitrary power and restoring to tyranny the weapons that have been wrested from its hands. Our determination to uphold our rights should be stronger than any plea, however plausible, that can be brought against it; for reason, Sir, must always be on the side of liberty. I appeal to members opposite.

*Mr. H. S. ERASMUS: Don't start crying.

Dr. FRIEDMAN: The best way to assert a right is to exercise it; and on these grounds I appeal to them to support our amendment and to reject this guillotine.

*Mr. SERFONTEIN: I have only a brief reply for that rather brief speech of the hon. member who has just sat down. He used as his text mainly the following: "The guillotine is a reflection on the Chair." All that I am asking him is to look into the mirror with the Hansards of recent years in front of him to see how much respect he has shown for the Speakers of previous years who occupied that Chair. That is all I want to tell him.

I now want to come to the hon. the acting Leader of the Opposition. I would just like to have his attention; I hope he will grant me that. He really looked worried to me, especially towards the end of his speech. I could hear from the sound of his voice that he is worried, but the background of that worry is not what he gives out it was. That he should feel worried about what the country and especially National South Africa will say about this measure, we can all understand. That is all I want to say. I just want to add that he and perhaps others on that side of the House do not hesitate to drag the name and the memory of the late Gen. Hertzog into their protest against this measure, a protest against the principle of the measure —and that in circumstances where the man who for all these years has been the most loyal follower of Gen. Hertzog, until his death and after his death, namely, the hon. the Minister of Finance, is giving this side of the House his support as far as this measure is concerned.

I now want to come to the question of the guillotine itself, and I now want to make this prediction. I want to predict here that the objections against the guillotine in today's debate will be just as divergent as the speaker opposite who will participate in it. We have already seen something of it in the speeches of the last two speakers. The first speaker raised his objections here, but the second speaker immediately afterwards turned round and in a pathetic way appealed to you, Mr. Speaker, not to allow a reflection to be cast on the Chair. I therefore want to predict that the objections which will be raised against this measure today will be just as divergent. I even want to make a further prediction. When they cast a reflection on the Chair in the past and applied the guillotine, they always applied what was known as the guillotine to the guillotine, and they allowed only three hours for the discussion on the guillotine. Now I want to test them to see whether, as far as this one matter is concerned, they will be true to themselves. Let us see whether this discussion will last three hours or longer. We shall put them to the test and I hope they will show that they can withstand that test. I now want to quote examples of the inconsistency of the Opposition in connection with any measure and specifically also in connection with this measure. There are certain reasons why they are opposing this guillotine measure today. Let us see what the reasons are for their opposition to this measure. I now want to show what views were expressed in their Press since it became known yesterday morning that this measure was going to be introduced. Let us see on what grounds

their Press opposed it. I now want to quote from "Die Suiderstem" of yesterday, the 25th May.

*Dr. VAN NIEROP: Is that a newspaper?

*Mr. SERFONTEIN: In referring to the guillotine measure and the announcement by the hon. the Prime Minister, the paper attacks the proposed measure. In this article it says —

> This means that the most important debate on the Group Areas Bill, the second reading, will only last two days and five hours.

That is the most important debate.

Mr. TROLLIP: On a point of order, is an hon. member entitled to quote an article from a paper in connection with a matter which is at the moment under discussion in this House?

*The MINISTER OF LANDS: Of course.

*An HON MEMBER: It does not constitute comment on a debate.

*Mr. SPEAKER: Order, order! I shall just read out the rule in connection with this matter. Rule 62 of the Standing Orders reads as follows —

> No member while debating shall read from a printed newspaper or book the report of any speech made in Parliament during the same Session, nor read extracts from newspapers or other documents referring to debates in this House during the same Session.

The rule refers to debates conducted in the House. The hon. member may therefore proceed.

*Mr. TROLLIP: May I point out that it is a debate which is being conducted at the moment; the debate is at the moment dealing with the guillotine and the hon. member wants to quote from the paper in connection with that.

*Mr. SPEAKER: But the comments of a newspaper on that may be quoted. It is commentary in anticipation; it is commentary on a debate that has not yet taken place.

*Mr. SERFONTEIN: I am quoting the views of people on a debate which has not yet taken place. The objection of the Opposion is that the time is too limited. Then the newspaper says that it means that the most important debate on the second reading will last only two days and five hours. In contrast to that, and with a view to refreshing the memories of hon. members opposite, I just want to read to them of a similar case that occurred in 1942. In that year a similar matter was discussed here, and at that time the then Prime Minister, the present Leader of the Opposition also complained that the discussion was going on too long, and what was his objection? Listen to what the then Prime Minister said in 1942. He said (Hansard, Vol. 44, Col. 5744) —

> I recognise that this is a Bill which occupies a good deal of time, but what has happened?

Now listen to what happened —

> The second reading has taken up more than four hours, four hours and eight minutes.

*Mr. BARLOW: Read on.

*Mr. SERFONTEIN: That is the Bill which according to his own admission would take up much time.

I now want to mention another aspect of the matter. I have already said that on the one hand the Press complains that the time is too short. The Government only wants to give two days and five hours for the second reading. I now want to quote from the "Cape Argus".

*Mr. BARLOW: Continue reading what the Leader of the Opposition said.

*Mr. SERFONTEIN: No, the hon. member can listen further. I am now reading what was written on the 25th May, 1950, by "The Cape Argus", another one of their newspapers.

*Mr. BARLOW: Who says it is our newspaper?

*Mr. SPEAKER: Order, order! I must ask the hon. member for Hospital (Mr. Barlow) to give the hon. member a chance to proceed with his speech.

*Mr. SERFONTEIN: "The Cape Argus" also objects, but on what grounds does it object? It says —

> The Prime Minister gave notice today that he would move that altogether 52 hours should be allowed for the passage of this Bill through the Assembly.

Then is gives particulars and says —

> As guillotine motions go, the time allowed is not ungenerous.

The one paper says: Only two days and five hours; is that not awful? The other one comes along and says: It is not ungenerous...

> Twenty-two hours on the second reading will provide time for about 16 forty-minute speeches on either side of the House — which might well be sufficient to exhaust most subjects.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

That is the view expressed by their own newspaper on this, as "Oom Kaspaas" would say, "the very 'symde'" measure.

Capt. HENWOOD: Read the rest as well.

*Mr. SERFONTEIN: I shall read a further article in "Die Suiderstem" in connection with this matter.

*Mr. TIGHY: What does "Die Burger" say?

*Mr. SERFONTEIN: It says the United Party is not opposed to separate residential areas. Actually it puts it differently. It puts it more clearly. It says the United Party is in favour of separate residential areas.

*Mr. RUSSELL: You are now discussing the Bill.

*The SPEAKER: Order, order! The hon. member may not go into the merits of the Bill.

*Mr. SERFONTEIN: No, I am only speaking about the question of the time allowed for the discussion and I am replying to the hon. member for Germiston (District) (Mr. J. G. N. Strauss), who referred to this matter. The hon. member for Germiston (District) said very clearly: How can the Prime Minister propose such a measure here before he knows what attitude the Opposition will adopt in connection with it? But his official newspapers have already stated their attitude. The United Party is in favour of separate residential areas — the essence of this Bill — but it will oppose a Bill which vests such far-reaching powers in the Minister of the Interior. Mr. Speaker, you may call me to order if I may not say it, but if I may say it, I just want to say that this very newspaper says that they are in favour of this measure. I wonder when they made that progress because I can remember that when this measure was introduced in the Provincial Council, their party were diametrically opposed to it and voted against it. If they are in favour of such a measure, one wonders why they did not introduce such a measure during all the years that they were in power.

*Mr. S. J. M. STEYN: Who says that we are in favour of the measure?

*Mr. SERFONTEIN: The second argument which they advance is that it is an inopportune time for it. They might now also be in favour of the measure but it is not a convenient time for it. They say it is too near the end of the Session.

*Mr. TIGHY: Who advanced that argument?

*Mr. SERFONTEIN: If the hon. member had listened to his Leader he would have heard him say that the measure was being introduced towards the end of the Session. But he was thinking about the speech of the other Leader that is why he was not listening to this Leader.

*Mr. TIGHY: You need not be sarcastic.

*Mr. SERFONTEIN: Let me just say this as far as the time is concerned. Notice was given of this measure on the 23rd April. The first reading was taken on the 24th April when the Bill was tabled. On the 24th April the Bill was set down for the second reading on the 1st of May. Therefore those arguments which have been used here to the effect that there is not sufficient time, that it is a far-reaching measure, and that more time should have been allowed for the discussion, are all so much nonsense. Hon. members opposite have had sufficient time to study this measure if they wanted to do so, but what is the truth of the matter? The truth is that they have been hoping all the time that the measure would not be introduced. That is the truth. They may have done more than hope; they hoped and prayed that it would not be introduced. That is the truth and that is why they are now objecting. The hon. member for Germiston (District) referred here, inter alia, to the past and said that he very much wanted to refresh the memory of the hon. the Prime Minister a bit. The objections that will still be made in this debate will be that it is not the opportune time, that the Bill should have been introduced earlier in the Session, and if one introduces it later in the Session then their contention is that it should be introduced next Session, and if one introduces it next Session, the same member for Germiston (District) will get up and say: But you have already been in power for two years; where is your apartheid legislation? As regards the argument that the time is not opportune, the position simply is that it will never be the opportune time for them, because they realise what this measure is going to mean as far as the future of their party is concerned.

*Maj. VAN DER BYL: So it is a political measure.

*Dr. STEENKAMP: Now the cat is out of the bag.

*Mr. SERFONTEIN: Let me tell the hon. member who has just awakened from his sleep, that during all the years in which we advocated the apartheid policy, we have consistently said inside and outside Parliament and in all our statements of policy that separate residential areas form one part of our apartheid policy. Did the hon. member not know it?

*Dr. STEENKAMP: You were talking about something else.

*Mr. SERFONTEIN: If he wants to know something else, I want to tell him that this side of the House holds the view that non-Europeans should not only live separately, but that they should also have a separate franchise.

*The SPEAKER: Order, order! May I ask the hon. member to confine himself to the motion?

*Mr. SERFONTEIN: May I just refresh the memories of hon. members opposite as far as the guillotine itself is concerned? I just want to remind them of what a guillotine is, how a guillotine works and of what value it can be to this House. I made notes of what the hon. member for Germiston (District) said when he spoke just now. He asked the Prime Minister: "Why, in view of your past attitude, do you now come forward with this attitude?" The hon. member for Germiston (District) became almost pathetic when he came to this question. He proceeded and said in an almost singing voice: "Why, oh why, oh why?" He eventually reminded me of that song which he has probably also sung in his young days: "Why did I kiss that girl, why, oh why, oh why?"

*Dr. STEENKAMP: Why were you ever born?

*Mr. SERFONTEIN: I am glad that I am also causing the hon. member for Green Point (Maj. van der Byl) to think back to his younger days. Let us now just see what the guillotine has meant in the past in the eyes of the people who are now objecting to it. I want to put it very clearly. I hope hon. members will listen to it. In the first place, the guillotine is a thing which is very popular, and I can quote what the then Prime Minister said on the 13th January, 1942, in this House in connection with the discussion of the merits of the guillotine. After he had proposed that the guillotine be applied, he started with these striking words—

> This is the very popular institution of the guillotine.

*Mr. TIGHY: Was he not referring there to the British House of Commons?

*Mr. SERFONTEIN: I am, therefore, quite right in saying that his views on the guillotine are different from those of his successor, the hon. member for Germiston (District). He regarded the guillotine as a very popular institution. But he went further.

*Mr. STRAUSS: You do not realise in what spirit it was said.

*Mr. SERFONTEIN: He said that the guillotine is very useful, not only that it is very popular, but also that it is very useful. Listen to the nice way in which he explained its usefulness. The hon. member for Germiston (District) will excuse me if I now refresh his memory a bit, because he wanted to refresh someone else's memory a little while ago. I, therefore, hope that he will not take it amiss if I want to refresh his memory. If I act for a leader whom I respect, I shall always welcome it if people refresh my memory about things which my leader had said in the past. The Rt. Hon. the Leader of the Opposition said that it is a very useful measure, not only that it is very popular. He used the following words on the 13th January, 1942—

> It may be . . .

And he was quite prophetic, as he often is, and often he is right while sometimes he is wrong; but here he was very prophetic, and we can judge for ourselves whether he was right or wrong. He said—

> It may be that it becomes part of the regular machinery of this House.

*An HON. MEMBER: And that is the same party.

*Mr. SERFONTEIN: See how correctly he prophesied; he said: "It may be that in time the House may become so convinced of the usefulness of this institution that they may adopt it as part of the permanent procedure of this House." I assumed that on that day, the 13th January, 1942, he had already succeeded in convincing his own party of the usefulness of the guillotine.

Mr. RUSSELL: That is, in accordance with agreement, part of the machinery in the Committee of Supply.

*Mr. SERFONTEIN: It is the guillotine in general; he is speaking of the guillotine in general, and he says he hopes it will become a permanent institution of this House. He says it is a very useful thing and it can be a very useful thing. Now one would have thought that they would be convinced of its usefulness, but now they come and oppose it. But in 1942 the Leader of the Opposition went further and quoted the highest authority in support of his contention that such an institution should be introduced here and that it will be necessary. He said that it was even done in the British House of Commons and that it may also form part of our procedure. The Leader of the Opposition went further and said it is very convenient, it is very necessary and useful, and, thirdly, he said there should really be co-operation between both sides of the House on the application of the guillotine. If there were co-operation, this debate today would be unnecessary and it would not now be necessary to have a discussion about the introduction of the guillotine. Then it would be a question of consultation and

only a matter of determining the time to be taken up by a measure. And listen to the disappointment of the Leader of the Opposition at the result of the discussions on co-operation in connection with the application of the guillotine. He said the following, inter alia, when the matter was discussed in connection with the Rents Bill—

> In general, this matter should be arranged between the Whips, and if there is co-operation on both sides, I see no reason why the guillotine cannot be a good, practical measure to expedite the work in this House, without impeding that work.

In this connection I am pleased that the hon. member for Germiston (District) has said that attempts had been made to arrange the matter through the Whips. But the Leader of the Opposition also advanced a fourth point. He said that if the procedure of the guillotine were followed, without impeding the work, it would "enhance Parliament's prestige". He said that if the debates are properley arranged by the Whips and reasonable time is allowed, without allowing endless discussions, it would do much to enhance Parliament's authority and prestige.

*Dr. STEENKAMP: When was that?

*Mr. SERFONTEIN: In 1942. I just want to quote a little further to show how the Leader of the Opposition contended that under the particular circumstances which justify it, it is not only a good thing to apply the guillotine, but also very desirable. On the 10th April, 1942, discussions on that matter took place in this House and the Leader of the Opposition mentioned examples of the special circumstances under which the guillotine can be applied without there being any grounds for objections to it. Members will find it in Col. 5744 of Hansard of the 10th April, 1942—

> The Bill itself (in connection with which the guillotine was proposed) is essential in the opinion of the Government.

He intimated that a condition for the introduction of the guillotine is that the Government of the day should regard such a Bill as essential. He then goes further and deals with other grounds on which the guillotine can be applied, and he says: "The Bill forms an essential part of our programme this Session." That is why he felt entitled to apply the guillotine. He said the Government is determined to put it through. All that I can say from this side is that the grounds which he mentioned apply just as much today. We regard this Bill as essential; it forms part of the programme for this Session and the Government is determined to put it through. Then the Leader of the Opposition comes to the climax of his argument in favour of the guillotine, and he says there are sometimes special circumstances under which one should apply the guillotine, as for example, when one comes with essential legislation towards the end of the Session and one wants to put it through. That constitutes special circumstances under which to apply the measure. I refer to Col. 5744 of Hansard of 1942, where he refers to the short time that was left while it was essential to pass the measure concerned. He said—

> We have now arrived at a late stage of the Session. We want to finish the Session next week . . .

They had come to a late stage of the session and only a week was left over. I wish the Prime Minister could give us the assurance that we would finish our work next week. He said—

> We have now arrived at a late stage of the Session. We want to finish the Session next week. I myself informed the House that we hoped to conclude by the middle of next week.

It was only a question of three days—

> It now seems that we shall be a bit later, . . . but the time is so short that with the lengthy debates that are taking place on this Bill, we shall not be able to get the measure through this Session unless this special procedure is followed.

That was when they applied the guillotine to the Rents Bill. I want to conclude with this, but before doing so, I would just like to say that in my personal opinion the Parties can definitely consult together in the future, if not on the principle of the guillotine, then at least on the question of a time limit or the determination of a time. Last year such an attempt was made, but no agreement was reached, but it definitely is a matter which we should keep in mind. As far as the principle is concerned, I just want to say that sufficient time is being allowed for this particular measure, namely, altogether 52 hours, and according to their own Press it is sufficient to thrash this matter out thoroughly. Before concluding, I just want to remind the House, with a view to what I have said, of the advice given by a man who can speak with authority. I now want to quote from the Journal of the Society of Clerks-at-the-Table in Empire Parliaments, in which journal Mr. Campion, assistant clerk in the House of Commons, wrote about the methods applied in the closure of debates. He writes as follows in connection with this particular measure—

> It seems generally the case that obstruction has been most effectively

practised by a party composed of men who feel themselves to be alien in a body which they dislike and would gladly destroy.

He mentions a few examples and says—

Of this type were the Czechs whose activities just before the war had succeeded in preventing the Austrian Parliament reaching the Orders of the Day for two whole Sessions. Obstruction of the Irish or Czech type is impossible in the present House of Commons. The solemn and long-drawn-out farce of talking simply to prevent progress does not appeal to the British sense of humour, nor does the attempt to overrule indirectly the will of the majority for the time being recommend itself to men who look forward to being themselves in the majority in their turn.

*Hon. MEMBERS: Hear, hear.

*Mr. SERFONTEIN: They say that they will again be in the majority in their turn. Then it behoves them still less to adopt the attitude which they are now adopting, while they are in the minority. I hope that in the course of the rest of the discussions on this measure, we shall get some clarity on the question as to whether hon. members opposite consider the number of hours as being sufficient or not, and in the second place as to whether they oppose this Bill in principle or not. Are they in favour of it or against it? That is the test to which they are being subjected, and they will have ample opportunity to think this test over and to make a decision before the end of the Session.

Mr. CHRISTIE: Mr. Speaker, the Labour Party has always strongly opposed any guillotine motion, because first of all it is a dangerous interference with the rights of members of Parliament.

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

Afternoon Sitting.

Mr. CHRISTIE: Mr. Speaker, when the House adjourned at 12.45 I was saying that the Labour Party strongly objected to the guillotine because it was a dangerous interference with the righs of members of Parliament. I want to draw the attention of the members supporting the Government as to the peculiar position they are in, particularly those members who were not in this House when the Nationalist Party were in opposition. The Nationalist Party were always sustained in their efforts to oppose the guillotine — and they were a very good Opposition when they dealt with the guillotine — and I would point out to those hon. members, particularly the new ones, that the party they are supporting are now guilty of the same offence that the previous Government had been guilty of. In other words, the election promises of the hon. member for Fauresmith (Mr. Serfontein) have just slid off their backs like water, and they should appreciate that the Chief Whip is only trying to excuse himself and his party for adopting this motion of the guillotine. He went as far as to say that they would adopt any methods to secure their ends, and this is being done. I remember well, and it will be remembered by leading members — the Minister of Justice and others — how they made the welkin ring with their protest when they were in Opposition, and how they said it was tyrannical and undemocratic. But as tine; we have spoken against it, fought far as the Labour Party is concerned I can say that we always objected to the guillo- against it . . .

The MINISTER OF FINANCE: Until you are one day in the Government, and then you will support it.

Mr. CHRISTIE: The hon. Minister gives away the whole hypocrisy of the political game.

The MINISTER OF FINANCE: Exactly.

Mr. CHRISTIE: I say that is no justification for . . . [Interruptions.]

Mr. SPEAKER: Order, order!

Mr. CHRISTIE: The Labour Party has always been against the guillotine. We are all elected by the people of South Africa to come to this House and convey their views, and the guillotine would prevent us from doing so; the time allowed is too limited. That also applies to the hon. members supporting the Government, and I would say this to the hon. Minister of Finance, that you can get a very docile following when you are in power, but I want to warn members of the Nationalist Party that that can go very far indeed. I want to say to them that there are false prophets about in the land and there are false prophets in this Government, and being backed by a docile following they are leading our nation into an abyss. I have sat in this House for just over thirty years, and I have never heard such levity as I have heard this Session, particularly on the part of certain members who are sitting on my left on the cross-benches. Their behaviour is far from what it should be; even schoolboys would behave better; and I regret it very much indeed, because I am one of those who believes in the dignity of Parliament. And I regret that my experience has been, particularly during this Session, that

everything is treated lightly, and that is indeed a cause for regret. You, yourself, Mr. Speaker, had to complain to both sides of the House about their behaviour, and many of us appreciate what you have said, and I want again to appeal to my hon. friends on my left to take note of this; we who have been in this House for years support you entirely, Mr. Speaker.

I am again going to appeal to the Government not to proceed with this guillotine motion. Do they realise exactly what it means in a free Parliament? The United Party has been guilty in that respect, but that is no justification for this Government to do the same. Otherwise it will be exactly as the Minister of Finance has said — each government in power will support this kind of legislation. We have never been in power, and although the Minister of Finance suggested that if we were we would use the very same methods, I would point out that when we were with the Pact Government from 1924 to 1929 the guillotine motion was never once introduced. All these hon. members who are interjecting do not appreciate their position as members of this House, representing thousands of electors. If they did they will not deal with this matter with the levity they are displaying at the moment.

Mr. VAN DEN HEEVER: That is exactly what you are doing.

Mr. CHRISTIE: We know that when they have a bad case they either laugh it off or they run away. Well, the hon. member for Pretoria (Central) (Mr. van den Heever) says that is exactly what I am doing. Either the hon. member does not realise what he is saying or he is not aware of the position at all. What I am trying to do is this. I am trying to defend the rights of members of this House in an individual sense. I say the application of the guillotine and the way it is taking place, is a danger to Parliament because it is robbing Parliament of its rights and placing more and more power into the hands of the executives. That is what I am trying to tell this House. It has been said before and it makes no difference to the ordinary member of Parliament whether he is on the Government side or on the Opposition side — we know there is party allegiance and without that no governmnent can carry on — but party allegiance can be strained — it makes no difference to the ordinary member whether it is his government or the other government that is doing this. The private member who supports the government has a certain amount of security in the caucus, and there he should use his influence to see that no attempt is made to hasten matters and to interfere with the rights of individual members. We have always said so. All the years I have been in this House we have said it does not matter which government is in power . . .

Mr. BOLTMAN: Then let us vote it down.

Mr. CHRISTIE: I do not like to refer to Hansard, but when I hear those interjections I must do it. When members refer to Hansard so often, I often think we are not giving sufficient attention to the business. We ought to remember the views expressed in this House so that it is not necessary to refer to Hansard. But on this occasion I do want to refer to Hansard and to what was said not so long ago. In 1947 a motion similar to this was moved by the then Government, and the then Opposition, now the Government, opposed that motion for the guillotine. The present Minister of Justice, then Mr. C. R. Swart, made this statement according to Vol. 60, Col. 1667 —

> The attitude on the part of the Government is tyrannical, undemocratic and autocratic, and not conducive to harmonious co-operation, nor is it conducive to the best interests of the country and the most efficient handling of our national affairs. I cannot associate myself with this motion; I am going to vote against it, and I want to warn the Government not to carry on in this way. I want to ask them to adopt the course of voluntary co-operation and friendly co-operation rather than to say, "We fix a limit, and everyone must bow to it." I cannot accept that.

That is what the present Minister of Justice said. Well, I have read it out for the benefit of those sceptical members who think this is just a holiday for them and who forget that they are sent here as representatives to the most serious and most responsible council of the nation. I do not think they really appreciate that.

Mr. Speaker, there is no excuse for the application of the guillotine. If the volume of business has become so great; if the Government is determined to get a certain amount of legislation through in one session, then the session must continue. But we must not rob the people of the country of the right to express, through their representatives in this House, their views on the legislation put before the House. The hon. the Prime Minister referred to former occasions when the guillotine was moved, and then the hon. member for Germiston (District (Mr. Strauss) replied that this Bill was of much greater importance and that it was essential that the fullest debate should be allowed on this particular Bill. I do not subscribe to that point of view, because no matter how important a Bill is or not, there is no excuse or need to apply the guillotine. When there is repetition, our rules provide for that. If dilatory methods are adopted by individual members, then under the Rules of the House we can deal with them. But no matter what the Bill is, there is no excuse for the guillotine. Since 1910 Parliament has

usually sat from the middle of January until the middle or the end of May. But from 1910 to 1950 this country has grown from a small business concern to one of great importance and if we expect, if the Government expects, to keep up with that business, then the only remedy is not to take away the rights of members in order to secure the finishing of Parliament at a given date, but we must give sufficient time to complete that business. But if the Government expects and the country expects that we must finish by a given date and that, therefore, our rights must be taken away, then it is a very serious matter indeed. What we have to do is this; as long as there is important and necessary business before the House, this House must carry on. Other Parliaments have discovered the essentiality of that. The Parliament of Great Britain is sitting practically all the year round with a fairly long vacation in mid-summer and not such a long vocation at Christmas. There are about three breaks every year. We are coming to that, and this is not the solution to take away our rights by the application of the guillotine. There is only one way of doing the business of the country and that is that the members who are elected to represent the people here should do their job.

Well, that brings me to the present Bill. As I have said, no matter what the Bill is, it makes no difference whether it is an important Bill or an unimportant Bill, the Labour Party will not approve of the guillotine. But I do want to say that the present Bill is a particularly difficult one. It is a Bill that is going to change the outlook, the method of life and the future of all the people in South Africa. It is going to bring about a complete change as a result of the methods applied in this Bill. It is a Bill consisting of 36 clauses. It is one of the most important Bills we have had before us, and we are going to limit the time for the discussion of this Bill, as the motion shows, to practically three days for the second reading. Now, Mr. Speaker, I want to say this. When the Governor-General's speech was made at the opening of Parliament, the Government foreshadowed that they would introduce such a Bill as the Group Areas Bill. That was about four months ago. Why so late? There are other important Bills coming forward, and why are they so late in the Session? One is entitled to ask the Government what the reason is why these Bills are brought forward at such a late stage of the Session. Was the reason that they wished to make use of the guillotine, of the big stick, and take away the rights and liberties of members of this House in order to put through this legislation without due consideration and discussion which such important Bills demand? I can only say this. I want to suggest to members opposite, who are such docile followers of the Government, if they are not shocked about what is happening after they heard what was read out by the hon. member for Germiston (District) in regard to how the Nationalist Party opposed guillotine motions in the past; if they are not shocked after they heard the interjection by the hon. the Minister of Finance, then I can only say that nothing will ever shock them. I can only say we should make up our minds, and by "we" I mean not only the members of the House, but the people throughout South Africa, that we have got to the stage that we have an executive, namely, the Cabinet, that is determined to extend their dictatorial position and entrench themselves as much as they can as a minority group, and if we are not careful they will lead us into the depths of woes we know not, and that without due discussion of those things they are leading us into. It will lead to disaster in this country.

*Dr. J. H. STEYN: I am very glad to get the opportunity of speaking after the hon. member who has just sat down (Mr. Christie) because there are few members in this House to whose remarks I listen with more respect than those of that hon. member. He delivered an almost passionate plea here this afternoon, a plea, the passion of which, I am afraid, was worthy of a better cause. He said that we would make the welkin ring over what was going on here. It really is not as bad as all that, and I think we should look on these matters in a more prosaic light. As a matter of fact his speech made a somewhat pathetic impression upon me. What we have before us is a struggle between the old and the new, and I fear that the hon. member has not quite kept up with the developments of the past few years.

One's opinion about this matter seems to me to depend largely on where one sits in this House. If you sit on the one side you support the motion, but if you sit on the other side you oppose it. After a few years, when we have changed seats again, you are in favour of it again, even though you may be opposed to it today. What we are actually dealing with here is one of the fictions of parliamentary government. Perhaps it is a good thing that it is so, but there are times when one has to get out of the blue down to reality. This does not affect the dignity of Parliament. If there is one thing which does affect the dignity of Parliament, it is the night sittings which we have had here. They are unworthy of Parliament in every respect. The guillotine may be the very thing to contribute to the prevention of night sittings. That I think is a valuable aspect of this guillotine motion. The hon. member, however, also said that we were interfering with the rights of individual members. Surely he does not mean that. He might have criticised the time fixed, and he might have said that the time was too short, but he did not do so—he attacked the principle. Well, if 153

members cannot in 52 hours say all they want to say about this Bill of 36 clauses, then surely they cannot say it in 152 hours either. I think that what the guillotine can do further, and what will be very good, is that it will set a limit to the verbosity of some hon. members. If we know that we have less time to say what we want to we are going to be shorter and more to the point in our speeches, and we are going to do less roaming all over the subject.

We are dealing here with a modern phenomenon which we find in other countries, too, viz., that Parliaments are overloaded with legislation of all kinds. It is not Parliament's fault; it is not the Government's fault, but it is the people who are demanding more and more from Parliament.

*Mr. RUSSELL: Do the people want this?

*Dr. J. H. STEYN: The hon. member who has such a plethora of interjections knows well enough what the verdict of the people would be, and he must just swallow his pill. I repeat that the fact remains that the people demand more and more services from the State. In that respect the hon. member for Johannesburg (City) (Mr. Christie) was quite correct. If the people also want us to give more time to the work, I am prepared to accept that. But the people have not yet given us any intimation that Parliament should sit permanently from January to January; I think there are certain political elements in the country which are prepared to accept such a position, but the people as a whole have not yet given any indication to show that they are willing to accept such a position. That day may come, but must we anticipate that event? What control, however have we got over legislation which is introduced? The Government is in the best position to judge what legislation must be introduced during a session, and then the Opposition has its task to do, a task which this Opposition, unfortunately, does not fulfil. The more legislation is introduced, the more the time has to be limited, not Parliament's time, but the time of individual members to talk at random. We find that speeches are made lasting a couple of hours.

*An HON. MEMBER: About nothing.

*Dr. J. H. STEYN: I did not want to say about nothing. But a member who in 40 or 50 minutes cannot say all he wants to say rather tends to stray from his subject. We simply have to accept the procedure which is proposed. Here I differ from my hon. friend opposite (Mr. Christie). The guillotine is a more acceptable measure to me than the closure. The closure of the debate may possibly come at any time when one is least prepared for it, but with the guillotine every member knows how much time we have at our disposal. I shall vote for this motion — and not because I happen to sit on this side of the House. [Interruptions.] Did not hon. members opposite, who are so noisy now, vote for a similar motion when they sat on this side of the House? I have not voted for a motion of this kind yet, but this motion now before us together with the whole principle of the guillotine is unavoidable in a democratic Parliament, if that Parliament is to do its work.

There is another possibility. There is an option to which the hon. member over there has referred but has not mentioned. We need not accept this motion, but then we must know what we are driving at — and he pointed this out to us. Either we are going to curtail our own time, or we won't be here to curtail it. Let us discipline ourselves, failing which the people will discipline us. Rather let us control ourselves before it is too late.

Mr. STUART: Mr. Speaker, I want to congratulate the hon. member who has just sat down. He has said things with regard to the "duration of speech" in this House that I trust will be taken to heart by members like the Minister of Economic Affairs, who speaks for an indefinite period and then repeats himself for another. In this particular case of the guillotine motion I commend it to the Chief Whip of the Government, who managed to exhaust 45 minutes. I suppose that is an indication of his moving another guillotine at a later stage in this debate.

I have very little to say on this Group Areas motion from this quarter. But I do say this, that to rush these far-reaching measures with their tremendous implications, both social and financial, without due consideration, seems to me to depend upon the ground having been adequately prepared before the Bill is introduced. That is the point. Mr. Speaker, we are having this legislation by the yard. Bills are rushed to the roof stage before the walls are built. Or might I perhaps, in regard to apartheid, say more aptly that walls are erected between portions of the community before the foundations have even been prospected. In this particular case they propose to pass a Bill before they have inspected the ground. They do not know the layout of the place.

An HON. MEMBER: Nonsense.

Mr. STUART: Mr. Speaker, I am speaking the truth. It is modern republican imperialism of the most extreme form. It is building something on nothing. It is debasing the very principles of the erection of structures. In its determination, obviously expressed in this motion, on the part of the Government to write a curious history of South Africa for better or for worse, during the few years in which it may be

dominating here, it is being led by perhaps the most portentous indication of domination that we have had in this country as yet. And that is the extraordinary personality of the Minister introducing this Bill. His whole angle, so far, has been a definite insistence of putting on record his destroying legislation, calculated to damage the Europeans in the country without being in the least certain that he can handle the stuff. I do say this, that if matters are rushed through like this, as this Bill is planned to be rushed through, all that happens will be that on the Statute Book will appear Acts saying that this or that has to be done, without the slightest knowledge of how it can be done. Mr. Speaker, the facts are totally unascertained. There has been no definite facing of the problem and nobody knows exactly what the repercussions of this Bill will be. In those circumstances I do submit that a most abnormal position has arisen. You get the Act before you get the facts. You get the orders before you get the knowledge. You have the cart completely before the horse, and having reached that unfortunate position you put the reins in the hands of a dominant personality with the absolute certainty that when he whips up the horse he will smash the cart. The position is already pathetic. I can only say, Mr. Speaker, that it is my belief that the result will be catastrophic.

Maj. VAN DER BYL: Mr. Speaker, what the hon. gentleman has just said contains a great deal of truth. What he has suggested is that we have not had the ground laid or the work done in investigation, before the Bill was introduced. How are we to get information to base our arguments on and to see how we can make the Bill workable, if it is workable? The hon. member for Potchefstroom (Dr. J. H. Steyn) is one of the younger members here and he gave us almost a lecture on parliamentary procedue. He is coming under the same new complex that Parliament is merely to be a voting machine and arguments are not to be used. Ministers must come forward with legislation, and then the machine is brought into operation and measures are steamrollered through the House. He said the hon. leader of the Labour Party does not understand the difference between the old and the new parliamentary procedure. He said that hon. member was living in the past. In a sense that is correct. Their new idea is that we have reached the stage where countries are being governed by men or ministers, and not by Parliament. The old order which we believe in and want to practise, is that where Parliament makes the laws, the interpretation of them is in the hands of the judiciary and our country, and not in the hands of Ministers.

Mr. RUSSELL: The New Order.

Maj. VAN DER BYL: Yes, that is a New Order. That is what we are worried about. That is what is creating apprehension throughout the country, this dictatorship complex; which we see in almost every bit of legislation as time goes on. Now, Sir, the Prime Minister, when he introduced this motion this morning, emphasised the fact that this was most contentious legislation. We entirely agree, and most of our arguments on this side are based on that very point, because the Bill is so contentious and we have not had the background or the foundation, as the hon. member for Transkei (Mr. Stuart) has said, on which to work. That is our whole trouble, and now by cutting our time short he is not giving us a chance to consider the matter fully. The Prime Minister said that the guillotine is part of the procedure of the House. That is true. We are not really quarrelling with that. But we feel that not sufficient notice and not sufficient opportunity had been given to members on this side of the House to study these Bills fully, to study these Bills so as to see their full implication. Here we have the Group Areas Bill to which the guillotine will be applied. We have the Registration Bill. We have the Unlawful Organisations Bill which has now gone to a Select Committee, and some of the important members on both sides of the House are sitting on that Select Committee during the hours when this House is in Session. We are sitting morning, noon and night; and how can we investigate these Bills and get information and grasp and understand the full implications of this Bill, when we are working day and night. It is impossible to do it. That is our argument. Those three Bills I have mentioned now can and will affect South Africa for the next century.

Dr. VAN NIEROP: Thank God for that.

Maj. VAN DER BYL: The hon. member says: Thank God for that; viz., that the Bill is so far-reaching that it will affect South Africa for a century, and yet he is prepared to put it through without any investigation. Has the hon. gentelman the foggiest idea of what this Bill is about? Let me take just this one point. Let me touch on the financial implications. I do not wish to discuss the merits of the Bill, because that would not be in order. But take the financial implications of the Bill. What chance has the ordinary member had of studying it fully? There are large financial houses, as well as private individual investors and boards of executors, and those large organisations who know all about the financial set-up and who know how their interests will be affected, are in a position today that they do not fully understand the implications of this Bill, and I know they are meeting today and at this late hour to try and see how it will affect their interests and the

interests of their clients and moneys held in trust. Here you have these important organisations investing hundreds of millions of public money, and they themselves do not know how it will affect them, because the Bill is so involved and far-reaching in its implications. They, like us, want time to study it; like us, they want authentic information which only full investigation can give so as to enable them to understand how this Bill will affect such things as land titles, mortgages, contracts, etc. Those are the things that we are basing our arguments on. It is not so much a question of procedure, it is not so much a question of the guillotine, but the fact that we have not yet had an opportunity of finding out how this Bill is going to affect the country as a whole. Remember that it may affect the country for a very long time. Let me take one example. In the Caledon district there are many farms owned by Coloured people, farms which have been in their ownership for 100 years or more. Many of those farms are bonded, possibly by trust companies who have invested money on behalf of minor children or trust money of which they are the trustees. I am not going into the merits of the Bill, because, Mr. Speaker, you would not allow me to do so. I am only pointing out why we require more time and information.

Dr. VAN NIEROP: Tell me, have you really read the Bill?

Maj. VAN DER BYL: Of course I have. Have you?

Dr. VAN NIEROP: Then I cannot understand you talking like that.

Maj. VAN DER BYL: I am giving a case in point, where in a place such as I referred to that people have lent money on bond, taking it for granted that should those farms ever come into the market, a large number of Europeans who own land adjoining would pay the market value for those properties should a bond have to be called. Today there is the danger under this Group Areas Bill that nobody will be able to buy in that area except Coloured people. The hon. member asked whether I had read the Bill. Let me ask: Why is it that financial houses are so worried about the position today? Why is it that during the last fortnight certain societies have refused to lend money at all on bond, because they do not know what is going to happen? This Bill may affect the country for the next hundred years and more.

Dr. VAN NIEROP: Thank God.

Maj. VAN DER BYL: If it is true that this Bill is going to affect the country for hundreds of years to come, what is the hurry? If you are going to put through legislation which will affect South Africa for a hundred years or more, surely you can spend three or four months considering the matter?

Mr. OLIVIER: When will it ever be the right time?

Maj. VAN DER BYL: That is our objection. Even a year would make no difference, but let us investigate the matter properly.

This Bill goes much further in its implications than the 1936 legislation which dealt with only the Native question and land occupied by Natives. Here we are dealing with whites, Coloureds, Asiatics and Natives. In connection with the 1936 legislation we have the Beaumont Commission sitting from 1913. It was then found necessary, some years later, to form sub-committees in each province to go into the findings of that Beaumont Commission and then a Select Committee sat for ten years before this legislation was put through and, as I say, this legislation only dealt with one section of the population. I believe the report of the Beaumont Commission came out in 1916 and as far as that is concerned the people affected have known in any case after the publication of that report that there were certain clearly defined released areas and that if they were to lend money on the outskirts of those areas, those farms adjoining those released areas would probably depreciate in value. They knew what they were doing. But what is the position today? Nobody knows what part of South Africa will come under this Bill. There is no question of released areas where a man knows that he must not lend money on land in that particular area. Under this Bill the Minister can declare any area as an area falling within the scope of this Bill. It is these things that worry us and that is why we contend that we must have more time and we must have more information and more investigation, because, as I said, before the Select Committee on the Native Affairs Bills sat, they had all the findings of the Beaumont Commission and that commission had gone into the whole question and all the implications. We are not arguing so much about the introduction of the time limitation. That is not our main objection, because we know that our form of democracy, as it is today, comes down to this, that the people for a time, for a period of five years, elect what amounts to a dictatorship. The Government elected by the votes of the people and the elected Government can, by its majority in this House, put through any legislation they want to put through during that period of five years, but the basis of our democracy is that during that time anybody, however insignificant, even if he is a minority of one, has a full right to ventilate his grievances and has the full right to expose that Government to the people of the country and then, Sir, if he can convince the people outside that the

Government is wrong, then after a period of five years the people have a chance of electing a new Government. But today, by the guillotine, we are being prevented from voicing all our objections to this Bill, because in many cases we have not got all the information or understand the full implications of what is going to happen when this Bill becomes law. The Prime Minister tells us that we will have sufficient time. He is always emphasising the point of how much time we are going to be given and he compares that with the time given under other guillotine motions.

Mr. SERFONTEIN: Yes, when you supported the guillotine.

Maj. VAN DER BYL: Yes, but that is not the point. The point is that it is not the question of the time given, but of investigating the whole matter and getting the necessary information. We have not got that information. Nobody can tell us exactly what is going to happen and how it is going to affect the value of immovable property in which the public has invested money on bonds, etc.

The MINISTER OF THE INTERIOR: The Bill itself is not yet under discussion.

Maj. VAN DER BYL: No, you are going to stifle discussion of the Bill and it is because we have not got the necessary information we should have a free range on this matter. Now hon. members on the other side keep on telling us that we used the guillotine.

Dr. VAN NIEROP: Yes, you have a black record, and you were a member of the Cabinet in those days.

Maj. VAN DER BYL: We did use the guillotine, but the point is that in those days it was essential that Parliament should end its sessions often in May, before the end of May. Why? Because at that time we were fighting a war, and the gentlemen over there were doing nothing.

HON. MEMBERS: In 1945 and 1946?

Maj. VAN DER BYL: We know that they did not do their duty. The point is that during that time it was absolutely essential for the Prime Minister, who was not only Prime Minister but also head of our armed forces, and other Ministers to get on with the job and they could not sit here till June and July. There was a war on then, and any contentious Bill brought before this House and on which the guillotine was passed, had in every case information behind it, there had been investigation through commissions or otherwise, and the House was in possession of all the facts, which is not the case today. The hon. member for Germiston (District) has raised that point, and I may say that we had to go and do our duties as Ministers in Pretoria in those days, we could not sit here for very long sessions, but there is no necessity now for this Government to rush this matter through, and if they haven't got the time now, let them postpone this measure till the next session. They should have brought it on earlier in the Session. Then the hon. member for Hillbrow (Dr. Friedman) said that our job as an Opposition is the right to criticise and to oppose.

Dr. VAN RHYN: Not to obstruct.

Maj. VAN DER BYL: Who is obstructing?

An HON. MEMBER: Of course you are.

Maj. VAN DER BYL: We haven't had an opportunity yet of discussing this Bill. We are not only opposing this Bill, but we want an investigation first so that the House has the available information. If you go up to the top of a high hill, you see the whole view suddenly, but it takes hours of study if you want to see all the details, and that is what we want to do with this Bill. It is all very well for the Prime Minister to smile. He wants to rush the Bill through and in the recess go round and say: "There you are, we have passed more legislation for apartheid." Take one point alone. I feel that the powers placed in the hands of the Minister — I am not referring to this particular Minister — the powers put in the hands of any future Minister or of the board and certain officials, are powers which Parliament should not grant . . .

Mr. SPEAKER: I have allowed the hon. member to go very far, but I must now ask him to come back to the motion.

Maj. VAN DER BYL: I say that we have not got the necessary information. If they had put before us the report of a committee or a commission on it, we would at least know how it will affect South Africa as a whole. Then we would also have the opinions of interested parties outside who would have had an opportunity of making representations. We have not heard of representations of interested parties. That is why we do not want to have the steamroller used against us, before we have all the necessary information. The hon. member for Germiston (District) has said that the Minister of the Interior seems to be inflicted by the virus of the gag, the strait jacket and the guillotine. Yes, Sir, it is obvious that that grim term "guillotine" might in fact in due course come into physical use, not merely in a theoretical sense as it is here in this House. What the people outside feel and are worried about is this slow encroachment on the rights of

an Opposition or the rights of minorities. Actually we are not a minority, but represent 100,000 more people than the other side.

Mr. SERFONTEIN: Oh!

Maj. VAN DER BYL: That is a fact.

Mr. OLIVIER: Then you must do away with democracy.

Maj. VAN DER BYL: We support democracy. We are fighting against the rights of the individual being usurped, fighting against what might become the concentration camp and the firing squad. [Laughter.]

The MINISTER OF TRANSPORT: You know all about it.

Maj. VAN DER BYL: Let me say this: The hon. the Minister of Transport says that we know all about the firing squad. Can he show me that during the whole war, when we were the most divided people probably amongst our allies, that there was any bloodshed, that there was one strike in the whole country? No, we had tranquillity then. Now we have chaos.

An HON. MEMBER: No strike was allowed.

Maj. VAN DER BYL: I can see I am getting under their skin by their interjections. We have an example of the mad craving for power on behalf of certain autocratic Ministers, particularly the Minister of the Interior. The point is this, and I would like to warn hon. members on that side of the House who are today voting for this thing blindly. They may have been told in the caucus by their Minister what the Bill is supposed to be. They haven't had the chance of going into it. I wonder whether they have read the Bill. Today they are creating a Frankenstein which in the end might well be applied to destroy their own freedom when things get too bad for them even to swallow, and they want to register a protest. That same power which is being taken here to close our mouths may well be used against them when they try to protest.

Mr. SERFONTEIN: You are talking from experience.

Maj. VAN DER BYL: If it was a bad thing when we did it, and I do not admit for a moment that we did, why do you follow our example? I warn hon. members on that side. They perhaps are making a change, which may lead to their doom. The hon. member for Fauresmith quoted a newspaper here, I believe "Die Suiderstem", which said that we were in favour of "aparte woonbuurte". Now, I cannot discuss that matter, because I know, Mr. Speaker, that you would not allow me to do so at this stage. But, Sir, is "aparte woonbuurte" the only principle contained in this Bill? Aren't other very important principles involved? Take the whole question of land value, the whole question of the population, the whole question of races which is raised by this Bill. In a moment of excitement when speaking, he lost his head and let the cat out of the bag, and he made it quite clear that this Bill was entirely political and when I challenged him on that point, he had the decency to blush, and I was pleased to see that he at least was ashamed of the fact that political reasons are behind this Bill. Let me say this in conclusion, that this morning somebody across the floor of the House asked about birthdays. Yes, we had some very famous and illustrious birthdays during this week, but today is the 26th of May.

HON. MEMBERS: Hear hear.

Maj. VAN DER BYL: Today is the second birthday of this Government and now they show what they are, dictators, as we warned the country two years ago. And I say that the people of this country who elected this Government to power two years ago today, regret that now, on the second anniversary, that they were put into power. They are beginning to wish that this two-year-old, whose birthday it is today, had been stillborn, rather than grow into the monster it is so rapidly doing.

*The MINISTER OF THE INTERIOR: I think we have all listened with considerable amusement to the hysterical outburst of the hon. member for Green Point (Maj. van der Byl). I am afraid he generated more heat than light from the subject which he has been discussing.

*Maj. VAN DER BYL: [Inaudible.]

*The MINISTER OF THE INTERIOR: He has apparently not said enough yet, he wants to say more. Well, do not let us begrudge him, because apparently that is all he can do nowadays. The hon. member for Germiston (District) (Mr J. G. N. Strauss) said that we were applying the guillotine motion at a stage when we did not even know yet what the Opposition's attitude on this Bill was going to be. May I just remind the hon. member that when the hon. the Prime Minister introduced his motion for morning sittings and when he told the House what the legislation programme was for the rest of the Session, he and other members opposite directed their replies exclusively to this Group Areas Bill. They very clearly indicated that the Group Areas Bill was a measure which they were going to oppose; they showed us their hand beautifully; this

was their great objection to the announcement of the programme which still has to be completed. They said it was contentious but now they come along and they say that we do not know yet what their attitude is going to be. I wonder sometimes whether hon. members opposite know exactly what attitude they are going to adopt. It seems to me that the uncertainty about that they are going to do is not on this side of the House, but among their own people; in any case I am very glad to hear that there is a possibility of this Bill not being opposed by the Opposition. I am very glad to hear that there is such a possibility.

*Mr. BARLOW: Who said so?

*The MINISTER OF THE INTERIOR: It is the acting Leader of the Opposition who has said so. At least he made the suggestion. In any case if it is so, then there is no reason for them to oppose this motion, and the only amendment which would be really fitting would be an amendment to reduce the number of hours provided for in the motion. If they do not intend to oppose the Bill or to oppose it seriously, may I suggest that one of the other members move a reduction in the number of hours. I am certain that the hon. the Prime Minister would accept such an amendment.

Then the hon. member proceeded to say that it was unheard of in the history of this Parliament to introduce a guillotine motion before the Opposition had let its attitude be known. May I remind the hon. member, in his absence, that when his Government was in power, when hon. members who are in opposition today, were on the Government side, they introduced a guillotine motion even before the Bill to which the guillotine was to apply had been introduced.

*Mr. TIGHY: When was that?

*The MINISTER OF THE INTERIOR: In 1940, before the Bill had even been introduced they proposed a guillotine motion to restrict the discussions on a Bill which had not even been officially introduced. This was before the second reading and before it had been introduced. At that early stage they limited the time for the second reading and all the other stages.

*Dr. STEENKAMP: Will you read out what the motion on that occasion was?

*The MINISTER OF THE INTERIOR: I am dealing with facts now. Do hon. members want to dispute the fact that the then Opposition — I imagine that they had a way of getting over it and they got over it by circulating the "Government Gazette" in which the Bill was published before the Bill had been officially introduced; they had already decided, at the very beginning of the Session, that a particular Bill which had not yet been read for the first time, was to be subject to the guillotine motion. So the hon. member must not come here and say that this is an unheard-of thing. It is something they have done to a very much worse extent As a matter of fact there is something, which has struck me in this whole debate, that it is a very dangerous game for people who live in glass houses to throw stones. Hon. members opposite are the discoverers, if I may call them that, they are the inventors of the guillotine motion in this Parliament. Their Leader is the man who introduced the first motion of this kind, their leader is the man who recommended that motion, and it is perfectly true that this side of the House, when it was in opposition, opposed that motion. But it does not help him now to come and quote what this side of the House said in 1940, because the answer is so very clear— if they quote us we only have to quote what they said in 1940. The logic of the hon. member for Green Point is somewhat peculiar. He says: "Why then do you follow our 1940 example?" May I put this question to him in return. Why do you not follow your own example of 1940? It is childish. The hon. member for Potchefstroom (Dr. J. H. Steyn) said that it was pure fiction and the only party which is able o remain consistent with itself on this subject is a party like the Labour Party, which has no hope of ever coming into power. The Labour Party is the only party which is in a position to speak as it does today, and if the unexpected should happen and they should come into power one day, then I am convinced that the Leader of the Labour Party, or his successor, will do the very same thing that we are doing today.

Let me just say to the hon. member for Green Point, who is not here at the moment either, that where he says that there has not been a thorough inquiry and that we do not know enough about the subject dealt with in the Bill, that we do not know enough about separate residential areas, and what the facts and implications are— let me tell him that there very definitely has been an investigation. The hon. member referred to the 1936 Native legislation and he said that the Beaumont Commission had already dealt with the subject in 1913. This is not the occasion to discuss it, but let me just say to the hon. member in anticipation, that as far back as 1885 commissions have gone into this question and that they have taken evidence from 1885 onwards — Select Committees have studied this problem and time after time evidence has been taken, and there have been ample commissions. If hon. members will wait until my second-reading speech, I shall tell them a lot more about those commissions and about the evidence

placed before them. This is not the kind of subject which needs more commissions to be appointed. It is more a question of the Government, any Government having the courage of its convictions after all the evidence placed before those commissions in the past —it is a question of the Government now turning that evidence into reality. That is what is more necessary now than further commissions. There are subordinate points in connection with this matter which will, of course, have to be dealt with in the Committee Stage, and people concerned in this matter are discussing possible changes with me, not changes of principle, but of subordinate detail as far as the operation of the Bill is concerned.

Now just let me say to the hon. member for Johannesburg (City) (Mr. Christie) that his attitude is an attitude which does not keep pace with the development of Parliaments in recent times. It is not a question of the curtailment of liberties. It is not a question of dictatorial methods, nor is it a question of the prestige of Parliament. It is simply a fact that one has to take a realistic view of the problems which come before Parliament and the Government today, and in introducing this motion we are in very good company.

*Mr. S. J. M. STEYN: Stalin?

*The MINISTER OF THE INTERIOR: No, he is that hon. member's uncrowned king. I prefer to rely on people who know something about the matter. I want to refer to a few extracts from the "Journal of the Society of Clerks-at-the-Table in Empire Parliaments". In 1932 Mr. Campion, Clerk Assistant of the House of Commons, wrote this—

> Most modern legislatures have found it necessary to adopt rules for limiting debates, whether by providing for the determination of debate at the will of the majority or by laying down a time limit in advance, or by limiting the duration of speeches, or by some similar device.

And it is very interesting to see what the position is in another country which has the oldest Parliament in the Southern Hemisphere, viz., New South Wales. The Clerk of their Legislative Council in the 1934 edition says—

> It is undoubtedly an axiom in relation to Parliaments the whole world over that the Government must be in absolute control of the Elected House, not only of business done and votes taken, but also of the time occupied in the transaction of business.

Mr. Speaker the other day told hon. members over there that obstruction was going on—

> When, therefore, the obstructive and stone-wall tactics mentioned by Mr. Campion grew to such an extent that it became a choice between sitting until complete exhaustion set in or adopting some method of terminating debate, the latter expedient was adopted.

And the following clauses were then inserted, first the closure of the debate and, secondly, the guillotine, and this is what he said about the guillotine clause—

> Many advantages have been claimed for this Standing Order when dealing with contentious legislation . . .

I particularly want to refer hon. members opposite to the words "when dealing with contentious legislation"—

> . . . chief of which advantages is the fact that the House is not taken by surprise, verbal and written notice being necessary on the day prior to that upon which the guillotine is to operate, and members are given due warning of the Government's intention to move the guillotine. Members know definitely the hour at which the guillotine is due to fall and have an opportunity of dividing the available time between them. Party leaders are encouraged to select as leaders men of the widest knowledge of the subject under review and as the Government has complete control of the business and the time expended thereon, it is contended that it is able to arrange the methodical consideration of its proposals.

That is the opinion held in other countries, and these are democratic countries, and it is neither fair nor correct on the part of the hon. member for Johannesburg (City) to come here and pretend that this is something extraordinary and that such a serious curtailment of rights and liberties is taking place here or that this proposal is imposing any limitation on the prestige of the House. For these reasons it looks very strange to me . . .

Mr. RUSSELL: May I ask you a question?

*The MINISTER OF THE INTERIOR: . . . that hon. members opposite can be so disloyal to their own past, and that they are not only disloyal to their own past but that they dare quote to this side of the House what this side of the House said in 1940, because what we are saying today is exactly what they said in 1940.

Mrs. BERTHA SOLOMON: Listening to the hon. the Minister quoting from the journal of the Society of Clerks-at-the-Table reminds me of the old adage of the Devil being able to quote Scripture for his own purposes. But seeing that he has

quoted from this journal may I quote May on parliamentary procedure to him. I think he will agree that May is the highest authority of all, and what May says in the 14th edition on parliamentary practice, dealing with the guillotine is this—

> An allocation of time order is not usually moved until after the second reading of the Bill and often not until the rate of progress in Committee has provided an argument for its necessity.

Well, Sir, here we find that the Government does not wait until the second reading; it does not wait, in the words of the quotation, until the House has been exhausted with argument, but they are putting the House into a strait jacket by limiting the time beforehand, and if that is not limiting the rights and privileges of Parliament I do not know what is. The Minister contends that the use of the guillotine is now common in all Parliaments. Well, may I suggest to the Minister that if it is in fact true that parliamentary procedure is now too long-winded to cover the increasing amount of business that Parliament has to do, then the answer to it is not the guillotine but that a Select Committee should be appointed which should include the Committee on Standing Rules and Orders, to consider how best parliamentary procedure could be amended to deal with the growing complexity of business. That is the logical way to deal with the situation and not to do as the Prime Minister did today to anticipate criticism of a highly contentious measure by proposing to put that measure into a strait jacket. I can do no better than to quote on this occasion the remarks made by a certain Mr. Tom Naudé, the hon. member for Pietersberg on the War Measures Bill in 1940. The hon. member said — and I would like to repeat this—

> There is one thing which the Government should not forget. The Opposition which is here today is the strongest opposition that has ever been in the history of this Parliament not only the strongest in numbers, but also in other respects.

If that remark about numbers and capacity was true in 1940 then it is doubly true today when the Prime Minister sits on the Government benches today only by virtue of the support of the Minister of Finance and his members. I repeat that this is the strongest Opposition which this House has ever known and to try to muzzle this Opposition whose members, to revert to my quotation—

> . . . are not here merely to say yes or no to the Government's proposals. They represent constituencies and if they are not allowed to speak here it is not only they who lose their rights and have to remain quiet, but it is also the rights of the people outside which in that way are interfered with.

I cannot do better than quote those memorable words of Mr. Speaker in 1940, because what was then said is of double and treble application today. I want to remind the hon. the Prime Minister that the country outside is not ignorant of what is taking place in this House. The country outside was perturbed at the Citizenship Bill. They do not like the powers that were given to the hon. the Minister of the Interior. They like still less — his own followers no less than ours — his Registration Bill and they like even less the new powers that were given therein to the hon. the Minister of the Interior. And now we are giving the Minister of the Interior still wider powers to say who may or who may not own property. I would like to warn the hon. the Prime Minister that with this accumulation of power in the hands of one man, he is doing something which this country is resenting and resenting hotly. He is thereby stirring up a hornet's nest that one day will explode around his ears and with a violence and a force which will astonish him. I might remind him too that there is one thing about sitting on the Government benches and that is this: Cabinet Ministers are apt to be sheltered from the comment of ordinary folk. It is the penalty that they pay for power that they gradually lose touch with the opinion of the common people and with the opinion of the man in the street who is fundamentally the voter, and they will be surprised, I repeat, at the outcome of this accumulation of power and the cumulative force of measures such as this always put into the hands of one man. I warn the Prime Minister solemnly against that accumulation. I am saying and saying strongly that such accumulation is opening the door to a police state such as this country has never seen, and the people will rise up in their fury one day, and that day is not so far distant and show this Government exactly how they feel about this question. I want to say this, to come back again to my quotation, that the hon. the Prime Minister, quoting the Rt. Hon. the Leader of the Opposition, when he was Prime Minister, used him as a precedent for this guillotine motion today. The hon. the Prime Minister forgets that the reason why the Leader of the Opposition moved that guillotine motion originally in 1940, was because the House had nearly reached exhaustion. There was an intractable Opposition that had used every device of obstruction within its power, and for days on end we had had sittings on the Bill and an all-night sitting.

Above all I want to remind the hon. the Prime Minister that that was a War Measures Bill, and that the country, although he did not support it, was in the midst of a great war. But what urgency is there today for this measure. The Prime Minister has shown none. Certainly the hon. the Minister of the Interior has not shown us why this measure should be introduced at this late stage of the Session, with the House due to adjourn at the latest in June; he has not shown why at this late stage of the Session it is necessary to introduce this highly contentious piece of legislation which will affect the property rights of hundreds of thousands of people in this country. To justify the introduction of this measure at this stage there should be shown some very considerable urgency and the Prime Minister made no attempt to show such urgency. Instead he used the analogy of the War Measures. There is no analogy of any kind between the War Measurs and this measure, and the country outside will see through the fallacy of that analogy quite easily as any member in this House. I want to say this, to come back once more to my quotation from the speech of Mr. Speaker in 1940, that when the rights of members of Parliament to speak their minds on vital matters before the country are curtailed, then it is not the rights of members of Parliament only which are curtailed, because in the words of Mr. Speaker —

> Members of Parliament represent their constituencies and if they are not allowed to speak, it is not only they who lose their rights and have to remain quiet, but it is also the rights of the people outside which in that way are interfered with. The members of this House represent their voters. By taking away the rights of members, the rights of their constituents are taken away, too, and for that reason we have to protest against this motion introduced by the hon. the Prime Minister. We have to protest on behalf of the public outside.

That, Sir, is what we are doing today and with much greater force today, because, let me repeat, there is no vital emergency such as a war which is prompting the Government's action. This is merely a matter of carrying out what they regard as the policy which they promised the electorate that they would carry out if they came into power. They have only been in power for two years. This Group Areas Bill is a vital matter. It is one which will affect people not only now, but for generations to come. I repeat that there is no urgency whatever about it. The Prime Minister would be doing well, therefore, both by the House and the country if he did not proceed with this guillotine measure, if he merely published this Bill, as he has done, for the information of the country and if, when the time came to consider it, he would send it either to a Select Committee or, better still, if he would appoint a Commission to investigate all the implications of this serious measure. That would be an act of statemanship which will accord both with the Prime Minister's statements when he was in Opposition and with his record in a former Cabinet, and at the same time it would not deny him an opportunity of carrying out his election promises. That, Sir, is the right thing to do. Put the Bill before the House now, and proceed with it next session. I hope the hon. the Prime Minister will accept that suggestion from this side of the House.

*Mr. VAN DEN BERG: If we had been faced with normal objections and proper arguments against a Bill, it would not have been necessary for us today to have introduced this motion. But, unfortunately, we find that a large number of members of the Opposition have been bitten by the hon. member for Hillbrow (Dr. Friedman) with the result that dozens of them are suffering from "highbrow-phobia". Quite a number of them are suffering from that disease as the result of bites by the hon. member for Hillbrow. Hon. members ask what need there is for this Bill to be passed this Session — the Bill for which this guillotine proposal has been introduced. The Minister has rightly told us that it is not a question now of looking for information; he has all the information at his disposal and this Bill has to be passed. I just want to mention one reason to show that this Bill must be passed quickly. We need not discuss the merits of the Bill now, but I have one reason here to show why the Bill has to be passed in a hurry. I have a map of Durban before me. This is what Durban looks like today.

Mr. RUSSELL: Has this map been drawn by Red Chaka?

*Mr. VAN DEN BERG: The portions marked in red represent areas inhabited by Indians. This is what Durban looks like as the result of Indian penetration in white residential areas. The whole town is being taken up by Indians and if the Minister does not proceed with this Bill, in 12 months' time the position will be much worse.

*Dr. STEENKAMP: Who has brought that division into being?

*Mr. MUSHET: We are not discussing the Bill now.

*Mr. VAN DEN BERG: Is not this ample proof of the fact that it is urgently necessary to proceed with this Bill? Is not this ample proof that there must be no further waste of time?

*Mr. V. G. F. SOLOMON: Why do you talk then?

*Mr. VAN DEN BERG: We are not permitted to accuse hon. members opposite of obstruction, but I think that they are "fakestructionists". They ask why the Minister has come forward with this Bill so late in the Session.

*Maj. VAN DER BYL: Why was it not introduced earlier?

*Mr. VAN DEN BERG: Have we not had other measures before the House all the time? There was no time to introduce it sooner. There has been so much obstruction from the other side on other Bills, that it has been impossible to introduce this Bill sooner. My hon. friends know that when they were unnecessarily taking up the time of the House on other Bills, this particular Bill had long since been announced. But the other side then took up so much of the time of the House. My hon. friend knows how many other measures had to be passed through this House. He knows, for instance, that we had the Budget Committee, and that the various Votes had to be passed. Has any unnecessary Bill been passed in this House?

*Maj. VAN DER BYL: Yes.

*Mr. VAN DEN BERG: Which measures?

*Maj. VAN DER BYL: Quite a few.

*Mr. VAN DEN BERG: If the Government puts these Bills through, it is criticised, and if these Bills are not put through, then my hon. friends tell the country that the Government has done nothing.

*Mr RUSSELL: It has done nothing about the cost of living.

*Mr. VAN DEN BERG: It is not necessary to make out a case for the urgency of this Bill. The two speakers on this side who have taken part in the debate have proved over and over again that this motion is fully justified, and not only is it fully justified but the other side of the House in the years when they were in power, laid down the precedent for it. They introduced it and they said that henceforth it would be a permanent part of our parliamentary machinery. But what they want is that Mr. Speaker should continually take upon himself the responsibility of saying to them that they must now stop, that they have done enough talking. They do not want the machinery, which has already been laid down, and which has been adopted to be used to facilitate the procedure. No, they always want to throw the onus on Mr. Speaker. It is most unreasonable.

*Maj. VAN DER BYL: Are there no other Bills which have to stand over from year to year?

*Mr. VAN DEN BERG: Yes, there are other Bills which have to wait.

*Maj. VAN DER BYL: Why cannot this one wait?

*Mr. VAN DEN BERG: Nobody objects to a subject being properly argued, but when the Opposition becomes stubborn and unruly, it is time for the Government to use its powers.

*Mr. G. F. H. BEKKER: And to put the children in their places.

*Mr. VAN DEN BERG: And to put the children in their places.

*Mr. RUSSELL: Make your own speech.

*Mr. VAN DEN BERG: The attitude of hon. members opposite is just like that of a lot of little school children who have no sense of responsibility.

*Dr. JONKER: There are no bigger children in this House than your lot.

*Mr. VAN DEN BERG: Imagine, when we are dealing with such an urgent Bill, an hon. member opposite gets up and appeals to the Prime Minister to put off this Bill until next year. Is it believable that a responsible member of Parliament can take up such an attitude? The hon. member adopts that attitude knowing that in the municipal area which she represents the people are continually making representations to the Government for a Bill of this kind to be passed.

*Maj. VAN DER BYL: Then why did you people not introduce it in February?

*Mr. VAN DEN BERG: The hon. member knows that I always treat him courteously, but if he asks me questions of that kind, then he knows that I cannot answer him here — he knows better. He knows as well as I do that the Government cannot put through all Bills at the same time in February. This Bill has been properly announced and as a former Minister who had a Department to control, he should realise the necessity for the introduction of this Bill. The position is so bad that the previous Government had already introduced a few measures to deal partly with the situation. In that Act the situation in regard to Indian penetration has been pegged. With this Bill, the Government now wants to peg the position in the whole of South Africa. We do not want the position to degenerate further. The hon. member knows that I cannot discuss the Bill itself at this stage.

*Maj. VAN DER BYL: May I ask a question? Did we not investigate the position before introducing that Bill?

*Mr. VAN DEN BERG: We have the investigation made by the late Government, together with a mass of other research work which has been done and today the Government have all the necessary information. Why should we waste further time by appointing a Commission of Inquiry, which apparently my hon. friends want? If the Minister is satisfied that he has all the information at his disposal, why should the Bill be further delayed? Let me tell hon. members who I saw here the other day, and that proves the necessity for a Bill like this. One of the people with whom my hon. friends opposite like to associate, chucked a bag of bottles into the street and then walked off with the bag. It is impossible for Cape Town people — a civilised town — to keep their town clean where they have to deal with people who do such things. This happened in Kloof Street. I am not ashamed to say where it happened. My hon. friends know full well that the value of properties are depreciating and no community can tolerate that sort of thing today. Yet they now want to delay this Bill further because they are jealous of this Minister having tackled a matter which they could not cope with — as they said. Now that the Minister has had the courage to say: "I shall show you that I can do it" they are jealous and they want to hamper him in very possible way.

*Dr. STEENKAMP: You will pardon me, Mr. Speaker, if I do not reply to what the last speaker has said, I think I had better leave him to be dealt with by the Minister of Economic Affairs. I should like to refer, with your permission, to what the hon. the Prime Minister said in introducing this matter when he referred to the fact that this guillotine principle had become customary in this House. But may I be allowed to refer him to what happened, less than three years ago, when he discussed this matter and when he held a different opinion, and when he said this, inter alia? Referring to the then Prime Minister, he said —

> I think that his speech showed that he, himself, felt this way. We all imagined in this House that the application of the guillotine was something of the past here.

At that time it was a thing which had got into disuse.

*An HON MEMBER: In what year was that?

*Dr. STEENKAMP: In 1947. He went on to say —

> There have been sittings when the guillotine was resorted to time after time and we have had long discussions about the application of this measure and the bad feelings which it creates in the House and the delay it causes to our proceedings if this measure is applied. It is for that reason that this measure has got into disuse with practically general agreement, and it has contributed a great deal towards allowing the work of this House to be carried on smoothly. All I want to say is this, that the application of the guillotine is not helpful to the expeditious disposal of the business of this House.

The hon. the Prime Minister is perfectly correct. The long discussion which we are having here this afternoon is clear proof of the absolute correctness of what he said there, and I wonder what it is that has induced him to change his mind so that this afternoon, as a result of this guillotine motion introduced by him, we have wasted practically a whole day which we could have spent on this legislation which we have to start with on Monday. But let us go further; I should like to say something about what the hon. member for Fauresmith (Mr. Serfontein) has said here. I am sorry that the hon. member is not here just now, but he is so fond of always using the old, worn-out, dreary example of the looking-glass when he advises others to look in the glass for what they will find there. I am afraid that if the hon. member looks in the looking-glass he will stare himself blind at nothing. But we are grateful to him, nonetheless, for coming here this afternoon and letting the cat out of the bag about the legislation which is to come before this House and for telling the country that this is nothing but a piece of political work, and that the object is a political one.

*Mr. POTGIETER: Who said that?

*Dr. STEENKAMP: The hon. member for Fauresmith.

*Mr. SCHOLTZ: No, he did not say htat.

*Dr. STEENKAMP: I am not going to distort his words, but that is exactly what he did say. He said that it had a political object — which we expected, of course, but where we shall have to disappoint the hon. member is where he and the other side of the House looked forward to us on this side of the House splitting up, as he put it. Let me tell the hon. member that that will not happen. On this matter we stand more solidly united than we have ever done in the history of this party. But on that point we shall, of course, have something to say on some other occasion.

*Mr. POTGIETER: That is why you emphasise it so strongly?

*Dr. STEENKAMP: The Minister of the Interior stated that we, on this side of the House, instituted the principle of the guillotine as far back as 1940. I asked the Minister to read out the motion which was proposed on that occasion. He did not do so. I assume that he did not have the book in front of him, but if hon. members will look, they will see that the guillotine motion was introduced in 1940 before any discussion had taken place, because there was a matter of urgency involved. Let me just read how it started, then hon. members will see that they cannot compare it at all with the guillotine motion before us today. It reads —

> That for the expedition of public business during the present period of national emergency . . .

In those circumstances one can understand such a guillotine motion. If we had been living under war conditions today, as in 1940 . . .

*Mr. S. M. LOUBSER: Was the war still on in 1947?

*Dr. STEENKAMP: I am now speaking about a motion like this being introduced before the second reading. But if the hon. the Minister of the Interior, who knows a lot more about law than I do, had read what Erskine May said about the matter, he would have been able to tell the House that the guillotine, except in extraordinary circumstances, is proposed after the second reading, and then only if Mr. Speaker or the Government is of opinion that time is being wasted, but not before the second reading, and that is exactly what we are protesting against now.

*Mr. S. M. LOUBSER: [Inaudible.]

*Dr. STEENKAMP: My hon. friend will get a chance as soon as I am finished. I am certain Mr. Speaker will see him. Our main objection is not against the guillotine, nor against the time allotted for the debate, but against the fact that the motion has been proposed, even before we have started our discussions.

*Dr. VAN NIEROP: You did the same thing.

*Dr. STEENKAMP: I have just said what happened on that occasion, but the hon. member was not in the House then. I have explained what happened in 1940. If the hon. member had been here he could have listened and he would have been better informed than he is now. It seems to me —and I am afraid it may happen—that since this Government has come into power—and I am sorry to say it because the Government largely, or entirely, consists of that section of the population to which I belong—I am afraid that they are more and more departing from the democratic system to which the country has been accustomed for the past hundred years and more. There is a tendency among hon. members opposite to try and smother all discussion, to stop all discussion.

*An HON. MEMBER: You know that is not true.

*Dr. STEENKAMP: No, it is not untrue. What I am saying here is perfectly correct. It remind me of what the Minister of Transport said not so long ago about our democratic system, when he was still a member of the Opposition. You will allow me to say what he said and what is perhaps being carried out today. In the discussion in 1947 he said this—

> The democratic system must be brought into accord more with modern conceptions. The time has come for a review of that system. Changes are necessary in institutions in regard to matters which no longer fit in with the modern form of government.

We must, therefore, assume . . .

*Mr. H. T. VAN G. BEKKER: Who said that, and what are you quoting from?

*Dr. STEENKAMP: I am quoting from Hansard, from what the Minister of Transport said in 1947. I feel, therefore, that I have reason for saying that it seems that the present Government is now engaged in changing the democratic system — I have reason for saying so, because of what has been said here. Because we are dealing here with one of the most important problems this country can be faced with. We are dealing here not only with the colour problem, but we have an extension here of the group principle in the country as a whole. We are going to deprive people of certain powers and certain rights. We are going to impose certain obligations on those people; we are going to prevent certain groups from living in certain areas, and we are going to take away that right, not only from the Coloured people, the Asiatics, the Natives and Bushmen, but also from our own white people.

*Mr. H. S. ERASMUS: Do not discuss the Bill now.

*Dr. STEENKAMP: If the hon. member had read the Bill he would have seen that it is so. I am talking about the principle and not about the merits of the Bill. It is

necessary, therefore, that in regard to this matter, we should have every opportunity of debate by those members of this House who represent the interests of the people and who have to place the interests and the needs of the people before this House. But now the Government steps in and even before we have started the debate, it tells the House that we are only to have so many hours for this debate. The time may perhaps be ample, but what about the principle? I am convinced that my friends opposite are today laying down a principle which they will possibly live to rue some day. We must remember that there comes a time when parties and governments have to go, and they must not come and complain when, if we come back into power, we do the same thing as they are doing now. I hope it will not happen. I assume that our Government, except in a time of emergency, will not introduce this kind of guillotine principle. I hope they will have the sense of responsibility not to introduce this kind of principle in peace time. This matter embodies a very important principle, and I feel that we must uphold this important principle of democratic government,

We also have the example of what the present Minister of Lands feels. I am glad he is here because I should like to quote what he said about a similar guillotine—

> Let us apply the Minister's philosophy about the rights of man to his Union citizens; let them respect the rights of those people who are affected by this Bill.

That is exactly what we on this side of the House are asking, that the rights of those people who will be affected by this Bill which is going to be passed, and which is going to be put through this House by means of this guillotine, are respected by members of Parliament, that members of Parliament will have the fullest right to express their views as often and as long as they want to.

A large proportion of the people of South Africa, rightly or wrongly, do not trust the present Government. Righly or wrongly a large proportion of the people are strongly opposed to the principles laid dwn in the Bill which will come before us shortly.

*An HON. MEMBER: Don't you believe it.

*Dr. STEENKAMP: But it has to be put through now with all the mud that is sticking to it.

*Mr. H. T. VAN G. BEKKER: It is going to be put through.

*Dr. STEENKAMP: Very well, but the method which my hon. friends opposite are adopting to put it through is perhaps going to be the first or the last nail in the coffin of the Nationalist Party.

Mr. RUSSELL: Mr. Speaker, this side of the House does not nor has it ever disputed the fact that "die valbyl", the guillotine, is a legitimate parliamentary procedure. But custom dictates that it should be used very sparingly and introduced only for very good reasons indeed. The authorities, amongst them Anson, actually describe the guillotine as a "desperate" expedient for carrying out the will of the majority. I think this particular guillotine is an expedient for carrying out the will of a "deperado" minority. For this Government is indeed a minority Government in that the opinions which they express are expressed on behalf of the minority of people in this country of ours. They represent the minority. That is why I think that this use of the guillotine before the question has even been discussed is one that does not do them any credit. Especially so when one takes into account their protestations in the past against the guillotine when we, as a Government, were by far in the majority; when we represented by far the majority of people of this land. Protestations were made by every single member that sits over there, the hon. the Prime Minister, the hon member for Mossel Bay (Dr. van Nierop), the hon. Minister of Lands and of Justice, and the hon. member for Cradock (Mr. G. F. H. Bekker). All those members protested against the guillotine in those days and protested with a fervour which impressed many memberss on the back benches on the other side.

Mr. LUDICK: Why did you not also protest?

Mr. RUSSELL: We did. This measure is one of the most significant ever introduced into this House. We know that it will affect the fundamental rights and liberties of the people and their property and it may involve thousands of people in losses. We know it is another method of introducing "apartheid" —probably a sop because that party was "stymied" by the hon. the Minister of Finance from introducing "political apartheid". This is another measure which will make the word "apartheid" vibrate unpleasantly in the minds of future generations of South Africans. We know that this Bill sets up a new system of bureaucracy. We know that the governing bodies created under this Bill will cut across local authorities and provincial administrations in this country. We know, of course, that it gives an alarming increase of despotic powers to an almighty Minister. All these elements in this measure make it a very sinister Bill. Mr. Speaker, I would also like the Government to remember this, that when they introduce a guillotine, they are taking very important rights away from members of this House. Our only function in this House

is not to make laws. I admit that it is one of our most important functions, but it is not the only one. This House can be looked upon and indeed is used as what one might call "a forum for the formation of public opinion". If you silence one single hon. member of this House, you are silencing 12,000 voices, because he speaks for his constituency. You do more than silence Mr. Russell, you silence Woodstock; you silence 10,000 to 12,000 constituents. When you silence the whole Opposition, you silence a united voice that is entitled to and does help in the formation of democratic public opinion. That is a thought which I would like to throw out to the hon. the Prime Minister. When you silence an hon. member, you silence the link which the ordinary man and woman in the street has, through Parliament, with the Executive. It is the only way in which their voices can be heard in the upper councils of this land. Mr. Speaker, I want to put forward a new thought, which has not yet been spoken of in this debate, to the hon. Whips on the other side. We have had various authorities quoted to us, including Campion. I will not read the authorities I have with me, but I would like to tell the Government members that they have only read those parts of Campion that suit them. They have not gone on to explain that not only Campion, but Jennings and May and other authorities, point to the real and correct way in which a guillotine should be introduced, if it is introduced. They suggest, and I suggest that there is still time to do it, that not only is a guillotine introduced with certain periods set, but that a schedule accompanies it and that time schedule is the result of very careful consultation with the other side. Such consultation is especially necessary when you get to the Committee Stage. Then each separate clause is gone through very carefully. The most important ones are allocated a certain period of time. The most vital clauses, those which the Opposition feel are matters involving great principle, are given not only hours but days, if necessary. It is as a result of negotiation between the parties and the hon. the Prime Minister knows, as I do, that the only way to make a House work properly is by consultation between the parties—by fair consultation between the parties. If only we were allowed to put forward our point of view that certain vital clauses must be adequately discussed, if necessary, for more than hours, for days perhaps; if only we could get together in the way Jennings suggests. If only, when guillotine measures were introduced, it was always stipulated that there should be great protection for the Opposition, greater protection than is suggested here—it would be an entirely different matter. Mr. Speaker, in this Parliament, I have noted, there is a great waste of time and obstruction on the part of Government members. That is what I accuse them of. Reference has already been made by the Prime Minister to the guillotine used in connection with the Land Settlement Bill. There the guillotine was introduced, but only after the second-reading debate had taken place, in which more than 60 per cent. of the time went to the then Opposition. On that occasion only after over 86 per cent. of the time had been used up by the Opposition in the Committee Stage. We had a second-reading debate and then went on to the Committee Stage and 86 per cent. of the time was used in Committee by the Opposition and the balance was used by the Government. What, however, do we find happening in this House today? We find that on every measure we have, even when guillotines are introduced by agreement in Committee of Supply, the Government side put up man for man with us. Yet we have three parties represented in this Opposition.

Dr. VAN NIEROP: It was always like that.

An HON. MEMBER: No, we have given you figures that it was not always the case.

Mr. RUSSELL: I have given you figures to prove my statement and those figures come from a speech which the late Mr. Hofmeyr made. He was always known to be a very fair man and an accurate analyst. I repeat they put up man for man with us. They have done that again today. Have we not just heard a speech from the hon. member for Krugersdorp (Mr. van den Berg) in his turn before me? If you add on their Minister's time—their Ministers speak for inordinately long periods—they utilise as much, if not more, of the time of the House as we do. They actually introduced by this guillotine a new form of obstruction; opportunity of obstruction by members on the other side of which they are not slow to take advantage. These are accusations which I make against every hon. member on the other side. Before introducing a measure such as this . . .

Mr. MUSHET: Stress that on the Ministers as well.

Mr. RUSSELL: . . . I cannot stress it too strongly that in the last two sessions the Ministers in that Government have, as a matter of course, given us very long statements of policy during a guillotined period. Especially in Committee of Supply they have gone on and on, as the hon. the Minister of Economic Affairs did the other day when he spoke for one and a half hours.

The MINISTER OF FINANCE: Was it not all information that he gave the House?

Mr. RUSSELL: The first hour of his speech, as the hon. the Minister of Finance knows, was devoted to giving information

which was already known to us. In the last thirty minutes, however, he gave us the details we wanted. For an hour he regaled us with the whole history of import control, which, unfortunately, we know very intimately already. Mr. Speaker, there is no reason to my way of thinking, no reason at all, why we should have a guillontine at this stage in connection with this Bill. I should like to say that we have plenty of time available to us and there is no reason why this House should not sit a bit longer. On the Land Settlement Bill, to which I have just referred, every single speaker on the other side got up and urged that this House should sit a little bit longer if necessary. We even had the hon. member for Mossel Bay, who is looking so keenly at me now, saying this: "When we are elected as members of Parliament we must be prepared to sit from the 1st January until the 31st December, if circumstances warrant it." Mr. Speaker, does he remember saying that? We are prepared . . .

Dr. VAN NIEROP: What did you say at that time?

Mr. RUSSELL: I never spoke in favour ot the guillotine.

Dr. VAN NIEROP: But you voted for it.

Mr. RUSSELL: I do not think I even voted for it.

HON. MEMBERS: Tell us another.

Mr. RUSSELL: In any case I pointed out the essential differences in the circumstances of those days and these. But the fact remains . . .

Mr. SCHOLTZ: There was a war on.

Mr. RUSSELL: Certainly. The hon. member for Swellendam (Mr. S. E. Warren) said: "What difference does it make if we stay a few weeks longer? We are all here because we want to rectify things." We feel the same. We want to make this bad Bill into a better Bill, if we possibly can. And what did the hon. the Minister of Lands say at that time? He said: "We only sit for three or four months and then legislation has to be rushed. Members should not be in a hurry to go home." It seems to me, as we all know, that this Parliament could sit much longer. We are, it is true, frustrated to a certain extent by the complexity of human affairs. More and more matters come before the attention of this House which need the full attention of the legislature. But we also know that we sit for too few months. There is no reason why we should not go on for another week to examine and digest this Bill thoroughly because it is a Bill which really needs weeks of study. It has far-reaching implications which I do not think even the Government of today realises. I do not think that this House is aware of the Nazi tendencies which are present in this Bill. I do not think they realise that this is a Bill typical of the "jackboot rule" to which we are, all too unfortunately, becoming accustomed. During one of the debates the now silent member for Cradock said that the Minister introducing the guillotine reminded him of Hitler and then he went on to say that it was an insult to Hitler.

Mr. G. F. H. BEKKER: When did I say that?

Mr. RUSSELL: On 20th May, 1944. Similarly, this guillotine reminds us of the Hitler technique. Hitler was a past master at making so-called legislative bodies mere instruments of executive action. We view with considerable alarm the introduction of the guillotine before any word of discussion has taken place, especially in a measure of such far-reaching importance as this. The whole tendency of this Government is to rule by the mailed fist, to rule by the almighty powers of Ministers. They are given more and more powers in every succeeding Bill. I do not think I am departing from the rules of this House when I say that this Bill which we are going to discuss on Monday gives more far-reaching powers than any other Minister has ever had in the history of South Africa. It is for those reasons that we think it is necessary to have a longer time for discussion. The time allowed for the Committee Stage is far too short. We know from previous experience the obstinate hard-headedness with which the Minister of the Interior regards even the most fair amendment from this side of the House. We know that it needs hours of argument to convince him even on a small point. We know that in connection with this Bill there will have to be hundreds of amendments and the time allocated is all too short. We will not be able to thrash this matter out as thoroughly as we should and we will all be failing in our duty as members of Parliament, not through any fault of our own, but through the despotic inclination of the Cabinet that sits in the seats over there.

Dr. VAN NIEROP: I move —

That the Question be now put.

Mr. POTGIETER: I second.

Upon which the House divided:

AYES—65:

Abraham, J. H.	Boltman, F. H.
Bekker, G. F. H.	Conradie, D. G.
Bekker, H. T. van G.	Conradie, J. H.
Bezuidenhout, J. T.	Deysel, A. J. B.

Diederichs, N.
Döhne, J. L. B.
Du Pisanie, J.
Du Plessis, P. J. C.
Du Plessis, W. C.
Erasmus, H. S.
Erlank, A. E.
Eyssen, S. H.
Faurie, W. H.
Fouché, J. H.
Fouché, J. J.
Frates, T. J.
Fullard, G. J.
Grobler, D. C. S.
Havenga, N. C.
Hugo, P. J.
Klopper, H. J.
Labuschagne, J. S.
Le Roux, S. P.
Liebenberg, J. L. V.
Loubser, J. A.
Loubser, S. M.
Louw, E. H.
Ludick, A. I.
Luttig, H. G.
Luttig, P. J. H.
Malan, D. F.
Maree, W. A.
Mostert, D. J. J.
Nel, M. D. C. de W.
Olivier, P. J.
Oost, H.
Papenfus, S. F.
Pieterse, P. W. A.
Potgieter, J. E.
Sauer, P. O.
Schoeman, B. J.
Scholtz, D. J.
Stals, A. J.
Steyn, A.
Steyn, G. P.
Steyn, J. H.
Strydom, G. H. F.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
V. Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob.
Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—57:

Allen, F. B.
Ballinger, V. M. L.
Barlow, A. G.
Bekker, P. B.
Bloomberg, A.
Bowker, T. B.
Brooke, R. S.
Butters, W. R.
Christie, J.
Cull, J. A.
Delport, G. S. P.
Eaton, A. H. J.
Eaton, N. G.
Friedman, B.
Frielinghaus, H. O.
Gale, D. J.
Gay, L. C.
Graaff, de Villiers
Hayward, G. N.
Henwood, B. H.
Hepple, A.
Higgerty, J. W.
Hopewell, A.
Jonker, A. H.
Jordan, R. D. P.
Kahn, S.
Lewis, J.
Lovell, L.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Mushet, J. W.
Oosthuizen, O. J.
Pocock, P. V.
Robinson, A. E. P.
Russell, J. H.
Shearer, O. L.
Shearer, V. L.
Smit, D. L.
Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Steyn, S. J. M.
Strauss, J. G. N.
Stuart, W. H.
Sullivan, J. R.
Tighy, S. J.
Tothill, H A.
Trollip, A. E.
Van Coller, C. M.
Van der Byl, P. V. G.
Waring, F. W.
Warren, C. M.
Waterson, S. F.
Williams, H. J.

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

Motion accordingly agreed to.

Question put: That the words proposed to be omitted stand part of the motion.

Upon which the House divided:

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Bekker, H. T. van G.
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Conradie, J. H.
Deysel, A. J. B.
Diederichs, N.
Dönges, T. E.
Du Pisanie, J.
Du Plessis, P. J. C.
Du Plessis, W. C.
Erasmus, H. S.
Erlank, A. E.
Eyssen, S. H.
Faurie, W. H.
Fouché, J. H.
Fouché, J. J.
Frates, T. J.
Fullard, G. J.
Grobler, D. C. S.
Havenga, N. C.
Hugo, P. J.
Klopper, H. J.
Labuschagne, J. S.
Le Roux, S. P.
Liebenberg, J. L. V.
Loubser, J. A.
Loubser, S. M.
Louw, E. H.
Ludick, A. I.
Luttig, H. G.
Luttig, P. J. H.
Malan, D. F.
Maree, W. A.
Mostert, D. J. J.
Nel, M. D. C. de W.
Olivier, P. J.
Oost, H.
Papenfus, S. F.
Pieterse, P. W. A.
Potgieter, J. E.
Sauer, P. O.
Schoeman, B. J.
Scholtz, D. J.
Stals, A. J.
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Steyn, J. H.
Strydom, G. H. F.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
Van Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Visser, De V.
Vosloo, L. J.
Warren, C. M.
Wilkens, Jacob.
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Tellers: J. J. Serfontein and P. J. van Nierop.

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Gale, D. J.
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Henwood, B. H.
Hepple, A.
Higgerty, J. W.
Hopewell, A.
Jonker, A. H.
Jordan, R. D. P.
Kahn, S.
Lewis, J.
Lovell, L.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Mushet, J. W.
Oosthuizen, O. J.
Pocock, P. V.
Robinson, A. E. P.
Russell, J. H.
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Van Coller, C. M.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Van der Byl, P. V. G. Waterson, S. F.
Waring, F. W. Williams, H. J.
Warren, C. M.

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

Question accordingly affirmed and the amendment dropped.

Original motion put and agreed to.

COMMITTEE OF SUPPLY.

First Order read: House to resume in Committee of Supply.

House in Committee:

[Progress reported on 25th May, when Votes Nos. 1, 29, 31 to 41 and 43 to 47 had been agreed to.]

On Vote No. 30. — "Transport," £2,088,500,

Mr. BARLOW: Mr. Chairman, I would like to ask the hon. Minister whether he can tell us something about the weather reports. The weather reports in this country are particularly good. [Interruptions.] I am not running the weather reports down, I think they are particularly good. Why cannot we extend these weather reports? I understand that in the Argentine they have got so far that they can now tell at least four or five months ahead what is going to happen to the weather, and I would like to know from the Minister whether the same cannot be done in South Africa as is done in the Argentine.

The second thing I want to talk about is with regard to our roads. When are we going to finish these national roads? How many millions are being spent on these national roads? Once again, let me say I am not criticising the Minister. He has just taken over. For many years I have pleaded that the national roads should be run by the Railways. I think the Minister should take them all over and do away with these organisations that they have. Have you still got those organisations?

An HON. MEMBER: That is the National Road Board.

Mr. BARLOW: What sort of Road Board have you got now? Is it made up of civil servants?

The MINISTER OF TRANSPORT: I'll tell you.

Mr. BARLOW: He will tell me now. That is what I want to talk to him about. [Interruptions.] People travel a good deal on these roads, Mr. Chairman. I could never find out when the roads between Three Sisters and Colesberg are going to be finished. Time after time and year after year we have the same old road. And when are you going to finish the Kei Cutting? It seems to go on and on and on for ever. You are getting five million pounds a year. Five million pounds is a large sum; why don't you put it all on one road and finish it, or why don't you double the number of people who work on these roads? Sir, whenever I go through South Africa — I travel a good deal by road — I find quantities and quantities of road machinery just standing idle and looking on. It never seems to be used. When they are making the roads and there is nothing to do why cannot it be used to help the farmer who could do with that particular type of machinery? Have we not got too much machinery; is it obsolete? If it is obsolete why cannot it be used for other purposes? If you put those roads out to contract you will get them done.

Mnr. S. E. WARREN: Look at the road we have to Caledon.

Mr. BARLOW: The hon. member does not travel, and he does not know. He lives at Worcester en he took jolly good care that he got a first-class road to Worcester. It is a first-class road. But what about us who live in the North? If anyone wants to travel from here, to say, Kokstad, he first has to go right up to Johannesburg, from Johannesburg to Cradock, from Cradock to Queenstown and then over the Kei Cutting. Why don't they finish that road? That road carries and enormous amount of traffic.

Then I want to ask the hon. Minister about motor transport. I want to ask him to control the Government cars. I used to see Government cars all over the country not only on Government business but in a private capacity, and a lot of petrol being wasted. But I don't travel as much as I did. If anyone sees a Government car used unnecessarily he should draw the Minister's attention to it. I would do so. Cannot the Minister have more control over them? Another thing I want to mention is in connection with the big cars the Cabinet Ministers use. Every Cabinet Minister seems to have an enormous Buick car for himself and his family.

HON. MEMBERS: Or a Packard.

Mr. BARLOW: Or a Packard, or something similar. Why cannot a Cabinet Minister use his own car? He goes to football matches in that big car. The country is not as rich as it was — they have white chauffeurs and enormous cars that use a lot of petrol — Cabinet Ministers riding

about, their families riding about. It has got to be stopped; we have got to stop that and get down to hard tacks. Mr. Chairman, one could think this country had millions and millions a year the way this Government wastes it. It is a poor country, and the taxpayers of the country are on this side of the House.

Mr. H. T. VAN G. BEKKER: Oh, you're silly. [Interruptions.]

Mr. BARLOW: I would like a photograph of the hon. member that was taken during the war. But I want to get back to a more important subject — not to the motor cars that are used by Cabinet Ministers, I have already spoken about that. I want to refer to the cars used by civil servants and other people. Has the Minister curtailed them? Or are they still running round like they did before? [Interruptions.] Yes that is quite right, any official can use a motor car, and they spend an enormous amount of money. This is not a party question. Some members on the other side cannot get anything into their heads without a surgical operation. Everything is party with them — it is not a party question. I speak on behalf of the taxpayers, I want to see this country run on proper lines, to see that we get proper roads, to see that we get first-class weather reports — that is what I am standing up here for today — to see that we save the machinery that is being used on the roads and if it is obsolete to change it. [Laughter.] There is nothing to laugh about in that, it is not a laughing matter. According to hon. members over there everything that goes on is good. Their policy is to agree with everything . . .

Mr. S. E. WARREN: It is not what you say; it is the funny way you say it that makes us laugh.

Mr. BARLOW: Yes, I know it is the way I say it. But I am only telling the truth. [Interruptions.] Hon. members on the other side know it is the truth. They take my Hansard and read it, and they are so pleased with it that they send it to their constituents. [Interruptions.] I want to say this to the Minister. I am not criticising him personally. I take this hon. Minister to be like his father, whom I saw when he was Minister. This Minister is trying to do his best with this transport of ours. We told him that we would give him two years; the two years are up today. We gave the gentlemen on the other side two years, and we made it a suspended sentence. The suspended sentence is now up. Today is the anniversary of the day they won the election.

HON. MEMBERS: Hear, hear.

Mr. BARLOW: From today the country will talk to these gentlemen. The first time they will be baulked will be at the elections in South West Africa. They think they are going to get five seats there. [Time limit].

Mr. ROBINSON: Mr. Chairman, there is a very small section of our national activity which is not often discussed in this House, on behalf of whom I wish to make a very special plea this afternoon, and that is the civil aviation activity in the Union, or shall I say the virtual non-existence of it. If one had read the remarks that have been made by leaders in civil aviation in the past twelve months one would have seen a very distressing situation has arisen in South Africa. I say that this Government has pursued a deliberate policy of restriction as far as civil aviation is concerned. There has been no effort made to assist civil aviation in the manner that has been done in other dominions and in other parts of the world. In the time at my disposal I propose asking the hon. Minister a few pertinent questions in regard to this matter, but before doing so in support of what I have said in my introductory remarks . . .

The CHAIRMAN: Order, order! Will the hon. member say on which item he is speaking now?

Mr. ROBINSON: I am speaking on the provision for civil aviation.

The MINISTER OF TRANSPORT: It is in order.

The CHAIRMAN: It is in order. The hon. member may proceed.

Mr. ROBINSON: Thank you, Mr. Chairman. In pursuing this matter — I am grateful to the Minister for enabling me te continue — I would refer the hon. Minister to an address made by Major R. A. Powell, who is the chairman of the Royal Aeronautical Society (South Africa Division). I think the hon. Minister will agree that this gentleman can in no way be described as politically partisan. He is a person who has the interests of civil aviation at heart . . .

The MINISTER OF TRANSPORT: I agree.

Mr. ROBINSON: You agree? I am grateful for that. Major Powell said this —

> When we examine the state of aviation in the Union at present it appears that we are going back and not forward. Before the last war the South African Air Force manufactured its own aircraft, and a very

owner of the surface rights of those reserved portions has the use of them until they are claimed by the mining company. In that respect it is something in favour of the owner.

*Mr. H. S. ERASMUS: He can use it for agricultural purposes.

*The MINISTER OF MINES: Yes, of course, and if the mining company has to pay out immediately he will not have the right to use that land for agricultural purposes.

*Mr. H. S. ERASMUS: Nonetheless they would prefer that.

*The MINISTER OF MINES: It is a question which will require legislation and it is one of the subjects which have been referred to the special Committee which is drafting a consolidated gold law. The question of the position being laid down more clearly will be considered.

As far as trading rights are concerned, the position in the Free State is very much better for the owner than it is in the Transvaal. The trading rights belong to the surface owner. In the Transvaal they belong to the State, every case is dealt with on its merits. Those rights are issued to the individual who is considered to be best able to carry on trade there satisfactorily.

The hon. member for Cape Western (Mr. Kahn) discussed the casualty figures and has said that there had been a great increase in the number of casualties. The figure given to me shows that the number of fatal accidents in 1939 amounted to 1.48 per thousand, as against 1.46 in 1948. This is an increase of .02 per thousand. The position, however, is that there is a reason for that increase, viz., that the mines now are much deeper and the number of casualties increases as the depth of the mine becomes greater. Generally speaking there is an improvement in the position, and compared with the position in other countries of the world, the position in South Africa is favourable as regards the number of casualties in the mining industry.

At 12.1 p.m., on the conclusion of the period of 116 hours allotted for the proceedings in Committee of Supply, the business under discussion was interrupted by the Chairman in accordance with the resolution adopted by the House on the 15th March.

Vote No. 42.—"Mines", as printed, was then put and agreed to.

The Committee proceeded to the Estimates of Expenditure from Loan Funds.

Mr. POCOCK: On a point of order, Mr. Chairman, when the arrangement was originally made in regard to the time limit, the Loan Estimates were not before the House, and I would like to have your ruling as to whether these Supplementary Estimates are included under the time limit originally proposed.

The CHAIRMAN: Yes, it covers these Estimates as well.

Mr. POCOCK: Then I wish to protest against that sort of procedure.

Loan Vote A.—"Railways and Harbours", £20,000,000, put and agreed to.

Loan Vote B.—"Public Works", £4,331,000, put and agreed to.

Loan Vote C.—"Telegraphs and Telephones", £6,000,000, put and agreed to.

Loan Vote D.—"Lands and Settlements", £2,050,000, put and agreed to.

Loan Vote E.—"Irrigation", £3,300,000, put and agreed to.

Loan Vote F.—"Miscellaneous Loans and Services", £6,573,800, put and agreed to.

Loan Vote G.—"Land and Agricultural Bank", £750,000, put and agreed to.

Loan Vote H.—"Forestry", £1,830,200, put and agreed to.

Loan Vote J.—"Agriculture", £960,000, put and agreed to.

Loan Vote K.—"State Advances Recoveries Office", £150,000, put and agreed to.

Loan Vote L.—"Commerce and Industries", £483,000, put and agreed to.

Loan Vote M.—"Health", £8,500,000, put and agreed to.

Loan Vote N.—"Transport", £230,000, put and agreed to.

Loan Vote O.—"Education, Arts and Science", £799,000, put and agreed to.

The Committee proceeded to the Supplementary Estimates of Expenditure from Revenue and Loan Funds.

Expenditure from Revenue Funds:

Vote No. 16.—"Native Affairs", £10,000, put and agreed to.

Vote No. 22.—"Justice", £5,846, put and agreed to.

Vote No. 30.—"Transport", £20,000, put and agreed to.

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Vote No. 31.—"Agriculture", £912, put and agreed to.

Vote No. 33.—"Agriculture (General)", £1,926,000, put and agreed to.

Vote No. 36.—"Health (Union)", £720,000, put and agreed to.

Vote No. 38.—"Social Welfare", £22,000, put and agreed to.

Vote No. 42.—"Mines", £23,275, put and agreed to.

Vote No. 43.—"Defence", £17,600, put and agreed to.

Vote No. 44.—"Post, Telegraphs and Telephones", £700,000, put and agreed to.

Expenditure from Loan Funds:

Loan Vote B.—"Public Works", £79,000, put and agreed to.

House Resumed:

The CHAIRMAN reported that the Committee had agreed to the Estimates of Expenditure from the Consolidated Revenue Fund without amendment, the Estimates of Expenditure from Loan Funds without amendment, and the Supplementary Estimates of Expenditure from Revenue and Loan Funds without amendment.

Report considered and the Estimates, as printed, adopted.

Mr. SPEAKER appointed the Minister of Finance and the Chairman of Committees a Committee to bring up the necessary Bill in accordance with the Estimates of Expenditure adopted by the House.

The MINISTER OF FINANCE brought up the Report of the Committee submitting a Bill.

By direction of Mr. Speaker, the Appropriation Bill was read a first time; second reading on 31st May.

GROUP AREAS BILL.

Second Order read; Second reading, Group Areas Bill.

The MINISTER OF THE INTERIOR: I move —

That the Bill be now read a second time.

The overriding principle of this Bill is to make provision for the establishment of group areas, that is, separate areas for the different racial groups, by compulsion if necessary. In that respect the Bill poses a simple, straightforward and clear-cut issue on a question of principle which will have to be squarely met. The Bill does not itself proceed to make the demarcation necessary for these various areas. It merely creates the necessary machinery for doing so over a period of years and in a fair, equitable and judicial manner. It seeks to avoid a change-over which will be sudden and complete and so dislocate the economic life of the country. This attempt to effect the change-over as smoothly as possible, possibly makes the measure somewhat complicated and requires careful consideration. The scheme of the Bill is very simple, having regard to what I have said. The immediate effect of the passage of this Bill will be to make every part of the country a controlled area. The only exceptions will be certain defined areas which are laid down in Clause 3 (3) (c). This is the first part of the scheme of this Bill. Then the further part is the gradual proclamation of group areas within this wide controlled area; that is, the declaration of certain areas to be group areas, either for occupation or for ownership, or for both. The various groups for which areas may be assigned are three, three main groups, the whites, the Coloureds and the Natives. The latter two groups may, however, as in the case of the population register, be sub-divided into further groups. Apart from the controlled area which is automatic, as I say, on the passage of this Bill, there may be areas within the controlled area which can be, by proclamation, made specified areas. I will discuss the effect of these various areas by and by. "Specified area" is created by proclamation and also an "open area" by proclamation. You have then the simple scheme starting from a controlled area. You may get by proclamation either an open area on the one hand, or on the other hand a specified area by proclamation, leading up to a group area by proclamation. The centre point is automatic, more or less, the controlled area. There may be a deviation to the extent of lesser control than that envisaged in the controlled area, viz., an open area, and there may be a greater control, a movement to the right, by means of a proclamation to declare portion of the controlled area a specified area or a group area.

The position in regard to a controlled area is as follows. There can be in a controlled area no change of ownership, no transfer of ownership to a member of another group than that of the existing owner, without a permit. That is the control as far as ownership is concerned. As far as occupation is concerned in a controlled area, there can be no change of occupation to a member of another group than that of the occupier without a permit, but in this case the occupier assumes the colour of the owner.

In other words there can be a change of occupation where the owner, for instance, belongs to group A and the occupier belongs to group B. Then a member of group A can become the occupier, although the last occupier was a member of group B. The reason for this is a matter which I can go into at a later stage. I shall briefly explain the result of these various areas when I have dealt with the controlled area and the specified area first.

Now those are the two effects of a controlled area, the effect under control of ownership and under control of occupation. The permits which are necessary if there has to be a change, either of ownership or occupation, contrary to what is provided for a controlled area — that change can only take place under permit and the permit is issued after a report by the Land Tenure Advisory Board. Such a report is only made after due notice and opportunity to interested parties to make any representations they desire to make. That is laid down in Clause 27. This follows the provision under the existing Act 28 of 1946 in regard to permit control. It is referred to the Board for a report, the Board reports to the Minister, the Minister either accepts or rejects that report. In fact the Board has allowed, under similar provisions, parties to appear before the Board, argue their case and to be represented by counsel, and it is not contemplated to make any change as far as that procedure is concerned under this Act. Hon. members will observe that the vast majority of transactions involving ownership or occupation in the controlled areas will continue undisturbed as at present. It is only when there is a change, when there is a transfer contemplated of property belonging to a member of one group to a member of another group that any permit is required, but within the same group there is no obstacle to the ordinary procedure which obtains at present and I think it is clear, experience in the past has shown, that the large majority of transactions, of transfers either of ownership or of occupation are within the existing groups. It is only a very limited number where there is a transfer of ownership or occupation from one group to another group. So as far as the large majority of transactions are concerned, they will remain as they are at present.

With regard to specified areas, they are areas within the controlled area by proclamation, in regard to which the provisions of Clause 10 have been suspended by proclamation and where the provisions of Clauses 12 of 13 now apply. The Clause 12 specified area envisages the degree of control under the 1946 Act and the Clause 13 (3) control envisages the same degree of control as you have today under the 1946 Act in terms of Section 6 (4) of that Act. That is a proclaimed area. This degree of control under Section 13 (3) in a specified area will be of the same nature and extent as that in respect of Clause 6 (4) of the existing Act.

Now, if I may just summarise briefly the effect of these various classes of control, before you get to a group area, the various types of control which lead up to a group area in respect of (a) ownership and (b) occupation, I think the matter will be clear. As far as ownership is concerned in a controlled area, as I said, there is no transfer of ownership to a member of another group without a permit. The same applies to a specified area, the same applies to an open area, which is by proclamation under Clause 10 (13). In other words, as far as ownership is concerned there is no difference between a controlled area, specified area, or an open area. In all three types of control as far as ownership is concerned there can be no transfer from a member of one group to a member of another group without a permit. As far as occupation is concerned, there is a difference between these three types of control. In the controlled area, as I have said, there can be no occupation by a member of another group than that of the owner without a permit. In a specified area there can be no occupation by a member of another group than that of the occupier at the date of the proclamation without a permit. And in the case of an open area, occupation is uncontrolled. So hon. members will see that it is only in respect of occupation control that there is a difference between the various stages of control, but I emphasise again that these stages of control are all in preparation for the declaration of the area as a group area, and therefore I now come to discuss the position in regard to a group area. All this is preliminary, preparatory.

Now, firstly, the procedure leading up to the proclamation of a group area is a procedure which safeguards as far as is possible the interests of all parties concerned. In the first place, you must have a notice published in a newspaper saying that it is contemplated to declare a certain area a group area and inviting representations in respect to that proposal. The second step is that the board sits as a judicial body and hears representations for and against that suggestion. It then considers the matter and makes a report to the Minister and the Minister then, after consultation with the Administrator of the Province concerned, and, in certain cases, with the Minister of Mines, or with the Natural Resources Development Council, either approves or disapproves that report of the Land Tenure Advisory Board. That is largely the procedure under the existing Act, and I can state, for the information of hon. members, that in the past two years there were only two occasions on which the

Minister did not adopt the recommendation of the Asiatic Land Tenure Advisory Board.

Mr. TOTHILL: Out of how many cases?

The MINISTER OF THE INTERIOR: I cannot give it offhand, but I think I am right in saying that there were thousands of cases. That does not conclude the matter however. In terms of this Bill, no proclamation can be issued, even after the Minister has approved, after consulting the Administrator, no proclamation can be issued except — that is the general rule — except with the prior approval of both Houses of Parliament. No group area proclamation can be issued, as a general rule, without the prior approval of both Houses of Parliament. To that general rule there are, however, two exceptions. The first is that in Natal and in the Cape such a proclamation may be issued, without the prior approval of the two Houses, within the first five years after the commencement of this Act. That is the existing provision in the 1946 Act in regard to Natal, and no doubt hon. members will realise that there are very good reasons for that. In the Transvaal the prior approval is not necessary in respect of certain types of cases and those cases are cases in which both Houses of Parliament have already signified their approval for setting it aside for the particular group in the past; and therefore it can be done without coming to Parliament in those cases, because Parliament has already applied its mind to that particular subject and has already made a decision and it is considered unnecessary to duplicate the approval of Parliament in such cases. So hon. members will see that these are the steps which have to be taken before a group area can be proclaimed as such. Now the result of the proclamation of the group area is the next matter which requires consideration. An area has now, after all these steps have been taken, been declared a group area. What does that mean? That depends, in the first instance, on whether it has been declared a group area for ownership only, or for occupation only, or for both ownership and occupation. Those are the three forms which a group area may take. Now, if an area has been declared as a group area for ownership only, the position is that there can be no acquisition of properties within that area by a disqualified member without a permit. "Disqualified member" means a member who does not belong to the group for which that group area has been set aside. There can be no transfer to a disqualified member without a permit. If a disqualified member holds property in such a group area on the date on which it is proclaimed a group area, he may retain ownership of that property as long as he lives. There is no compulsion on him, before he dies at any rate, to get rid of it. He is given an opportunity of getting rid of it, knowing that he owns property in an area which is not an appropriate area for him. But he cannot sell to anybody except a qualified member for that particular area, but he is allowed to retain it even if he is a disqualified member as long as he lives.

An HON. MEMBER: Residential and business?

The MINISTER OF THE INTERIOR: I am only talking about ownership. The case of a disqualified company must be treated on a different basis, because a company has a continued existence. Legally it does not die. Therefore in the case of a disqualified company, that is a company belonging to a group which is not appropriate for that area, holding property in such are at the date of the proclamation, that company is allowed ten years during which to dispose of a property to a qualified person or company, unless he has a permit for retaining it for a longer period. That is the effect as far as ownership is concerned.

As far as occupation is concerned, the position is this: If an area has been declared a group area for occupation only, then the ownership provisions as for a controlled area will continue to apply. In other words, if an area has been declared only a group area for occupation, a member of group A can sell to a member of group B only under a permit; in other words, the ownership control remains the same as if it were still a controlled area. If it has been declared a group area for group A, its occupation by a member of group B must be relinquished within a specified period in the proclamation, which period shall not be less than one year. It may be any period of years, but it may not be less than a period of one year. I have seen it represented as if that is the period, that it must be within one year. That is not so. It must be not less than one year after the proclamation but it may be the period which is stated in the proclamation declaring it a group A area for occupation only. Apart from this provision is made for continued occupation under a permit, even in a group area after the period has lapsed for a disqualified member, but that will only be issued in clear cases of hardship or where it is clearly in the interests of the persons belonging to the group for which area this has been declared that there should be a permit of that nature. For instance, it may be necessary in a group area for non-Europeans to provide that the right of occupation should be given to a medical practitioner who is a disqualified person for that group, because it is in the interests of the members of that group to have a medical practitioner there or for a chemist to do his business there, or it may be necessary for a policeman to live there; it may be necessary for teachers

to reside in an area which is not appropriate to them. But in all cases it must be in the interests of the persons belonging to the group for which that area has been declared. Hon. members may well ask why have a group area for occupation only. This idea of a group area for occupation only has been placed here in order to meet the position that some of the racial groups will not be able to own all the property in their area. You may have the position of persons belonging to a European group owning property there because the members of the particular group — the Native group or the Coloured group — cannot own that property because they have not the capital facilities for it. In such cases there may be a group area for occupation only. In clear-cut cases where one can be almost certain that Europeans, for instance, will be in a position to own all the property in that group, that area will be declared a group area for both ownership and occupation by Europeans. That is the third type.

A further point is the provision in regard to traiding. In terms of the Bill now before the House, no licence to trade may be issued in respect of premises where the proposed holder of the licence as well as the person who will be in actual control of the business, have no right of occupation. That is the underlying principle, that you will not be able to trade in respect of premises where you have no right of occupation to those premises. It may be necessary for me to make some amendment, not to the principle, but to the manner in which this will be enforced. In the Bill as it now stands the Receiver of Revenue, who issues the actual licence, will have to satisfy himself that the applicant has the necessary right of occupation in respect of those premises. But I do not think that will be feasible and therefore it will probably be necessary to have some other provision to ensure that the principle remains inviolate, namely, that trading is not done on premises in respect of which the licence-holder as well as any person in actual control, has no right of occupation.

The next point is the question of the Land Tenure Advisory Board. This board is the king-pin in the machinery set up by the Bill for carrying its objects into effect. It is modelled on the lines of the existing Asiatic Land Tenure Advisory Board, with an increased personnel to cope with its extended duties. The existing Board has maintained a very high standard of fairness and efficiency and has approached its arduous task with a high judicial sense. In paying tribute to its work, I wish to express the belief that its successor will follow worthily in its footstps. It will be assisted, as in the existing set-up by inspectors and other officials, armed with the necessary powers to ensure the proper carrying out of their duties. Hon. members will see that their functions are very important, and, as I say, on their investigations will depend, to a large extent, how the group areas will be demarcated and the cases in which proclamations to make part of the controlled area a specified area or an open area will be carried out, as well as circumstances in which permits will be issued to allow a disqualified person to continue to reside in an area in which, strictly speaking, he has no right to reside.

A further very important point in this Bill is contained in Clauses 6 and 7 thereof. These clauses allow the institution in certain group areas of a measure of self-government by the persons belonging to that group for the persons belonging to that group. The extent of the applications of these provisions will depend naturally on the capacity of the persons in that particular group for exercising such powers. There will also be certain safeguards. Their powers, initially, at any rate, while they are not a separate local authority, will have to be exercised under the supervision of the local authority within whose jurisdiction they fall, and before such a delegation of powers take place, before this right of self-government is conferred upon a particular group area, there will have to be consultation with the Administrator of the Province concerned. Here, too, I propose to take the matter a little further. I am considering whether I should not also accord the privilege of consultation to the local authority itself, and also whether instead of "consultation with the Administrator", I should not say "with the consent of the Administrator".

Mr. STRAUSS: That is something different.

The MINISTER OF THE INTERIOR: I think this is a matter in which local opinion is in the best position to say whether a particular group area is ripe for getting these powers, and personally I do not wish to be encumbered with the responsibility of deciding whether or not they are ripe.

Mr. MITCHELL: Are you contemplating an amendment on those lines?

The MINISTER OF THE INTERIOR: Yes, I am contemplating an amendment in that particular respect. As I say, there are safeguards for proper administration by the supervising local authority. I do not think it will be necessary to invoke the powers given in Clause 7, but I think it is as well that those powers should be in reserve to see that the supervising local authority does not neglect the particular members of that group. In Clause 7 provision is made for the Administration to hold an inquiry and if he is satisfied that the local authority is not doing its duty in regard to that particular group area in the provision of the necessary civil amenities, then he can

instruct the local authority to supply specified amenities in that group area.

Capt. HENWOOD: Who pays for it?

The MINISTER OF THE INTERIOR: If the local authority fails to do that, then the Administrator can carry out that work and recover the cost from the local authority. Here again I take it that normally the Administrator in considering whether a particular area is getting proper treatment will take into consideration the facilities at the disposal of the local authority. It is no use asking for a scheme which is beyond the resources of that local authority and it may be that I will introduce an amendment to make clear what I think is implicit, viz., that the Administrator, in making this inquiry and in giving his instructions as to what must be done, will take into consideration the financial resources of the local authority affected and any other relevant considerations.

Mr. MITCHELL: Will you make it clear that the Administrator means the Administrator acting with the approval and the consent of the Executive Committee.

The MINISTER OF THE INTERIOR: I take it that the definition of "Administrator" will include that.

Mr. MITCHELL: There has been that weakness in the Native Act.

The MINISTER OF THE INTERIOR: I can consider that if the hon. member will draw my attention to it again. The provisions of Clauses 6 and 7 are all measures of positive apartheid. They seek to provide the necessary training in local self-government by these groups which otherwise would not have that opportunity at all. They are given a measure of local self-government, and thereby they are given the necessary training in the procedure of democratic institution.

Mr. RUSSELL: Do they elect themselves democratically?

The MINISTER OF THE INTERIOR: Inevitably in a Bill of this nature, there must be provisions, and stringent provisions, to avoid a circumvention of the law by the formation of companies and other devices.

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

Afternoon Sitting.

The MINISTER OF THE INTERIOR: As I said, inevitably there must be provisions to avoid any circumvention of the law by devious ways. We have had an unhappy experience in this respect in regard to past legislation. We have had a continuous process of loopholes being discovered and of closing up those loopholes. We have had a vicious spiral of discovering loopholes and closing them up again. Clauses 16, 17 and 18, read together with certain definitions, represent the accumulated wisdom and experience extant at the present moment on this point. The necessary sanctions must be provided; the penalties must be such as to discourage any evasion of the law, and I think in this Bill those provisions have been made. That, Mr. Speaker, is in short the outline of this Bill before the House.

I think it will be advisable if, at this stage, I were to say a few words about the historical background of this Bill. The dangers of residential juxtaposition between members of different races, is not a newly discovered danger. These dangers have been too tragically and too frequently confirmed in the history of the past fifty years to brook any denial. The Durban riots of last year constitute a case in point, and show the dangers of residential juxtaposition for the peace and quiet of the country. Consequently the solution of separate areas for different races, compulsorily enforced if necessary, is not a novel solution; it has been suggested from time to time, and in the White Paper which is before hon. members there is some reference to it.

I would like to refer a little more in detail to the evidence given to past commissions on this point and I want to refer first to the position in Natal from 1885 to the coming of Union in 1910. If hon. members will refer to the extract from the Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendment Committee, which was laid on the Table on Friday, they will see that even before the very first commission, the Wragg Commission, in 1885, which dealt with this type of subject, a solution of this nature was already being advocated. I want to refer, for a summary of the position in those years in Natal, to paragraphs 290 to 293 of this Blue Book which was laid on the Table last Friday. The hon. members will see that it is stated in paragraph 290—

> It was interesting to note that in those early days Mr. Hathorn (par. 20) suggested that the solution for the problem of Asiatic "islands" should be solved by giving the owners and occupiers of immovable property amongst Europeans a period of time within which to sell out and quit. Compulsory repatriation and compulsory registration for all purposes was the tune which these witnesses called.

In subsequent paragraphs that is confirmed. The position was no different in the Transvaal in the years prior to Union. Numerous petitions and memorials were sent to the old

Transvaal Volksraad and they were all united on this point, namely, the necessity of having separate areas for the different races. Again, if I might just refer to this Blue Book, it is stated in paragraph 294—

> In 1884 the Asiatic problem claimed public attention in the Transvaal and memorials were addressed to the Government. Compulsory segregation of the Asiatics into locations altogether apart from the white population and treating the Asiatic on the same footing as the Native was the attitude towards the Asiatic enunciated in these memorials.

Then in paragraph 297 it is stated —

> Repatriation, failing which, compulsory segregation as regard residence and trade was the consistent attitude of the public until the arbitration of 1895.

The position after the war of 1899-1902 is set out in paragraph 299—

> The Government which came into office after the war decided to carry on the policy which the Republican Government set out to enforce before the outbreak of the war, but this decision was vetoed by the Imperial Government.

Ever since the establishment of Union this evidence has been repeated monotonously before almost every commission that was appointed to enquire into this matter. The Lange Commission was appointed in 1920 and this joint report in paragraphs 304 to 306 gives a short summary of the evidence before the Lange Commission—

> The commission roamed through the Transvaal and Natal and found that the public attitude towards the Indian was the same everywhere.
>
> 305. The public wanted repatriation or, failing which, compulsory segregation, and the commission recommended voluntary repatriation and voluntary segregation.
>
> 306. It is interesting to note that Mr. F. A. Hathorn, of Pietermaritzburg, who gave evidence before the Wragg Commission in 1885 also gave evidence before the Lange Commission and carried his thoughts far advanced as they were in 1885, one step further. He suggested separate areas for the four racial groups. This marks a distinct advance in thought on the Asiatic problem.

Then a Select Committee was appointed in 1926. The evidence given before that commission was unanimously in favour of compulsory repatriation, or, failing which, compulsory total segregation. The same applies to the Select Committee of 1930, the Select Committee of 1933 and the Select Committee of 1937. I do not want to weary the House with details, but the general tenor, the general theme, before these commissions was always the same, that is to say, compulsory repatriation, and failing that or pending that, compulsory segregation. If hon. members go a little further they will find that the Durban Post-war Development Committee of 1943 also proposed a system of racial zoning, again the same idea. Then again most of the evidence, most of the European evidence given before the Select Committee of the Natal Provincial Council of 1944, was in favour of compulsory segregation — four areas for the four different races.

Mr. BARLOW: It does not include the Coloured people.

The MINISTER OF THE INTERIOR: I am coming to that. If the hon. member will look at the evidence that was given before these commissions and these two departmental committees he will see that in Natal, too, there were repeated requests that this should also be applied to the Coloured people.

Mr. TIGHY: We have not got it here.

The MINISTER OF THE INTERIOR: Yes, it is in the Blue Book; the hon. member will find it in the conclusions of these two departmental committees. To bring the position up to date may I just read a few extracts from paragraphs 326 and 327. Hon. members will then see what the trend of history has been, what the feeling for the past seventy years has been. The Joint Committee says in par. 326 —

> This completes the review of the evidence previously tendered to which we committed ourselves in par. 8 hereof and the review of the evidence tendered to us.
>
> Unequivocal as the general trend of that evidence has been and still is, in favour of compulsory segregation, almost equally unequivocal was the rejection of that evidence by previous investigating bodies, the sole exception being the recommendation contained in the limited provisions of the 1930 Bill regarding compulsory segregation.

Always an attempt was made to see whether the matter could not be solved by voluntary segregation, but voluntary segregation has not carried the matter forward in any way and therefore the evidence tendered to these various commissions led one irresistibly to the conclusion that if this problem was to be tackled and solved one would have to find a new basis for it and that basis cannot be the one which previous commissions recommended, namely, the system of voluntary segregation. I quote —

One government after another failed to accept the views of the public and to legislate on the lines desired, until things developed into such a critical state that desperate interim legislation had to be resorted to in 1939 and 1943. This is perhaps the most astonishing fact in the history of the Asiatic problem in South Africa.

I think the next paragraph also deserves quotation —

Another fact which is relevant in this connection and to which we feel attention may with advantage be directed, is the identity of the view adopted by the two sections of the white population as regards the Asiatic question from its very inception. In Natal the British colonists took their stand in regard to this problem and in the Transvaal and the Free State the Voortrekkers and their descendants determined their attitude towards the Indian. In the Free State, the only territory in which the Government was free from overseas intervention, the matter was quickly and satisfactorily settled. In Natal and the Transvaal the attitudes originally adopted persisted and grew in strength until the two streams of public opinion were united in 1910 when the Union was formed, and then continued as one single stream. It would indeed be difficult to point to any other vital problem in the history of South Africa in regard to which the two sections of the white population held such identical views and co-operated so well as on the Asiatic question.

Now, Mr. Speaker, the recommendations of the two Departmental Committees are substantially embodied in the Bill now before Parliament. I think in very few respects have we departed from those recommendations, because to my mind those recommendations embody what has been the instinctive reaction and the conscious expression of public opinion over the last seventy years. This public opinion has been moulded by the problem and the challenge of maintaining racial harmony in our multi-racial society. This opinion, to which successive governments have failed to give legislative form, has persisted too long and among too many of both sections of the European population of South Africa to be disposed of lightly as merely prejudice. It is a public opinion which is nurtured by the instinct for survival; it is inspired by the desire for racial harmony and it is justified by the belief that it can be carried out in fairness to all and for the common good.

The desire, Mr. Speaker, to live among one's own people is not a desire limited only to white persons in South Africa. It is shared by other sections of the community, by other groups. There is a natural, if slow, gravitation towards this end by all members of the same group. That is the experience of all of us in Suoth Africa. It is that natural feeling of oneness and of group awareness which makes the members of the same group desire to live in the same area.

Mr. BLOOMBERG: On a voluntary basis.

The MINISTER OF THE INTERIOR: Unless that is assisted it will take years and years, and in the meantime you have those dangers which the juxtaposition of members of the various groups give rise to not only for the inhabitants of South Africa but also for the peace of South Africa. One must not forget there are elements who do not desire this and who will do all in their power to impede this natural and normal process. There are others who are misled by misrepresentations in this regard, who are misled by anti-white propaganda; and for that reason it is necessary that steps should be taken by the Government.

The positive advantages of such a scheme of things for the non-European population, for the non-white group, are obvious. New avenues of employment will be opened, which are closed to them today. If you have applied a system like this of separate areas for separate races, there is no reason why the majority of the services in particular areas should not be conducted for certain groups by members of that particular group. In that way new avenues are opened which today are closed and which will continue to be closed as long as we do not have a system of separate group areas. This has already been shown in certain cases where by voluntary action by local authorities a system of group areas has been established, for example in Port Elizabeth, and in such cases it has rebounded to the interests of the non-Europeans with the result that they are now in the position to get services through members of their own group, which were formerly carried out by Europeans.

Mr. DU TOIT: On a voluntary basis.

The MINISTER OF THE INTERIOR: And for that reason it is not unnatural to find that there are groups of non-Europeans who support the principle of this Bill and who have indicated to me their acceptance of the Bill in the form in which it stands at present. Representations have been made to me by non-European groups asking me to see that this Bill is put on the statute book as soon as possible.

Mr. ROBINSON: Tell us who they are.

The MINISTER OF THE INTERIOR: I will tell the hon. member who they are. They are the Coloured people of the Rand.

They have indicated to me through their official body that they are in favour of the Bill as it stands. I will tell you further that members of the non-European groups are as desirous as any European to live separate from members of other non-European groups.

Mr. STRAUSS: That is not support of this Bill.

The MINISTER OF THE INTERIOR: I gave you the example of the Coloured people on the Rand who support the Bill as it stands.

Mr. STRAUSS: Is that why you are going to amend the Bill, because they support it as it stands?

The MINISTER OF THE INTERIOR: The hon. member must really try not to be as childish as his interjection indicates. I say there are members of non-European groups who are as anxious as the hon. member for Germiston (District) (Mr. Strauss) to live in an area where he is surrounded by members of his own group, to live in an area where they are surrounded by members of their own group. That feeling is not confined to members of the European group.

Mr. ROBINSON: Who else supports the Bill?

The MINISTER OF THE INTERIOR: I have been specially asked by the Cape Malays to see to it that they are put generally into a compartment by themselves. They do not wish to reside in the same area with Coloureds and Indians. They have a group consciousness and they want to live in their own group area.

Sir DE VILLIERS GRAAFF: Who represented them?

Mr. KAHN: May I put the Minister a question?

The MINISTER OF THE INTERIOR: The hon. member will have ample opportunity. I will still have to reply to this debate.

Mr. SPEAKER: I must ask hon. members to desist from making these unnecessary interruptions.

The MINISTER OF THE INTERIOR: The question may well be asked why this Bill is not sent to a Select Committee. I want to deal with that point shortly. I want to say in the first place, Mr. Speaker, that this Bill involves a very clear-cut principle. I have already indicated what that clear-cut principle is, and in a matter of that nature my submission is that sending the Bill to a Select Committee does not serve a useful purpose. I remember when the suggestion was made by this party in connection with the 1946 Act, that it should be sent to Select Committee, the then Prime Minister, the present Rt. Hon. Leader of the Opposition, used these words which I think are equally applicable today—

> Take, now, the other question, the granting in of political rights to the Indians. It is not a question for investigation by a Select Committee. It is a matter of principle. It is a matter on which there is a difference of opinion in the House and in the country on basic principle. It is not a question on which a Select Committee can decide, and the delibations of a Select Committee will in this connection carry us no further. It is a question of fundamental opinions and of differences between parties.

And for that reason he did not agree to refer that Bill to a Select Committee. I say in this connection, too, that here we have a clear principle — apart from improvements in the machinery to carry out that principle—here is a clear principle in respect of which no member of the House can divest himself of his responsibility. He will have to meet it squarely.

The second reason why this Bill is not being sent to a Select Committee is because we have more than sufficient evidence in regard to the principle of this Bill. The evidence given before the Select Committees of 1926, 1930, 1936 and 1947; the evidence given before the Natal Select Committee of 1944, is overwhelmingly in the direction of this Bill. Add to that the evidence submitted to the two Departmental Committees in 1949, and I think it is clear that it is not so much a question of more and further evidence, but what is required is bold executive action to implement that evidence stretching over so long a period and so persistently.

Apart from the question of principle involved, there is the question of the means by which the object of this Bill is to be achieved. It is a question of how an existing set of laws will be superseded by a new law, of how an existing scheme will be superseded by a new scheme. The question may again be asked: Why was that not referred to a Select Committee? My reply is that it was, in fact, referred to a committee of experts. Four members of the committees that drafted this report — hon. members will remember who they are — were requested by me to consult the two remaining members of the Asiatic Land Tenure Board, namely, Mr. Wolliston and Mr. Power. Those two gentlemen can accept no responsibility for the opinions expressed in this report, but as far as the technical side is concerned, I think I am entitled to say they were consulted by the four members of the two committees

and that they are in agreement with the measures suggested. These six gentlemen combined a legal training and knowledge of the various laws involved, which this Bill, when it becomes law, will ultimately supersede — they combined that knowledge and training with practical experience of the administration of the Asiatic Land Tenure Act of 1946. I think it is clear from the way in which my tribute to them this morning was accepted by members who have a knowledge of the way in which they carried out their tasks and their duties, that these six gentlemen are well fitted by their training, knowledge and experience, to express an opinion on these technical matters of administration.

Mr. BLOOMBERG: Have they any experience of the Cape?

The MINISTER OF THE INTERIOR: I am coming to that. The hon. member need not be afraid that I will shirk any question, and no hon. member for the Cape need share that fear. I say, Mr. Speaker, that we have here a unique combination to disentangle the knotted skein of fact and law which the gradual changeover to group areas presents. These four gentlemen have had discussions, through their chairman, with the senior law adviser, and the Bill before us is the result of those joint deliberations and the pooling of that knowledge, training and experience. Since the publication of the Bill parties interested in subordinate points of administration have made representations to me, representations which are at present under consideration and which will no doubt result in certain amendments in the Committee Stage.

Hon members will thus see that as far as both the principle and the aspect of administration are concerned, this Bill is supported on the one hand by a cloud of witnesses that have appeared before commissions over the past fifty years, and on the other hand it has been moulded and shaped by people who can claim to have knowledge of the factors involved in the administration of this Bill in the circumstances in which this country is at present placed.

The hon. member for Cape Town (Castle) (Mr. Bloomberg) has asked: What about the Cape Province? I think that is a fair question. The Committees which have brought out the joint report sat in the Transvaal and Natal, and the question may well be asked: On what evidence is this Bill being made applicable also to the Cape Province? In the first place I envisaged some time towards the end of 1948 that a fact-finding committee should be established to find out the facts in regard to Indian penetration in the Cape Province. As a preliminary to the appointment of such a committee, I asked the Asiatic Land Tenure Board through its officials to make an investigation and prepare the ground for the committee. That was done; that investigation did find the facts and the facts which were found were of such a nature that, as I announced previously, it was unnecessary to have any committee or commission, because those facts would be placed before such a committee, and since they would not be asked for an opinion they would be unable to do anything more than duplicate the finding that those were the facts. The facts which were found are available if hon. members wish to see them. I do not want to weary the House by referring to what they found in regard to Asiatic penetration which had taken place in the Cape Province. I can merely say that the evidence showed very clearly, and the figures substantiated that view, that Indian penetration had taken place to an alarming degree, if one takes as a fair measure of an alarming degree of penetration, that which was found to exist by the second Broome Commission. If that is the alarm signal, then the facts and figures disclosed by this inquiry certainly show the red light.

In addition to that I have found on the files, and they have been added to since, numerous petitions and complaints from various parts of the Cape Province, complaining about penetration not only by Indians but by Coloureds as well. Again, if members want to see some of those complaints and petitions which have been addressed to me, all of them in the direction of asking for protection against the depreciation of property by this indiscriminate penetration by members of non-white groups, I am prepared to show them what I have in that respect.

Mr. ROBINSON: Why not Table that information?

The MINISTER OF THE INTERIOR: The hon. member must not show his lack of experience in these matters. These are things which are sent to the Minister, and I can show it in confidence to the members of the House.

Mr. ROBINSON: Everything is confidential.

The MINISTER OF THE INTERIOR: The hon. member must not expect me to violate confidences. As a member of the House he is at liberty to see it, and let me assure the hon. member that he will be surprised, and other hon. members on those benches will be surprised, if they see the representations made during the last eight years.

Mr. BARLOW: But why cannot these things be laid before Parliament?

The MINISTER OF THE INTERIOR: More important than that is the resolution passed by the Municipal Congress of the Cape Province in 1939. In 1939 the Cape Municipal Congress in its sitting at Oudtshoorn, passed by 127 to 33 votes a resolution supporting the principle of a draft ordinance by the Cape Province providing for the demarcation of separate residential areas for Europeans and non-Europeans, by compulsion if necessary. Here we have a view, a very authoritative view of the position in the Cape Province. Here we have the Municipal Congress of the Cape Province adopting by an overwhelming majority a draft ordinance, the principle of which in essence does not differ very much from the principle of this Bill. The principle of compulsion if necessary, was adopted by the Congress in 1939 and there has since been no indication that there has been any change in the viewpoint of the municipalities of the Cape Province. On the contrary, there has been confirmation. I think the Municipal Congress of the Cape Province which sat in 1948 in East London, asked for legislation by the central authority —

> . . . empowering local authorities to declare areas predominantly occupied by Europeans as European areas, within which no Coloured person or company may acquire fixed property or reside.

This resolution was adopted in 1948. It was then submitted to the United Municipal Executive. The United Municipal Executive, I think, consists of five representatives of each of the Municipal Executives of the four provinces. It represents the whole Union, and this United Municipal Executive agreed, nem. con., to this resolution which had been adopted by the Municipal Congress of the Cape Province in 1948. I think if there is any question that the same principle is regarded as necessary in the Cape Province as well as in Natal and the Transvaal, then any doubt must be dispelled by the information I have placed before the House.

But there is a further and I think overriding reason why the Cape Province should fall into line with the Transvaal, Natal and the Free State, and that is that in a matter of this nature any legislation which is proposed should be on a national basis and not on a purely provincial basis. I think there are few members on the other side who will say that a matter of this nature should be left to the provinces, each to determine in its own sweet way what should be done in regard to the demarcation of group areas. I think if ever there was a question which demanded a national solution which should be based on a national basis, then it is this question of separate areas for the various groups. For those reasons hon. members will appreciate that I have considered and the Government has considered it necessary to make this a national measure, the provisions of which will apply to all parts of the Union.

Now, I think I may at this stage give what I consider to be the main features of this Bill. I have already explained the underlying principle and the mechanism, but there are certain features in this Bill that call for special attention. In the first place I would suggest that this Bill is a major measure towards the realisation of one of the main objects of the policy of apartheid, namely the elimination of friction between the races in the Union, by providing separate areas for the different races. The four-point control which this Bill has embodied, namely control of both residential and business premises, both as regards ownership and occupation, is in my opinion a major measure towards carrying into practice the policy of apartheid, and that is a very important feature of this Bill.

A second feature is that this object is achieved without recourse to discrimination between the various races. The restrictions imposed on one group are also imposed on the other groups. Each group surrenders certain of its rights for the common good of all groups. That, I think, is a very important feature of this Bill. One does not want to make comparisons, but I think it is quite obvious that in this respect this Bill is a very important advance on previous legislation which half-heartedly attempted to achieve the same object.

The third feature of this Bill is the provision that is made for the training in democratic procedure and self-government for persons in the group areas, namely the Coloureds and Natives. I have already explained the necessary supervision and safeguards to see that those people in those areas get a square deal.

The fourth feature is that the change-over is calculated to take place gradually with the least disruptive effect. The Bill seeks to combine the guarantee of future certainty with a minimum of present inconvenience. It was possible to have simply taken a bold line and to provide for expropriation immediately. But I am afraid that it is a line of thought that does not commend itself to this Government. It was too sudden, and we have rather devised, as far as human ingenuity could devise, a method of obtaining the same result by a process of gradualness, and by a process of seeing that gradually with the least disruptive effect the same result is obtained.

Let me say at once, Mr. Speaker, that large areas can be proclaimed immediately without any inconvenience. Of the total area available in the country, surely about 80 per cent. or 90 per cent. are areas which are predominantly occupied by persons of one

group, and there is no reason why in those cases the proclamation of a group area cannot take place within a very short period. All that is required in other areas is the liquidation of isolated pockets. In one area belonging to one group there may be isolated pockets belonging to members of another group. That ought not to take long. In some areas the inter-mixture is great and the problem is difficult but the virtue of this Bill is that it is so elastic that it can make provision for all these various types of cases. Where time and consideration is required the Bill provides for that time and that consideration. Where it can be done immediately, the Bill provides that it can be done immediately. The whole scheme is a piecemeal application of the principles of this Bill and the piecemeal repeal of the existing provisions in various parts of the country. I think that is a feature of the Bill which is very important. The object envisaged by the Bill — I want to make that perfectly clear — cannot be attained without difficulty, inconvenience and sacrifice. In spite of every attempt to make the new scheme supersede the old scheme as smoothly as possible, it is impossible to avoid some measure of inconvenience. We shall have to face up to that. There will be a further restriction of the right to purchase or occupy property wherever one likes, but this will be a restriction applying to all sections. It is the price we have to pay in order to achieve certainty as to the future environment of our homes and place of business. It is the sacrifice we will have to make in order to bring about conditions most favourable for inter-racial harmony. For points of contact inevitably produce friction and friction generates heat which may lead to a conflagration. It is our duty therefore to reduce these points of contact to the absolute minimum which public opinion is prepared to accept. The paramountcy of the white man and of Western civilisation in South Africa must be ensured in the interests of the material, cultural and spiritual development of all races.

Mr. KAHN: With you as the Big Chief.

The MINISTER OF THE INTERIOR: That is the axiom. Enlightened public opinion — and I do not include the hon. member for Cape Western (Mr. Kahn) in that — demands that and this Bill is a vital and important milestone on the road leading to that terminus. I believe it will be accepted in that spirit by all who wish to leave a fitting and noble heritage to coming generations in our own South Africa.

Mr. STRAUSS: The Nationalist steamroller has now been launched on the first stage of its lugubrious journey. The Minister has had his long and smooth say and listening to him and having read the White Paper, one cannot help getting an entirely different impression from the impression one gets when one tries to make a study of this Bill. The Minister, Sir, by a process of one-sided statement and over-simplification, as he has done to a large extent in the White Paper, has succeeded in creating the desired effect. His doses of soothing syrup have helped to create the effect that he wished to create in the minds of the yes-men behind him. I looked at them very carefully while the Minister was speaking, and except for the courtesy cheer that he got when he got to his feet to move the second reading of the Bill, they sat in stony silence or semi-somnolence.

The MINISTER OF LANDS: Don't be silly.

Mr. STRAUSS: The Minister of Lands should be the last one to protest, because he was half asleep when the Minister was introducing this Bill. The other side sat in complete silence and it was only when the Minister used the magic word of "apartheid" . . . [Intejections.]

Mr. SPEAKER: Order, order!

Mr. STRAUSS: I must say that we listened very patiently to the Minister. I have only forty minutes and I hope I will be allowed to have my say. We are working under very difficult circumstances and this is a very difficult Bill. As I say, it was only when this magic word apartheid was mentioned that, for the first time, there was some sign of interest or intelligence on the other side. And that is the whole difficulty about this Bill. I do not think there is one member on the other side who really understands the full implications of this Bill. I wonder if the Prime Minister and the members of his Cabinet all understand the full implications the full ramifications of this Bill; I do not think they do. I would like to state at the outset the attitude of the Opposition towards this Bill which the Minister has now moved. Our position is quite clear. The Minister has asked us to face fairly and squarely this clear-cut issue before us and in so far as the principle of social and residential separation is concerned there is no difficulty at all as far as this party is concerned. But facing the issue of social and residential separation fairly and squarely is vastly different to facing fairly and squarely this pernicious piece of legislation which has been put before us. Perhaps I may at the outset read the amendment which I propose to move at the end of my remarks. It reads —

To omit all the words after "That" and to substitute "this House, in view of

(a) the general acceptance in South Africa of the principle of residential and social separation; and

(b) the absence of any public inquiry at which interested parties have been enabled to make representations or adduce evidence,

declines to pass the second reading of the Bill until a Commission, presided over by a judge of the Supreme Court, has inquired into and reported upon the subject thereof including the necessity or otherwise of such legislation, with due regard to the financial implications involved and the practicability of giving effect to such legislation".

*The MINISTER OF JUSTICE: It is a question of procrastination and doing nothing.

Mr. STRAUSS: Let my hon. friend give me a chance. We listened to the Minister with great patience and very great restraint for a long time. I want to stress first and foremost in the clearest possible terms that we on this side of the House stand for the policy of social and residential separation and there is no secret about it. That was the policy of this party at the time when the hon. the Minister of Finance was a member of this party, in the days when the late General Hertzog was a member; that policy was very clearly stated.

*Mr. SPEAKER: Order, order. I must ask hon. members on this side to give the hon. member a chance to proceed with his speech.

Mr. STRAUSS: Our policy is very clearly stated. This party is not in favour of a policy of equality or assimilation and stands for the maintenance of a policy of social and residential separation and the avoidance of race intermixture. I say therefore right at the outset that we have no difficulty whatever in facing fairly and squarely this issue that has been placed before us as far as the principle of this legislation is concerned. And, as we know, that is also the traditional policy of South Africa. That appears from the statement in the extract from the Joint Report to which the Minister has referred. I think he has mentioned some of these matters that are stated in this extract. For instance, in paragraph 324 on page 9, it is said —

> . . . also stressed the point that the Asiatic problem is a national problem which should be dealt with in terms of a national policy, in fact the traditional policy of separatism in South Africa.

It is the traditional policy of this country and there is no need for any party to claim it as a monopoly for political purposes. Paragraph 327 of the Joint Committee's report, the last sentence only of which I want to quote, is equally clear —

> It would indeed be difficult to point to any other vital problem in the history of South Africa in regard to which the two sections of the White population held such identical views and co-operated so well as on the Asiatic question.

The MINISTER OF LABOUR: Voluntary or compulsory?

Mr. STRAUSS: I wish the hon. the Minister of Labour would exercise a little patience, and let me develop my remarks in my own way. I shall try to satisfy his curiosity in my own way and at a time when I think it is most appropriate for me to deal with that point. So, Sir, the position is perfectly clear and there is no question about it that that is the policy which South Africa accepts. The Joint Committee's report affirms it and our amendment affirms it in the clearest possible terms. With this condition of unity, this wide and general consensus as far as the principle of this matter is concerned, one would have thought that the Minister would make use of this wide consensus of opinion, this spirit of unity and this fact of unity in order to find an agreed basis, an agreed formula, by which to enforce this principle of separation so that as far as the method is concerned he will also have a spirt of concurrence and a spirit of unity and that, Sir, he might have had if he had followed the path of full and adequate inquiry and of friendly and patient consultation so that all interested parties could put their views and make their suggestions. But, Sir, that is not what the Minister of the Interior does. That is not the way that he follows in doing these things. Instead what does he do? He throws at us a massive, ill-digested, complicated piece of contentious legislation with 38 involved clauses, the meaning of which the ordinary person is quite unable to understand, and under this Bill there are all sorts of extremely difficult and complicated ramifications and repercussions, the result of which, for good or for evil, nobody is able to predict. I say, and I say it advisedly, that the rushing through of this piece of legislation in the way in which it is being done will further help to lower the prestige of the Union in the eyes of the world outside. It will further help, Sir, to lower the prestige of this country through the actions of this Government in the eyes of the world outside. It might quite easily have international repercussions.

Mr. VAN NIEKERK: You mean in Russia?

Mr. STRAUSS: No, this is not the way to deal with a piece of legislation of this kind. The Minister tries to side-step the issue of a select committee or a further enquiry by

means of a commission, and he quotes a remark made by the then Prime Minister when he was in charge of the Asiatic Land Tenure Bill in 1946, but I do not know that the Minister can find salvation in a quotation of that kind, because the position is stated to be entirely different from what it is here. The Prime Minister indicated with regard to that Bill that there was no purpose in sending the Bill to a Select Committee, because there was a fundamental difference of opinion on the principle that was involved. Here it is the very opposite, as this Blue Book that was handed in, shows in the clearest terms.

The MINISTER OF THE INTERIOR: You do not want to accept the second reading.

Mr. STRAUSS: But as far as the principle of this Bill is concerned there is complete unanimity. I hope the Minister will now contain his patience.

The MINISTER OF THE INTERIOR: Why don't you support the second reading then?

Mr. STRAUSS: With regard to the other Bill the then Prime Minister was quite right in pointing out that there was a fundamental difference of opinion with regard to the principle.

The MINISTER OF THE INTERIOR: And we opposed the second reading there.

Mr. STRAUSS: I hope the Minister will permit me to proceed. I know the Minister realises how vulnerable he is in the attitude he is taking up, and how completely he has exposed his flank in this particular quotation, but let me reply to him in all fairness. The position there was entirely different. There, as the then Prime Minister indicated, there was a fundamental difference of opinion with regard to the principle. Here there is no difference whatever as far as the principle is concerned. As I have indicated from the Blue Book and as I have indicated by reading from the statement of policy of our party, we as a party stand four-square for the principle of social and residential segregation, and therefore it is only right and proper that there should be a full enquiry to see if you cannot find a formula to bring about that particular principle, and that, Sir, is what the Minister so resolutely and stubbornly refuses to do. Let us see what we get with regard to the legislation that is now before us. After this Bill had been introduced and two days before the second reading—that is to say the day before yesterday—we got this Blue Book from which the Minister has quoted copiously.

Mr. RUSSELL: And Parliament does not sit on Saturday.

Mr. STRAUSS: No, we do not sit on Saturdays and we do not sit on Sundays. I want to voice a word of protest against this method of doing things. I hope the Prime Minister will take note of the way in which these matters are being deal with, in so far as this Parliament is concerned—this highly intricate, difficut, involved, contentious legislation is introduced and steamrollered through this House and when there is a report on the subject we get that long after the Bill has been introduced and two days, which happen to be a Saturday and a Sunday, before the second reading is taken. If one refers to this report one sees that all it is is an extract from the Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendment Committee, and if you look at the note at the beginning of this report you see this—

> It has not been possible to make the whole report available to Members of Parliament and the Senate for the following reasons:
>
> (a) The report states that "all representations both in writing and orally were treated as strictly confidential". Chapter 3 deals with such representations disclosing their source.

That is the reason for not giving Chapter 3 because everything is confidential—

> (b) The Report is a lengthy one and chapters 1 and 2 respectively deal with the position historically before and after union up till 1946.

So that all that we get here are chapters 4 and 5 of the joint report of the two Departmental Committees appointed in 1948. The rest is a closed book as far as this House is concerned.

Let us look at the terms of reference of these two committees. We have been told what a full enquiry there has been, how all the various aspects have been investigated. Repeated questions were put from this side of the House "what about the Cape and the Coloured people?" and the Minister in his smooth easy way said that he would come to that. He indicated that some sub-committee had made a confidential report. But let us look at the terms of reference. As far as Natal was concerned it was—

> (1) To receive and consider proposals for the amendment of Chapter 1 of Act No. 28 of 1946, and to report to the Minister thereon, and

(2) to investigate whether urgent amendments to Chapter I should be made during the next session of Parliament pending further amendments of a more radical nature which may be recommended and which cannot be introduced during the next session of Parliament.

As far as the Transvaal is concerned, the terms of reference were—

(1) to receive and consider proposals for the amendment of Chapter I of Act No. 28 of 1946 and other laws dealing with Asiatic Land Tenure and to report to the Minister thereon, and

(2) to investigate whether urgent amendments to Chapter I and the other laws mentioned should be made during the next session of Parliament, pending further amendments of a more radical nature which might be recommended and which could not be introduced during the next session.

It will be seen, Sir, that under those terms of reference the problems that are now being dealt with under this Bill were not investigated at all. Those investigations dealt with the position in so far as it is touched upon by Chapter I of Act No. 28 of 1946. It dealt with the position of Asiatics and the Minister sweetly and calmly comes along and tells us that there has been full and adequate investigation. No, Sir, what should now be enquired into is not the principle of social and residential separation on which there is unanimity in this country, as is pointed out very clearly in the extract from the report which has been laid before us, but what should now be enquired into is the plan which is embodied in this Bill and which is before us. That should be enquired into and gone into in an objective way and on an impartial basis, not a basis of party politics which was revealed the other day when the Chief Whip of the Nationalist Party spoke, not with a view to this vile curse of party political advantage, of which this Government always tries to make use, but with a view to finding a reasonable and a fair basis and a proper formula on which we can try to make this principle of social and residential separation work, and perhaps this steam-rollering that we have had has taken place because of that. Perhaps that is the reason for the urgency of this Bill, because I asked the Prime Minister the other day and we had no word of justification for the use of these steam-rollering tactics.

Mr. SPEAKER: Order order. I do not think the hon. member is entitled to say that. He has used that expression more than once. I presume the hon. member is referring to the question of the guillotine. I would like to indicate to him that a member is not allowed to reflect on any vote of this House. Rule 70 reads—

> No member shall speak against or reflect upon any vote of this House except for the purpose of moving that such vote be rescinded.

Mr. STRAUSS: I do not want to criticise the decision which the House has taken.

Mr. SPEAKER: Then the hon. member cannot use the expression "steam-roller" because, after all, the Speaker is here to see that steam-rollering tactics are not adopted.

Mr. STRAUSS: I bow very readily to your ruling, Sir. But what I want to protest against is the fact that this legislation is being rushed through the House. If I am not allowed to do so, I won't do so.

Mr. SPEAKER: I am referring to the hon. member's use of the word "steam-roller".

Mr. STRAUSS: May I not refer to the fact that no justification has been given for the fact that this legislation is being rushed through the House?

Mr. SPEAKER: The hon. member may proceed but he must not use the expression "steam-rollering tactics".

Mr. STRAUSS: Well, Sir, we all know the method that has been applied. I will not contravene any suggestion that you put to me but we have had no word of justification as to why this legislation is really urgent and I can only conclude that the real reason for the urgency is the cat which was let out of the bag by the Chief Whip of the Nationalist Party the other day, and we have seen other signs which tend to show that there are nothing but political motives behind this step which is being taken—largely political steps. I have seen a suggestion in the local morning organ of the Government that I have been receiving piles of telegrams and that these telegrams are supposed to have come from Durban, asking me on behalf of this party to support the Bill. I am able to disillusion the Government completely as far as that is concerned. I have been receiving large shoals of telegrams but they dot deal with this Bill at all. They deal with another Bill which this Government has brought forward and in due course I may have occasion to refer to those telegrams.

Dr. STEENKAMP: They suck that out of their thumbs.

Mr. STRAUSS: But what happens is this, that this Government, in every step that it

takes, in every measure that it brings before the House, in the degree of priority that it assigns to any measure before the House, does not in the first instance consider what is required by the interests, the needs and the welfare of this country. The first question that they consider is what is required by the Nationalist Party machine in order to make it possible for them to score a political point and, if possible, to drive a wedge into this party on this side.

*The MINISTER OF JUSTICE: There we have the truth.

Mr. STRAUSS: They tried to suggest that Durban was asking me in these telegrams to support this Bill.

The MINISTER OF JUSTICE: Many a true word spoken in jest.

Mr. STRAUSS: No, Sir, they have completely missed the point. They are entirely wrong; those telegrams deal with quite a different Bill.

An HON. MEMBER: You have let the cat out of the bag now.

The MINISTER OF TRANSPORT: Methinks the gentleman protesteth too much.

Mr. STRAUSS: Now, I want to deal for one moment with the amount of inquiry that has been made in the past by governments before they took legislative steps with regard to similar problems. In our day, and in the days of a previous and a more democratic Government which was in power under the late General Hertzog, both before and after coalition, quite a different method was followed, both with regard to legislation on the Asiatic question and legislation on the Native question. Take the two Bills that became law in 1936. Look at the investigations that preceded those two measures. In 1903 the South African Native Affairs Commission, representing the Union, Rhodesia and Basutuland, recommended the separation of land rights between Europeans and Natives. In 1913, ten years later, the Native Land Act, which was a temporary measure designed to prevent further intermixture of land interests between Europeans and Natives until the whole position could be thoroughly investigated and considered, was passed. Under this Act the then existing Native locations and reserves were scheduled as Native areas and it was provided that until further provision was made by Parliament, except with the approval of the Governor-General, Natives might not acquire from persons other than Natives, and vice versa, land outside the scheduled Native areas, and that without such approval no person other than a Native might acquire land in a scheduled Native area. In terms of the 1913 Act a Commission was appointed, known as the Beaumont Commission, which sat from 1914 to 1916. It took a considerable time to complete its labours, and that Commission recommended that further land should be set aside as additional Native areas, or released areas, as they were afterwards called. The recommendations of the Beaumont Commission were not acceptable either to the Europeans or to the Natives, and the Government had to appoint further bodies to inquire into the question. They appointed local committees in each province to revise the recommendations of the Beaumont Commission, and these local committees only reported in 1918, and these recommendations were accepted as the basis of the additional Native areas, and further legislation contemplated in the 1913 Act was not introduced into Parliament, as we all know, until 1926 when General Hertzog laid upon the Table his series of Bills, generally known as the Native Bills, and these Bills were formally introduced in 1927 and engaged the attention of a Joint Select Committee of the two Houses of Parliament for not less than nine years. For nine years General Hertzog followed the path of patient consultation, patient inquiry, wrestling with the problem in an attempt to get an agreed measure, and as we know a crown was placed upon his work in 1936 when those two Bills passed through this House practically as agreed measures. The way in which General Hertzog dealt with this matter was a triumph for wisdom and patience which he displayed with regard to that fundamental and far-reaching question. But what do we find now? What is the path that this Government is following? The path in this case is to try and rush this measure through Parliament in order to score some vague political victory or to get some political advantage. We on this side of the House are not thinking of party political advantage in this matter. We as a party stand united in our approach to this big problem. In principle we are completely at one. As to how that principle is to be applied, we state our principle quite clearly in our amendment that there should be a full and fair inquiry and the whole problem should be gone into as to how it is to be done, with all the implications that are involved in this legislation.

Having stated our attitude to the principle of the Bill and in regard to the necessity of taking the second reading now, viz., that we feel that it should be inquired into by a Commission presided over by a judge, I now want to say a few words about some of the really objectionable features of this Bill. The Minister has applied liberal doses of Ministerial soothing syrup in his second-reading speech, and I just am afraid that hon. members on the other side may not realise the far-reaching implications of this

Bill. He recommends this Bill as if it was so simple and so straightforward an issue, but he himself has already indicated that he has found it necessary in the Committee stage to move no less than three important amendments, and the Minister says that the application of this measure will be made gradually, so that there will be as little disruption as possible. Sir, the hon. the Minister misunderstands fundamentally the whole position. This gradual application, or gradual creation of group areas will create a degree of uncertainty for an indefinite period. This Bill, by tackling the problem in that way, will stabilise a state of uncertainty and that state of uncertainty will be most dislocating to the property market in this country. In fact, I make bold to say that this Bill will seriously unsettle the South African property market and globular losses will be suffered in mixed areas. The gradual application will have the immediate effect of reducing available buyers of property which may be for sale in mixed areas. The Bill has already had a very bad effect on the property market, and now by the method of application, as we see in the White Paper in paragraphs 7 and 18—I do not want to refer to them in detail; the hon. the Minister has admitted that it will take a period of years—you will have this state of uncertainty stabilised and prolonged and there will be the consequent depressing effect. There will be a continued serious drop in the value of properties and also in the value of non-European-owned- and occupied properties in the White areas. And this Bill introduces the principle of gross interference with vested rights, without any provision for compensation. There is no provision in this Bill for compensation. People may lose their valuable vested rights without any compensation whatever. I take the case, as an instance, which I am personally acquainted with, of how losses can take place. We take a place like Alexandra Township on the outskirts of Johannesburg. There is a Native township which provides accommodation today for some 80,000 to 100,000 Natives. If that is to be declared a White area what will be the effect? [Laughter.]

The MINISTER OF THE INTERIOR: What nonsense!

Mr. STRAUSS: That is the kind of ignorance, that is the kind of shallow uninformed laughter on the other side. I am taking Alexandra Township merely as an instance to illustrate my argument of how losses may occur. I am not dealing with the question of Alexandra Township as an actual, but as a hypothetical case. But I say that this is a position which this Commission should go into and that is a question that should be gone into at the proper time. But I am taking it as an instance to illustrate how these losses may occur. There you have a township housing up to 100,000 Natives. You declare it a White area and immediately all the buildings which now provide housing for these 100,000 Natives become valueless. [Laughter.] Perhaps hon. members of the Nationalist Party will be quite prepared to live in the houses at Alexandra Township if it is declared a White area. But I say that all the property, all the buildings that have been erected there, will immediately become valueless. They will be a dead loss. I haven't been able to calculate the amount, but it may run into millions of pounds. That is the loss on the one side, and on the other side you have to provide entirely new housing for the 100,000 Natives that now become displaced. [Laughter.] Let them laugh, let them shake their heads, but these are some of the problems that we have to face up to.

The second point that I want to deal with is that our modern system of land registration is weakened and undermined by this Bill. We, Sir, in this country have over the years evolved a system of the registration of titles to land and the registration of mortgage bonds which is a model in the world. There is a simplicity and a certainty, there is a ready and easy availability of accurate information which is unequalled in most other countries of the world. Many countries have studied our system of land registration and obtained very valuable information from us. Registered documents in our country enjoy a sanctity which is not generally enjoyed in other parts of the world. The United Kingdom which has a very complicated system of land registration has benefited by the study of our system. No less than 26 amending Acts have been passed in the last 30 years in the United Kingdom in order to improve their system of land registration after a careful study of our system and they still lag behind the state of perfection which we have reached in our country. That wonderful system of land registration is destroyed to a very large extent by this Bill. This Bill now destroys the certainty that we have had in our system of land registration. Under this Bill the sanctity of contract is attacked. The Bill now makes it possible to make of no effect contracts that have been entered into between parties. You only need to look at Clause 5 (3) to see what this Bill now provides for—

> Any agreement or any provision in a testamentary disposition entered into or made on or after the date referred to in paragraph (a) of sub-section (1), by which any person purports to acquire or hold or would acqire or hold any immovable property in contravention of sub-section (1), shall be null and void.

So that even testamentary dispositions are now interfered with under this Bill. Clause

8 gives another example. Sub-section (1) says—

> No person shall, except under the authority of a permit enter into any agreement, whether in his own behalf or on behalf or in the interest of any other person, in terms whereof any disqualified person or any disqualified company acquires or purports to acquire or would acquire any immovable property situated in the controlled area.

And sub-section (4)—

> Any agreement entered into in contravention of sub-section (1) shall be null and void.

So that we see what is happening under this Bill. Clause 20 says this—

> If any immovable property is acquired or has at the commencement of this Act been acquired, the Minister may, after not less than three months' notice in writing to the person concerned, cause the property to be sold either out of hand upon the terms and conditions agreed to by the person concerned and approved by the Minister, or by public auction upon such terms and conditions as the Minister may determine.

So you see the sanctity of the contract is now gone. [Laughter.] I do no know whether the hon. member who laughs, knows about these matters, but I believe he is merely showing his ignorance. The only case where the position is quite clear in respect of titles is under Clause 20, where it says: "Pursuant to the intervention of the Minister." But in every other case the buyer does not know where he is. If the property is sold without intervention of the Minister, the title of the buyer held in contravention of the Act is null and void, and the person who receives transfer, has a registered title deed which is valueless. It may be merely a scrap of paper. It is an impossible position in which to place a bond holder. Any subsequent buyer will similarly acquire no right from such a person and he is unable to pass title to the person to whom he sells. Mortgages will have no security by virtue of this clause So, Sir, this Bill strikes very fundamentally at vested rights in this country. Then, Sir, from the definition of "groups" very serious hardships may flow. I look at the definition here in Section 2 (1) (a) of this complicated Bill, and I see that a white group is defined there in 2 (1) (a), and in 2 (1) (c) (ii) and (iii) we have the definition of a coloured group, which reads like this—

> A coloured group is a group in which shall be included —
>
> (i) Any person who is not a member of the white group or the Native group;
>
> (ii) any person who habitually associates with persons who are in terms of sub-paragraph (i) members of the coloured group, as a member of any community of such persons;
>
> (iii) any woman, to whichever race, tribe or class she may belong, between whom and a person who is in terms of sub-paragraph (i) or (ii) a member of the coloured group, there exists a marriage or who co-habits with such person.

[Time limit extended.]

So you have this position, that a white person who is white in every sense of the word, a person who may have the white person's pass under the Bill which passed this House the other day, the Population Registration Bill, to such a person I may sell a property in a white area. As far as I am concerned that person is a white person, he appears to me to be white, he has a white person's pass given to him by the Government, and subsequently, unbeknown to me, it may be found that that person is a Coloured person because he has habitually associated with Coloured persons. Then that sale will be completely void, even if every precaution and every care was taken by the seller in that case, and even if the Registrar, as he is required to do under Clause 22 of this Bill, has taken every care and precaution, that sale may be void in terms of this Bill. There you have a person who in every sense of the word is a white person, who has a white person's pass under the Population Registration Bill, it may be found that under this Bill he is a Coloured person and the sale will be completely void and the mortgage bond will be valueless. I do not think this Bill is so simple at all. All hon. members on the other side know is that it is a step forward in the apartheid policy, but I do not think that they appreciate the implications and ramifications of this Bill.

Now a further point I want to make is that the right of mortgagees will be seriously affected, weakened and undermined. The mortgagees will suffer loss not only as a result of a drop in the value of the property, which they hold as a security for the debt, but also as a result of the drop in property values; the mortgage bond will no longer enjoy the sanctity which registration has afforded it up to now and the vigilance and the watchfulness of the parties to it will not be sufficient to safeguard the position.

There is a further serious defect. There is no provision in this Bill for notice to be

given to a mortgagee if a sale is to be held on the Minister's instruction and there is no opportunity for the mortgagee to protect himself. As hon. members know, who understand property dealings, today if a sale in execution takes place, the bondholder can always buy in the property to protect himself. Now he can't do that, and he may know nothing about the sale, because a sale can be out-of-hand and there is no provision for giving notice to the mortgagee, and if the sale is by public auction and made known by advertisement, he may not always see such an advertisement, and even if he knows about it, he can do nothing to protect his rights by buying in, because you must have a permit. That permit may be refused you by the dictatorial Minister in power, and even if it is not refused, we know the delays and the red tape that take place in connection with the issue of a permit and he may get a permit too late, and the sale may take place under your nose. All the other details will be developed much more fully by other speakers. I cannot go into all the details; I only mention a few in a very broad way.

Then we come to the interference in the internal affairs of our local authorities. The Minister dealing with Clause 7 raised cheers on his side when he used the words "positive apartheid," but I take a very serious view of the interference which can now take place in the affairs of local authorities under Clause 7. Clause 7 as it stands in the Bill is a very far-reaching section. You will see that a local authority will no longer itself decide what work is to be done or what expenditure is to take place. Other people may step in and they will have to do what they are told. The Central Government may step in through the Minister, and the Administrator, if the amendment comes in, may step in and he may recover from the local authority concerned any expenditure incurred under this section —

(a) by action in a competent court against the local authority in default; or

(b) by levying as special rate upon all rateable properties within the area of jurisdiction of the local authority in default; or

(c) by deduction from any subsidy, grant or other moneys payable out of the Consolidated Revenue Fund or by the Administrator to the local authority in default.

No, Sir, now for the first time we see that that basic democracy that we have always seen enshrined in "No taxation without representation" is now going by the board. Now you get taxation under this section not only without representation; it is worse; people who have been given representation, people who have been given the municipal franchise directly and are on the voters' roll and have sent their elected representatives to a local authority, can be overridden. Their money can be spent without their having any say in it; they can be taxed without any representation at all. The hon. the Minister has referred to the resolutions which were taken by the Cape Municipal Congress — it is another point, but I mention it now as it comes back to my mind — he stated very clearly that the resolution which was taken by the Cape Municipal Congress, representing 160 municipalities, and taken by 122 votes to 32 votes, was very significant. But that was not the proposal in favour of what he is seeking to do in this Bill. That was a proposal that local authorities themselves should be authorised to declare separate residential areas, and, Sir, the Cape Municipal Congress in 1948 adopted a similar motion. On three different occasions a similar motion was adopted, but in all these three cases — the Minister didn't tell us that; We know this Minister by now — in all these three cases the emphasis was laid on the fact that the local authorities themselves should be empowered to declare areas, but they did not ask for interference and overriding action from the Central Government as they now get under this clause. It was the basis of the local authorities' resolution that any racial separation should be largely a measure of agreement between the interests concerned, the local authorities acting in consultation with the respective provincial administration. I merely say that in passing. I do not want to go into all the details. Support will be given to the broad general points I made by other hon. members who will make their contributions to this debate in due course.

Now I want to come to the final point which the Minister in his smooth introductory speech did not say one word about and that is the unbridled and unlimited powers of the Minister and the Executive under this Bill. Now it is quite true that there are far-reaching powers under other similar legislation, but in every case where those powers are given, they are limited to specific matters and for the necessities of the case, but here these powers are given to the Minister in the widest and most general terms. The Bill itself alters and sets aside contracts, but here under the powers to be given by the Minister, serious inroads are made on the rule of law and the power and the prerogatives of Parliament. The Minister referred in passing to Clause 3 (3) (i), in which clause parliamentary approval for five years is not required in respect of an area in the Cape or Natal. For five years he need not refer to Parliament.

An HON. MEMBER: That is in the existing Act.

Mr. STRAUSS: For five years his own sweet will will predominate with regard to everything he might want to do in regard to the Cape and Natal. His own sweet will, and who knows what the bitter experience will be of the people who will be affected by the exercise of that Bill. He has got the most far-reaching powers in respect of matters affecting vested interests. He may constitute a governing body in a local authority under Clause 8. He may interfere in the internal affairs of local authorities under Clause 7. He may issue permits in the controlled areas in the whole Union (Clause 10). He may issue permits in a specified area (Clause 12). He may deem property which is newly erected in a specified area, as defined by proclamation to be occupied by one group or another, and he may postpone the making of a determination as to who may occupy, for such period as he likes. That is under Clause 13 (6). He may withdraw a determination under Clause 13 and deem a property to have been occupied by another group under Clause 13 (2) (b). He may direct the issue of a permit (Clause 14). He may determine whether a fee of £25 should be refunded or not. Even in little things like that, the Minister keeps all the powers in his hands. He may extend permits, he may revoke or withdraw them. He may declare in respect of a company that it is controlled by a member of the particular group under Clause 16. He may declare any company to be a company wherein the controlling interest is held by a member of a group. In that case, I want to say so in fairness, there is appeal to the courts under Clause 17.

Mr. SUTTER: That is the only one.

Mr. STRAUSS: The only one I know of. He may direct the manner in which notice is to be served on a foreign company. Even in a matter like that he wants to have full say. He may require a property held in contravention of the Bill to be sold, or may himself sell it by public auction under Clause 10. He may decide to whom proceeds of the property should be paid or whether it should be paid into the Consolidated Revenue Fund. These, Sir, are some of the dictatorial powers which are vested in this power-lusting Minister. He is of course required to consult, Sir, and he laid a lot of stress on the fact that he has to consult various people. He even puts t in the Bill that he has to consult his colleague, the Minister of Mines. He has to consult the Administrator. But never once need he pay the slightest attention to the views of the people that he is required to consult. All that he has to do is to consult them and then again he can act as he likes. He has talked about the Land Tenure Advisory Board, that board which hears in a very judicial manner recommendations for and against and then makes recommendations which he has to consider, and the Minister said: "That board is the kingpin of the whole administration of this Bill". But who has got the final say? Who is the engineer in charge of this kingpin? He, the Minister. That kingpin will only go as he wants it to go. I do not say in their recommendations—I have far too much respect for them—but as to what he has to accept and as to what he is not to accept, he has got the say he has got the complete say. No, Sir, if the Land Tenure Advisory Board had been the kingpin of this Bill, we would have had much less misgiving about it than we have. No, this Minister is the kingpin of this Bill. He makes anybody that has got anything to do with the administration of this Bill a puppet in his hand, he can pull the strings and everybody has got to dance to his own sweet will. That is our trouble, that is our fear, that the Minister is the kingpin in this Bill.

Look at the vicious provisions in Clause 31. I wonder if hon. members have taken the trouble to look at Clause 31. Some of my hon. friends on the other side who claim that this Bill is a Bill for apartheid and do not want to hear anything more about it, may not be interested in this, but under this Bill an inspector may be appointed and under sub-clause (2) any inspector may for any such purpose (the purposes set out in that Clause), without previous notice, at any time during the day or night, enter upon any premises whatsoever and make such inquiry as may be necessary.

An HON. MEMBER: Isn't that the position today?

Mr. STRAUSS: No, it is not the position today. The hon. member over there may have been misled in thinking that that is the position today.

Mr. SUTTER: Probably he was told so in the caucus.

Mr. STRAUSS: Yes, that may be how the Minister succeeded in spoofing his followers. In section 14, which deals with the appointment and powers of inspectors in the Act No. 28 of 1946, it is said—

> Any such inspector may for the said purpose without previous notice at any time during the day . . .

Not during the day or night . . .

The MINISTER OF THE INTERIOR: Read the amendment.

Mr. STRAUSS: Yes, look at the Minister giving himself away. "Read the amendment." Whose amendment? That is his amendment. If you look at the powers of making regula-

tions under that Act, then I want to say to the hon. the Minister that that Act is for one specific purpose.

The MINISTER OF THE INTERIOR: You are reading the amended section now.

Mr. STRAUSS: No Sir, that has nothing to do with it. Clause 17 of the White Paper —and this White Paper represents the Bill in such unobnoxious terms that the impression is created, just as in the Minister's speech, that this Bill is a very simple and innocent Bill — this paragraph 17 in the White Paper says —

> Power to make regulations is given to the Governor-General, and he may do so, inter alia, regarding the manner in which the governing bodies in Native and Coloured group areas are to be constituted, their powers and functions, and the nomination of the supervisory local authority. In this case the Administrator of the province concerned must be consulted. Regulations may also be made for the general purpose of the good administration of the Act and different regulations may be made in respect of different groups and different areas or provinces.

But if we look at Clause 3 of the Bill we see that the regulations may provide for legal presumptions in regard to membership of the group established under sub-sections (2) and (3) and may prescribe penalties for any contravention thereof or failure to comply therewith not exceeding a fine of £50 or imprisonment for a period of six months. So you see that that little bit of the regulation is not mentioned in the White Paper. Now I do not want to go into any further criticisms of this Bill. The House has granted me an extension of time and I want to conclude by saying that with the principle of the Bill we on this side have no fault to find. That I have made quite clear, but this Bill, in the form in which we now have it before us, as it is at present drafted, is a great menace to this country and in years to come and in months to come the people of this country will realise what a menace the hon. the Minister is in the public life of the country.

The MINISTER OF THE INTERIOR: When are you going to deal with the question of voluntary or compulsory application?

Mr. STRAUSS: The hon. the Minister was apparently asleep when I read my amendment. Why not let this Bill now go before a commission, let us have the facts ascertained and let us carry the various people who are concerned in this Bill with us. Let us follow the Hertzog precedent in regard to this Bill. The late General Hertzog was patient enough to wait for nine years in order to get a measure of agreement which he eventually got. Nine years will not be needed in this case. A great deal of investigation has already taken place. The principle has already been settled. Let us however get the consultation and inquiry which is necessary in order to find a basis on which the principle will be workable. Our party, the members on this side of the House, are fully prepared to co-operate so far as that is concerned. We are not seeking any party advantage in this matter. We seek, as we have always done, what is best for the people of South Africa, and along that path we are prepared to give our fullest co-operation. Do not let this country suffer from this vile curse of party politics and party political advantage. Here is a matter that should be lifted out of the arena of party politics. We, on our side of the House, are prepared — it is a laughing matter to the hon. the Minister, this matter of vital importance to the interests concerned. I repeat we are prepared to lift this matter out of the political arena and try to get a measure which is workable and which will be able to satisfy broadly all the people of this country. I would appeal to the hon. the Prime Minister and I would appeal to the hon. the Minister of Finance. So far as the racial position in this country is concerned, I want to say that racial feelings today run higher than they have ever done before in the history of our country. We are sitting here, in a sense, on a volcano so far as race relations in this country are concerned. Why not let us make haste slowly. Why this terrific rush so far as this particular piece of legislation is concerned. Why not accept this amendment which I have read out to the House. I want to make a last-minute appeal, a last-minute appeal to the hon. the Prime Minister and to the hon. the Minister of Finance who must be giving deep thought to this matter. If the amendment cannot be accepted and a commission appointed, then, at any rate let this Bill stand over until next session of Parliament. There are many people who are deeply perturbed about the repercussions which might result from this Bill. There are people who have not had time to study this Bill. I want to mention one particular body which the hon. the Minister did not mention. I want to mention a letter written by the Association of Chambers of Commerce. [Laughter.] It is an important body. Do not laugh at them. They know more about these matters than hon. members on the other side. This is what they say, amongst others—

> My Association would therefore request the Minister to permit this measure to be subjected to thorough scrutiny before its second reading, preferably by a commission, with power to take evidence and call for papers.

Sir, would the hon. the Minister try to curb his nervousness. The Association went on to say—

> The Association is convinced that such a step would be of great value to the Government to enable it to assess, through the medium of evidence collected, the probable consequences of the measure such as that now under review upon business and social relations, both in the immediate future and in years to come. The consequences, it is submitted, cannot be adequately assessed in the absence of a thorough examination which is here suggested.

Now it is not humanly possible not only for members in this House, but for the various bodies and parties outside which are affected by this Bill, to have any adequate idea of what is really involved in this legislation and what its ramifications might be. Let us have some sign of democratic sanity from this Government. Cannot the hon. the Prime Minister at this late stage show some sign of reasonableness. If he will not accept our amendment, can he not let the public of this country, the people who are concerned in this legislation, have some opportunity of considering this matter further by letting this Bill stand over until the next session of Parliament. This is a Bill that ought to be before the public for some time. The hon. the Minister has had months on this Bill. He and his Department have had months on this Bill. The Bill was kept a close secret. The facts and information on which this Bill is based are being kept a close secret. That informataion has not been made available to Parliament. Not even today has he given that information to the House. I say this Government will be doing this country a very bad service — a very great disservice — by on their part rushing forward with this legislation without ample time being given for a proper and thorough inquiry.

Mr. MITCHELL: Mr. Speaker, I second the amendment moved by the hon. member for Germiston (District) (Mr. Strauss) and may I, at the commencement of my remarks, support the appeal made to the Government to give time to the people of this country to give further consideration to this measure. I frankly find it difficult to express the feelings which I have at a time like this when we see a measure of such importance which will affect so many hundreds of thousands of our people, probably in greater or lesser degree on the whole of the population, white and black, of this country, being put through this House with this haste and speed. I have, unfortunately, been for some considerable period — for many years — involved in one aspect of this Bill and that is the question of the Asiatic factor in so far as it applies to Natal. In 1943 I was appointed chairman of a commission by the then Administrator of Natal, now Senator the Honourable Heaton Nicholls, to go into certain matters affecting town planning and race relations and so on in Natal. The commission submitted its report to the Administrator in October, 1944. On going through that commission's report, as it was referred to in the document which we have before us here, I came across paragraphs Nos. 3, 4 and 5. I will be brief, but I would like to quote those paragraphs to the House, because, in my mind, they epitomise the situation which has arisen as a result of the introduction of this measure. This is what was said in the report—

> (3) Possibly in no sphere of human relationship is the future so charged with vast potential forces for good or ill as in the measures which will be adopted by the Europeans as the ruling class to adjust on a basis of substantial justice and equity the many problems which exist between themselves and the various non-European races.
>
> (4) In framing any such measures, Natal cannot approach these problems on the basis that it stands alone. "Isolation is dead and segregation has fallen on evil days," said the Prime Minister recently. The people of this Province cannot escape the common interdependence, both as regards the rest of the Union and other parts of southern Africa. For better or worse, our racial adjustments will impinge upon adjustments elsewhere and other policies will tend to qualify ours.
>
> (5) It is necessary therefore that our interracial problems, above all others, be examined and settled upon a broad basis of right and even-handed justice and at no time as a matter of expediency under the stress and pressure of fortuitous circumstances.

That, in my opinion, epitomises what should be our approach to this problem today.

Mr. SCHOLTZ: A policy of laissez-faire.

Mr. MITCHELL: May I say this, that in the whole of the White Paper, in the evidence which has been given to us in the Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendments Committee, which was only available as from Saturday, and in the speech of the hon. the Minister of the Interior, the whole of the emphasis, from beginning to end, has been laid upon the Asiatics. There has been no kind of attempt even to really substantiate the application of this measure to the Coloured people of the Union. We have a very small Coloured

population in Natal, but in the report, which I have quoted from, we made special provision for those people, because we realised in Natal that they fell into two groups. There was the group who were so-called near-white who were rising up to take their place in European society and there was the other group that was falling away and which ultimately would go down to the Native group. We recognised that, and I would like to pay a tribute for a moment to those Coloured people of all kinds, those near-whites and near-blacks which we have had to deal with in Natal, and so far as my knowledge of history goes that we had to deal with in the Cape. These people have provided this country with soldiers in times of war from the very earliest times in the Cape's history. We were quite prepared to allow those people and their forbears to defend us in times of war. We took advantage of them. Today, however, we come forward with a measure of this kind which is so far-reaching and we say to them without them even being heard, without even being heard at all, that we are going to pass a measure of this kind which will deal with them as an hon. member said the other day, for eternity. The hon. member is wrong if he thinks that a measure of this kind is going to remain on the Statute Book for eternity. In that case he knows nothing of the history of the world and he knows nothing of the history of Africa. The position so far as the committees of inquiry which submitted this joint report is concerned, their terms of reference made it clear that they were dealing with the Asiatic problem and with the Asiatic problem only, and that the Coloured people therefore were completely misled. Even if they had desired to give evidence before those committees of inquiry they could not have done so because the terms of reference of those committees made it abundantly clear that they were not concerned with the Coloured people.

An HON. MEMBER: They were published in the Gazette.

Mr. MITCHELL: Yes, they were published in the Gazette. The hon. Minister referred to them in a broadcast speech over the wireless and they were given other publicity. I accept the position that the widest publicity was given — nobody will challenge that — but I do say that the Coloured people should have had some hint, some information of what was coming. The hon. Minister in dealing with the Coloured people has merely made two points. The 1948 Commission, which was the Asiatic Land Tenure Board, which came down to the Cape, came down here to do what? To investigate Asiatic penetration in the Cape. Then there is the 1948 resolution of the Municipal Association which was subsequently adopted by the United Municipal Executive. Now is this a fair manner in which to deal with the Coloured people of this country, when we have a measure of such importance placed before us? I ask, is it fair? You know that the hon. the Minister stated that none of us should evade our responsibilities in regard to this matter. I say that surely our responsibilities must involve a very clear appreciation of where the honour and integrity of the European of this country stands, when an issue of this kind comes before Parliament. We are the highest court in the land, and the meanest black man in this country is entitled somewhere to get a fair measure of justice, and ultimately, at any rate in theory, to come to Parliament through his representative, for redress. But where is the redress for Coloured people at the present time? Without any kind of warning whatsoever as to what was contemplated by the Government, this measure has suddenly been sprung upon them. What did the commission itself say?

Mr. POTGIETER: You are now opposing the principle of the Bill so far as the Coloured people are concerned.

Mr. MITCHELL: I hope the hon. member for Brits (Mr. Potgieter) will give me the courtesy of allowing me to make my speech in my own way. I am not opposed to the principle, and so that there can be no misunderstanding on the point, let me say at once that so far as the principle is concerned, we in Natal have accepted this principle — I refer again to this document — and all the rest of the Union of South Africa has adopted it from time immemorial.

The MINISTER OF THE INTERIOR: Compulsorily or voluntarily?

Mr. MITCHELL: The question of the principle is nothing new.

The MINISTER OF THE INTERIOR: Compulsorily or voluntarily?

Mr. MITCHELL: I have not got time to reply to the interjection. You had unlimited time to make your speech.

The MINISTER OF THE INTERIOR: It is very simple.

Mr. TIGHY: He is just trying to be funny.

Mr. MITCHELL: Mr. Speaker, so that there can be no misunderstanding, let me quote once again from the Commission's report, of which I was the Chairman.

Your Commission, however, feels . . .

And this was after it had strenuously tried to get co-operative effort where the Asiatic

was concerned. We as a commission were concerned almost entirely with Asiatics, although we did put in a clause dealing with the Coloureds. Our primary concern was with the Asiatics and we dealt with the question of getting them to co-operate and we did nearly get them to co-operate. Let me remind the hon. the Minister that in the Provincial Council of Natal we passed the Residential Property Regulation Ordinance, which was accepted by the Asiatics in Natal. It was an agreed measure unanimously passed by the Provincial Council with the exception of one particular point, and that provided for the compulsory sale to the Natal Housing Board of residential property where a dispute had arisen owing to the penetration by Asiatics. And there we gave a market. In passing let me say that one of the obnoxious features of this Bill is that there is no provision for compensation. Hon. members opposite have no doubts in their own minds and I say this with a great deal of certainty, certainly about a good many of them, that this is something of a social nature which will bring about apartheid, and to the economic factors that are involved in this Bill they have not given two thoughts. Even if they have, they do not realise what the implications are. Let me say that the question of compensations is going to put many hon. members of this House in a very difficult position when this Bill is put into effect. This question of compensation so far as the Europeans are concerned will come back on hon. members of this House. There is no provision for compensation and I say that surely this is the first time in the history of the Parliament of South Africa that a measure of such wide and far-reaching importance is now going to be placed upon the Statute Book and does not provide for compensation. Whole families are going to be uprooted by the provisions of this Bill, European families, not only non-European families. Do not think that this Bill is going to apply to non-Europeans only and that the white man is going to stand aside and get the jammy end of the stick all the time.

Mr. KAHN: He will.

Mr. W. C. DU PLESSIS: We know that, we accept that. We accept that there is no discrimination.

Mr. MITCHELL: That is a remark which I am very pleased to hear from the hon. member. Now let me read what the commission said —

> Your Commission, however, feels that some administrative action sanctioned by legislation is necessary to control elements who, regardless of the difficulties and social friction caused by their actions, may persist in projecting themselves into areas where the dominant culture is not in conformity with their own, and also for the purpose of easing the position where this process has occurred in the past.

Now, there is the principle of this Bill. On this side of the House we accept the principle, but we say this, that because of the far-reaching nature, because of the impact upon the whole of the economic life and because of the necessity that our relations with the non-European shall be absolutely honourable and above board, it is necessary that there should be given the opportunity to the Coloured people, at any rate, of this country, to come before a properly constituted commission, with a judge as its chairman, to put their point of view before it. The position, however, is that they have not been heard. They have never known that their fate was in the balance. They have been given no opportunity.

An HON. MEMBER: They have been double-crossed.

Mr. MITCHELL: The hon. the Minister referred to the fact that he had received some representations from Malays in the Cape and from certain Coloured people in the Transvaal. He has not, however, indicated to us who the representatives of those people are. He has not told us who they are.

Mr. TIGHY: They might be Nationalists.

Mr. MITCHELL: This joint report which the hon. the Minister has placed before us is, I say with due respect, a most unsatisfactory document. As the hon. member for Germiston (District) said, it was only put before us on Saturday when the second reading of the Bill with which it is concerned is being taken today. But this document will be an historical document in regard to this matter.

The MINISTER OF THE INTERIOR: I quite believe that.

Mr. MITCHELL: The hon. the Minister says that he quite believes that. If that is so, then our case, which is the case of the European, is justified. It is not a case for the Government of South Africa, it is the case for the Europeans in South Africa.

An. HON. MEMBER: For all of us.

Mr. MITCHELL: Yes, for all of us, whatever side of the House we may be sitting on.

The MINISTER OF THE INTERIOR: Do you agree with the findings of the joint report?

Mr. MITCHELL: No, Mr. Speaker, I am prepared to face harsh facts in regard to this matter, as I have had to do for many

years past in dealing with this Asiatic question. Now let me read what is contained in page 5, chapter 4 under the heading: "Discussions of evidence and findings of Joint Report." In paragraph 288 it is stated —

> A perusal of the evidence summarised in Chapters 1 and 3 hereof shows that the Indian came to South Africa as an indentured labourer against the wishes of the European inhabitants of Natal.

Now, Mr. Speaker, that is completely and utterly false. Historically it is completely false and it can be proved to be false. Whether I think it was a blunder of the greatest magnitude, whatever we may think about it today, I repeat this document is a historical document representing the Europeans of South Africa. It should be true, it should be factual.

The MINISTER OF THE INTERIOR: Have you read the monograph of Henderson on this subject?

Mr. MITCHELL: Mr. Speaker, I have now since 1939 been involved in this question, first as chairman of that commission which sat for three years, with the Broome Commission, and with all the reports and documents that have been available during the last 10 years, and I say that historically this document is not true. Historically it is quite untrue and therefore it puts us as white men in the position that at the very start of the first paragraph dealing with the history of this question, we can be proved to have produced something which is untrue.

Mr. ABRAHAM: Can you prove the contrary?

Mr. MITCHELL: I am merely pointing out that here is something which is wrong. There are other parts . . .

The MINISTER OF THE INTERIOR: There are many people who will not agree with you on that.

Mr. MITCHELL: There are other portions of the report which are also untrue. Let me repeat . . .

The MINISTER OF FINANCE: May we not have some evidence for the view which you have put forward. We are merely listening to your statement. On what is it based?

Mr. MITCHELL: Mr. Speaker, I am sorry that the hon. the Minister of Finance . . .

The MINISTER OF FINANCE: I am merely asking for information. I want to learn.

Mr. MITCHELL: Let me just give the hon the Minister of Finance a little bit of information. There is in existence in the Deeds Office in Pietermaritzburg today diagrams of properties which were given as free grants to those same indentured Indian labourers to persuade them to remain on in Natal rather than that they should return to India at the expiration of their first period of indenture.

The MINISTER OF FINANCE: That does not disprove this.

Mr. MITCHELL: In the Deeds Office also are the documents which comprise the whole of the correspondence which passed between the Government of Natal and the Government of India on this very question. The party which was loth to send the immigrant Indians to Natal was the Indian Government. It was the Indian Government and until it had got certain assurances, amongst which I may add it demanded and received an assurance from the Natal Government of the day, that there would be no discrimination as to the franchise between the people who came to Natal and any other section of the population. The Indian Government sought that assurance and got it. Those documents are there in the archives. If the Government of the day represented the people of Natal and this Government claims to represent the people of South Africa . . .

The MINISTER OF THE INTERIOR: There were a lot of nominated members in the old Natal Government. The elected members were in the minority.

Mr. MITCHELL: Then the view of the Government which was given effect to led to the agreement to which I have just referred. Therefore, as I said, this document is not true. Not only can it be proved untrue, but all our Asiatic people in Durban have got the evidence. Copies and copies and copies of all those documents have been made in the past by the late Mr. A. I. Kajee and others. Those documents are strewn all over the world and large numbers of them are already in India. We bring an issue like this before South Africa at a time when, I understand, we are on the verge of a round-table conference with the Government of India. I will deal now for a moment with the Asiatic question and one allied to it. When the hon. member for Germiston (District) was speaking just now and spoke of forces outside our boundaries, an hon. member over there called out, "Are you afraid of Russia?" Now that is the kind of thing that alarms me. Do hon. members really appreciate the ramifications of a question of this kind and where it can lead us? In that other capacity I was called upon in 1946 when the Asiatic Land Tenure and Indian Representation Bill was before

the House, to meet the Consul for China, and he discussed with me the ramifications of that Bill, which was introduced by the then Prime Minister, the Rt. Hon. the Leader of the Opposition. Whatever may have been our difficulties in those days, I had to deal with them at the time, as I was the agent for our Government, the position today is that the Chinese citizens in this country are now the citizens, no longer of Chiang Kai-shek and the Kuomintang Government, but of the Communist Government of China.

Mr. S. E. WARREN: That is not of very great significance.

Mr. MITCHELL: The hon. member for Swellendam (Mr. S. E. Warren) may be expected to just cast the issue aside as being of no consequence like that. I do not mind if they are a mere handful. Mere handfuls of people in this world, Sudetenland, for example, caused enough trouble in the past, but I want hon. members on the Government side to realise that this is a matter in which we can get into very deep waters indeed internationally. I have no wish to proceed along the lines of the Asiatic. I want to deal with this question chiefly from the viewpoint of the Coloured man and our relations to the Coloured people in this country — people whom we all know we have a special responsibility to. The hon. the Minister has painted a picture of this apartheid coming under this Bill when it is passed. Let us be honest with ourselves and say this, that had the Government of South Africa, the European Government of South Africa, in the past provided adequately for the housing and amenities of the non-Europeans much of today's difficulties would not have arisen. The present Government must also take its share, because the Department of the Minister concerned with housing and Social Welfare is today one of complete chaos. The proper way to deal with this issue, in my opinion, is that everybody who is going to be affected should be given an opportunity of coming fairly before a proper judicial tribunal and to state their case, to hear what is said against them and to be put in a position, if necessary, to refute arguments which may have no substance. And then the Government should see to it that the necessary amenities are provided for those people who are being uprooted in the areas to which a portion of them will have to go, so that they are not moved out from developed areas and simply cast forth to do their best on inadequate means to develop undeveloped areas. That would be heaping a very grave evil upon the trouble which has already arisen. It has been noticed in the past, it has been recognised in the past, that under our Slums Act, as you know and as many hon. members will be aware, we have had cases over and over again where magistrates have refused to take action because there was nowhere for those unfortunate people to go. Where in this Bill is it provided where the dispossessed people have to go? Where is it being provided for?

An HON. MEMBER: And without compensation.

Mr. MITCHELL: The member today in this House who lifts his voice to claim that the Asiatic has not altogether had a square deal will be howled down from one end of South Africa to the other. He will have no friends in this House and I say that quite frankly. But in regard to the Coloured man, if anybody lifts his voice to support him, he is told . . .

Mr. MUSHET: That he is a Communist.

Mr. MITCHELL: Yes, that he is a Communist.

Mr. MUSHET: And a kafferboetie.

Mr. MITCHELL: Yes, those are the sort of things that are hurled at us. But let us then talk of the Europeans. What has been provided in this Bill to deal with the question of the dispossession of property of the European?

Mr. TIGHY: There will be many.

Mr. MITCHELL: No provision is being made in this Bill for dispossessed Europeans and it is just as wrong to dispossess people of any colour as it is to dispossess Europeans. We are here to provide good government for all our people and we fail to provide good government. Good government is not something which can be divided into watertight compartments. If it is good government for the Europeans, it should be the same for the non-Europeans. It should not, however, be good government for the Europeans and be bad government for the other sections of our people. Good government is something which is indivisible.

Mr. KAHN: It is invisible in this Bill.

Mr. MITCHELL: And I say that this Bill is lacking and it is lacking very sadly in making provision for the people who will be dispossessed under the provisions of this Bill. The hon. the Minister has all these powers. I frankly think that there should be some amendment to them because from a practical point of view let me say this: The commission over which I presided sat for nearly two years before we were able to put up the map which became the one schedule to the Asiatic Land Tenure Act. In fact, Sir, for nearly two years we battled with that problem, and at the end of that time we had dealt with four areas in Natal, in the case of Port Shepstone and Glencoe

by agreement; we had all the Asiatics and all the Europeans in agreement; that was simple. It was a relatively simple matter. In the case of Pietermaritzburg we had a parcel survey which neither side accepted; in the case of Durban we had all the disagreement and disagreeableness that followed the passing of the Act, but those four schedules which appear in the Asiatic Land Tenure Act, because our Residential Property Ordinance became in fact the forerunner of the Asiatic Land Tenure Act, took us nearly two years to draw up: Here we have a law or a Bill which proposes to divide the whole of the Union of South Africa into various group areas, not as between European and Asiatic but as between four races and the work is to be done by the existing Asiatic Land Tenure Board augmented by another two members. In terms of human endurance I say that it is impossible within the next quarter of a century for that work to be carried out, and that is assuming that they set about it going from town to town to demarcate the areas, which is necessary, if justice is to be done to everybody. If they had nothing of the administrative side — and they will be called upon to carry out special investigations in terms of this Act over and over again because the whole of the administrative side initially places upon them as an Advisory Board the duty of carrying out investigations and thereafter the Minister makes the decision — that work can never be done, and the Minister, if he were a human octopus, would not have the hands necessary to sign all the permits that would be called for from time to time if this measure is to be administered efficiently. If that Minister had no other work at all bar the administration of this Act, dealing with the Union as a whole, he would not live long enough to do this work. I know something about this and I say it is an absolute impossibility. But under the Asiatic Land Tenure Act, although it gave very wide powers to the Minister of the Interior, you will remember, Sir, that there was a case that was taken to the Supreme Court, where an Indian was convicted for he did not have a permit for a certain purpose, and the plea when he went to court was that the Minister had been unreasonable in delaying his decision and the court upheld that, notwithstanding the specific provisions of the Act. The Minister in this Bill puts in a specific provision and I take it that he has done so because of that Supreme Court case, whereby he is not called upon to give a decision at all or ever, or in his own sweet time. He is a completely free agent. Surely the position as far as permits under this Act is concerned, can only end in chaos and the whole administration of this Act will depend upon the rapid and efficient functioning of the machine which issues the permits.

Mr. S. E. WARREN: Why rapid?

Mr. MITCHELL: It is going to break down and it will break down badly. Let me make this final appeal to the hon. the Prime Minister. We are doing a grave injustice to a million Coloured people in the Cape and to many tens of thousands of coloured people elsewhere who have never known that they were in jeopardy; they have never known that there was any question of putting them into the position that they will occupy under this Bill. They have never been asked to adduce argument; they have never heard any evidence against themselves; they are standing there untried without any evidence having been led against them, and this Bill is now being brought forward to determine their future for ever, or at any rate, for a very long time. We are in accord with the cardinal principles underlying this Bill. It is the practical methods of giving effect to it that we are concerned about, so that there will be as little injustice done as possible, but in dealing with it in that manner surely our integrity as Europeans stands or falls, and I ask the Government, as the custodian of our European honour and integrity in South Africa to see to it that no injury is done to that honour.

*Mr. J. J. FOUCHÉ: I am sorry that the hon. member for Germiston (District) (Mr. Strauss) is not here, because I want to congratulate him on the roars of applause which he got from his side of the House while he was making his speech. Those roars of applause were particularly conspicuous because he practically asked for them while he was speaking. The hon. member for Germiston (District) started off with the old woman's ghost story which that side of the House so often tells; and the hon. member for South Coast (Mr. Mitchell) also mentioned the danger that this legislation would have international repercussions and that it would be so very risky. There is no one on this side of the House who lacks respect for the opinion of the overseas' public. But let me say at once that when some years ago legislation was introduced in this House in connection with the Indians and when the previous Government was definitely engaged on something which might have had foreign repercussions, the Rt. Hon. the Leader of the Opposition spoke about minorities in Sudetanland and the Hungarian community, and said that he wanted to prevent those countries' difficulties from arising in this country, and that we must establish a delimitation in South Africa under which the various communities in South Africa could live together quietly and peacefully and that this could only be achieved through the provisions of the Bill under consideration; and then he went on to say —

My point is that South Africa is responsible for its own communities, for its own

internal peace and good order, and no effort from outside, no efforts of any kind to obtain foreign interference, and to exercise pressure on our plans for the solution of this problem will be honoured by us or have any effect on us. This question has arisen as the result of a great historical error which was made in South Africa many years ago.

What looks so peculiar to me is this. Every time this side of the House is engaged on matters of this kind, hon. members opposite hold up the terrors of international repercussions, but when they have to deal with these matters, they don't worry about those international repercussions. No, I am afraid that we in South Africa must take proper action, we must act systematically, but we must have the courage to arrange our own domestic affairs according to our experience and according to the conditions of our own country.

The hon. member for Natal (South Coast) and the hon. member for Germiston (District), too, have said every time that they are also in favour of the principle of social and residential segregation. But the Minister of Labour has asked the hon. member for Germiston (District): "Do you want to achieve that object on a voluntary basis, or do you want to achieve it by means of legislation?" The hon. member for Germiston (District) went on to speak for a long time and took exception to a question of that kind being put to him, because it would curtail the time at his disposal. The hon. member for South Coast did not want to reply to the question either; his time also was limited. Now let me ask this question, and then hon. members opposite can use my time to answer: "On what basis do they want to achieve that principle in South Africa, that principle of social and residential separation, do they want to achieve it by means of legislation or on a voluntary basis?"

*HON. MEMBERS: Answer now.

*Mr. A. STEYN: They have been "zipped".

*Mr. J. J. FOUCHÉ: They are not replying and so I want to say that this whole effort from their side this afternoon is nothing but political hypocrisy. They have not got the courage to say what the true position is. The hon. member for Germiston (District) said one thing. He said that they were not expecting any political advantage as the result of their attitude on this subject.

*Mr. STRAUSS: I did not say that.

*Mr. J. J. FOUCHÉ: I do not think his expectations will be disappointed.

*Mr. STRAUSS: That, as usual, is a misrepresentation.

*Mr. J. J. FOUCHÉ: The attitude of this side of the House has been very clearly stated by the hon. the Minister. Personally I do not believe that it was really necessary. The objects of this Bill have for years been discussed in South Africa. The Nationalist Party has made its policy perfectly clear, and this Bill is going to do no more than lay down the machinery to bring about the orderly grouping of our various racial groups in South Africa. The underlying principle, as the Minister has said, is apartheid, and for that reason we, and the electorate of South Africa who have given us a mandate to carry on with apartheid, applaud this Bill and welcome it so enthusiastically here today. The question is: "Has the Government today the right to come forward with legislation of this kind on its own initiative?" And the answer is, yes—definitely yes. This Bill has apartheid as its object. For many years the Nationalist Party has made propaganda for this policy in opposition to the United Party opposite. The people of South Africa have, for many years, known that this is the policy of the Nationalist Party. After the Nationalist Party has been busy for many years to make propaganda for this policy, from platform to platform, and by means of pamphlets, the people of South Africa, because they are intelligent, have grasped this policy of the Nationalist Party in spite of the attempts of the Opposition to confuse the minds of the people in regard to this policy.

*An HON. MEMBER: On the 26th May.

*Mr. J. J. FOUCHÉ: Those who are now sitting on this side of the House, the Nationalist Party, in the past, twice made an offer of co-operation to the Government which was in power then. Twice they made an offer of co-operation to find a solution for our great colour problem, and twice that offer was definitely turned down by that side.

*Mr. STRAUSS: What were your conditions?

*Mr. SERFONTEIN: The condition was separate residential areas.

*Mr. J. J. FOUCHÉ: I shall come to that, if the hon. member for Germiston (District) can control his nervousness for a moment. After we had offered the Opposition our co-operation on two occasions and after it had been refused time after time, the Nationalist Party had no alternative. We were unable to force the United Party by means of violence; all the Nationalist Party was able to do then was to call in the people to adjudicate, to judge. They had to

go to an election; that was done. An election was held. At that election the most revolutionary political change ever known in the country's history came over South Africa. A party had been in power here with a majority of 105 against 48. That party governed during war years when money always flows and is plentiful. That party had the support in their favour of the whole of the English Press throughout the country and also outside the country. Everything was in their favour for that election. There were only two things which went against that party in those elections, and the first was the inherent weakness of the United Party Government itself; they were too scared to take action; too scared to take financial steps; too scared to apply import control; too scared to do anything when their own votes or their own position was in danger. Only then were they heroes when other people were exposed to danger, but when their own position was in danger, they were too scared to take action. That was one of their enemies. The other enemy of the United Party in that combat was the long and century-old conception of life of the people of South Africa, viz., the people's belief in apartheid. Consequently between that Government's impotence and the people's conception of apartheid, they were pulverised on the 26th May; hence the complete political revolution in South Africa on the 26th May. The Opposition is always trying to make a lot out of the fact that we have only a very scant majority, but if the conditions under which we fought the elections are taken into account, and if we remember that the people of South Africa stick to their party ("party-vas") — we are not accustomed to rapid revolutions in South Africa of the kind they have in other countries — if hon. members bear that in mind, they will find that the turnover, the revolution which took place on that occasion, was a wonderful one. The question which I now want to ask is this: after all these things have happened, we have come into power, and after that, after having received a definite mandate, we have come forward again and our leader, acting on the principle of apartheid for which we were given a mandate, again offered co-operation to the other side in order to seek a solution for this big problem, and again the offer was definitely rejected by the United Party. This afternoon these gentlemen come here and this afternoon they offer co-operation, and I want to say again that this offer of co-operation, at this stage, to me is a palpable disclosure of their political hypocrisy. Hon. members opposite, this afternoon in this debate, have also said, and they are always saying it outside, that this side of the House is busy steamrollering our legislation in regard to the colour problem through the House. The hon. member for Germiston (District) said that afternoon that the Government's steamroller had been put into motion.

*Dr. JONKER: You must not use that word.

*Mr. TIGHY: Mr. Speaker has ruled it out of order.

*Mr. J. J. FOUCHÉ: Let me just say this, that I have always made sure of having better people than the hon. member for Johannesburg (West) (Mr. Tighy) and the hon. member for Gardens (Dr. Jonker) to instruct me what to do. As regards this steamroller argument, I can quite understand the United Party arguing as it is doing, because you know, Mr. Speaker, that that party used to have a majority of 57. You know how inactive they were in those days. And in my appreciation of the United Party I want to say that when they speak about a steamroller, then as far as I am concerned they are disclosing . . .

Mr. RUSSELL: On a point of order, Mr. Speaker has ruled that hon. members must not us the term "steamroller tactics". I notice that the hon. member is continuing his argument. He has repeatedly used that word.

*The MINISTER OF TRANSPORT: Before you give your ruling . . .

*The DEPUTY SPEAKER: The hon. member is only adducing arguments against statements made here. He is not accusing any party of using steamroller tactics. The hon. member may proceed.

Mr. RUSSELL: On a point of order, I understood the hon. member to say, in regard to steamroller tactics, that we applied such tactics when we had a big majority.

*The DEPUTY SPEAKER: The hon. member is only discussing the subject, he is not accusing anyone of using steamroller tactics.

Mr. RUSSELL: He should know that his own Government has been guilty of such tactics.

*Mr. J. J. FOUCHÉ: After the Nationalists have advocated this policy for years, and after they have offered to co-operate with the Opposition three times, and after this Bill had been announced in the speech from the Throne, for hon. members opposite at this stage to come and talk about a steamroller is a clear "show-down" of the United Party's soullessness — it shows them up as a party devoid of purpose and completely impotent. The United Party has never yet had the courage to take active steps to solve great problems. Only those who are con-

versant with political conditions in South Africa can understand why these people argue as they do, because only people who have a conception of political conditions in South Africa know the two main political diseases of this country, namely, the United Party's inability to act and their political paralysis. They have always been lacking in those powers and qualities and for that reason they fail to understand how another party can possess them. Let us take the other argument which we are continually faced with, that the Nationalist Party Government has not got the right with a bare majority of seven to tackle decisive legislation of this kind. Now is there anything in that argument? There is nothing in it whatsoever. The Nationalist Party asked the people for a mandate and the people gave a decisive reply — they have given us a definite mandate and that is why the Nationalist Party is now giving effect to that mandate. When we come forward with legislation of this kind, the Nationalist Party Government show that they know what they want and they know what the people want and that is why they have brought in this kind of legislation. The Government today unquestionably has the right to come forward on its own strength with legislation of this kind. The question is whether there is a need today for legislation of this kind. I think that the hon. the Minister has very clearly answered that question. One can only give an objective reply if one has objectively studied the position in connection with the history of this whole subject and in connection with the Bill itself. The Minister has placed the history very clearly before this House. We have three sections here of our population, Europeans, non-Europeans and Natives. To a certain extent those sections of the people live apart, and to a certain extent they are mixed. Has this uncertain condition brought happiness to South Africa so far, or has it been the cause of friction, vindictiveness and suspicion? No, I admit that the people of South Africa are worried and concerned because the relationships between Europeans and non-Europeans are very definitely not improving but are deteriorating. Now the United Party says: "Yes, the Nationalist Party with its apartheid nonsense is responsible for this deterioration." Let us test this allegation, this gross allegation, by something more concrete than a mere United Party assertion. For three hundred years now European civilisation has been established in this country. In all those years we have had fights and struggles. We know the position in the old Cape Province. We have had wars between Europeans and Natives and again wars between Europeans and Natives. When did we eventually achieve a reasonable amount of peace? We only achieved a reasonble amount of peace after a large measure of apartheid had been established by means of the Native territories in the Transkei and so on. We know the position in Natal; we know the position in the Transvaal and we know that attempts have continually been made to bring about a better condition of affairs on a basis of apartheid — a better condition of affairs in the relationship between European and non-European, and on every occasion apartheid or a degree of apartheid has been the precursor to greater peace and happiness. I am afraid that in the Union of South Africa we have too many political hypocrites. A few years ago we had this experience here. If anyone said a single word against Jewry the man doing so would receive literally thousands of letters and telegrams of congratulation, but the people sending those congratulatory messages were political hypocrites to such an extent that they would not publicly come to the fore with their own opinions. We have the same position in regard to apartheid. Because the United Party declares this side's apartheid policy to be a caricature, thousands of people in this country, while actually believing in apartheid, still imagine that they do not like it. Those people are ignorant and they fail to realise that apartheid is a thing for which Durban, for instance, is praying and that it is something which the Nationalist Party is prepared to give them. But the party opposite talks about "the silly Nats with their nonsense of apartheid" and that is what we find right throughout the country. People want apartheid, but then they talk of "the silly Nats with their nonsense of apartheid". In this respect, too, we have too much political hypocrisy in South Africa. If people believe in apartheid, let them have the courage of their convictions and let them vote for this apartheid legislation. If they are not in favour of apartheid, let them vote against it. This Bill before us today is necessary because it accords with the conceptions of life of our people, but it requires courage to tackle it. The Nationalist Party Government has that courage. The Nationalist Party Government know what they want. The Nationalist Party Government know the soul of the people and the Nationalist Party has sufficient courage even with a majority of only seven to carry out the mandate which they have received from the people. But there are many obstacles in the way of voluntary apartheid. First of all the uncertainty created by the present condition of affairs stands in the way of voluntary apartheid. Nobody is certain today what the future is going to bring. Governments have been uncertain; in the past local authorities are not certain; we have black spots in our white areas today. The municipalities, because they have the will to do so, as we heard this afternoon in the resolution taken by them, would like to look for a solution for these black spots in white areas; but we can appreciate their being

hesitant if there is no legislation to back them up, and if the position cannot be pegged down in future by legislation; but what particularly stands in the way of apartheid on a voluntary basis is the attitude of the Opposition. We cannot deny that there are thousands of people in South Africa who do not want apartheid, and if I, for instance, were a man this afternoon who did not want apartheid, do you think that that would be a reason for me to be discouraged? As long as there is a numerically strong United Party opposition, I would fight with all the strength at my disposal to destroy the principal of apartheid. And if I were in favour of the amalgamation of the races, I would know that a United Party Government, in all the nine years it had been in power, had done absolutely nothing about this matter. They simply ran away from this stream of miscegenation, and all they did was to put up a foolish little skirmish now and then to stop the evil temporarily.

*Mr. WARING: What nonsense.

*Mr. J. J. FOUCHÉ: No, it is not nonsense, it is the truth. The Liberal in South Africa today knows one thing. He knows that he cannot get his way with the Nationalist Party, because we stand for apartheid, but he knows that his future salvation depends on a Communistic victory. If he cannot get that, then a United Party victory, because the United Party, at least, will do nothing about the matter if they come into power. In South Africa we have these big wolves, these big Liberals, who go about and stir up feelings abroad and also in this country against a white South Africa. Those people go about alleging that apartheid is a suppressive measure.

*Mr. KAHN: It is.

*Mr. J. J. FOUCHÉ: I know he says it.

*The MINISTER OF THE INTERIOR: And there is a Communist.

*Mr. J. J. FOUCHÉ: They go along and proclaim that they believe apartheid to be a measure of oppression, but what makes one feel most sad is this, on the heels of those great disturbers of a white civilisation, the United Party slink about like jackals. Not to destroy white civilisation (blankedom). For that the Liberals on that side have not got the courage, and fortunately there are still many on that side who do not want that, they slink behind for the purpose of here and there picking up a rotten little bit of political gain. That to me is the great tragedy. I want to conclude now. I think that the Minister has made out a very strong case why this legislation must pass, and the amendment of the United Party is not calculated to help the principle of apartheid along. It is an amendment which is only calculated to cause delay, or if not, then completely destroy the principle of apartheid, the principle as embodied in this Bill. A good case has been made out for this Bill. The leader of the United Party has said himself that the United Party is opposed to co-operation on the principle of apartheid. There, consequently, is a great difference on principle in regard to this matter, and if there is a difference on principle, we cannot put it right by means of a commission or a committee. The Leader of the Opposition himself has said that where there is a difference in principle, the Gordian knot must be cut and on this subject the Gordian knot will have to be cut. Let he who is in favour of apartheid vote for this Bill and let he who is against it vote against. The Nationalist Party Government is at any rate by this Bill taking an important step ahead on the course of apartheid for the people of South Africa.

Mr. LOVELL: Mr. Speaker, listening to the hon. member for Smithfield (Mr. J. J. Fouché) one would think that this is the first legislation that has been brought into this country dealing with the separation of the races. There has been an enormous amount of legislation on this subject, and in the province where I come from virtually "group areas" have been set aside long ago as between the whites and the blacks. Where this legislation is different is that it is intended to apply in the Cape Province not only to the blacks but to the Coloureds as well. It will affect millions more people than previous legislation has affected. But the principle of this legislation is not new at all, and in order that the policy of the Labour Party should be clear to this House and to the country I propose to read out now the amendment which I shall beg leave to move before I sit down. I am going to move, Mr. Speaker—

> To omit all the words after "That" and to substitute "this House, while accepting the principle of residential and social separation, declines to pass any Bill empowering the executive to demarcate Group Areas for the respective racial groups in the Union which fails
>
> (a) to impose financial responsibility on public bodies (including the State) for providing alternative accommodation and residential amenities for persons evicted as occupants from any area; and
>
> (b) to make provision for the compensation of persons as owners of property who are adversely affected by such demarcation".

I think no one should be in any doubt as to where the Labour Party stands on this issue, having heard that resolution. On the question of the principle of social and residential segregation or separation there is no difference between any of the parties in this House, but there is a very vast difference between them on the question as to how to carry out that policy.

I would like to refer to the White Paper, to the first paragraph of it, which reads—

> A review of the history of the four provinces of the Union both before and after the date of Union will show that for about seventy years or more there has been a strong desire among the white section of the population to live apart from the Native and Coloured inhabitants of the country.

For the purposes of this debate I am prepared to accept that that statement contains a great deal of truth. What has happened in the last 70 years is this. South Africa, from being a sparsely-populated country, from being a country where the European population largely employed itself in agricultural pursuits — that is 70 years ago — from having small market towns, a country where Natives were resident to a large extent away from where the Europeans were resident, from a country where the Coloured population were mostly concentrated in the Western Province and Asiatic farm labourers concentrated in a small portion of Natal — all this has changed, and it has changed as a result of the discovery of gold and diamonds approximately 70 years ago which has turned South Africa into a big country, and in turn the conditions have been influenced by the rise of industry, and South Africa has become and is today what might be termed a modern industrial state. In so far as the Native population of this country is concerned I find that in 1911 there were about half-a-million Natives residing in the urban areas; in 1921 about 600,000; in 1936 it rose to 1,200,000; and in 1946 to 1,800,000. May I point out that this rise has taken place despite legislation to control the influx of non-Europeans into urban areas. The Coloured people have spread to various parts of South Africa, to the Transvaal because of the lure of economic gain, as well as to the coastal towns of Durban, Port Elizabeth and East London, and the Asiatics in Natal are no longer all farm labourers. Some of them because of increased prosperity have launched out into business and various other occupations.

I spoke at the beginning of my speech concerning the legislation which we have passed in this country before. Without wearying the House with the details of that legislation I think it is necessary to make a few comments. Before Union there was a kind of laissez faire policy in regard to the question of separating residential occupation. The provinces had power to do so, the local authorities had power to do so, but they did not legislate uniformly. In 1913 the Native Lands Act was passed, which did constitute a "group area" as far as the white people and the black people of this country were concerned. It pegged the situation, and from that day onwards no European could buy land in the reserves and no Native could buy land outside the reserves, except, I think, in the Cape Province. That affected rural land, and in 1923 a similar law was made applicable — the Native Urban Areas Act — to the towns, and what has happened in the large towns is that "group areas" have been established, call them by any name you like, locations, and that in these locations there has been segregation of the Native population. I am discussing the Native population because it is the only population with which we have had experience of segretion. We have not had a full experience with regard to the Coloured people and Asiatics — that experience has been only partial. The object of the Urban Areas Act was to segregate Natives in urban areas into locations, was to control their entry into those urban areas, was to control the acquisition of land in those areas in regard to Natives who did not own land there, but — and this is the point I want to make — the Native Urban Areas Act placed a responsibility upon local authorities to house such Natives as were segregated in locations. That point, Mr. Speaker, I will repeat from time to time as I go on because that is the most important pont. The principle underlying all previous legislation has been — I hope I am not dealing with this legislation unfairly when I say I sum it up in this way — the pegging of existing conditions, a small amount of compulsion in urban areas concerning Natives, financial responsibility for the housing of those non-Europeans who have been put into a separate kraal, no uprooting of anyone without some legal responsibility for providing alternative accommodation, and no eviction without some form of compensation. The Group Areas Bill before us leaves those important elements out which were common to previous legislation. First of all it provides for the uprooting of occupants without any real responsibility being placed upon anybody's shoulders to see to it that they should at least have housing and at best decent amenities, and the Group Areas Bill presupposes the eviction of owners without compensation except in so far as they can realise their property on a restricted market. Those two elements are in the Group Areas Bill and those are two of the elements which the Labour Party considers to be the evil parts of the Group Areas Bill, amongst others.

May I examine the effects of separation, apartheid, or whatever else you would like to call it, on the Native population of South Africa and then see what the effects of the Group Areas Bill will be upon a million Coloured People in this country and a quarter of a million Asiatics in Natal and the Transvaal—and some in the Cape, I understand. The greatest test of segregation has always been presented in the towns of South Africa—I am talking now about the Natives. In these areas where Europeans and non-Europeans are concentrated in closest proximity the problems of mutual accommodation arise in their most acute forms, and this is what we find. We find that 70 per cent. of the urban Native population is concentrated in 2 per cent. of the urban areas. That was not done by the present Government; it was done as a result of segregation legislation emanating from pre-Union governments, from the South African Party Government, the Nationalist Government, and all other governments; but the effect of it has been to cut the Natives off from 98 per cent. of the urban areas and to coop them up into 2 per cent. of those areas. That is a fact which I think everybody should know.

An HON. MEMBER: Urban areas?

Mr. LOVELL: Urban areas. If you want to know the figures about the countryside where the Native populaton is about four or five times the European population. The Natives are allocated 13 per cent. of the land in South Africa. But I am not discussing that, it is a very broad question. I want to point out the effect of the Group Areas Bill in the urban parts of South Africa. Even despite the fact that they are allocated 2 per cent. of the urban areas, they are often moved when towns expand. Mr. Speaker, we talk about the penetration of non-Europeans into European areas. Let us be a little more accurate; what happens to the Europeans who penetrate into the non-European areas which have been set aside under the Native Urban Areas Act; and it is not fair to talk glibly of penetration by one group or another group, one should not talk that way at all; and one should not certainly say that the non-Europeans are the only people who penetrate, the penetration takes places on both sides. There has been a lack of will on the part of our governments and on the part of our municipalities and on the part of a large number of authorities to face up to the fact of the effects of segregation upon the housing and general condition of the non-European who is segregated by laws which we, the white people, pass. Recent estimates show — I am quoting from the Social and Economic Planning Council of 1943 — 125,000 houses were required for non-Europeans in the urban areas —

> In 1947 a survey carried out by the Department of Native Affairs indicated that there were 154,000 houses required for Native families and accommodation for 106,900 individual non-Europeans as well.

I am trying to describe to you what the effect has been of a policy of segregation without the acceptance of all responsibilities that go with it over all these years. As to the conditions which we find, I go back as far as the South African Native Commission of 1903 to 1905. How familiar those words uttered nearly fifty years ago are to our ears! This is what the Commission said —

> The Natives who reside in or frequent these locations are in the main working people. As such there is every reason why they should be encouraged to stay as useful members of the community. The tendency of inadequate accommodation is to make them dissatisfied and restless. The standard of comfort is low and they are liable to be overcrowded and overcharged.

These words were uttered in 1903, and no Government in this country apparently has taken any notice of it.

In 1913 the Commission on Assaults on Women made the following remarks—

> When Natives are collected in large numbers, the white man in his own interests should take care that they are enabled to live under clean, healthy and decent conditions of family and social life.

In 1914 the Tuberculosis Commission speaks as follows—

> The majority of such locations are a menace to the health of their inhabitants and indirectly to the health of those in the towns . . . it is with the character of the dwellings that the greatest fault must be found. With few exceptions they are a disgrace and the majority are quite unfit for human habitation . . . Speaking generally, the dwellings are mere shanties, often nothing more than hovels, constructed out of bits of packing-case lining, flattened kerosene tins, sacking and other scraps and odds and ends . . . Overcrowding is frequent and altogether one could hardly imagine more suitable conditions for the spread of tuberculosis.

It also drew attention to the fact that despite these appalling conditions, in many instances the local authority was making a considerable profit out of the running of its locations which accrued to genuine municipal revenue. Note, Mr. Speaker. Out of the filthy slums municipal authorities were making a profit. In 1942 the Smit Committee on conditions of Natives in urban areas found—

"Everywhere housing available for Natives inadequate", and the Committee was "gravely impressed by evidence it has received of the high incidence of ill-health among urban Natives".

In 1946 in Johannesburg alone 28,000 houses were required for Natives, 4,000 for Coloured persons, and 3,000 for Asiatics, and in Johannesburg, Mr. Speaker, Natives, Coloureds and Asiatics are virtually segregated in the sense which we are talking about. As one writer has put it, the result of segregation in South Africa has been to turn the Native reserves into national slums and the locations into urban slums.

I have tried to apply the test of our experience to segregation — in a word, apartheid — that is to a policy without the acceptance of responsibility. That is the accusation we have in regard to the Group Areas Bill which is before the House.

Mr. J. J. FOUCHÉ: Are you against segregation?

Mr. LOVELL: I am in favour of segregation; I read out my amendment, but the Labour Party has always stated that it will not have segregation without the acceptance of responsibility. We cannot take powers without assuming obligations, and there are no obligations in this Bill as far as I can see — and if there are (in Clause 7, I think) they are of such a meagre kind that nobody afterwards can be held to be responsible when things go wrong.

Mr. Speaker, I saw this thing in action myself. In the town which I have the honour to represent, Benoni, we have a town council, which I might say is a non-Nationalist town council, so I am not talking about this on political lines at all — and we have slums like every other town has, and we also had a certain number of Coloured persons living in those slums; they had been living there for the last twenty years, to my knowledge, except that there was a slight increase during the war years, when there was a shortage of accommodation; and in our town there was no more accommodation whatsoever in the Cloured "group area", or the Coloured location, or whatever you like to call it. For political reasons certain town councillors thought they would get votes by agitating for the removal of these Coloured persons without making any provision whatsoever for their alternative accommodation. And this is how they did it. They put into operation the Slums Act. These places were slums, they were slums since the day I came to Benoni. So they put into operation the Slums Act. They declared these properties to be slums — those in respect of which there were Coloured occupants (but where there were European occupants those they did not touch). The intention was to remove the Coloureds from that area by declaring these places slums. They issued their order and a time limit was imposed, just like the time limit imposed in this Bill. About six months to a year was given to these persons to find other accommodation. Where, Mr. Speaker, are poor persons to find accommodation in a time of unprecedented housing shortage? That point does not seem to have worried the town council, it does not seem to worry the Nationalist Party, it does not seem to worry anybody. But the poor person, especially if he is Coloured, is in the process of having his home taken away from him.

An HON. MEMBER: [Inaudible.]

Mr. LOVELL: Oh, no; it was the duty of the town council years before to have provided accommodation for them. If you look at the Slums Act, Mr. Speaker, you will find that there is a general provision which says that the municipality is responsible for the housing of all the inhabitants, but it is so loosely worded that you can never pin a municipality down in connection with it, and the result is that these persons — I think there were about a hundred families — were upon the decree of the municipality to be thrown out of their houses. What happened was quite simple. There are Europeans in Benoni, many Europeans, who would not stand for that kind of thing — just as there are many Europeans in South Africa who will not stand for this kind of thing, the Group Areas Bill — and they went to the Town Council and they said: "What are you doing; you are not going by this means to get rid of these Coloured persons and put them in places where you want them; you are going to drive them out here and they will run there; you will never get rid of them that way; you have got to spend the money to provide alternative accommodation; they are people who work in the town and they are entitled to that consideration from you. Sir, only because of strong public pressure was that done, and a hundred houses went up in Benoni. But if the Group Areas Bill is passed, if there is no responsibility upon anyone to see to it that persons who will be evicted by the decree of the hon. Minister, if there is no one who is responsible to see that they are properly housed and given decent amenities, what will happen to them? I say this, that we will have nothing to do with a Bill of this kind even if it were to contain the most beautiful principles in the world, even if it were to contain all the most wise sayings we have ever read, unless it deals with this question of responsibility.

Sir, it is also necessary to emphasise that all land legislation, national or local, that creates separate areas for different races is fundamentally a policy of making each race pay for its own social services. I do

not know how many hon. gentlemen have ever realised that, that the policy of all separation policies is to force each race to pay for its own social services. [Interruptions.] I will give figures in a moment. If members will bear with me for a few minutes they will find that I do not make wild statements, and I am not prepared to say anything in this House which cannot be substantiated by the facts. That is the fact, that the policy of segregation as far as the Natives were concerned virtually meant this. The municipalities that were running these locations had two accounts, the Native Revenue Account and the General Revenue Account, and they were obliged by law to keep these accounts separate; and they did keep them separate, and they still do keep them separate, and if you will examine those accounts you will see that the Native Revenue Account balances — there may be a deficit one year — but it balances over a period of years. Do hon. gentlemen realise it? The general results of what appears to be a sensible . . .

An HON. MEMBER: What about the beer hall money?

Mr. LOVELL: Somebody mentioned the beer hall money. The hon. gentlemen is quite right. A certain amount of money is added to the Native Revenue Account from the profits of municipal beer halls, but the whole account balances, and it balances because there are a number of Europeans in the town and if the Town Council can be shown to have used £5,000 or £10,000 out of the General Revenue for amenities for the Natives there would be a whole hullaballoo about it. [Interruptions.] I admit it is done, but it is a very rare occurrence. I am talking about the general conditions in the country, in the Transvaal. Mr. Speaker, if you make the poorest section of your population — let us forget whether they are black or white — if you make the poorest section of your population pay for its own social services you will get this very result; because it earns a very small amount of money it has not a surplus to provide itself with the necessary amenities. I include housing — I am not talking about luxuries. I include housing — and that is why since 1903 to this very day the conditions in our locations are deplorable, and I warn this House that if we carry on with the Group Areas Bill without making it necessary for the State, or the municipalities or provincial councils to accept a strict financial responsibility for what will happen to these people who will be mainly affected by this Bill there will be trouble. I am not under any illusions that it will affect many Europeans. It will not. We need not bluff ourselves as to the way we carry on in this country. Laws of this kind may be marvellously impartial on paper, but in effect it is the poor man and it is the black man who gets the wrong end of the stick, the under-privileged and the unrepresented. That is what happens.

An HON. MEMBER: It happens all over the world.

Mr. LOVELL: Not only in South Africa, it happens all over the world. [Interruptions.] Somebody questions that. Go to any town in England, to London, and you will find that the amenities provided by the muncipality in the slum area are nothing like the amenities provided in the West End area. But it is worse here because you cut your population into black and white, and then you say to the poorest section that they have to pay for their own social services. So these are the results that you get. The Social and Economic Planning Council stress the deplorable conditions to be a result of financial segregation which has compelled the large majority of Native locations to be self-supporting and states that as the inhabitants of urban locations are an integral part of urban communities, the council cannot reconcile the segregation in financial matters of urban Native communities with the principle of equity. Mr. Speaker, I hope I am putting the point clearly. We are not against residential segregation, but we are strongly against financial segregation, and that is the hidden part of all our policies of segregation, and that causes all the trouble. What has been the effect of financial segregation? The effect has been chaos, disease, poverty, filth and slums. We were more than halfway through with residential segregation. We are in the midst of the biggest housing problem both for the Europeans and the non-Europeans. Here we are going on to ventures new and pastures fresh. We cannot clean up the mess we are in and we are going to create a far bigger mess. How can you get out of it? Will it not be wiser to clean up the mess we are in first of all and then pass laws involving hundreds of thousands of Coloureds as well as a large number of Asiatics and Natives. Mr. Speaker, most of the trouble on the Rand comes from this financial segregation, all our riots and troubles there.

I want to put this to the House: That there are two approaches to this question. I hope the other side will bear with me when I say that there is the ideological, hysterical or political approach. I hope you do not mind my using those three words together. That is the approach in this Bill. It is all very cleverly worked out and it would be a beautiful Bill if you were dealing with cattle. But you are dealing with human beings. Then there is the other apprach; the judicial approach, the common-sense approach. I say if you regard the Indian, the coloured man and the Native as a menace to white civilisation, you will vote

for this Bill. But if you regard him as a human being, as a man with a different culture from yours, a man with whom you do not want to live in the same area, but who is of vital importance to our economic life, the basis on which your whole housekeeping and industry rests, you will not pass this Bill unless at the same time you ask the Minister to accept the responsibility which goes with power. The real menace, Mr. Speaker, in this country is not the non-European. The real menace in the country is poverty, filth, slums, ignorance, fear, low productivity, crime, lawlessness, greed and meanness. Those are the enemies of the country.

An HON. MEMBER: And Communism.

Mr. LOVELL: And all those other things you want to talk about. These things are the menace to white civilisation. This Bill may separate the whites from the non-European residential areas, but it will not separate us from poverty, filth, slums and all those things I have mentioned. And after all, is that not the problem we have to face? How can we separate all our people, white, black and Coloured, from all these things that menace our civilisation?

Dr. H. G. LUTTIG: You are side-tracking the issue.

Mr. LOVELL: No I am not. The Bill side-tracks the issue. Unless we face this issue of residential segregation and realise that it means the acceptance of great financial responsibility, we have faced no issue at all and we have solved no problem at all. Mr. Speaker, we cannot solve these problems with parrot cries. Some will say: We oppose this Bill on grounds of inequality. That is a parrot cry and not a good reason for opposing this Bill. Others will invoke other parrot cries. We know that Hitler invoked the parrot cry of "Lebensraum" to solve all the problems of the German people, and he got a big headache. Napoleon had another parrot cry. His army bore banners on which were written: "Liberty, Equality and Fraternity". You cannot solve a problem by means of slogans. The Roman Emperors had the slogan of "bread and circuses". That did not succeed either. And I say the Nationalist Party will not solve the problems of the country with the parrot cry of "Apartheid".

An HON. MEMBER: Is that a parrot cry?

Mr. LOVELL: It is a parrot cry. It will not solve any problems to draw up a political pamphlet, publish it in the form of a Bill and pass it as an Act of Parliament, and that is exactly what the Group Areas Bill is.

Finally, may I remind the Minister that he is not the Minister of the privileged sections of the country only. May I remind him that he is not the Minister of the white people; that he is not the Minister of the Coloured people, nor the Minister of the Natives, nor of the Asiatics. May I remind him that he is not the Minister of the Nationalist Party, but the Minister of South Africa; and that South Africa still believes in justice for all, whether they are white or black, rich or poor. And I will keep on reminding the Minister of that as long as I am in a position to do so. I move my amendment —

Mr. HEPPLE: I second the amendment. When the hon. the Minister introduced the Bill this afternoon it seemed to me as though he himself was a little uncertain as to its consequences. At one stage in his introductory speech he painted a picture of all the benefits that would accrue to the various racial groups in the country, when this Bill was put into practice. Unfortunately, Mr. Speaker, some of the pictures he painted were not consistent with what really happens in this country.

Mr. KAHN: He used the wrong colours.

Mr. HEPPLE: The principle of residential and social separation, as has been said by other speakers, are generally accepted in the country, but there is one fundamental fact about social and residential separation and it is this, that it must be applied harmoniously and it must be applied with the co-operation of all sections in the country. The Minister was quite right when he pointed out that there were certain people in the country who, no matter what the laws were, attempted to circumvent those laws and evade them. Nevertheless, even in the form of voluntary separation that has operated so far, we have found that there were very few people who had any real desire, there were very few racial groups who were really anxious to live among other racial groups.

The more the Minister spoke the more I realised that he, like so many other people in the country, allowed his desire to achieve social and residential separation, to run away with his common sense. This House apart from political parties outside the House has argued the question of non-European policy as long as this House is in existence. But for one reason or other, no political party has as yet been able to come forward with a satisfactory solution, because we know very well that the problem of separating the races in the country, while it may be desirable, especially to the Europeans, is not easy of achievement. In the course of his speech, the Minister referred to conditions in the Bill which were very favourable for inter-racial harmony. He pointed out that we have to face up to some measure of inconvenience. When he said that he

took me back to something that was said by the present Secretary of Native Affairs a little over two years ago, before he held his present office. In dealing with the question, "Is Separation Practicable," he concluded his lecture with these words —

> I have attempted to examine the practicability of the various policies put forward as offering a solution for our Native problem. Of these separation only can be applied consistently and separation only is free from all technique of domination . . . Our economic per caput output is extremely low and South Africa is therefore a very poor country. The reason is that a great mass of latent human energy and initiative which could become a dynamic force in the development of the country is chained down to a static level in our multi-racial socio-economic structure. Separation alone can release this energy effectively, not by pressing some miracle-working button, but by translating the principles of trusteeship into a genuine programme of education for self-sufficiency . . Constructive separation means excellent investment. No sound investment is impracticable, even though it may entail initial sacrifice; neither is a genuine programme of separation impracticable.

When Dr. Eiselen made that statement, he made it after many years of studying the problem. But he was not alone in studying this problem. The majority of us in this House have had cause and occasion to study this problem. We had to deal with it in order to try to overcome the difficulties of our multi-racial society, and at the same time to prevent political opponents from making campaign against us as a result of our attitude towards this very serious problem. The racial question has been the political football between parties for many many years.

The Minister, in introducing this measure, has suggested that this Group Areas Bill was the first step towards a solution of this problem of the various racial groups in South Africa. If that were so, none of us would have the slightest objection to it. But I, like other members of the House, find myself in the position that the more I read the Bill and study the White Paper, the more I wonder if the Minister is really going to solve this problem, if he is really going to take the first step towards creating harmonious relationships between the various groups, or whether in fact this is merely an attempt to cash in on the Nationalist Party policy of apartheid. I wonder whether there is some political significance in this Bill, rather than a sincere attempt to solve the serious problems which affect the various races in the country.

*Mr. S. M. LOUBSER: You are talking nonsense.

Mr. HEPPLE: The hon. member says it is nonsense. I hope he will listen to what I have to say. I want to refer to paragraph 8 of the White Paper—

> The main purpose of the establishment of group areas is twofold, viz., firstly, to bring persons of the same racial origin together for purposes of ownership and occupation, and so to reduce to a minimum racial points of contact and therefore possible racial friction; and, secondly, to permit each racial group to develop along its own lines, according to its language, culture and religion, and to give members of the Native and Coloured groups an opportunity under proper guidance ultimately to assume responsibility for their own local government.

There is a lot in that that is sound common sense, but there is also a lot in it which is absolute nonsense. Where this White Paper says that the Bill will permit each racial group to develop on its own lines according to its language, culture and religion, it poses an amazing situation. The Minister mentioned that he had demands not only from European sections but also from non-European sections who wished to live in separate racial groups, and he mentioned the Malays of the Cape.

Mr. KAHN: But he did not say who asked him.

Mr. HEPPLE: Are they, according to what the Minister said and according to this White Paper, going to have the right to live separate from the other Coloured groups in the Cape? What about the Malays who have inter-married with the other Coloured groups, and what will be the position of those Coloureds who are not Moslems? The White Paper says very clearly that it will be permitted to each group to develop according to its own language, culture and religion. Is that only going to apply to the non-Europeans, or will it also be an encouragement to the Europeans to break away into separate groups according to language, culture and religion?

Mr. POTGIETER: Read the Bill.

Mr. HEPPLE: What is sauce for the goose is sauce for the gander. I will accept, of course, that this is nonsense.

The MINISTER OF THE INTERIOR: But it is not necessarily sauce for the turkey.

Mr. HEPPLE: Not for the turkey? I do not know what that means. But to pursue this question of permitting the various groups to develop those attributes which are

necessary to their own well-being, may I point to the position of the Natives? The Native himself has no religion. The various missionaries have brought various forms of Christianity to the Natives. Wherever a mission operated some Natives have been attracted to that particular sect or religious group. What does the White Paper mean when it refers to religion in connection with the Natives? They follow many religions but no religion whatsoever is associated with the culture of the Natives. Those are European forms of religion which have been adopted by the Natives, so how can we speak of racial groups in relation to religion? We cannot do it in the case of the Natives any more than we can do it in the case of the Europeans. There are many religious groups, and when the Minister is faced with the application of this Bill how will he deal with a particular group which comprises Natives, Coloureds and Europeans, all subscribing to the same religion? They will have to be in separate racial groups, and according to the White Paper they will then also be permitted to be divided according to their religion.

Then there is another point in par. 11 of the White Paper, dealing with the exemptions—

> It is obvious that it would be very difficult; in fact, well-nigh impossible as our different communities are constituted today, for any one racial group to be entirely self-supporting and self-sufficient . . .

How very true those words are—

> One racial group depends to a larger or lesser degree on the assistance and help it can and frequently must obtain from another racial group. Provision is therefore made in the Bill for bona fide employees belonging to another racial group, to reside with their employers.

I presume, in the first instance, the Minister had in mind domestic servants, so that we may retain the use of non-Europeans as domestic servants. That is an essential provision. But it does not refer only to domestic servants. It refers to all employees, which attaches to the industrial field. Does the Minister intend, under the operation of this Bill, that European employers of non-Europeans in industry will be allowed to house those non-Europeans and that exemption will be granted to them in order that they may be allowed to reside within the precincts of an industry or on factory premises? It sometimes happens that they have accommodation for such employees nearby. The Minister may be interested to know that in many industrial centres in the country a lot of factories have grown up in residential areas, and this will mean that you will have non-Europeans residing cheek by jowl with Europeans if this exemption is allowed, and non-Europeans are permitted to reside in areas that are predominantly European areas. This is only one of the many problems with which we are faced. Those who will be responsible for the application of this measure, when it becomes law, will find that these problems will multiply as the days go by. They will find it almost impossible to meet the applications for exemption and quite impossible to sift the wheat from the chaff and to do justice to one group without doing injustice to another group. They will create chaos to a large degree in the building up of such areas, and that will require further legislation to rectify the position they have created. There are other industrial areas where the towns have spread to such an extent that their borders are built up right against one another. They find it a very great problem to find where to establish Native townships. This Bill provides that those difficulties can be overcome. But my difficulty is to ascertain from the Bill who will be responsible in the final analysis, who will be charged with the duty of deciding where such Native townships will be and, in addition, what size the Native areas are going to be. In the Witwatersrand industrial area the number of non-European employees exceeds the number of Europeans, and if things continue as they are going now, it will eventually mean under this Bill that the Government will be compelled, if it wishes to follow the path of equity and justice, to provide far greater areas for non-European occupation than for European occupation. The Minister did not tell this House whether a proper survey has been made of all the areas adjacent to the existing urban areas, and whether provision has been made for the next fifty or hundred years to take account of what may happen in time. I think this has a very important bearing on the matter.

Mr. POTGIETER: That is the function of the Board.

Mr. HEPPLE: The hon. member says that is the function of the Board. That brings me to my next point, which is in connection with the Board. This is a very important point. Here we are again delegating powers to a Board that will virtually have more powers than Parliament. The Board will have so many problems to solve that it may not be able to await the provisions of Section 3. It may find itself faced with so many problems that it cannot solve them, and we will then be told that executive authority has to be applied because it is impossible to await the sanction of Parliament.

There are other features of this Bill that are repugnant, exteremly so. In Clause 24, for example, we find that this Board which has so much power and which has to solve

so many problems, will consist of not more than seven members to be appointed by the Minister. I hope the Minister will forgive me when I say that under this provision this Government or any government can appoint a political Board.

The MINISTER OF THE INTERIOR: Why?

Mr. HEPPLE: He is the last gentleman who should ask a question like that. The complaint in this House by many of his colleagues was that under the previous Government political appointments had taken place in several departments and that those wrongs had to be rectified. We know what happened on the South African Railways, where so-called wrongs were righted. The Minister may appoint his Board, and when another party takes over the government they may not like the Minister's Board and appoint political pals.

Mr. VISSER: What an argument!

Mr. HEPPLE: When I hear an old politician say that this is not a good argument, then I cannot help thinking he is speaking with his tongue in his cheek. We know what happens in connection with these appointments. Here we have a Board appointed by the Minister, and I say this will have repercussions on the Bill itself.

The MINISTER OF THE INTERIOR: Who must appoint the Board?

Mr. HEPPLE: There as so many ways in which the Board can be appointed. I am quite sure the Minister will be able to give me ten different ways of appointing the Board. The Minister need not be so naive about it. There is other machinery for the appointment of such a Board. I would also like to ask the Minister whether there is not this danger if it is all left in the hands of the Minister. After all, he may err in another direction. He may appoint some people who are unfit and incompetent to carry out the task of the Board. There may be members who misinterpret the intention and purpose of the Bill.

The MINISTER OF THE INTERIOR: But who must appoint the Board?

Mr. HEPPLE: The Minister must not be so naive. He can tell me ten ways of appointing the Board. I will try one suggestion. He can have a judicial Board.

The MINISTER OF THE INTERIOR: But tell me who must appoint them?

Mr. HEPPLE: Offhand I will give the Minister another suggestion. He can appoint the Board in consultation with the municipal executive and the provincial executive. There are many ways in which he can do it. But I can see the Minister has very serious objection to our taking this authority out of his hands. Our trouble in the past has been that this Minister has taken more and more power and more and more authority. We have had that complaint in this House quite often. This power may probably be too big for the Minister to handle. With all his anxiety to right all the wrongs in South Africa and to make this a wonderful country, the task may be too big for him to handle, and he must realise that a provision such as this makes him much more vulnerable.
I also want to deal with a provision that is creeping into our legislation more and more, and which has also come into this particular Bill, and which I dislike most intensely and which I think every reasonable member must dislike. In Clause 31 (2) is is provided that —

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

Mr. MAREE: You voted for it last year.

Mr. HEPPLE: I voted against this last year in the other legislation. We object to it very much, because if we are going to introduce legislation in this country which provides that an inspector may walk into anyone's premises during the day or night it means merely this, that because the authorities think there is one wrongdoer, the whole of the community must suffer the indignity of being roused out of their beds in the early hours of the morning in order that the officials, the inspectors, or the police, or whoever the persons empowered under this sub-section may be, may break into your property and conduct a search. What type of society is that? I say the surest test of whether such a law is fair and just is to apply it to oneself, and if I were to feel that my house is to be broken into in the course of search by an inspector because he believes someone is living there who should not be there, I would oppose it most bitterly, and if that is to be applied to other sections of the community, I say it is most brutal, it is un-Christian, it is wrong.

Mr. POTGIETER: But that principle is already embodied in the law.

Mr. HEPPLE: The police do it under a search warrant and the police do it where a person has broken the law. I say it is wrong and bad to apply in a Bill of this nature, which as the Minister says, is to raise the status of all sections of the community, to give them an opportunity of developing along their own lines, of developing their best attributes, to law-abiding sections of the

community. There is now a possibility that because there may be a wrongdoer in their street, someone who has broken the law, they have their premises broken into and searched. I say that is extremely wrong and bad. In order to catch one wrongdoer dozens and dozens of people are going to suffer this indignity. I am surprised that the Minister smiles when we are dealing with a serious matter like this.

The MINISTER OF THE INTERIOR: You are so ridiculous about this.

Mr. HEPPLE: If this were a law to deal with murder or to deal with treason one could understand these stringent measures, but after all, it is merely a question of a person having gone over for a night or a week and staying amongst a group to which that person does not belong. Is that such a heinous offence that law-abiding persons must be subjected to the inconvenience or having their homes broken into and searched at all hours of the night? I think that is an extremely bad provision.

The MINISTER OF THE INTERIOR: You are putting your foot into it.

Mr. HEPPLE: No, I am not. Then I want to deal with Section (d) of the same clause, which states—

> Any such inspector may for such purpose question either alone or in the presence of any other person as he thinks fit, with respect to any matter relevant to any such person . . .

This again introduces something that is nothing short of third degree, but I notice further down that in Section 4 it says—

> Any person who is questioned under paragraph (d) shall be entitled to all the privileges to which a person giving evidence before a court of law is entitled.

Then I cannot understand what is meant by the words "either alone or in the presence of any other person". Does the Minister not feel that it would be far wiser to provide that whenever any such questioning takes place, there should be a third party present and that it should be made known to the persons concerned that they have the right; that they should be informed of that right, and furthermore that in the case of poor people the law itself should provide for a third party to be present in order to protect their interests.

I have only dealt with some of the points which make this Bill repugnant to us. The Minister, because he knows that most, if not all, the parties in this House, support the principle of social and residential separation, has rushed into this House, towards the tail-end of this Session, with a very long Bill, a very complicated Bill and a far-reaching Bill . . .

Mr. G. F. H. BEKKER: The same old parrot cry.

Mr. HEPPLE: . . . depriving most of us of the opportunity of studying its implications fully. He has avoided supplying to all members of this House the detailed evidence taken by the Van der Merwe Commission and other commissions. He is depriving us all of the opportunity of consulting sections of the community which are vitally affected by this legislation. When he does that he places us all in a very difficult position, and I do hope that he will listen to the appeals which are being made to him and that he will allow this matter to be further investigated.

*Mr. UYS: The hon. member who has just sat down got so confused about the amendment of the Labour Party that one could hardly make out what he wanted. First of all, the Labour Party proposed this amendment from which it would appear that they support this Bill to a certain extent. Then the hon. member went further and he tried to cut the whole Bill to pieces, and it is very clear that the so-called support which they are giving this Bill, is no more than political support, just as it is in the case of the United Party.

*Mr. ROBINSON: Have you read the Bill?

*Mr. UYS: The hon. member who has just sat down criticised the Minister for giving the inspectors so much power under Clause 31. Last year, when the Indian Bill was before the House, the self-same clause was in it, and the hon. member and his party did not have anything to say against it then, nor did they vote against it. When the Government introduced the Indian Bill here in 1949, the Labour members who are now opposing this clause, and the acting Leader of the Opposition who spoke here today too, supported the principle under which the inspectors are to have the right at any time, in the night or day, to conduct an investigation. They did not oppose that proposal then, nor did they vote against it. It was only the hon. member for Cape Western (Mr. Kahn) and the Natives' Representative for Cape Eastern (Mrs. Ballinger) who spoke against the clause. And now they come here and look for bogys in the Bill.

*Mr. ROBINSON: Have you read the Bill?

*Mr. UYS: Judging by what the hon. member who has just sat down said, he is afraid that the Minister will also divide the European population into different groups. But this Bill does not provide for

that. This Bill provides for separate areas for Europeans, Coloureds, Indians and Natives, and the various colour groups can be divided into sub-groups, but the Bill does not provide for Europeans to be divided into sub-groups. It is perfectly clear that the Labour Party, by this amendment, is trying to prove that they support the principle of the Bill, but they also prove that they have not read the Bill. This Bill now before this House is carrying out a well-known South African principle, a principle which for many years has been accepted by the white population of South Africa, by all the various groups and by all the sections of this country. There is nothing new in this Bill now before the House. The Leader of the Opposition in 1946, when introducing the Indian Bill, said, according to Hansard, Vol. 66, Col. 4266 (Afrikaans)—

> Fundamentally, the principle of separate land ownership and residential areas and of separate political representation for Indians is identical in this Bill to what it is in the case of Natives and in the Native legislation which is in force in this country. Although there may be some difference in detail, the structure which we propose to put up for the Indian community is fundamentally almost identical and it is based on the same principles as those which we have already laid down in regard to our own Native population.

The principle of this Bill contains nothing new. It is an old principle which has been adopted by us all, and which is also accepted by the Opposition and the United Party. The difference, of course, is only this, that the Opposition wants to accept this principle so as to be able to tell the public that they accept the principle but that they want to put it on a voluntary basis. They do not want to do anything to rectify the position. In this Bill the same principle, which is contained in the Indian Bill is accepted, although it is extended to all sections and to the whole country. But even on the discussion of the Indian legislation the hon. member for Drakensberg (Dr. Steenkamp), who was then member for Vryheid, urged his leader also to apply this legislation to the Cape. He used these words (Hansard, Vol. 56, Col. 4323, Afrikaans) and said—

> I want to conclude by earnestly asking the Rt. Hon. the Prime Minister whether the time has not arrived, particularly in view of what has been happening in the Cape in the last few months, also to include the Cape before it is too late, and before such drastic steps will also have to be taken to restore the position in the Cape.

Even in 1946 the hon. member for Drakensberg realised the danger of the penetration of the Indian and also the penetration of the non-European in the Cape. And now the Opposition come here today and say that the Government has not given them the opportunity of studying this Bill, that this Bill embodies the principle of separate residential areas and separate group areas, a principle which the Nationalist Party support for political purposes. When the hon. member for Drakensberg argued this principle in 1946 and when he urged that this principle should also be extended to the Cape, did he do so then for political purposes? It gives us an insight into what the Opposition felt even at that time and now they want to shelter behind this amendment because this Government has the courage to introduce this Bill. This Bill now includes all races, not only Indians. We know what the position in the Cape is and in all our big towns, in regard to the mixing of Coloured people and Europeans in residential areas. The main reason why the United Party is opposing this Bill is not so much because the Indians are to be placed in separate residential areas, but more particularly because the Coloured people in Cape Town will come under this legislation. They are afraid, particularly, of the Coloured people objecting to this, because they are still hoping one day, with the aid of the Coloured vote, again to get back into power and they always have to take the Coloured vote in the Cape into account. It is for that reason that they want this Bill to be referred to a Committee. The principle of separate residential areas for Europeans and Coloureds is accepted in the Cape as well, not just the principle of separate residential areas between them and the Indians and the Europeans, but also the principle of separate residential areas for Coloured people and Natives. We find that all municipalities, as far as possible, try to create separate residential areas for Coloured people, as far as they can do so without legislation, but we have noticed in the past that this principle has often been violated because those municipalities have not had legislation to prevent the penetration of Indians into the Cape suburbs and other big towns. It is for that reason that our suburbs, especially the Cape Town suburbs, have the appearance which they have today. Areas which used to be known as European areas have been taken over by Indians. We are now told by the Opposition that the value of property owned by Europeans in areas which will become Coloured areas, will go down. Take the position which has developed here in Cape Town and in other big towns. The properties of people living in those suburbs where non-Europeans have penetrated are in danger today, and those properties have gone down in value. One gets the position that a man rents a house from you and afterwards Coloured people are put into that property or they buy the property from you. Just

go to any European areas, for instance, Rondebosch, in Cape Town, and you will find big houses occupied by Europeans, with Coloured people living around them.

*Mr. BARLOW: Then the price goes up.

*Mr. UYS: It is perfectly clear that the value of that European property will drop, for the simple reason that non-Europeans live there. Here, in Cape Town, we find that it is particularly the poorer of our white population who live among the Coloureds, simply because financially they are not in a position when Coloured people come to live alongside them or among them or above them, to sell that property and to go elsewhere. It is particularly those people who are living cheek by jowl with the Coloured community, who require the protection of legislation of this kind. We must protect them against the penetration of non-Europeans in the towns. The rich man can leave and buy another bit of land, but the poor man, once he has bought a plot, is forced to stay there, even if his property deteriorates or goes down in value later on. And this is proof to us that the United Party has not got much sympathy with those people. Now they say that they also favour separate residential areas and separate group areas, but they say it must be done on a voluntary basis. They know that the rich man can always go and buy land in a white area. It will always be the poor man who is going to be pushed out, while it is on a voluntary basis.

*Mr. BARLOW: Do you really believe what you are saying?

*Mr. UYS: The hon. member for Hospital (Mr. Barlow) . . .

*An HON. MEMBER: He believes what you are saying.

*Mr. UYS: The hon. member believes everything I am saying, but he is not allowed to say so because he sits among the United Party. That is why he is not allowed to believe it.

*An HON. MEMBER: And because Strauss is his leader.

*Mr. UYS: He is not allowed to believe it either, because he has to make up for saying once: "Strauss must go", and now he has to rehabilitate himself in Strauss' eyes, and that is why he has to adopt that attitude. This living together of the various races causes deterioration in our "colour sentiments" and in the social status of the Europeans. The Bill now before the House aims at these conditions being remedied, and aims at separate areas for the different races being effectively maintained in future. We hear the Opposition say so often that they are also in favour of apartheid, that they also stand for separation. They are afraid of the word "aparthheid". They say that they also stand for apartheid, but that the people of South Africa must be educated up to it. The people of South Africa have been educated up to it all these years. The people of South Africa, whether they belong to the Afrikaans- or the English-speaking section, also stand for separate residential areas, they also stand for separation, but the United Party, because it has always been too cowardly to introduce legislation, has allowed matters to develop. On every occasion when the Nationalist Party introduces legislation to carry out this apartheid policy, this separation as they call it, it is the United Party which opposes the proposals. They opposed the Mixed Marriages Act. They said that they did not want legislation. They opposed all the laws introduced here in connection with apartheid. They said: "We are not in favour of matters going on like this, but do not introduce legislation." And so it is that in all the years that they were in power, they saw to it that legislation was not introduced to cope with these conditions. When the Nationalist Party comes along with apartheid legislation, one always hears the cry from the other side that it is discrimination. Today we again heard from the Labour Party that non-Europeans were being discriminated against. This is a piece of legislation which does not discriminate between the various sections. This legislation provides for every section of the population, whatever group it may belong to, to get its legitimate residential area. This Bill, as the Minister has said, gives the people belonging to other coloured groups, an opportunity to develop in their own spheres.

*Mr. BARLOW: You might just as well sit down now.

*Mr. UYS: I quite understand that the hon. member for Hospital does not feel too pleased about it. He would like me to stop — he is getting hurt. He is not concerned with the other members of his party because perhaps he does not need the Coloured vote, but I can assure him that if he votes against this Bill, his English friends in Johannesburg will call him to account.

The hon. member for Germiston (District) has proposed an amendment that this Bill be referred to a Committee to be presided over by a judge. But the Minister has said very clearly that this matter has been investigated on so many different occasions that there is no necessity for further investigations. Several commissions have made varying recommendations, but those recommendations have almost unanimously amounted to this, as far as the Indian problem in South Africa is concerned that if

we cannot carry out repatriation, then at the very least we should place them in separate residential areas. The hon. member for Natal (South Coast) (Mr. Mitchell), who spoke a little earlier, was Chairman of a Commission which made a similar recommendation. In those days he knew quite well how to draft such a Bill, and he gave the lead himself in the commission's report by saying that such legislation was necessary. That Commission also recommended that the Coloured people should also come under this legislation. That was one of the recommendations in their report.

*An HON. MEMBER: What do you say now?

*Mr. UYS: And today the hon. member comes here and wants this matter to be further postponed. Let me just warn him that the other members who represent Natal here will not be very grateful to him nor will Natal be very grateful to him for the attitude he is adopting.

*Dr. VAN NIEROP: He is the Natal leader now.

*Mr. S. J. M. STEYN: Whom are you courting now?

*Mr. UYS: These commissions have already investigated this subject.

*Mr. BARLOW: Where is Natal?

*Mr. UYS: A Select Committee or a commission of investigation will be of no use on this Bill. General Smuts, in 1946, when introducing his Bill, used these words: "You are either for it or against it." That is the position in regard to this Bill — you are either for it or against it. Even if the United Party want to pretend today that they are in favour of it, that they are in favour of the principle contained in this Bill, their attitude in this House will condemn them among the public. The hon. member for Woodstock (Mr. Russell) interrupted the other day and asked whether the people wanted this legislation. It is perfectly clear, judging by the report of this Commission, that there is no question in South Africa on which the various sections of the white population are more unanimous than on this. The fact that conditions have already developed so far in our white residential areas that we have to introduce legislation of this kind is to a large extent a charge against the Leader of the Opposition. A few weeks ago he was standing near one of the cigarette factories at the dinner hour, when the girls were coming out of the factory, and he made the remark that he was no longer able to distinguish between European and non-European. For a man who has been in public life in South Africa for 50 years to come here after 50 years and to get up in this House and to say that during the period that he has taken such a leading part in public life, racial conditions in South Africa have deteriorated to such an extent that he is no longer able to distinguish between European and non-European, I say that that is a serious charge against the Rt. Hon. the Leader of the Opposition. I am sorry that he is not here today. We are all sorry to hear that he is ill, but I say again that if that is the position that he can no longer draw a line between European and non-European, then it is a serious charge against him and against the United Party which he has led all these years, it is a serious charge that he has allowed conditions to develop in South Africa so that racial conditions have deteriorated to such an extent that one can no longer draw a line between European and non-European. No; legislation is urgently required to cope with these conditions which have arisen largely in consequence of the various races living in close contact with each other. The white population of South Africa must be assisted by means of legislation to remain faithful to this principle for which they stand, and to resist these conditions which have been created by the miserable attitude of the previous Government. This Bill, which is before the House today, is of the greatest importance for the creation of racial peace between the various races and it is of great importance to give everyone the opportunity to develop in his own sphere and on his own territory.

Mr. OPPENHEIMER: This Bill is obviously not only a very complicated one but also a very technical one, and therefore I must say that it is a matter of regret to us on this side of the House that both hon. gentlemen on the Government benches who have spoken in support of the hon. the Minister, have thought it proper not to reply to the arguments which have been advanced from this side of the House, but to confine themselves to imputing political motives to this party. I do not think, Sir, that that really is quite good enough, because the hon. member for Germiston (District) (Mr. Strauss) put forward a series of arguments, arguments which appear to us to be thoroughly sound, and it is not sufficient answer for hon. gentlemen on the other side of the House to turn round and to say in many ways and at very great length that any opposition to this Bill, simply because it is opposition to the Bill, proves that we on this side of the House, are against the whole principle of residential and social apartheid. I don't hesitate to use the word "apartheid". I am quite as happy to use that word as "seperation". Hon. members opposite are carrying out on this occasion a tactical procedure which they

have used a number of times before on occasions in this Parliament. A Bill is introduced, Sir, and it will have as its ostensible object something which is generally approved, something which we agree with, and then that Bill, because it has that ostensible object, can include methods which appear to us to be mischievous in the extreme; it can include detailed provisions which, in our view, are entirely inept; it can couple with its main object, its generally accepted object, all sorts of other by-products, which we consider highly undesirable, and in all those circumstances any criticism, any attack on such a measure, is simply represented as an attack on the generally accepted principle.

The MINISTER OF THE INTERIOR: Why do you oppose the second reading?

Capt. HENWOOD: We are not.

Mr. OPPENHEIMER: We are asking that this Bill should go to a judicial commission to be considered before the second reading.

The MINISTER OF THE INTERIOR: Why, if you are in favour of the principle?

Mr. OPPENHEIMER: Because we think there is a great deal in this Bill that goes beyond the principle behind the Bill. That we accept. But this Bill has a great deal more in it and in its essence than merely approval of the principle of residential and social segregation.

The MINISTER OF THE INTERIOR: You do not like the "by-products"?

Mr. OPPENHEIMER: It has been said before and I say definitely again that we stand for social and residential segregation. That is the policy of the United Party, just as it is the policy of the Nationalist Party.

An HON. MEMBER: On a voluntary basis or on a compulsory basis?

Mr. OPPENHEIMER: A good deal has been done on the basis of voluntary agreement. The hon. the Minister himself referred to the excellent arrangements which have been made at Port Elizabeth, but I say this, Sir, and I do not want to run away from the question at all; I say that we in this party have already shown that in certain circumstances we are prepared to follow up this policy by means of legislation.

The MINISTER OF THE INTERIOR: By compulsion?

Mr. OPPENHEIMER: The policy of social separation.

The MINISTER OF THE INTERIOR: By compulsion?

Mr. OPPENHEIMER: What I mean is this. If the hon. the Minister would agree that this measure should be inquired into in the way we are asking for it to be inquired into, then we certainly do not exclude the possibility of compulsion; we do not exclude at all the possibility that that may be found the right thing to do in some parts of the country, if not in all.

The MINISTER OF THE INTERIOR: Why not accept the second reading then?

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

Evening Sitting.

Mr. OPPENHEIMER: When business was suspended I was protesting against the action of the Government benches in representing our opposition to this Bill as opposition to the principle of residential and social apartheid, and I was complaining that they were using that imputation as their sole argument against the objections which have been put forward by this side of the House. Let me say again quite definitely that we on this side of the House are in favour of social and residential separation. [Laughter.] I am sorry that hon. members find this so amusing. I can only say what I think, what I honestly think, that we are in favour of residential and social separation. But I say that residential and social separation is not a categorical imperative, it is not a duty which has to be performed without any consideration for the hardships or the difficulties which may be caused or the losses which may be incurred. Therefore I say that although we definitely agree with hon. members opposite that social separation is something which ought to be brought about, we say and we say very strongly that this measure should not be transferred into law until there has been a judicial inquiry and until the people and the organisations who are going to be affected by this far-reaching and drastic Bill have had an opportunity to consider the matter and to put their views forward.

Now I hope the hon. the Minister will allow me to express my admiration for the ability with which he introduced this extraordinary complicated and difficult measure. He undoubtedly showed all that skill and placidity which always distinguishes him, but I must say that at the same time he showed something of that disingenuousness which we have also unfortunately learnt to associate with him. He gave us a long historical disquisition about the inquiries that have been made in the past into this question of residential separation and as a result of that disquisition he proved to his own satisfaction, and I must say also to my satisfaction, what, anyhow, was never in doubt, that

generally speaking the European population of this country is and has been for many years in favour of social separation.

The MINISTER OF THE INTERIOR: Then I was not so disingenuous after all.

Mr. OPPENHEIMER: I shall come to that later, if the hon. the Minister will give me time. He gave us a good deal of detail about these earlier inquiries, but it served no purpose as in all these cases the scope of the inquiry was limited. They were not concerned with proposals of the universal character of this measure which is now before us. That is perhaps not entirely true about this last report, or rather extract of a report, which the hon. the Minister has placed in our hands at such a late hour. In that report certainly a measure of a very widespread and universal nature is considered, is discussed, though why it should be so I do not know, because such a measure seems certainly to lie quite outside the terms of reference of these committees which were set up while the activities of the committees were confined to certain areas of the country only.

The MINISTER OF THE INTERIOR: But do you agree with their findings?

Mr. OPPENHEIMER: That I will come to, if I may be allowed to make my speech in my own way. When reports of committees or commissions come forward, very often they are not found in the long run to serve a very useful purpose — very often because a government will simply pigeon-hole them and forget about them. But there is another way in which such reports can be made pretty useless from the public point of view, anyhow, and that is if they are acted upon before they are received, and that is what has happened in this case. As far as this report is concerned it certainly provides no good reasons for going ahead with such a measure without further inquiry, without having heard the representations and the views of people affected, and after only such discussion in this House as the operation of the guillotine will allow.

Now the hon. the Minister told us that the main object, the object to which this whole measure is moving, is the proclamation of group areas. That is, of course, correct, but it is also correct that the immediate effect is not the proclamation of group areas, but the establishment of a controlled area for pretty well the whole of the country, and therefore I would like to say a few words first in regard to the controlled area. Now in respect of that area, as the Minister has explained, the same principle is being adopted as was adopted in the case of the Asiatic Land Tenure Act. That is to say the present position as regards the ownership of property and the occupation of property is being frozen and that the solution found in the 1946 Act for a particular problem at a particular time is now being extended to the country as a whole. Now the hon. the Minister did say, very rightly, that legislation of this sort should be national in scope. He asked us if we did not agree with that, and I must say that I do agree. I think the hon. Minister is quite right. If there has to be such legislation, it should be national in scope. But that does not at all mean that the hon. the Minister is right therefore to transfer principles which were applicable in other provinces to the Cape without any due consideration for the circumstances which obtain in the Cape. We are all for national legislation, but that national legislation must pay just as much attention, must take just as much care of the circumstances which obtain and have obtained so long in the Cape as it pays to circumstances in other provinces.

Now there is another point of difference between what is taking place in respect of controlled areas and the similar conditions which were created in Natal by the 1946 Act. In that Act in Natal the Indian areas are called the "exempt areas", and that is to say that anybody is free to buy or to sell property in those areas. In other words the Indian areas in Natal are areas to which the provisions of the Act simply do not apply. In this measure however the position is quite different. There are no exempt areas within the controlled area under this measure. I am now talking of the ownership of property. I know that the hon. the Minister has power under Clause 10 in regard to the occupation of property. Now I want to ask the hon. the Minister whether he feels quite sure, because no evidence has been put before us, that the changes in property ownership from one race to another are always operating everywhere in a disadvantageous direction. I am not at all sure that that is the case. It may be so. I do not for a moment claim any special knowledge in the matter, but the hon. the Minister has not dealt with the matter and I hope he will do so, because it seems to me that just because of the universal nature of this measure, it may well be that its provisions may be quite inapplicable in certain areas — I think, of course, particularly of areas in the Cape — and if that is so, then very great hardships and indeed very great damage to the public is only going to be avoided by the issue of permits on a very large scale, and that is an important matter to which I shall come back. It seems to me therefore that before this universal application of the provisions governing a controlled area are put into operation, a very very thorough inquiry is necessary to examine conditions in particular areas in the country, because I think it is purely an assump-

tion, and on inquiry it may be found to be unwarranted, that the conditions are the same right through the area concerned. It may be found that quite a different type of measure providing for local differences is what is required, and of course the people who most particularly need to be consulted, if the idea I am putting forward has validity, are the local authorities.

Now I want to go on to say a few words about the group areas themselves. The hon. the Minister was at great pains to emphasise that normally speaking group areas can only be proclaimed with Parliamentary approval. There, I hope, the hon. the Minister will not take it amiss, was one example of the disingenuousness of which I complained, because what is important is not that Parliament will be consulted, but what is important is that in regard to the Cape for five years Parliament will not be consulted. To that point, if the hon. the Minister were putting the matter fairly to this House, the hon. the Minister should have directed the particular attention of hon. members.

The MINISTER OF THE INTERIOR: I gave you the two exceptions.

Mr. OPPENHEIMER: Yes; I do not want to be too critical, but I think that it is the so-called exception in this case which is the important part of the matter. Now the hon. the Minister in taking for these five years in the Cape, powers which seem to us arbitrary powers, powers which seem to us to be entirely excessive. The hon. the Minister has spoken about the Land Tenure Board. I myself have no experience of the operation of the board set up by the 1946 Act, but I am certainly told by all who do know that its work is in every way admirable. But all the same this is a board which is to be appointed by the Minister. Not only is it to be appointed by him, but there are no limitations, there are no conditions as to those people whom he may appoint, and therefore when the hon. the Minister said that that board was going to be a judicial board, while one can say that so far the similar board in Natal has been a judicial board, there is no guarantee that that is going to be so in future and I must say that that is a matter which gives us a certain amount of worry. Then the hon. the Minister is under no obligation to take the advice of the board at all. Now he has told us that in practice, working with the Natal board, in the granting of permits there have only been two cases where he has exercised his power of veto. Well, that is encouraging and the hon. the Minister is no doubt very confident that he is going to carry on just as successfully with the enlarged board to be set up under this Act. But one does ask oneself whether this confidence that he is going to work smoothly with the board flows from a determination on his part that he is always going to be reasonable or rather from confidence that he will always be able to secure a compliant board. We have a certain anxiety on that score. And there is another matter. The hon. the Minister when he talked about his co-operation with the Natal board, was talking about the issue of permits. Now, under this measure too, he has to consult the board in regard to the granting of permits. He need not take their advice. But as I understand it, in regard to the proclamation of group areas, a very much more important matter, no obligation is laid on him to consult the board at all. I don't know whether that is right, but that was as I understood the matter, and we must remember that it is one thing to fall in with the views of the board in a small matter like the granting of permits, the matter which takes place every day — the hon. the Minister said that there had been thousands of cases — it is quite a different thing when it comes to the proclamation of a group area, which is always a large decision, a big matter of policy. Now it seems to us that with the varying conditions of the areas, in which these group areas may be proclaimed, with the necessity, as it seems to us, to consult with local authorities, with the tremendous hardships to individuals and the financial losses which might flow from the wrong decision in the proclamation of a group area, in all those circumstances we think that the powers which the hon. the Minister proposes to take are too absolute and that there ought to be guarantees that in fact these powers will, as I am sure is the intention of the hon. the Minister — I am not attacking his intentions — that these powers will be used always in a judicial manner.

The MINISTER OF THE INTERIOR: Your object is that I should consult also in the case of a proclamation of a group area?

Mr. OPPENHEIMER: The hon. the Minister, I think, will not expect me, and I am certainly not competent, to put forward now detailed suggestions for his consideration. I do not think it would be fair for him to expect that from me, but the point I am making is that the proclamation of group areas should be done by a quasi judicial process and we want to make sure that that is the case. It seems to us that the machinery which is being set up by the Minister is entirely suitable for what he describes as a normal state of affairs, that is to say when Parliament is going to be consulted, but when Parliament is not consulted it seems to us that there are not sufficient guarantees that these very far reaching powers will be used always in

a proper manner. After all, Ministers come and go and I am sure the hon. Minister will not take my remarks amiss or regard them as any reflection on him personally. But I certainly feel that these powers are extremely drastic powers and they are powers which ought to be circumscribed a great deal more than they are circumscribed in this measure which we are considering.

Now I want to say a few words about Clause 7 dealing with local governments in group areas. I am very pleased indeed to see that the hon. the Minister proposes certain amendments in this respect. They were certainly called for. But I say, as far as I understand the Minister's intentions, that he does not propose to go far enough. He certainly proposes not only to ask the Administrator's opinion but perhaps even to take it. He proposes to consult with local authorities. I think he said that he would extend to local authorities the privilege of being consulted. I must say that consultation with local authorities in matters of this sort seems to us on this side of the House not so much a question of privilege as a question of common sense, to say nothing of common courtesy. But I come now to the other side of this question of local government and that is the claim that this is the beginning of "positive apartheid". Now all the hon. the Minister is doing is taking powers to arrange at his arbitrary will for the government of these areas and he is taking powers, but no obligation, to include members of the race to be governed on the local governing body to be set up. Now if that is a beginning of positive apartheid, I think it is a very feeble beginning. It really means nothing at all. There is no guarantee whatsoever that the people who will be appointed by the hon. the Minister will be acceptable to the people who they are going to govern. I am not advocating that we should proceed headlong, one must start at the beginning and these things must grow naturally, but what is needed is not that some people of the races concerned should take part in the local government, the point is that some people, elected or in some way chosen as acceptable to the people being governed, should take part in that local government. Unless the hon. the Minister is prepared to move in that direction, no claim can reasonably be made that a measure of positive apartheid is being introduced or a beginning of self-government made for the other racial groups in this country.

The MINISTER OF THE INTERIOR: Look at Clause 36 (1) (b).

Mr. OPPENHEIMER: I will look at it in due course. I really haven't the time to do so now.

The MINISTER OF THE INTERIOR: Provision is made there for some election.

Mr. OPPENHEIMER: I will have a look at it, but as far as I have understood the Bill, the hon. the Minister, whatever his intentions, is under no obligation to consult with the people to be governed when he appoints these local governing bodies. We on this side are not so concerned as hon. members on the other side to impute motives in the matter, the Minister's intentions may be excellent, but as far as I can see, the hon. the Minister is under no obligation to consult with those people.

In want to say a few words, quite briefly, about some financial implications of this measure. I do not want to follow the hon. member for Germiston (District) into a discussion of this very complicated and important matter of land titles and transfers I do not do that because I have not got the knowledge to do so and there are many hon. members who no doubt will take up that side of the matter. But there is no doubt that it is a very important matter and it is a matter on which interested parties, and particularly building societies, as well as individuals affected, should be consulted and on which representations should be heard. And then of course there are also the difficulties which arise in connection with commerce to which the hon. member for Germiston (District) also referred. But I want to say a few words in connection with the position of companies as they are affected by this measure. First of all, there is the provision under Clause 15 dealing with private companies. There a most drastic remedy is taken in the case where a person acquires shares or debentures in a private company, and that company buys property, which the person who buys shares or debentures would himself be disqualified to own. In those circumstances the shares or debentures are simply confiscated. If I do not entirely misunderstand the matter, it seems to be entirely impracticable for this reason, that if a person buys shares or debentures in a private company, unless he is represented on the Borad there is no earthly means by which he could know or reason why he should be asked beforehand whether he approves of such a property being acquired. I simply cannot understand this. It seems to me a most extraordinary provision, and if I have not misunderstood it, it will be altogether impracticable. You cannot reasonably say to a man who buys debentures in a company and that company buys property without consulting him, that then those debentures can simply be confiscated without more to do; but that is, as I understood it, the meaning of Clause 15. Then, Mr. Speaker, there is the question of companies that issue bearer shares. I wonder whether the hon. the Minister realises that a very large proportion of the leading companies in the country have issued bearer shares. And those companies in future will not be allowed

to acquire fixed property, except under permit. The Minister also takes stringent powers in respect of those of them that already have fixed property. I do not want to press this matter too far. It is not a matter of principle and I have no doubt that the Minister intends to be reasonable in this matter and will no doubt use his powers to issue permits in order to meet the difficulties he has created with this measure. But I do say, and I know I am speaking on behalf of all the companies in the country, that with all due respect to the Minister the companies would rather carry on their own affairs under the protection of the law of the land than by virtue of the common sense and goodwill of the hon. the Minister.

Now, Mr. Speaker, I want to say something about the powers taken under Section 14 for the issuing of permits. I have already mentioned that while the Bill provides for open areas, within the controlled areas, for purpose of occupation, there is no similar provision for purposes of ownership. And I think it will result in its being necessary to issue enormous numbers of permits if great hardships are to be avoided. One knows that even in the circumstances of Natal large numbers of permits have had to be issued. The Minister has tried to minimise the importance of transactions between the different races in South Africa, by saying very lightly that they are a small proportion of the total number of transactions; but on the other hand, when he came to show how well he got on with the Asiatic Land Tenure Board, he said there had been thousands of cases of transactions requiring permits. And I think, Sir, that under this measure, if we are not going to have a degree of hardship which, I am sure, the Minister in the goodness of his heart will never tolerate, it will be a continuous business of issuing permits. In fact, permits that ought to be an exception are going to be the rule, and it will be the regulations that will become the exception. It seems to me, when one considers this matter, bearing in mind the thousands of permits issued on a much more restricted stage under the present Act in Natal, that really we are getting to a most dangerous state of affairs. Obviously, with legislation of this sort the rule of law is left far behind. But now we are leaving behind rule by regulation and we are coming to rule by permit, where different decisions will be taken for each individual case. And that is really the final stage of despotism; in the Minister's case benevolent despotism, of course.

Now before I sit down there is an aspect I want to touch on in great seriousness. I hope the hon. the Minister is going to be prepared to be open to argument and to suggestions in regard to this matter. I hope he is not going to take up the attitude expressed in Disraeli's dictum that the best repartee is always a majority. I hope he will not take up that attitude. There is, after all — I say it again and I mean it — a large measure of agreement between all parties underlying these matters. I know the Minister perhaps does not understand our worry in regard to it. He feels very confident in the inviolable security of his good intentions and he does not perhaps sufficiently appreciate the worries which affect those others of us who do not know his good intentions as intimately as he knows them himself.

Mr. Speaker, we will not oppose this measure unreasonably; we want nothing in the nature of fractious opposition. The hon. members opposite have said again and again that it is their desire to see these matters taken out of the ordinary political sphere. I would appeal to the hon. the Minister to consider the amendment which has been put forward from these benches in that light and thus show us and give us proof of his sincerity and goodwill.

*Mr. NEL: After listening to the speeches made by the members of the United Party I cannot help saying that the United Party reminds me of one of those old-time little Fords on a corrugated road. Apart from the noise — and you know there was usually more noise than tractive power — one did not know in the end whether they wanted to go forward or backward. The United Party is in favour of the principle of this Bill. But they do not want to vote for the second reading. What a state of affairs. But it is not so much the United Party which I want to discuss. I just want to submit to you a few ideas in connection with the interests of the non-Europeans in South Africa. This Bill is of the utmost importance to South Africa. It has deeper implications and its influence will be wider than most people realise.

*Mr. ROBINSON: Hear, hear.

*Mr. NEL: This Bill is important because it contains the principle for a scheme on which a sound relationship between all the sections of the population of South Africa can be built up. It is important because it contains a pattern which once and for all can give shape and form to our socio-economic structure, by means of which it can gradually be built up on a sound basis. For the European sections of this country the Bill is important because it ensures the future of the European race and therefore the future of white civilisation, and because it gives the Europeans an opportunity of developing in a sound and vigorous way. It is just as important, nay, more important, for the non-European races because this Bill grants to them the possibility of a more settled life so that they will be able to express their own national spirit. This Bill

is important to South Africa because it approaches our racial problem in a very objective manner and because it lays the foundation for effective planning and judicious attunement.

If one looks at the form lately taken by our racial problem especially under the regime of the United Party during the past few years, then one is simply astounded by the lack of planning and of policy. Their policy was nothing less than a rash opportunism towards South Africa. Today this Bill and the Population Registration Bill have once more created order out of that chaos, have once more given guidance instead of their aimless blunderings. As far as this Bill itself is concerned, I regard it as a masterpiece. Mr. Speaker, it maintains all those high ideals of right and justice towards each of the races and each section of the population. At the same time it provides for a gradual development, a painless process, and I have no doubt whatever that when the prejudice against this Bill has been removed and when the various races sense its value and implications, they will joyfully welcome the plans contained in the Bill to perpetuate their own way of living.

There are just two aspects of this Bill about which I would like to say a few words. In the first place I want to say something about the systematic way in which the Bill approaches racial questions. It creates the possibility of bringing about a state of affairs by which sound relations can be formed between all the sections of the population, not only between Europeans and non-Europeans but also between the various races. Now for the first time we have the opportunity of creating conditions not only in the other parts of this country but also in the urban areas, conditions that will make it possible to cultivate a feeling of esteem and respect for one another, conditions that will make it possible also for the non-European sections of the population, to have the necessary peace and restfulness and stability to live there according to the dictates of their own national spirit.

This Bill is no experiment. It is a tested Bill. The principles contained in this Bill have been tested by the experience of the most permanently settled part of our population. What is more, experience has taught us that not only in South Africa but throughout the whole world the things aimed at in this Bill form the only possible basis on which happiness, security and peace can be built up for each section of the population, especially in a multi-racial country like South Africa.

The form taken by the colour question in South Africa fills every reliable observer with the deepest apprehension and the deepest anxiety. When we look at the non-Europeans in this country we are looking at a seething volcano of hatred, envy and suspicion.

*Mr. ROBINSON: Since this Government came into power.

*Mr. NEL: We see this in connection with a large section of our non-European population. We see that among a considerable section of the non-European population there has already developed a state of mind which causes them simply to despise and trample upon everything pertaining to the European. The best plans and the purest motives are looked upon with suspicion. We even find that some sections of the non-European population do not hesitate to accept as the motto of their lives: Away with the European in South Africa. Among a certain section of the non-European population we find the same mentality which was evident in India during the last few years of the British regime there. We found that the Indians simply attacked everything European in India. They attacked them with stones and every possible kind of object; they humiliated them in all sorts of ways. Even the Archbishop of Calcutta was not spared that humiliation which the white man had to suffer in India. They did not hesitate to write on street corners: "Away with the white dogs from India." We find similar conditions in South Africa among a section of the non-Europeans. We must pay attention to it. We dare not close our eyes to it. We dare not follow the ostrich policy of hiding our heads in the sand while these things are taking place.

But that is only one side of the picture. What also makes me uneasy is the fact that a section of the European population is also beginning to show a growing hatred and suspicion of the non-Europeans. The Europeans are saying: Look, slowly but surely the whites are being massacred in this country. They say: Look at all the murders. We find Europeans who say: Our lives and properties are not safe any more; look at the large-scale occurrence of theft, burglary and such things. We find Europeans who say: What is the use of being good to the non-Europeans? Look at the millions being spent for their benefit and all we receive in return is simply ungratefulness. Can we allow this state of mind to continue? We dare not.

But this is the question I wish to put: What is the cause of these conditions which have developed? What is the source of this seething of emotions which we have not had in South Africa before? We should go in search of the key to these conflicts. We must find the answer to the question; but we need not go very far to find the answer. The answer is right here among us in South Africa and as clear and distinct as Table Mountain itself. The source of those emotions is to be found in the fact that the human rights and interests and the human ideals of one section of the population and of one race come into conflict with those of the other. I am talking about human rights.

By this I mean the minimum rights to which every human being is justly entitled. And when those human rights of one section come into conflict with the human rights of another section, then any person in this world, no matter what his colour, is prepared to lay down his life for the protection of those rights. When those rights come into conflict, it is just a matter of time before those who have been wronged are ultimately successful, as the history of the world has taught us. We can try to suppress, by force if we wish, the human rights, interests and ideals of any section of the population and we may expect those things to disappear; but eventually they will prevail. But this is not all. When those conflicts arise and when conditions cannot be remedied we find the state of mind in which one section of the people eventually sees in the existence and development of the other section a peril, a threat and an injustice to itself, and once we have reached that stage there can only be a development of racial hatred and embitterment such as is now growing in South Africa. I have said that in South Africa we find conditions where these human rights, these human interests and these human ideals of sections of the population are made difficult; and this is not only true of the non-European section, but even of the European section. There are so many people who think only of the injustice and humiliation of the non-Europeans. They do not think of the injustice towards the Europeans and the danger that is threatening the Europeans. I say such a state of affairs is developing in South Africa and if we really have the interests of South Africa at heart it is our task to rid ourselves of those conditions. We can only solve the problem by giving those sections of the population their own areas where those human rights can be maintained; their own areas where those human interests can be protected and ensured, in their own areas where their human rights can find expression. If you give them that, you will have peace, but before you have done so you will have no racial peace in South Africa, even though all the remedies in the world are tried.

This applies not only to the relations between Europeans and non-Europeans, but it is of equal importance for the mutual good relations between the non-European sections themselves. It is often said here that the danger signs for the Europeans are already appearing on the horizon; but allow me to give you the assurance that danger signs are also appearing on the horizon in respect of the mutual relations between the non-European groups. Let me give you just a few examples. In spite of the diabolical methods of the Indians to cause antagonism between the non-Europeans and Europeans in South Africa, there is growing in the hearts of the Bantu people a hatred towards the Indians, which fills me with apprehension and of which we have already seen the sparks in Rhodesia, Kenya, Tanganyika and in nearly all parts of Central Africa. I predict that if matters go on like this we shall still witness a general massacre of the Indians. Durban was only the prelude. I say that it is a poor statesman who simply takes the attitude that things must be allowed to develop — who lets things slide under these circumstances.

The aim of this Bill is to remedy that state of affairs. But that is not all. Let me tell you that in the hearts of our Coloured population — and do not forget that the Coloured people are known to be a peaceful people — there is a growing feeling of bitterness, particularly against the Bantu in places like Cape Town. This is not a desirable state of affairs. They feel that their human rights, interests and ideals are being threatened. They feel concerned when they see that their daughters are sinking away into the quicksand of Bantu intrusion in their midst. Shall I proceed? Is it not true that we have an obligation towards the Coloured population as well? How can these things be stopped? This Bill contains the only remedy. Do you know that there is a fairly deep chasm of difference between the various ethnic groups? If a member of one ethnic group finds himself in the midst of another ethnic group he does not feel happy and safe among the members of that group. A Zulu does not feel happy among the Sotho, and a Sotho does not feel happy among the Xosa. Each one wants to live among his own group and there he finds rest for his soul and the happiness for which any human being yearns. I maintain that this Bill is the only remedy because it is the means of creating that rest and peace to which every human being in this world is entitled. It is a human right, and then there are people sitting here who do not want to make it possible. No, if we are really sincere in our desire to place race relations on a sound basis, if we are really sincere in our desire to rid our national life of the dangers of racial conflicts and if we are sincere in our desire to promote the true interests of the non-European races, then we have only one duty tonight and that is to give our unconditional support to this Bill.

But in the second place I wish to say a few words in regard to the importance of this Bill as far as our socio-economic structure in South Africa is concerned. Allow me to repeat that the pattern of our socio-economic structure is simply amazing. Close your eyes for a moment and try to picture our socio-economic structure; pay particular attention to the state of affairs left us by the United Party. It often makes me think of a careless farmer who simply turns the water on to his

ploughland and then just allows it to run as it pleases — letting matters take their own course, while the one in charge is sleeping. To think that this should happen while South Africa is anxiously calling: Watcher, what of the night? Look at this process of large-scale integration. Let any member get up here and tell us how it is possible to bring about racial peace if our economic structure intertwines all the races; can we have racial harmony and racial peace under such circumstances? This large-scale integration of the non-Europeans in our economic structure, which is advocated by the United Party will sound the death-knell of the European race in the future. But that is not all. Such a policy spells the end of the happiness and well-being of the non-European races. It spells doom for our fatherland, South Africa, in the future. Take other countries, for instance. Look at the state of affairs we have today. Do we see the fine conditions which we ought to have and upon which we should build our socio-economic structure? Do we see a process of systematic supplementary development? No, we find that in many cases a morbid jealousy has arisen. There is not a single country in the whole world where man-power is wasted so much as here in South Africa. Why? Because we have an unhealthy situation here. It is our task to create conditions in which the various races can supplement and assist one another. At the moment we are witnessing a sort of wrestling-match between the races. There is a wrestling-match going on in the economic sphere, a struggle which is gradually spreading and becoming more intense. The tragedy of it all is the fact that this is a struggle where neither side can win. If matters go on in this way we are all doomed in South Africa.

There are eight million Natives in South Africa today. I want to refer to the Bantu population in particular. There are a little over three million in the reserves. On the platteland there are nearly three million and there are nearly two million in the cities. We find that those in the reserves and on the platteland have some measure of happiness, peace and stability because there they are to some extent building up the stability of their own people. In the cities we find a section which still maintains the tribal relationship and which possesses patriotism. But the tragedy of the matter is that there is a large section in the cities who have lost all sense of tribal affinity. They have become totally uprooted. This is a process that is going on. It is a process of large-scale dislocation. The members of that section have no ideals any more. They have only one aim and that is to play the white man. Apart from that, life has no meaning for them. They just work to have something to eat and when they have enough to eat they stop working. This is truly a process which cultivates people who do not want to do anything but who at the same time are satisfied with nothing on earth. These are people who have completely lost that spiritual power which makes a decent being of a person. That is the process going on here at present. We must not forget that it is nothing but a prevalent social disease, and it is a dangerous and very infectious disease. This state of affairs is usually the result of undesirable conditions; it usually originates in entirely unstable conditions; it originates in circumstances where the individuals are unable to exercise and give expression to their spiritual talents; it originates in circumstances where the individual is unable to exert himself in the task of building up his own nation; it originates in circumstances where he is unable to give expression to the spirit of his own people, but where that spirit is stifled by the fumes of strange ideologies and such things, and that is what is happening in our towns today. That is where these undesirable conditions originate. Allow me to remind the House that man's deeper spiritual power, that desire to be yourself, to exert yourself in the service of your own people, that desire to exercise and give expression to the treasured spiritual faculties of your own people in order to build a future for your people, to leave a heritage for your children, that spiritual state of man has always been one of the most powerful and one of the greatest motives in the life of every person and also in the life of the Bantu. And that is what these people forget so easily. The fact that so many conditions exist today which make it impossible for the Bantu to live according to the spirit of his people, the fact that there are so many circumstances preventing him from exerting himself in the service of his own people, from exercising his own powers in the services of South Africa, that is one of the important reasons for the rise of this feeling of hatred and jealousy and suspicion towards the European. And just allow me to place this profound truth before the House, that this state of affairs cannot be remedied by building nice houses; it cannot be remedied by means of higher wages; it cannot be remedied by all the charity in the world. Those things do not satisfy a person. That is where the United Party have an entirely erroneous idea of the position. The Native people do not want all those luxuries of this world; they just want the right to live according to the spirit of their own people; that is what they desire and all this talk about nice houses and that sort of thing does not satisfy the Bantu. Listen to the sigh of the Bantu today, Mr. Speaker. We can hear that they, too, are taking up the cry: "What will it profit me if I gain the whole world and lost my soul!" We can hear that they, too, are beginning to sense the truth of the time-honoured

lesson that men shall not live by bread alone. Looking at South Africa today we see that there are more than a thousand religious sects at work in this country. Have these members ever asked themselves what the fundamental cause for this is? To me the fundamental reason for this large-scale formation of all these religious sects is to be found in the deeper desire stirring in the souls of the Bantu to participate in their own social institutions, once more to be able to participate in the building up of their own people. This rise of the religious sects is nothing but an unconscious struggle in the soul of the Bantu to be able to take his place in the service of his own people, and that is what this Bill aims at facilitating. Under this Bill it will now be possible to farm areas where provision can be made for a great measure of stability and where each section will be grouped together and where they will be happy and where they will be able to exercise the treasured spiritual faculties of their own people and to give expression to the spirit of their own people. There the spiritual urge of the Bantu can also be more completely gratified. Under this Bill it will be possible to rid South Africa of those dangerous social sores which are gnawing like cancer at the life of this country — those conditions which are responsible for the dark cloud beginning to appear over South Africa today. Conditions can be created where the non-European will be able to express the spirit of his people and when this Bill comes into force we shall again be able to build up communities for the non-Europeans, communities where there will once more be ethical conceptions, communities where there will once more be a proper Christian code of living, communities that will be coherent once more, communities that will do South Africa credit, instead of these undesirable conditions which we are today cultivating throughout South Africa. We must not forget that the European race, especially in view of its Christian background, has its eternal message for South Africa but that the non-European also has his message for South Africa and it is our task to see to it that they will be enabled to bring that message to South Africa. You may ask whether this is possible in a country like South Africa with its many races. I feel convinced in my innermost soul that it is possible. Look at the beautiful topographical variety of our country. To me it symbolises South Africa. There is a similar variety of riches for all who live in South Africa. We have room enough here, we have riches enough as long as we have the right pattern, as long as conditions, are created in which each can taste the stability and happiness for which all the nations of this world yearn. Then we can help to improve one another; then we can supplement one another, then we can build up South Africa to become a great country in the world. You may ask whether that is possible with all these races in South Africa. I say yes, it is more than possible. Take our European population with its Christian background. It is not a people animated by hatred, and I believe that they will be just to the inferior races, because they have proved it in the past. There is not one nation in the world that has treated its Native races as justly as the European people of South Africa. We have room for the existence of the individual. We also have room for the existence of every section of the population. Look at our Coloured community. Their peacefulness has become proverbial; there is room for them in South Africa. Look at our Bantu community. I can vouch for the fact that they are not animated by hatred. They are by nature a cheerful race; if you make their souls happy they are a dancing, singing, happy race. I do not want to include the Indians here because they are the only race in South Africa who have thus far shown that they will not hesitate to pollute our national life with all the suspicions and insinuations that can possibly be roused against a nation. Before the Durban riots I went through Natal and I predicted those clashes six months in advance. But then it happened at numbers of places in Natal that many Bantu spokesmen came to me and said that Indians had come to them, inciting them to perpetrate that act against the Europeans; but then the plan back-fired against the Indians themselves. I say I am not really discussing the Indian population here, but it is possible for the other groups to live together; we have all the necessary conditions to make it possible. This Bill is creating those conditions. It is creating conditions which will make it possible to protect those human rights, to see to it that those human interests are properly looked after, that those human ideals will find full expression. South Africa is offering those opportunities. We have all the necessary conditions; fortunately we also have the necessary statesmen today. Fortunately the statesmen with the ostrich policy have had their day in South Africa. Once again South Africa has statesmen with the necessary courage and enterprise to be able to introduce Bills like this one.

Mr. Speaker, before closing I just wish to take this opportunity of thanking the hon. Prime Minister and each member of the Cabinet — and I particularly want to mention the hon. Minister of the Interior — of thanking them cordially for this courageous act of statesmanship in the interests of South Africa. If you place your ear on the heart of South Africa tonight you will hear a sigh of relief, and if you then look at the future of South Africa with the eyes of a statesman you will notice that already the first signs of a new dawn

are appearing, a new dawn with its hope and peace which this Bill is announcing to South Africa, and if you can then also sense with your Christian heart the true interests of the non-European population, you will agree with me when I say here tonight that they, too, have the right to rise tonight with a new sense of hope and expectation and to salute South Africa with the song: "'Nkose sikilele e'Afrika"; we ask Thy blessing, Oh Lord, for Africa.

Mr. STUART: The last speaker staggers me. He has discovered a "cancer" and Indians in South Africa. He has had the Indians who, he says, through their wicked counsel are misguiding the Africans all over the place, and curiously enough, though I suppose it is right and proper that the chairman of the Native Affairs Commission should know more about the Africans than the members elected by the Africans, I do not believe it is wholly true. Sir, I just cannot cope with that last speech. I just want to warn the Minister, whatever he does, to suppress that speech. Don't have it published and circulated to the representatives of India and Pakistan when they come here.

*Mr. BOLTMAN: We should cut off your beard, then perhaps your brain wëill develop.

Mr. STUART: I know that the hon. member extracted teeth, but I did not know that he was a barber as well. It is very difficult, Mr. Speaker, to keep this crowd here in control. I want to suggest to the hon. the Minister that what intrigued me most in his statement was that there would be "difficulty, inconvenience and sacrifice" attending the operation of this Bill. I have worked it out in the meantime. The Indians are going to get the difficulty, the Africans the inconvenience, and the Coloured people are going to get the sacrifice. If ever people are going to be crucified, if ever there is going to be a repetition of what happened 1,950 years ago it is going to be the Coloured people at the hands of the Minister.

An HON. MEMBER: At the hands of the Communists.

Mr. STUART: Oh, no. Communism has nothing to do with it. That is all nonsense. There happens to be one Communist in this House and one in the Provincial Council and a few scattered all over the place, but that has nothing to do with this. This Bill is going to slash up the hopes and the happiness of a very large number of people in a perfectly unnecessary way. The Minister has been accused quite a number of times by speakers on this side of the House, and I must say they have been perfectly right. He was brilliant in his exposition of the Bill but the cloven hoof was sticking out every now and then. One of his better efforts in his speech which was surprisingly inept for a person of his talents, was when he said that this Bill was "urgent". It was urgent the moment the Minister decided to introduce it and it is going to be urgent all the time. After so many hours of debate the guillotine comes down and the Bill must go through. At all costs it must go through and when it is administered, it is going to be administered on a lingering scale over many years. It is one of the saddest, longest, most uncertain, most unsettling, miserable, fandangos, drawn up at great length, that we have ever seen danced in South Africa, and that is the "urgent" Bill. Now what is urgent? Obviously what is urgent is not the application. What is urgent is that the Minister should be able to say that he put the Bill through; that is what is urgent. The Minister, in pursuance of the promises made by his party during the election, will then be able to say that he has put this Bill through, in the curious form in which it is drafted. Sir, I deplore one feature of this debate. It has been common on both sides. I want to say this quite definitely that with the exception of the hon. member for Kimberley (City) (Mr. Oppenheimer) everybody has talked as if when you have dealt with the Transvaal and Natal you have dealt with the whole problem of the Coloured and the Native people of South Africa. The people we Native Representatives represent primarily are not the law-breakers, nor the people whom the last speaker represents as being happy in their abysmal, blissful ignorance on the farms or those being misled in the towns by Indian agitators. The people I talk about are civilised people. The Minister is going to teach them how to run a local authority on a minor scale. Sir, they have been running their own affairs for three or four generations. They are the people who graduate up to the Bunga. They are people who understand meetings; they are people who can ask you more questions in less time, questions that matter, at political meetings than the people at any European political meeting that I have attended — with very rare exceptions. These people matter; they matter immensely in the life of the country. But I want to mention another point. A great many of these people are voters and a great many of the Coloured people are voters. Has anybody yet drawn attention to the fact that one of the qualifications for the Coloured man to have the vote in the Cape is the fact that he owns property, and that if you start tampering with the qualifications, you start tampering with the vote? If you prohibit purchase in certain areas you may come to the most surprising limitations and I am not prepared to accept the general guarantee of the Minister of Railways, given to us after the Appellate Division gave its judgment the other day, that for all practical purposes what the Appellate Division says does not

matter. I am perfectly certain that if necessary, the Appellate Division can deal with that position, and it is a position of some seriousness. I am by no manner of means satisfied as a lawyer that this Bill is intra vires. I know that when this question of legislation being intra vires comes up we are generally presented with an unsigned legal opinion from the law advisers of the Government. We had that on the 24th of January last year, and it can happen again, but it cannot cut much ice. I wish to make a distinction, as far as I am concerned — I do not think my own personal point of view is quite the same as that of other members on these benches — between the people who are ours in South Africa and the people who are not. I have always felt in the last fifty years certainly, that life in South Africa was sufficiently complicated without the Indian, and there is just this difference. I personally do not care to go into this question at great length, I have had the Indian. I have administered him in several countries; I know a good deal about them. I know this that long contact with the African has taught me that in most cases, if properly treated, they are a lovable, cheery, decent crowd of people. They are capable of great unselfishness. When they like their masters they will do anything for them. I call the last member to witness as to their love and affection on the farms. They are people of South Africa. They are South Africans. That is one of the classes we are now going to segregate forever, but, Sir, I can no more oppose that segregation as far as it is territorial segregation than the mover of the first amendment could. I agree with segregation for the uneducated African in the Transkei and the Ciskei, in other words, territorial segregation, making it impossible for him to sell his land, making it impossible for him to have his land stolen. I am not so certain that you have not got unsolved problems when you come to the more educated Africans. I can understand and I am not prepared to fight a lone battle against the ordinary system of the location, either rural or urban, but where battle has to be joined is on the conditions in the locations, both rural and urban. The worst feature that I know about location life has been indicated already today by one of the members on the cross benches here when he pointed out that only 2 per cent. of the available land in the various towns in South Africa was set aside for location purposes. I know that members are aware of the notable exception with regard to conditions in the locations afforded by Port Elizabeth, but I wish to go further and point out a still more notable example at Umtata. Umtata has gone further, for in addition to having a location on one side of her, she has, two and a half miles away, on the limit, stands Ncambedlana, where Africans can buy stands and then build a decent house with the assistance of a building society. What has been missing in our locations on the past has been the fact that people could not get decent houses. You could not get sufficient security of tenure. Somebody who spoke today talked about penetration. Penetration by a few coloured people of European areas is absolutely nothing compared with the penetration in almost every town as it pushes its way out and overruns locations. That is happening all over the country. These little shacks may not be worth much; they may only be worth £2 or £3 or £5 or £6, but they matter. They are torn down and wasted. When you build your shack originally with old galvanised iron you cannot afford another set of holes in it, and the result is that if you have to use it a third time, it is of no use. And the unfortunate person who has to use it to build his shack is in trouble. That is a matter for the municipalities, and I agree with the Minister on the principle of the Bill from that point of view. The points that he raised on that question are sound. But, Sir, there is one overwhelming stumbling block in this Bill. Where are the financial arrangements? Where is the compensation? It is perfectly useless to turn a Bill like this loose without adequate precautions to stabilise your prices. If I might put it plainly I feel that before you proclaim any district, whatever it is, you want to determine what the stabilised price of property in that area is. It is perfectly simple. If in any area you take your official valuation and then you put on to it the necessary competent people who understand that kind of business, your house agents and so on, people who habitually sell houses — to tell you what percentage of increase is required over the ordinary valuation in order to get the average selling price you can get a stabilised price. Then when you tell a man that he has to sell, you do not tell him that he has to sell at a loss. You do not tell him that he has to go on lingering in an area where the value of property will fall lower and lower. You do not tell him all the intimidating details which the Minister gives him but you simply tell him: "There is your price and when you get that price, you sell. Until you get that price you need not sell." I am absolutely convinced that nobody knows the difficulties that we are going to experience here. The Minister has been applying the whip. He applies the whip to Parliament with the guillotine when his time is short. He is applying the whip to the Administrators and the Provincial Administrations. On the few points on which they may be prepared to advise him against coloured interests, he is prepared to let them operate, but not on other points. He has got to consult the towns more fully; that is obvious, but I ask him what has he done in the way of settled values to meet the needs of the small white owner? There are white owners living in Lansdowne

Road in almost alternate houses with Coloured people. Both the Coloureds and the whites bought their houses with hard-earned savings and slowly they have established themselves. If that area goes white, God only knows where the Coloured person will have to go to. There are no other buildings provided. If the area goes coloured, God only knows what depreciation the white man's property is going to suffer. All these points are there, and all these points are solid and all these points should be met. Unless they are met this Bill will continue to be what I suspect it to be, merely a repetition of the status quo as far as the African is concerned, merely a repetition of the status quo as far as the Indian is concerned — he is already controlled — but entirely a new inroad as far as the unfortunate people of South Africa are concerned. And who are these Coloured people? They are not people who came to South Africa. They are not people who wanted to be here. Whatever the mixed stock here, it was brought here or it was found here. And it is not man's inhumanity to man but man's over-humanity to woman that has caused the stock to develop in the way it has, and the guilt of it all lies heavily upon the European irrespective of race. There are primary instincts to be found everywhere, and it is monstrous to desert these Eur-Africans. The Eur-Africans have been turned out of the Cape twice, once when the Bastards trekked and once when the Griquas trekked. Now there is no room for anybody to trek anywhere. The better classes will be the only ones who will be affected, not those who are living in a settled area put aside for Coloured people, not those who are living in sub-economic houses, thanks to the kindness and the vigilance of some kind municipality. They are all right. Those who are not too well-off or too happy they are all right, but those who through their industry has made themselves a small home and have fought their way up until they have got that small home, they stand in a jeopardy as serious and as devastating as anybody whose house stood in the road of the Hun during the last war. They stand a reasonable chance of losing everything. Mr. Speaker, that is one of the abominations of our times. As I say, I do not complain, except in a general way, about territorial separation. I do object most strongly to the way social separation is talked about in this House, because actually there is not an African who does not want social separation quite as much as any hon. member on the other side of the House. He has just as little desire to have anything to do from the social point of view with us than the vast majority of us want to have anything to do with him. I know it is very difficult at this late hour to discuss a matter of this nature, but I have told this House twice since I have been returned this time that it is time that apartheid were dragged out in all its nakedness so that we knew what it was. There are four kinds of apartheid, the one is social, the other territorial, the third economic and the fourth is political. We Native Representatives are here to fight against political apartheid. The whole world, the whole sense of the world, the common sense of every good man in South Africa, is in favour of social separation, but it is also against complete segregation, as was suggested, I understand, by one of the Synod recently. But these attempts at economic apartheid, which is an impossibility, are bringing the country down. But what are your people doing? You say they have brought in social apartheid; now they are bringing in territorial apartheid. As far as the African is concerned, it really makes very little difference. There always was social apartheid and there always was territorial apartheid. I can remember about two or three cases where Africans are living in amongst Europeans, but the circumstances are extremely exceptional. I know one case where a man who wanted to build a house for £500 or £600 which he had, which he was ready to spend on a house, could not get a plot in his own name in the location. They would give him no security of title — I won't mention the particular location, although I think he would not mind — and the end of it was that he had to go and get a plot within the European area. As a matter of fact he got a plot where there were already a number of Coloureds and Indians and there he built his house. He did not want to live there, he wanted to live on a decent plot in a decent location, and a decent Native village. Then he would not have come outside to live. He would have been only too delighted to build there. If he had been entitled to buy a plot there and to get transfer, he would at once have been able to get what is essential, assistance from a building society, but you cannot get such assistance without security of title. All that has been there all the time. I think of another case of one of the best Native professors in the country who has a house in among the scattered European population at Alice. Why he shouldn't, I do not know, because the whole of the scattered European population of Alice depends for their livelihood, as far as I can make out, upon Lovedale and Fort Hare, and as there was no plot anywhere else, he acquired a house in the village. Those are exceptional cases. Both the men I am talking of are men who mix in decent society of their own, the best there is. Both men, as a matter of fact, would probably be better representatives here than I am, if they were allowed to be elected as Native Representatives, because they would understand with a deeper feeling, they would speak probably with a readier tongue, they would understand from the heart the cause which I do my best here in my humble way to represent.

So do not let us have in this debate any more of this nonsense about a second step in the direction of positive apartheid. The only aim you have is to get your fangs into the Coloured people. Be careful about it. They have got votes and you have not taken them away yet. I am not so sure that you can take them away. Be careful. I issue a serious warning. Because I do feel as I do, I certainly am going to vote for the amendment.

An HON. MEMBER: Which one?

Mr. STUART: The United Party one. I personally, as I have said before, have not got much time for the Indians. I have not yet found a really unselfish Indian. I believe there are in India men like Nehru and his like. That may be, I do not know. Certain people have a greater capacity for unselfishness, but I have seen a lot of Indians and I have not come across an unselfish one yet, that is to say, when Native interests are concerned. They may exist. If there are, I am sure God would only be too pleased with them.

There are one or two other points I want to touch upon. The Cape has been a very peaceful place as far as Native and Coloured relations are concerned. We have been told by the Minister, and I think the hon. member for Kimberley said: "Yes, that is a good idea", but he gave the same reservation as I am going to give in a different form. The Minister said that the Bill must be national, a national Bill. Why must it be a national Bill? Do we have a national capital? Have we got a national language? Have we got a national system of voting? No, we have by agreement one set for the North and one set for the South. There is no obligation of any kind, the obligation is the other way. Why on earth should we have the same provisions here than, for instance, in the Transvaal or Natal? Why these provisions in respect of the decent Cape Coloureds and the decent Cape Malays? The Minister says that he has been approached by some Malays. I am not a betting man of any great distinction, but I would be prepared to lay ten to one that if you find a Malay who has approached him, his maximum following among the whole Malay community would probably be three-quarter per cent. of the total. Another point that I want to put to hon. members, is this. I think it was the hon. member for Benoni (Mr. Lovell) who reminded us that it had taken nine years, from 1917 to 1926, to develop and work out the details and then pass the rural Native legislation for South Africa. It took nine years to do that and when it was passed, it was a nine-years wonder. The Minister approaching the question today in respect of the Coloured people, gave us about nine days' notice, and it is not a nine-days wonder but a nine-days blunder, if ever there was one. The Coloureds have never been consulted, and the whole of the speech which the hon. the Minister made was based upon reports in respect of the Indian problem. I repeat that, morals apart, the fundamental mistake in regard to this legislation is the fact that prices have not been stabilised. Our building societies, our trust societies, our boards of executors, our private people who hold mortgages, are going to find that their property is less easily disposable, that prices are more fluctuating and variable, that the whole position is uncertain. And something like that ought not to be done, because it will cause most outrageous injustices. Let me quote a classic case. The classic case is the 7,000,000 or 8,000,000 morgen land which were promised to the Natives under the 1936 settlement. This land was to be bought for the Natives, but as prices have never been stabilised, you have never been able to buy the land, because the moment you want to buy, what is happening? Usually we hear that when a Native farm comes next to a European farm the price of the European farm drops. It does not. The spirit of hope enters into the breath of the owner and it doubles and it trebles and goes up and the Native Trust cannot buy it, and the result is that instead of buying vast tracts of land, the Native Trust is now a sort of static affair, that does not buy land, but erects a few fences and uses a little money on minor rehabilitation work. That is simply due to inadequate financial precautions, that is simply due to the fact that at the time no financial arrangements were definitely made. Mr. Speaker, without financial arrangements, the Minister is gambling with this Bill and he is gambling with the little possessions of the little people. There are very few cases where houses of more than £1,500 or £2,000 will be affected. These are all the little people, all the sub-economics, white and Coloured and perhaps a few Natives. They will suffer bitterly and I implore that something should be done by the Minister to try and stabilise his prices. It surely is not beyond the wit of men, and I am very serious about this, because as I say, I have this example of the way in which the purchase of land by the Native Trust has been handled. If you have had stabilised prices, something would have been achieved. I hope that the hon. the Minister will give attention to this matter, to this point, because if he does not deal with this question from the financial point of view, then I say it is only a colossal bluff. You are only aiming at the Coloured people, first the Coloured people, second the Coloured people, third the Coloured people, and all that talk about the Indians is mere eye-wash. I hope in the circumstances that any hon. member who has the slightest

doubt about what the object of the Bill is, will be entirely and completely undeceived.

*Mr. LIEBENBERG: I do not want to criticise the speech of the hon. member who has just sat down. I think he feels sorry for himself. We are dealing with a fairly difficult question and his mind strayed.

I particularly want to confine myself in the first place to the violent attack which has been threatening and of which we have been reading in the newspapers for the past few days — the tremendous onslaught which the Opposition was going to make on this side of the House. Well, during the past hour there were twelve or thirteen members of the Opposition in the House and there was not one front-bencher amongst them, and it seems as if the hon. member for Springs (Mr. Sutter) has lost his position of authority in maintaining order amongst his men and in leading them to the attack. It looks to me as if the corporal is also losing courage. It is a difficult task for the Opposition, because they are half-hearted and diffident about this tremendously big problem. The Opposition newspapers have intimated to us that there would be a tremendous battle because of the important principle involved in this Bill, but this afternoon the Acting Leader of the Opposition came along and said that they are in full agreement with us, that they are in favour of social segregation and also territorial segregation. They fully agree with it, but, he says, if you would only provide a few shillings to buy the people out in certain areas, we shall be quite satisfied. That is the purport of their amendment. Where does the onslaught come in then? I think their onslaught will be a great disappointment to the "Cape Times". The "Cape Times" incited them with all its might, but they cannot fight. I pity the Opposition, but at the same time I also want to say that we cannot trust that concurrence of the Opposition. The Opposition tell us that they are in favour of territorial segregation, but in spite of all those professions of co-operation in the solution of the problem, they come here this afternoon and say: Defer the matter and let it be thoroughly investigated, and let calculations be made as to how much money will be required, and let it be determined where people will have to be bought out, etc. All the time the Opposition's ruling thought is that if it could only succeed in applying the old motto of the old South African Party, which was adopted by the United Party, the motto of "allowing matters to develop", then it will get out of its troubles. I cannot interpret the Opposition's attitude in any other way, because I have been listening since this afternoon to the Opposition's speeches on this serious question, and they really did not make out a case against this Bill. Throughout the past years and since the national idea has come to the fore in South Africa — after the formation of Union — the nationally-minded section of the people have been holding the view that we should segregate, otherwise we shall become a mixed population, and we want to clear away the mixture which we already have. It has been a tremendous fight. It first went under the motto of "segregation" and was started by the late Gen. Hertzog, who compelled even the South African Party, the present United Party, to vote for his Native Acts; he put through the first part of the segregation policy. But the late Gen. Hertzog also made another statement in the days when the hon. member for Cape Flats (Mr. du Toit) was also a member of Gen. Hertzog's Party. The statement of the 23rd March, 1939.

*Mr. DU TOIT: That is correct.

*Mr. LIEBENBERG: Gen. Hertzog then made the following statement in the House—

> There is no desire on the part of either the white or the coloured people that there shall be social intercourse between them, and social separation is accepted by both as the definite and settled policy of the country. Wherever social or economic conditions conflicting with this policy of social separation are found to exist, the Government will do its best to remedy such conditions, but it will always try to do so in a manner that will avoid causing ill-feeling or a sense of grievance, and will involve no greater discrimination than the necessities of the case require.
>
> The most effective step in this direction is the provision of adequate housing accommodation, so that white and coloured need not crowd together under slum conditions where it is difficult for the inhabitants to remain socially apart. This step has already been taken on a very large scale, and with universal approval. The Government intends to go forward with this policy.
>
> Legislation will, however, be necessary to carry it out. Local authorities are at present not equipped with proper powers to provide for the establishment of separate European or non-European townships in the future. While servitudes on property limiting the right of occupation either to Europeans or non-Europeans have frequently been imposed, with very satisfactory results, by private owners when cutting up their estates for sale, our common law does not allow public bodies to impose such a condition. It is proposed to introduce legislation which will rectify the position. It will:
>
> (a) Empower public bodies when selling or letting land or buildings, to impose conditions limiting the ownership or

occupation to either Europeans or non-Europeans.

(b) Empower townships boards to require the imposition of such conditions by way of servitude when land is subdivided.

There remains the difficult case of residential areas already occupied by both Europeans and non-Europeans. While it is intended to interfere as little as possible with existing rights of ownership or occupation, provision will be made to prevent promiscuous occupation extending further in future. In most cases mixed occupation or residence exists only to a small extent, and it is possible to devise machinery for gradually eliminating this difficulty without undue hardships or even by consent, and thus in the long run securing a homogeneous community either of Europeans or non-Europeans. Such machinery will be created.

The Government looks forward to the time when most of the coloured community will be living happily and contentedly in their own villages, townships or suburbs. It will then be possible to make them responsible for running their own affairs and services as far as practicable. Substantial outlets will thus be found for educated Coloureds among their own cummunity, and the friction which now arises will be avoided.

Why was it not carried out? Because this Government statement as made by the late Gen. Hertzog was cancelled, stabbed in the back and destroyed on the 4th September, 1939. For nine years after that time degeneration took place in the country on a large scale and conditions became much worse than they were when Gen. Hertzog made that statement on the 23rd March, 1939.

*Dr. JONKER: Who stabbed Gen. Hertzog in the back at Bloemfontein?

*Mr. LIEBENBERG: The position got completely out of hand, particularly after the war, and the Coloured people poured into the cities. We know the position in the Cape Flats where the farmers always had Coloured people to cultivate their lands and to work in their vineyards. Those Coloured workers trekked to the cities or were put into a uniform and sent abroad and after their return they no longer wanted to work on the farms. Deny that! That is what happened. That is why the position deteriorated so tremendously and became so much worse than what it was when Gen. Hertzog announced this moderate declaration of policy which was greeted by the United Party of those days with "Hear, hears". But he went further —

The Government feels that the policy enunciated above is one in which both Europeans and non-Europeans can co-operate, as it is designed to give effect to the wish of both for social separation while avoiding any feature that may damage the material interests or hurt the feelings of either section.

I conclude with this —

The Government also feels that the question of the relationship between the races is not a local or provincial one, but one in which a single policy for the Union is essential. It trusts that provincial and local authorities will co-operate with it, both by carrying out their administrative functions in accordance with the policy enunciated above and by leaving the major issues that require legislation to be dealt with by the Union Parliament on national lines.

Now here we have the statement of the United Party under Gen. Hertzog and I want to ask hon. members whether they adhere to it. When we were together in the United Party they greeted that statement with "Hear, hear", and accepted it.

*Mr. DU TOIT: We adhere to the legislation of 1936.

*Mr. LIEBENBERG: But this is Gen. Hertzog's statement on residential segregation. Hon. members are so fond of quoting the late Gen. Hertzog. Let them do it now. I now say that this side of the House has consistently interpreted the minds of the nationally minded section of the people and has consistently implemented this policy from the day when the Nationalist Party came into existence until the present day. [Laughter.] The hon. member for Drakensberg (Dr. Steenkamp) is laughing, but I take it that he did not receive his doctorate on that part of the history. I can understand him laughing, but that is the segregation policy of Gen. Hertzog which was advocated by him since 1913. That national idea has been followed consistently throughout the years and has also been adopted by this Government and as far as residential segregation is concerned, that ideal has been embodied in this Bill. Members cannot deny it. I expected to hurt and upset hon. members opposite a little and I am glad that there are still some hon. members who have so much conscience left that it hurts them, because the conscience is sometimes so dead that one cannot bring it to life again. In this Bill is embodied the great idea which the late Gen. Hertzog tried to perpetuate, and which the present Prime Minister is perpetuating further, the great idea of national self-respect. Every nation should feel that it is worth something, every nation

should be proud of its own nationhood. That is why we find in this statement that he wants the European population to be proud of its own nationhood, of its Afrikanerhood, and of being white Afrikaners in this country. That is why the late Gen. Hertzog always resented it when a man refused to give his first and undivided loyalty to South Africa first. He also granted all the people their national self-respect, and he explained it in many speeches to the Bantu, the largest non-European section of the population. He also granted the Natives their national self-respect. That is why he put through his Segregation Act and saw that justice was done to them. The hon. member for Transkei (Mr. Stuart) felt offended a little while ago that all the required land had not yet been bought to give effect to the national idea of Gen. Hertzog, the national idea which is being carried on by this side of the House under the guidance of the present Prime Minister. This Government is carrying out the promise by purchasing land. What happened during the war? They flagrantly cheated the Natives and the United Party Government did not buy land, or rather they bought almost no land. It does not behove them to accuse this side. They themselves are to blame. Every year an amount of £1,000,000 had to be made available for the purchase of new land. How much did they spend? But the late Gen. Hertzog also granted the Coloured people national self-respect. That is why he said in his statement that they should have their own residential areas and their own towns so that they can lead their own lives. That is exactly what is embodied in this Bill. The national idea is being carried out consistently, the great idea of national self-respect for every group, every group born in this country. I am making an exception here as far as the Indians are concerned, because the Indian does not yet act, and especially recently has not acted like a citizen of South Africa; he seeks his inspiration across the ocean and has even insulted South Africa before the world. If South Africa were his fatherland, he would not be disloyal to South Africa.

What struck me this afternoon about the Acting Leader of the Opposition (Mr. Strauss) and also the hon. member for Natal South Coast (Mr. Mitchell) was that the moment they have a weak case they take shelter behind world opinion. I think the world has always had the utmost contempt for a nation that cannot work out its own salvation. That is the type of nation that is despised by the whole world and if South Africa is not worth her salt and cannot work out her own salvation, then we deserve to be dictated to from across the ocean. But we say we refuse to be dictated to from across the seas. We want to work out South Africa's salvation in accordance with what we regard as South Africa's needs, with or without the Opposition's help. The members of the Opposition gave us to understand in their speeches this afternoon that they regard this side of the House as the unjust section of the people.

*Mr. BOWKER: Hear, hear.

*Mr. LIEBENBERG: The hon. member for Albany (Mr. Bowker) also says so. He says that this section of the people, the nationally minded section of the population, is the unjust section. I just want to ask him this. If he has the Natives' interests at heart, would he like to see the Native develop economically in this country?

*Mr. BOWKER: Definitely.

*Mr. LIEBENBERG: He would like to see it happen, but he would like to see the Native destroyed in the cities and the towns, as he is being today, because he has no place where he can live his own free life — as was put so clearly by the hon. member for Wonderboom (Mr. Nel). He has no areas of his own. I also want to ask the hon. member whether he wants the Native to be uplifted morally.

*Mr. BOWKER: Yes.

*Mr. LIEBENBERG: The hon. member is very fond of the Native and would like to see that he is uplifted morally. Economically as well?

*Mr. BOWKER: Yes, that is our policy, too.

*Mr. LIEBENBERG: Then he should be as unjust as we are, and vote for this Bill, because this Bill, as I see it, will lay the foundation for the economic uplifting of the Coloureds and the Natives. We are giving them racial pride, we are giving them the opportunity to live their own free lives. May I just give a brief outline of what I saw yesterday? I walked along the streets yesterday morning in order to see what was going on there; I saw Coloured children at play and their playground was the narrow alley in front of the stoep. There is no place for them to go to. If the hon. member really wants to protect the Coloured people and really wants them to live with their children under better conditions, he must vote for this Bill on group areas, which will create separate areas for them where they can be themselves, where they can be served by their own people, where they can have their own playing grounds and places of recreation, where they can keep their bodies healthy under the South African sun.

*Mr. BOWKER: Have you read the Bill?

*Mr. LIEBENBERG: I am sorry to say it, but hon. members opposite have only one real love for the Coloured people and their love finds expression in only one place, and that is the polling-booth only. This side of the House does not have that polling-booth love, but a love which is just and honest, and only in that way can the problem be solved and co-operation be attained. But hon. members opposite made one other point and that is a tremendous point. They said that we are the racial disturbers in South Africa. Who created the most racial disturbances in South Africa? Who else but the United Party on the 4th September, 1939? What is the inheritance which the previous Government left us? What were the conditions governing the life of the people as we found them? We have a tremendously difficult task ahead, but we have the courage of our conviction that we shall, with justice as the foundation, be able to solve the problems, that this measure which is now before the House will assist in perpetuating racial peace, and that we shall give the non-European races what they are entitled to in their fatherland.

Mr. A. H. J. EATON: Mr. Speaker, I think the speech made by the hon. member for Wonderboom (Mr. Nel), taken in conjunction with the speech of the hon. member for Transkei (Mr. Stuart) is such that, having regard to visionary matters, they have perhaps led us into avenues in which our imagination can take flight. The hon. member for Wonderboom was quite soulful; the hon. member for Transkei was rather laborious. However, they had their visions, and I do not know whether we should be dreaming our dreams. They made me visualise four quarters of an area in which the Natives found sanctuary, in which the Europeans found sanctuary, in which the Coloureds found sanctuary, and in which the Indians found sanctuary, and we were going on our way to a happy end. Then I sort of lost the vision, and my imagination stopped working. Then the hon. member who has just sat down also brought into the picture the needs of the poor. He said he was wondering about the Coloured people; he was worrying about their playing-fields and that further care should be given to them, if I understood him correctly. I can agree with him, because I visited Coloured areas in Cape Town — near the Lansdowne Railway Station, Rosemead Avenue, and in the area towards Kenilworth. And, Sir, when you go through those parts you realise that we have our obligations and duties to these people. For that reason I feel that those hon. members who have spoken, although one might rather be seeing things and the other labouring points, and the other having given his experience, I do not think the Minister in putting this legislation through the House, can divorce himself from the great responsibility of what this legislation will mean to those people who live in those areas, and who mostly belong to the lower income group. Those are just our experiences that come to our mind when we consider this legislation, and therefore perhaps those experiences will be more helpful when analysing the Bill. I must say at the outset that I am in favour of the principle of this Bill, and I can go further and say that I welcome it in this sense, that coming from Natal we have had a longer experience than any member coming from other parts, of the trials and tribulations that a multi-racial situation creates, and the experiences we get from it. But Sir, before I deal with the whole subject matter of what I want to speak about, I think we should clear up a little point that arose this afternoon in regard to what is stated in par. 288 of the Joint Report of the Committees. In that paragraph I find this—

> A perusal of the evidence summarised in chapters 1 to 3 hereof shows that the Indian came to South Africa as an indentured labourer against the wishes of the European inhabitants of Natal.

Now, Sir, I quote this in order to enable me to quote factual evidence of what was stated in this House, and leave it to this House to decide. But I would like to feel that we who come from Natal would like to have facts stated and a conclusion drawn from those facts. I quote from Henderson—

> First General Election rejects the Coolie.

That is the heading, and then he goes on—

> The first Natal General Election took place in February, 1857. What was the feeling of the Colonists at that time in regard to the proposal for Coolie immigration? To use a familiar parliamentary expression, the reply was in the negative — absolutely. Notwithstanding the commending of it by so distinguished a statesman as Sir George Grey, the Natal General Election of 1857 showed that the public opinion of the Colony was entirely opposed to Coolie immigration.

HON. MEMBERS: Hear, hear.

Mr. A. H. J. EATON: I am quoting a factual statement in this House and I am quite sure my colleagues will be at one with me that they will rather want the facts stated, if these are the facts. My whole purpose in quoting this is to put Natal in the right historical perspective and to state the facts so that they can be known. Then I want to quote further —

> 1858: Government's Eastern Immigration Bill rejected. Lieut.-Governor Scott

obtained very decisively the sense of the Council on Coolie immigration in the Session which opened on February 16, 1858. His Excellency submitted a Bill "Relating to the introduction and engagement of immigrants from territories to the Eastward of the Cape of Good Hope not within Her Majesty's Dominions in India". This Bill, the Lieut.-Governor stated in his Opening Speech, was founded upon an Ordinance that had been transmitted to him by Her Majesty's Government for his guidance, and which was in force in Mauritius.

This Bill was introduced into the Council by the Acting Colonial Secretary, Mr. Philip Allen, who had held this acting post since July, 1847, when Mr. W. C. Sergeaunt, the Colonial Secretary, left Natal. The Bill was given a second reading and was partly considered in Committee. Mr. Millar, member for Durban, then moved in the House, seconded by Mr. Kinghurst, member for Durban Country, that the Bill be struck off the Notice Paper. This the Council ordered by nine votes to four. The majority were the elective members; the minority the Government members. It is notable, too, that this Bill was the only one thrown out by the Council that session."

This legislation was in connection with the introduction of Indians.

An HON. MEMBER: Tell that to South Coast.

Mr. A. H. J. EATON: He will be the first to say that the people in Natal were never happy about having the Indians. The whole history has shown that. But the necessity for developing that part of the country and that colony in particular, forced them to get labour from outside their province, much against their will. And history will prove that perhaps the Imperial Government was as much to blame as the early colonists who had to develop their land. But the people as a whole were opposed to it, and I think that truth wants to be established in relation to the history of that province.

Having said that, I would like to deal with the question of our multi-racial country. I think, Sir, that as far as the development of our country is concerned, we are perhaps trying to go too quickly and we should accept the old dictum to hasten slowly.

At 10.25 p.m. the business under consideration was interrupted by Mr. Speaker in accordance with the Sessional Order adopted on the 1st February, 1950, and the debate was adjourned; to be resumed on 30th May.

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

TUESDAY, 30th MAY, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

QUESTIONS.

Secret Manifests of Cargoes.

I. Mr. ROBINSON asked the Minister of Finance:

(1) Whether his attention has been drawn to press reports to the effect that the manifests of cargoes brought to Durban by certain American ships are being kept secret; if so, why;

(2) Whether any instructions have been issued by the Department of Customs and Excise to have the manifests kept secret; if so, why; and

(3) what was the nature of the cargoes in respect of which manifests were kept secret?

The MINISTER OF FINANCE:

(1) Yes. I don't know why, but if shipping companies consider it in their own interests to maintain secrecy so far as they are able to do so in respect of manifests of cargo, there is nothing to prevent them from doing so.

(2) No.

(3) Falls away.

II. Mr. HAYWARD—Reply standing over.

III. Mr. MORTIFEE (for Mr. Waring)—Reply standing over.

Producer Prices for Wattle Bark.

The MINISTER OF AGRICULTURE replied to Question No. VI by Capt. Henwood (standing over from 26th May):

Question:

(1) What are the respective prices, per ton, paid to producers of wattle bark for (a) green bark and (b) dry bark; and

(2) whether any representations have been made to him by producers in connection with such prices; if so, with what result?

Reply:

(1) (a) Prices per long ton on rail extract factory.
£7 17s. 0d. for prime quality.
£7 9s. 6d. for average quality.
£7 2s. 0d. for merchantable quality.

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(b) Prices per long ton stick bark delivered Durban.
£14 9s. 0d. for prime quality.
£13 9s. 0d. for average quality.
£12 11s. 6d. for merchantable quality.

(2) No.

Eradication of External Parasites.

The MINISTER OF AGRICULTURE replied to Question No. IX by Mr. C. M. Warren (standing over from 26th May):

Question:

(1) What progress, if any, has been made with tests and research for suitable and effective preparations for the eradication of external parasites in the Border districts;

(2) whether results obtained from the use of Toxaphene in dipping tanks have been satisfactory; and, if so,

(3) whether he will take steps for extended research and make provision for importation at the earliest possible date?

Reply:

(1) Experiments in the East London area are proceeding satisfactorily with regard to the control of external parasites by the use of the new synthetic insecticides B.H.C., D.D.T. and Toxaphene. Experiments are being conducted with these substances at various strengths and in various formulations to determine their efficacy with regard to the control of B.H.C. and Arsenic resistant ticks.

(2) Experimental results so far obtained with Toxaphene in dipping tanks are encouraging.

(3) Steps have already been taken regarding extended research into all aspects of the suitability and efficacy of Toxaphene as a tick destroying agent and for the importation of adequite quantities of this substance.

Mr. C. M. WARREN: Arising out of that reply may I ask the Minister, if this Toxaphene is successful, whether he will make arrangements for supplies of adequate quantities to be imported from America?

The MINISTER OF AGRICULTURE: The reply I gave was to the effect that suitable arrangements are being made for importation

Quantities of Meat Sent to Cape Town.

The MINISTER OF AGRICULTURE replied to Question No. X, by Mr. Russell, standing over from 26th May.

Question:

(1) What was the weekly number of carcasses of (a) beef, (b) pork, and (c) mutton sent to Cape Town during the period 15th February to 15th May, 1950;

(2) what percentage of quota figures were published weekly during such period; and

(3) what percentage of these carcases was chilled meat?

Reply:

(1)

Week Ended	(a) Beef	(b) Pork	(c) Mutton
18.2.50	1,725	—	—
25.2.50	575	45	—
4.3.50	164	—	—
11.3.50	85	—	—
18.3.50	123	—	—
25.3.50	135	—	—
1.4.50	318½	—	—
8.4.50	610½	—	—
15.4.50	703	—	—
22.4.50	1,084	514	—
29.4.50	1,010	—	—
6.5.50	1,061	—	844
13.5.50	1,739½	120	—
20.5.50	1,592½	—	755

(2) The percentage issues against quotas are as follows—

Week Ended	
18.2.50	81.2 per cent.
25.2.50	97.2 per cent.
4.3.50	89.1 per cent.
11.3.50	68.5 per cent.
18.3.50	77.9 per cent.
25.3.50	73.8 per cent.
1.4.50	67.0 per cent.
8.4.50	55.9 per cent.
15.4.50	40.3 per cent.
22.4.50	56.8 per cent.
29.4.50	45.2 per cent.
6.5.50	42.2 per cent.
13.5.50	85.7 per cent.
20.5.50	105.1 per cent.

(3) Of the carcases despatched to Cape Town during the period stated in (1), 47 per cent. consisted of chilled meat and the balance of frozen meat.

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Non-Europeans Replaced by Europeans.

The MINISTER OF LABOUR replied to Question No. XI by Mr. Hayward standing over from 26th May):

Question:

(1) (a) How many non-Europeans in State employment have been replaced by Europeans since the re-introduction of the Government's civilized labour policy, (b) what steps have been taken to place them in other employment, and (c) how many of them are still unemployed;

(2) what is the estimated weekly cost in wages and allowances to the State;

(3) how many more non-Europeans are to be replaced in terms of such policy; and

(4) whether it is intended to replace all non-Europeans in State employment by Europeans?

Reply:

(1) (a) 461 Natives have been replaced by 422 Europeans and 39 Coloureds.

(b) It was arranged with the Department of Native Affairs and the Municipal Employment Offices to give preference to the Natives concerned with a view to placing them in suitable employment.

(c) This information is not available. Some Natives accepted work offered to them, others rejected such offers and some found work on their own, whilst others returned to their kraals.

(2) It is not possible to give a full estimate at this stage, as the wage rates for employees of the different races vary not only as between the different Departments but also in the different centres. The question of bringing about greater uniformity is at present under consideration. In the case of cleaners in the Department of Public Works the additional cost of European labour is estimated at £164 and £101 per annum for married and single men, respectively.

(3) The replacement of Natives depends on the type of work involved and investigations are still taking place with a view to deciding where replacements should be effected.

(4) No.

GROUP AREAS BILL.

First Order read: Adjourned debate on motion for second reading, Group Areas Bill, to be resumed.

[Debate on motion by the Minister of the Interior, upon which amendments had been moved by Mr. Strauss and Mr. Lovell, adjourned on 29th May, resumed.]

Mr. A. H. J. EATON: When the House adjourned last night I was dealing with the multi-racial aspect of our country. This multi-racial aspect has brought with it problems that no other nation has to face, and because of that we must realise that our legislation in this country will follow a pattern which is different from the pattern of legislation in other countries, and therefore I think that our approach to all Governmental action should be of the highest standard of statesmanship. Therefore, I think, when we consider our country as a laboratory of race relations, then we get the correct attitude of mind appertaining to all these far-reaching questions. That being so, and realising that only the highest standard of statesmanship should be the aim of all those who are dealing with legislation, it makes me realise that while we support the principle of this Bill, in other words, while there is a very broad acceptance of the principle it puts a great responsibility on the Government in realising how far and in what spirit we should be discussing the whole of this question. The matter of grouping of races is not new. We in Natal have had more experience perhaps in this connection than any of the other provinces. I can state definitely that we did make an attempt to group our people in Durban. Land was bought for that purpose and Mr. Sastri, the High Commissioner for India, and I, great man that he was, appeared on the same platform to address a meeting of Indians on this question. He realised that in the course of time greater friction would arise out of mixed residential areas than by accepting grouping measures. He came to my house at half past eight in the morning on three occasions and discussed the matter with me and ultimately we met on the same platform in the Gandhi Hall crowded with Indians. We were both garlanded, perhaps something which the Prime Minister has already had done to him. However, Mr. Sastri commended what I was going to put before that representative Indian meeting. The Durban Corporation of which I was Mayor at the time had by that time bought Cato Manor, which had been a centre of friction recently, and the idea was to group our Indian population in that very adequate area with the idea that they would build a better town there, that they would have a better town board and that they would live better there, provided they would accept the

principle of grouping. The result was that the meeting went possibly with us—with me particularly—but young Mr. Gandhi got up in the end and he used the one word "segregation" and while they accepted the spirit in which the proposal was put before them, he warned the people against segregation. That was 25 years ago when we could have solved many of our difficulties of today if the right spirit had prevailed at that meeting. I instanced that to show that we have tried in a humane way, in a statesmanlike way, to solve our problems in years gone by. Now we come to this Bill. As I have said grouping is not a new idea to us, but we must realise now that it stretches beyond the borders of Natal and the problem has grown because of the growth of our people and the development of our nation. I would like to put the population figures before this House, showing the changes that have taken place within the last twenty-five years. I take the census of 1921 and the census of 1946. The number of Natives in urban areas grew in that period from 587,000 to 1,794,000. The number of Coloureds in that period grew from 249,000 to 539,000 and the number of Asiatics increased from 51,000 to 200,000 in the same period. Taking the total figures we find that in twenty-five years the increase of non-Europeans in the urban areas in South Africa has been 1,646,000. Those figures are not up to date. We could have a census now which would show a further growth. But this must bring home to the minds of all those who are trying to take a serious view of this question, those who ar trying to be fair in this matter, the fact that here we have a development on the basis of an increase in population which makes it impossible for us to face this question on the same lines that we did 25 years ago. This development has brought with it problems in our urban areas, problems that were not in existence 25 years ago. I do not want to keep the House long, because I do not think it is necessary at this stage to deal with the various clauses of the Bill.

Having made this brief reference, I would like at this stage to come back to the spirit underlying this Bill. When we deal with a Bill and we accept its principle, we still have the responsibility of deciding how and in what spirit it is going to be administered. To my mind that is the crux of the matter —the question of the administration of this Bill when it becomes the law of the land. We must decide what spirit will govern our administration of the measure; what statesmanship is going to be revealed in its administration. Is it going to be Machiavellian with a mailed fist of forcefulness, or is it going to be administered in the spirit expressed by Solon, an Athenian law-maker who was born about 600 years before Christ and who created a state that brought about happiness, and beauty, and culture. There we have two men of history, the one Machiavelli, whose name means what it stands for, cunning and ruthlessness. The other, Solon, who expressed a spirt which brought people together and created happiness and culture, and therefore greatness. What is going to be the spirit that will exercise our minds in administering this measure. I accept this Bill. I believe it is going in the right direction. I believe it will bring greater happiness but only if it is administered properly. I hope that the Minister who will be in charge of this measure when it becomes law, will give the whole of his mind to the standard of the personnel in the creation of boards and also local authorities in these group areas. It is on that that the success of this measure or its failure will depend. Sir, I have not just accepted this, because in the agreement with the late General Hertzog, when I was with him from 1933 to 1938, we treated the question of the Coloured people in a different spirit and in a different way to the way in which we treated the Natives. Those who followed the late General Hertzog will remember the speech he made at Malmesbury in regard to the Coloured people in the country when he outlined what their position should be in the framework of this nation. There, Sir, we had great statesmanship and great courage. He said that we have to take the Coloured people along with us — yes, residential separation, but in the spirit of things we had to take them along with us because we had given them a measure of education, we had given them a measure of culture; we had given them a measure of hope, and humanity demanded that we should not deprive them of those things we had already given them. I should like hon. members who have not done so to read that Malmesbury speech and they will be uplifted by that speech coming from a great personality, a great statesman, and above all, a man with a great heart and a great spirit. Today we are again facing this big question. I appeal again for the right spirit in dealing with the administration of this measure. I have expressed my views with regard to this Bill and I think on the second reading one's ideas on the principle are more important than one's ideas on the details. I have here a memorandum dealing with the different clauses. I am not going to deal with that now; I am rather going to hand it to the Minister. While accepting the principle underlying this Bill I want to say also that there is in this Bill the mechanical aspect that must not be lost sight of. Those of us who deal in the financial institutions of this country, who are on boards connected with property where money is lent and so on, can point out to the Minister that this Bill calls for a more involved mechanism of administration than any of the other measures he has piloted through this House.

The MINISTER OF THE INTERIOR: Are you supporting the second reading of this Bill?

Mr. A. H. J. EATON: Yes, I support the second reading of this Bill. I said that right at the outset. But I am appealing to the Minister not to close his mind to representations that will be made to him by institutions that lend money on property. I am going to ask him to take advantage of the wisdom that they can bring on matters such as the foreclosure of bonds, etc. Having dealt with the spirit of the Bill I am going to appeal to the Minister, if he is not going to be Machiavellian, to follow the dictates of Solon in this matter and try to bring about happiness amongst the people. I am going to ask him so to deal with these matters that where there are clauses creating difficulties and creating hardship, he will bring to bear on them the open-minded statesmanship in allowing amendments. I believe that a deputation connected with the local institutions of this town and representing other towns, is now preparing to meet him. They will bring him expert advice as to how this Bill, when it becomes an Act, should be administered in such a way that it will ultimately bring happiness to our people. Do not kill the spirit of things by not keeping an open mind and by refusing to listen to people who can make suggestions to improve the mechanism, suggestions which will create the correct spirit in the administration of this far-reaching measure. We in Natal have suffered a great deal through multi-racial pressure. The pressure is greater today than ever. Our Indian population has found loopholes in previous legislation. I am hoping this Bill is going to close up those loopholes. The pressure is great today. We want executive action as the Minister has stated. We do no want to say that we agree with the Minister in the Bill as a whole, but we demand from him as a Minister of the Crown, as a Minister of the Cabinet, that where there is pressure, where the seeds are being sown today for riots, because of the multi-racial composition of our population and because of the division that exists amongst those people, religious and political, he will see that we do these things and do them in the wisest way, realising that as a nation we must develop; that we must go forward, and we must go forward in the right spirit and that is what I am pleading for.

*Mr. MAREE: Let me at once congratulate the hon. member for Durban (Musgrave) (Mr. A. H. J. Eaton) on his objective approach to this Bill. May I also be allowed to assure him that Natal will be grateful to him for the attitude he has adopted?

I should like to revert to some of the arguments used here by the hon. member for Germiston, District (Mr. Strauss), but before doing so I want to express my disappointment at the fact that the hon. member who has moved an amendment to the motion for the second reading of this Bill, is showing so much contempt for the debate that he does not even deign to attend.

*Dr. STEENKAMP: He is in Select Committee.

*Mr. MAREE: I understand that the hon. member is in Select Committee. I was not aware of it and I apologise. The hon. member for Germiston (District) has made a number of statements which I want to deal with further. Firstly the hon. member has pointed out that people who in terms of the Population Registration Bill are regarded as Europeans, for the purposes of the Bill now before us, can be classified as natives or coloured people. That is so. But just let me say this, that that idea which has been broadcast by the hon. member, has also been broadcast by the Cape Western section of the Institute of Race Relations, and I should like to quote from the circular letter sent out by the Institute—

> As in other segregation laws, difficulty has evidently been experienced in classifying people who are marginal to the main racial groups. Although the Population Registration Bill is intended, presumably, to establish once and for all the racial identity of every member of the population, the definitions employed in that measure have not been followed in the Group Areas Bill. Should the two Bills become law, it is possible that a person registered as a European would be treated as a native or coloured for residential purposes.

A big fuss is now being made about this matter, as though an injustice is being perpetrated and as though this is something which will make the operation of the Bill difficult. Let me point out that there are two types of persons who in terms of the Population Registration Act can be classified as Europeans and who under this Bill may possibly be classified as natives and coloured people. The first is a European woman married to a coloured man or a native. That woman according to the provisions of this Bill, assumes her husband's race. That is a principle which is laid down in Law No. 53 of 1949, viz. that the woman follows the man, and I want to point out that as far as such women are concerned the number has been pegged down. There is a definite number of cases of that kind now, but no further mixed marriages are allowed.

But then there is a second group of people who under the Registration Act may possibly get identity certificates as Europeans, and

under this Bill can be classified among the natives or coloured sections. We may have a European living in a coloured community. Ordinarily he passes as a European, but he associates with the coloured community. In that case he will for residential purposes be classified as a coloured person under this Bill, in terms of clause 2 (1) (c) (ii). We also have the case of a European residing among natives, or a coloured person living among natives, or a native living among coloured people, and who wants to continue living among the group where he is living, because he associates with that group, but who under the Registration Act does not belong to that group. I must say at once that I personally am not quite satisfied with this arrangement. I assume that there are such cases, but I want to draw the Minister's attention to the fact that to my mind there will be a very small number of such persons. It will only affect a very small number, and I wonder whether we should deal with such cases by "principle provision" such as this, and whether we should not rather deal with them by way of exceptions, viz., the issue of permits in their case. I should like the Minister to give further consideration to this question and I would be pleased if he could see whether a change could not be effected to bring this Bill more into accord with the Population Registration Bill.

I then come to another argument which has been raised by the United Party side, and I particularly want to mention the hon. member for Germiston (District) and the hon. member for South Coast (Mr. Mitchell) here. They contend that the departmental committees which have made investigations in regard to ownership of land by Asiatics under the 1946 Law, have applied themselves more particularly to studying and investigating the problem in so far as it affects the Asiatics or the Indians, and that no investigation has been made in regard to coloured people and natives in this country, and the extent to which this Bill is going to affect them. This point of view is also taken in the amendment proposed by the Opposition, viz. that we should not proceed with this Bill, but should have a further investigation conducted: that we must consult those coloured people and that we must also consult those natives. Let me say very clearly that this bill, as the hon. the Minister has said, is not a measure for the segregation or delimitation of sepecific areas. It is a Bill which merely accepts the principle, which creates the machinery and lays down the policy, and it is, therefore a Bill which, in my opinion, should be accepted now by the Europeans in this country. Because the Europeans in this country are the guardians. The policy of guardianship is the accepted policy. The United Party also stand for a policy of guardianship, and as we accept that policy and as we are dealing here with a question of principle, it is the Europeans of this country who have to accept the responsibility for it. We cannot shift that responsibility on to the coloured or the other non-European races, as the United Party are so anxious to do. We as Europeans must accept that responsibility and we must proceed to lay down the principles along which this problem is to be solved, because if things go wrong afterwards, we shall not be able to say that this was the wish of the natives or the wish of the coloured people. We as the Europeans in the country will have to bear the responsibility and also the blame.

But I also want to point out that the principle in regard to separate residential areas for coloured people and natives contains nothing at all that is new. It is a policy which has already been accepted by legislation in this House. We have no fewer than four laws on our Statute Book which provide for separate residential areas for coloureds in the Cape Province. There are laws on our Statute Book which provide for separate residential areas for natives, so that this principle has actually already been accepted in our legislation in the Union, and if a further investigation has to be instituted —and the United Party evidently desires to have a Judicial Commission to institute such an investigation—then that commission will only be able to try and find out further what the opinion of the Europeans is, what the opinion of the coloured people is and of the natives and what the opinion of the Indians is. And I also want to make this perfectly clear that we already have information to show that the overwhelming majority of the white people of South Africa are of opinion—I would say that the almost unanimous opinion of the European population of South Africa is in favour of separate residential areas and in favour of the compulsory institution of separate residential areas. Let me also say that a large proportion of the coloured population is in favour of separate residential areas. I need only refer to the Malay community in the Cape and to the coloured population of Johannesburg—part of them at any rate. I also want to say that a large proportion of the natives are in favour of separate residential areas. The only thing that would therefore be achieved by a further investigation in regard to this principle, would be to determine that a minority of the Europeans will oppose this principle that a portion of the coloured people are opposed to it and that possibly most of the Indians will oppose the principle.

And now I want to put this pertinent question to the United Party: whether they are prepared to sacrifice the wishes, the expressed and straightforward wishes of the overwhelming majority of the Europeans,

the almost unanimous wishes of the Europeans in the country because of the possible wishes of a poorly informed non-European population in this country? Is that the attitude they adopt and is that what they want with their proposal to have this matter further investigated? I also want to point out that the coloured people, the natives and the Indians who will eventually be affected by this Bill, will be consulted. No action will be taken against them entirely without consultation. It is only in the determining of the principle, for which the Europeans accept responsibility, that we as Europeans take action. But when the Bill is put into operation, step by step, the non-Europeans will very definitely be consulted by the Advisory Council. Let me point out that in the delimitation of coloured or native groups in terms of clause 2 (2), the Advisory Council has to advise the Minister, in connection with the proclaiming of groups and of areas; in connection with open territories; in connection with the proclaiming of allotted areas and in connection with the determination of buildings; in regard to all these matters the Ownership Advisory Board has to advise the Minister prior to his taking action on these matters. A principle which has been accepted is that the Advisory Board is to give the interests concerned the opportunity to be heard and to place their interests before this Advisory Board. Machinery has therefore been created very definitely to consider the interests of the non-Europeans who are affected by the operation of the powers given under this Bill and to consult them. That argument put forward by the Opposition must therefore be rejected.

I now want to come to another aspect of this matter. Let me call it the wider aspect of the Bill, and I want to start by saying that to me it has seemed peculiar ever since I entered politics and started to take an interest in public life, to find that we in South Africa as regards most of our big political problems, have made tremendous progress in the past fifty years. But in regard to the one problem—I would almost say the most important and all-dominating problem, and, at that, the problem on which there is the greatest degree of agreement and unanimity between the various white population groups, the Afrikaans-speaking and the English-speaking sections—in respect of that one problem, the racial problem, we have made less progress than we have made in respect of all the other big problems with which we have to deal. The question has arisen in my mind why that should be the case? I have tried to determine the cause, and I have eventually come to the conclusion that the poor progress made in settling our racial relations must be attributed, in the earlier years, to the Imperial factor, and, in the later years, to Imperial interference in South Africa's affairs, and I want to try to prove this.

I want to point out firstly that in the Orange Free State which for a longer period than the South African Republic, had been free of Imperial interference, this problem is less than it is in the other provinces. Let me first refer to the Wragg Commission which made its investigations in Natal and which stated that Imperial influence there primarily created this problem. The hon. member for South Coast, who unfortunately is not here at the moment, said yesterday that the inhabitants of Natal actually were not opposed to the immigration of Indians in Natal. He said that in actual fact they were in favour of it and that they had encouraged it. But I should like to point out to him and I should like to bring this to the notice of the House that a very clear explanation of the position is to be found in Henderson's book "The Natal Asiatic Problem".

*Mr. ROBINSON: Which Henderson is that?

*Mr. MAREE: J. T. Henderson—he was Clerk of the Natal Parliament for years. In his booklet it is stated that the former European inhabitants of Natal, the people who were actually responsible for the development of Natal, were faced with a tremendous shortage of labour, and he says this inter alia, speaking about the planters and the industrialists—

> They should have had their labour—easily—had Natal possessed a sympathetic or even a practical Government, and a Governor, even if a visionary, of business-like vision. It must indeed have been most tantalising for the early planters and farmers to be without the labour they needed while thousands—many thousands—of idle natives were cumbering the country, and so many of these idlers refugees, owing their very breath to sanctuary afforded by Natal.

This shortage of labour in Natal was the result of the Imperial Government's policy. And he goes on to say this—

> Put bluntly, the true interests of the Natal colonists were sacrificed to the Colonial Office policy of coddling the natives.

In Natal it was the policy of Lieut.-Governor Scott not to allow the natives to work for the sugar planters. Native labour was not to be used because they had to grow cotton. It is clear that they were compelled under pressure from the Imperial Government to import Indians. It was made an election issue and to show Natal's resistance against the importation of Indians I can say that at

the first election the pro-Indian candidates were defeated. But more than that, in 1884, as appears clearly from the report of the Wragg Commission, public opinion in Natal was strongly opposed to the immigration of Indians. So strongly were they opposed to it that in 1896 or 1897 there was armed resistance to such immigration in Durban. A ship arrived with a number of Indians and the Durban people took up arms to prevent the Indians from landing. They were going to stop them by armed force. I say that we have to look for the creation of the problem not among the public of Natal but with the Imperial Government. But to go on with Natal. As a result of the attitude of the Imperial Government, the franchise was also given to the Indians, and it was only after Natal got responsible Government that that franchise was taken away in 1896. This again was an indication of the opinion and of public sentiment in Natal towards the attitude of the Imperial Government. In 1908 legislation was passed in Natal to restrict Indian trade, and what happened? The Imperial Government vetoed that legislation. It is not just the Imperial Government which interfered with Natal's attitude, but the tools of the Imperial Government in South Africa also did so. In 1924 the Natal Provincial Administration passed an Ordinance depriving the Indians of the Municipal franchise. This was just before the 1924 elections. That Ordinance was not approved by the Smuts Government. Before the 1924 elections the Smuts Government refused to approve of that Ordinance and it was only after General Hertzog had come into power that that ordinance was approved of.

An attitude similar to that was adopted in the Transvaal. Before 1900 the Transvaal was not entirely free of Imperial interference. Let me give a few instances. In 1884 the Transvaal wanted to put a stop to Indian immigration, and in 1885 they wanted to put the Indians in separate residential areas, but the London Convention stopped this, and prohibited them from carrying out that policy. Only in 1895, as the result of arbitration, was the Transvaal allowed to proceed with the policy of repatriation and of segregation of residential areas. It is clear that the Transvaal, too, was influenced by the Imperial Government. It made a start with this policy of repatriation and segregation; but the war broke out in 1899, and after the Imperial Government had taken over the military control of the Transvaal, the steps which the old Transvaal Government had taken, were vetoed by the Imperial Government. I think I have said enough to show what the influence of the Imperial Government on this problem was. Let me just say this, that this interference by the Imperial Government also showed itself very clearly in the attitude of the Imperial Government in regard to the Franchise of the non-Europeans during the sitting of the National Convention. I want to add that this attitude of the Imperial Government, this interference with the will of the people of South Africa, is the cause of the United Party's attitude of today. For 29 years the United Party was either the old S.A.P. Party, or the United Party was the Government of South Africa, or it was a participant in the Government of South Africa, and in that period, when it had a say in the government of the country, a policy of conciliation was followed—a policy of "let things develop". During that time it tried to tackle this problem. In 1919 an attempt was made, but on account of the policy of conciliation, the policy of allowing things to develop, the Government again gave way in 1919 to the passive resistance of the Indians and this eventually resulted in the Smuts-Gandhi agreement which was not a solution of the problem. The Government gave way. A short while ago, in 1946, with the passing of the 1946 Act, the United Party government again gave way to the Liberal elements in the Party and to the opinion of the British Government, because a quid pro quo was agreed upon. The franchise was to be given to the Indians for what was taken away from them. But even in regard to the segregation principle, the 1946 Act was a hopeless failure. It was not only a hopeless failure, but to Natal it was a tremendous disappointment, and that was one of the reasons why Northern Natal became Nationalist.

*Dr. JONKER: How long will that last?

*Mr. MAREE: It will last longer than the hon. member for Gardens (Dr. Jonker) will last. The disappointment of the 1946 Act must be looked for in three respects. First of all that law left the real problem totally untouched; it left the commercial problem untouched. The majority of the business premises were released for occupation. Secondly, the 1946 law left the question of existing Indian penetration in European areas untouched. In spite of the 1946 Act, the position of Indians who had already penetrated into European areas remained unchanged. Their position has been perpetuated there. Their rights have been perpetuated and they have been, so to say, pegged in European areas.

*An HON. MEMBER: It was unlawful penetration.

*Mr. MAREE: Yes, it was unlawful penetration. Thirdly, the disappointment in regard to the 1946 legislation was due to the fact that it did not put an end to the penetration of Indians in European areas. The Nationalist Party has now realised this and it has promised that it will rectify these things. The Nationalist Party has adopted the attitude in regard to the introduction

of the 1946 Act that that Act does not answer its purpose. It has said that there will be disappointment in Natal, and that it wants to remove that dissatisfaction and that it will give Natal what it wants. For that reason it is essential for this Bill to be passed and to be passed at once. It must not be delayed and put off indefinitely as the United Party contemplates with the amendment which it has introduced.

But there is another reason for expedition in regard to this Bill. This Bill wants to lay down once and for all the basis for racial peace in South Africa. I do not want to go into this matter at length. I just want to refer to the particularly informative speech of the hon. member for Wonderboom (Mr. Nel) yesterday. He pointed out that it was essential to reduce the racial friction which is now caused by the various races living next to each other and among each other. If we want racial peace in South Africa, it is clear that we must tackle the problem at once and give the non-Europeans their separate areas, with separate potentialities for development, so that the frustration caused by the integration policy of that Party can be substituted by ambition among the non-European population. That is all I want to say from the general point of view.

Now let me come to a few particulars which are perhaps more to the point, and in connection with which I should like to refer hon. members to the report of the Commission of Enquiry into the Durban riots. In this report several reasons are given for those riots and one of these reasons is the increasing lack of discipline among the Natives. This increasing lack of discipline among the Natives, the Commission attributed to the fact that the sanctions of the Natives Tribal Organisations, particularly in the urban areas, are disappearing, and for that reason there is no discipline among the Natives. This Bill which will allow the Natives belonging to different tribes different residential areas, will assist to restore tribal sanctions by bringing the Natives again to surroundings where those sanctions will assist in disciplining the Native and turning him into a useful citizen and an asset to the State. Another reason which is adduced for the Durban riots is the intermingling of Natives and Indians in the places where they live. It is unnecessary to dwell on that aspect at any length. Anyone who knows Durban knows those condtitons and realises that, for the sake of peace in Durban, and in order to protect human life in Durban, this Bill must be passed now, so that this problem can be actively dealt with. I want to mention a third reason which the Commission of Investigation into the Durban riots also mentions, namely the racial intermingling—the miscegenation between the non-European races. One cannot expect anything else in areas where Indians and Natives live cheek by jowl or where, as here in the Cape, Natives and Coloured people live next to each other—one cannot expect anything else but miscegenation, and miscegenation causes alarm among the members of the public and among the members of these population groups. That was one of the causes of these riots, and the only way by which we can stop this miscegenation between non-European groups is by allocating separate residential areas to these non-European groups, and we cannot afford to delay in doing so. There is a terrific tension in Natal between the Natives and the Indians. There is tension in Natal between the Europeans and the Indians. But there are also places in Natal where there is terrific tension between Europeans and Natives in consequence of mixed residential areas and for that reason the sooner these questions are tackled and solved, the sooner we shall be able to establish a degree of racial peace in Natal. That is the policy of the Nationalist Party. It is the policy which is tackled in this Bill and it is what this Bill contemplates. When comparing this with the policy of the United Party, I should like to refer to a few peculiar aspects of this matter. The Rt. Hon. the Leader of the United Party, in this House a few years ago, frankly stated that segregation in South Africa was an experiment which had failed. He stated this frankly and no-one can deny it. In other words, the fact that hon. members on that side of the House today favour a so-called policy of separation, is simply due to the fact that they have noticed the direction which public opinion is following. It is a peculiar thing in that Party opposite, especially in their Leader. They have their policy which they follow, but if they notice that that policy is not in accord with the views of the majority of the people, they change that policy from day to day for the sake of political expediency and for no other reason. Political expediency is a much greater consideration with that Party than an adherence to principle. For that reason we find in that Party a tendency to adopt an attitude from time to time such as prevents them from giving effect even to public opinion, because they like to change public opinion from time to time, so as to adapt it to their policy. They have always said "It is true that detribalisation is taking place among the Natives; that detribalisation is proceeding, the Native is integrating into the European's economic life, but it must be so", they say. It must proceed, they merely have to make sure of changing public opinion so that it will adapt itself to what is happening. They are not concerned whether, what is happening is in accord with public opinion. They want to fit public opinion into the conditions in which they

have connived. They even went so far as to allow a prominent member of the Party, the hon. member for East London (City) (Dr. Smit), who is just going out, openly to proclaim a policy of equality, a policy under which all racial discrimination will be eliminated.

*Dr. STEENKAMP: Where did he say that?

*Mr. MAREE: He said it at East London at a public meeting when he was still Secretary for Native Affairs. It has been quoted here and he has not denied it. The position of the United Party is that in actual fact they do not know where they stand, that in actual fact they do not want to face this problem squarely, and that fact is responsible for the amendment proposed by the hon. member for Germiston (District). All they want to achieve with that amendment is to put this matter off indefinitely, so that their Party will not be divided, which the hon. member has admitted will happen. As a matter of fact it is consistent with the attitude of the United Party. In regard to this Bill they are now saying again "you must have separate residential areas but it must not be compulsory, it must come freely of its own". That is the attitude they adopt. They adopted the same attitude in regard to mixed marriages—these things must be on a voluntary basis.

*Dr. STEENKAMP: Mixed marriages must be on a voluntary basis?

*Mr. MAREE: I say that that Party adopts the attitude that it is not in favour of mixed marriages but the prevention of such mixed marriages must be on a voluntary basis. There must not be any legislation about it. That is the attitude which that Party and with them the hon. member for Drakensberg (Dr. Steenkamp) has adopted in regard to immorality between Europeans and non-Europeans. They are opposed to immorality but they say that you must not introduce legislation to stop it. They have adopted a similar attitude in regard to the classification of the population of South Africa by the introduction of a population register. They admit that there are different races, but one must not classify those races, because, in the words of their leader "You cannot classify what is not classifiable." They have gone further and they have said that they are in favour of social apartheid or separation and they are also in favour of separate travelling facilities on the trains, but it must not be made compulsory. That is their attitude. If it is made compulsory members of that Party hold protest meetings in the Cape Town City Hall to protest against such provisions. Their attitude is that they are in favour of residential and economic apartheid, they are also in favour of social apartheid, but residential and social and political apartheid must not be instituted by means of legislation because such a policy may lead to South Africa heading for the rocks, and they accuse this side of the House of being political vermin crawling about at night, and representing all the ten plagues of Egypt. Let us tell the United Party clearly that in spite of the Smutses and the Strausses and the Liberals in that Party, we shall carry on with our policy, and it is a policy which is supported by the overwhelming majority of the Europeans in South Africa, which is supported by a very much larger percentage of Europeans than voted for this Party, and it is the policy which is also supported by every Coloured man and every Native who has not yet been turned into a Communist or a Liberal by the Kahns and the Ballingers. It is the only policy which will bring racial peace to South Africa, which will solve the racial problem in South Africa. It is the only policy which will lay down a foundation on which a happy and larger South Africa will be built as an example to the whole of Africa, and in the long run I also believe that the whole of the Western World will be convinced of this. That is the policy of the Nationalist Party.

Mr. GAY: I rise to support the amendment moved by the hon. member for Germiston (District) (Mr. Strauss) and in doing so I make no apology to my friends on the other side. I have no objection to the general principle of residential separation. I do not give it lip-service, but have given it practical service for the last 20 years, to establish by agreement in this country what they are talking about. I have no objection at all to that question. My objection to the Bill as it is constituted is based on the fact that it raises such vast human, financial and administrative problems, that those problems call for the well-balanced consideration and judgment, without which it is absolutely impossible to arrive at any satisfactory conclusion and it is absolutely impossible to arrive at such a conclusion at this late stage of this particular Session of the House. This Bill which is classed as a Group Areas Bill, goes far beyond the powers and implications of its title, far beyond the idea of group areas. In fact, anyone who studies it and understands it, must realise that group areas in itself, residential group areas, might with justice be said to be one of the small portions of the Bill. There is another reason, and that is that despite the reasons given by the hon. the Minister, I claim that there has been insufficient consideration and insufficient consultation given amongst the people who really have to carry the burden of this Bill. There has been not sufficient consultation with the individuals concerned, with the local authorities and the public bodies, and the other institutions which will be affected. They have neither been asked to

express an opinion, nor to give any assistance in the drafting of a Bill which is so important to them. Now at the end of this Session, on the insufficient evidence before us, and on insufficient preparation, as is evident to anyone who reads the Bill, we are asked not only to extend what is virtually the Asiatic Land Tenure Act, but to apply its principles extended to the widest limits, to the whole of the other population of South Africa. To apply what is virtually a Bill that was drafted and framed to deal with an alien community in our midst, to the whole of the bred and born population of South Africa, Europeans, non-Europeans, natives and Asiatics alike.

When one considers the Bill, the first thing one has to take into consideration are the widely divergent problems which exist between the provinces, between portions of the provinces themselves: Natal, primarily an Asiatic problem, a most intense problem, also superimposed on a native problem. The Transvaal predominantly a native problem, but with an Asiatic problem also. The Free State, largely already safeguarded by legislation; they were much wiser perhaps than some of us; and the Cape with its large Cape Coloured population with well-defined rights, rights which have been established over three centuries, based on undertakings given by various governments which have been in control of this country. We have to co-ordinate those problems in order to get something which is workable. They demand the closest possible co-operation and the calmest possible judgment that we can give them, certainly not a judgment that can be given at this stage in this House. A hasty decision now, mave have its repercussions for the next century or for all times in South Afrika and may mar the future of the country as a whole for all time.

In introducing the Bill, the hon. the Minister referred to the position of local authorities in connection with this Bill. He referred to the acceptance by the local authorities of the principle of residential separation, and the Minister was correct to a point, correct though on a widely different basis to which the Bill and the Minister's own remarks would lead one to understand. Let us examine the local authorities' situation for a moment and in doing so, I may say that I was concerned in the deliberations which led up to these particular resolutions which were quoted to the House. When considering the opinion of local authorities, you are considering an important opinion, the opinion of people who are closest in their everyday activities to the human problems of all the people that are going to be effected by this Bill. Their view warrants careful consideration by any Government that happens to be in power. It is not the view of an individual authority, not the view of an individual himself, but the considered general view of the leaders of local government spread over the whole of the Union. The hon. the Minister quoted the Oudtshoorn Congress in April 1939, the Cape Municipal Congress which by 127 votes to 33 adopted a resolution in favour of local authorities being given the power to provide separate areas for residence of European and non-European. That is correct. That resolution was adopted on the basis of a provincial ordinance which had been framed and submitted to the congress, asking for their opinion. The ordinance was afterwards dropped. I will refer to the matter at a later stage. That resolution was revived by the Cape Congress in East London on 21st and 23rd April, 1948, and at that congress delegates were asked to pass a resolution dealing with the acquisition of fixed property by non-Europeans (Cape Coloureds), in areas predominantly occupied by Europeans. The resolution which was then adopted was "that representations be made to the Central Government to introduce legislation whereby local authorities—mark that—local authorities

> shall be empowered to declare any subdivision in an area predominantly occupied by Europeans as an area where after the promulgation of such a declaration, no Coloured person or company wherein all or some of the shareholders are Coloured persons, may acquire fixed property or reside.

That was the resolution that was adopted and there were reasons given for it, the reasons as outlined by the hon. the Minister, that the acquisition by Coloured people of property adjacent to Europeans, creates dissatisfaction among the Europeans, that there were social and other problems involved, and that complaints were regularly lodged with local authorities, who under the existing law have no power to deal with the matter. That was the resolution adopted at East London. According to regular practice that resolution was then forwarded to the United Municipal Executive who form the liaison between the four provinces' municipal associations and the Central Government. Regarding the statement by the hon. the Minister that the United Municipal Executive at Cape Town in February this year had adopted a resolution approving the Cape Province East London resolution and adopting it nem con, I am afraid the Minister has been very seriously misled, and as a result he in turn, quite in good faith, has misled this House and Parliament. The resolution of the Cape Province first came before the United Municipal Executive in Pretoria in 1948. It was then deferred. There was no action taken on it. It was referred to the next succeeding annual conference of the United Municipal Executive to be held last February in Cape Town. At

the conference in Cape Town on February the 22nd and 23rd, it was again discussed, and I say this, that as individual members of the United Municipal Executive, members were practically unanimously in favour of the acceptance of the principle of residential segregation under the jurisdiction of local authorities. But when it came to adopting a resolution to ask the Central Government to introduce legislation, the United Municipal Executive took up this attitude. They were informed by Mr. L. L. Boyd, M.P.C., Durban, that the difficulties in the Cape would very largely fall away because a Bill was to be introduced this Session of Parliament — we now have it before us as the Group Areas Bill — to deal with the subject. Municipal government being, amongst its leaders at any rate, non-political, the United Municipal Executive decided that as this matter of racial segregation had now become such a first-class issue in the political arena that they were not prepared to pass judgment on it. During the discussions, in which I took part, it was stressed that this particular legislation so seriously affected the whole set-up in this country, human rights, financial rights, the rights of local authorities and everybody else, that it required the fullest possible investigation and examination before they could come to any recommendation. As a result, instead of adopting that resolution — I have the official minutes of that meeting in my hands at the present moment and quote from them—"The United Municipal Executive decided to note the Cape Province's resolution."

That is what was done. It was clear from the whole trend of the discussions that the general feeling was prepared to accept the proclamation of separate residential areas as a general principle as it would be required by respective local authorities and we still stand by that. But the Cape resolution was not accepted. That is the general principle.

The MINISTER OF THE INTERIOR: Voluntarily or compulsory?

Mr. GAY: It is a principle with a vastly different implication to what is now before us in this Group Areas Bill. It was to ask authority for the local authorities in their own areas to carry out certain actions, actions dictated by their own requirements, in accordance with the wishes of their own people. It would be covered by adequate safeguards in respect of the individuals affected as well as to the local authorities and the other bodies, safeguards with regard to compensation consultation and method of approach, and in terms of the general discussions at the U.M.E. meeting, after a full and adequate inquiry, but certainly not without consultation and by the imposition of a Government-dominated and Ministerial kind of board or series of boards which will be responsible only to the Minister. I am very glad to see from the Minister's remarks yesterday that there are second thoughts on that and it may be that some workable amendments will be introduced, which may help to make the Bill more practicable.

But let us compare for a moment what the local authorities accepted in the Cape when they passed their resolution. What was the general tenor of the Cape Province Ordinance on which they based their judgment. The matter is dealt with under the heading "Legislation relating to the Demarcation of Separate Residential Areas for Europeans and non-Europeans", and the ordinance itself was called the "Draft-Ordinance to provide for the granting of further powers to local authorities . . .". But the Group Areas Bill does not grant any further powers, it whittles away a lot of the powers which they already possess. In the very first clause the ordinance says: "The power to provide separate areas for the residence of Europeans and non-Europeans." It went on to state that a local authority by notice in the "Provincial Gazette" may define and set aside an area within its area of jurisdiction for the occupation for residential purposes by Europeans or non-Europeans provided it complies with following provisions". Then there are a series of provisions, the manner in which the area is to be described, how people in the area will get full opportunity of consultation, of objecting, how the objections are to be dealt with through the legal channel of the Administrator under whom local authorities fall, and to provide (very emphatically and very clearly) for compensation of the individuals concerned should their property be acquired. The Administrator was given overriding powers under the ordinance. If an objection was received by the local authority and passed on to him for his consideration, after discussing with the objector and with the local authority, he could if he so desired reject the local authority's request to impose residential conditions. The ordinance further provided prohibition for using the proclaimed areas much the same as the Group Areas Bill does, and then it very clearly lays down that any person having any interest in land expropriated under this ordinance, "shall be entitled to compensation payable by the local authority for the expropriated land". It laid down the manner and the amount of the compensation which should be paid and went on to lay down under the ordinary jurisdiction of law, as we know it, how a person would have the right of appeal, in order to ensure that he would get a square deal. And so it goes on, all the clauses, on a basis of asking for the powers to be given to local authorities to deal with their own problems in their own areas. This ordi-

nance had something in it that local authorities as a whole would welcome and that all thinking members of the community as a whole, irrespective of colour, would welcome, but which the present Group Areas Bill does not provide for at all. You found provision made that the local authority might by regulation make separate provision for Europeans and non-Europeans in the way of recreation grounds, in other public facilities, on the beaches and in respect of amenities, one of the things that is causing a lot of irritation today. This Bill does not provide for that. This Bill only provides for segregation in terms of occupation and residential qualifications, the two qualifications, both of which affect voting rights. Those are the principles in the provincial ordinance on which the Cape Province decided to go for residential segregation. I may say in passing that the hon. the Minister very correctly gave credit to Port Elizabeth as one of the outstanding local authorities which was really bringing about residential segregation without compulsion. It may be of interest to the Minister to know that out of the local authorities (and I have the complete list here and the way they vote), out of the local authorities who supported even that well-watered-down Provincial Ordinance to compel segregation, Port Elizabeth with five delegates voted flatly against it; they were not prepared to accept it. Every big town in the Cape Province voted against it. The majority was comprised of the small towns. There you have on the one side an ordinance of five pages and 12 clauses, clear, concise, practical clauses. Here on the other we have what? A Bill of 41 pages, 38 clauses and the Lord only knows how many sub-sections and sub-clauses, contradictory, involved, ambiguous, obviously drafted hastily — anybody can see that, most contentious and certainly going far beyond what its title purports to go.

Now, from another angle altogether, Mr. Speaker. The effect of this Bill upon local government is that it encroaches through its boards and conditions on the rights and established constitutions of local authorities, as provided for in the South Africa Act. The Act of Union clearly lay down certain definitions concerning the duties and responsibilities of local authorities and their supervision by provincial administrations and by Parliament. I do not propose to go into them in detail at the moment. They will be dealt with more fully by a succeeding speaker, but under this Bill, instead of Parliament having the authority, the Minister and his boards are put in place of Parliament to make those changes. The Land Tenure Board will have not more than seven members. The Minister not only appoints the board but he appoints the chairman and the vice-chairman. He makes sure that the board is going to be a board which will work with the Minister. He may be wise in doing so; he is certainly taking no chances. That board will work inside a local authority area but completely outside the jurisdiction of the local authority concerned. That local authority will have no say. The boards and the Minister will set up their inspectors who under this Bill would appear to have the right to go into a local authority office and demand books and papers. In fact I am not so sure that they will not have the right to query the actions of even the Provincial authorities. Their powers are supreme. Then you have the governing boards being set up and here again you have a very insidious encroachment on the authority of your local government, a body set up inside their area, comprised of the people in a group. They will have certain rights defined in regulations promulgated by the Minister, and the local authority as far as those rights are concerned, have no say at all over that governing body. Anyone who knows local government must know the financial framework on which it is built up; the general financial framework on which your big capital works are carried out, particularly in the larger towns, where you pledge the whole of your assets, the assets of every ratepayer. Here you are going to have set up inside that authorised body, another body with no constitutional responsibility to the ratepayers but able to play around with these various assets a governing body subservient only to the Minister.

The MINISTER OF THE INTERIOR: Where do you get hold of that?

Mr. GAY: If you read Clause 6, sub-section 3 of Clause 6, at the top of page 13 you will see it there. It is very cleverly worded, but there is no question as to the implications.

The MINISTER OF THE INTERIOR: Under the supervision of the local authorities.

Mr. GAY: The powers of these boards are entirely at the discretion of the Minister, and the local authority has only the powers that deal with them in so far as they are not covered by regulations promulgated by the Minister. That is the plain English definition of it.

The MINISTER OF THE INTERIOR: Read it again.

Mr. GAY: There you have the risk of complete disruption of the financial stability of your local authority, a complete interference with the pledge which they give in raising their capital loans. The principle of the setting up of the boards is quite another thing. I welcome the setting up of the boards. I think it is a good scheme to give

the inhabitants of those areas some say in their own government, but again I say it should be suggested and made legal only after the very closest and impartial consideration and consultation, particularly with the elected local authorities who will be most seriously affected. Under the Group Areas Bill you will now have this position, that the elected representatives of the people, the councils, will have no control of the expenditure incurred by any governing body, but the ratepayers will still have to pay. The Administrator may order work to be carried out and charge it up to the local authority. It is all very well for the Minister to smile. He will have all the power and the local authority will have to foot the bill. That is usualy the poor ratepayers' part of the job, but he does not want to take on any more burdens that he can help. This particular Minister has on a number of occasions, in talking to local authorities and elsewhere, expressed the view that he felt that the Government should have a greater control over municipalities.

The MINISTER OF THE INTERIOR: You cannot point to one single instance where I have said that.

Mr. GAY: I was present when the Minister opened the congress of the Municipal Executive in Cape Town and when he said that it seemed that the time had arrived when the whole system of local government should be re-examined . . .

The MINISTER OF THE INTERIOR: That is a complete misrepresentation of what was said.

Mr. GAY: . . . and that there should be a greater measure of co-ordination between the Government and the local authorities.

The MINISTER OF THE INTERIOR: You are misrepresenting what I said.

Mr. GAY: I am not particularly dense in understanding what people say. That was my interpretation of what the Minister said.

The MINISTER OF THE INTERIOR: The conclusion seems to be irresistable.

Mr. GAY: And that was the interpretation given to his remarks by everybody else who was present. I am now told by the Minister that I am misrepresenting what he said. That is unfortunate. The hon. Minister is so often misunderstood. We get so many misrepresentations today; the Press misrepresents him and everybody else misrepresents him.

An HON. MEMBER: And so are you.

Mr. GAY: At the moment I am not misrepresenting. I am only one of a whole group of people who understood the same thing. One wonders whether this Bill is the first corner of the wedge to be driven into the structure of local government. What do we get when we get this Group Areas Bill? We get more registration, more gestapo, more prying and spying. [Laughter.] Don't worry, you will get it. In this Bill we are getting more messing about with a public already overburdened with messing about and red tape. You get more expenditure of taxpayers' money by a body of people who are again non-producers. We are increasing the non-producing section of the country and we are going on producing only trouble and misery, and all that under the domination of a Minister, not of Parliament, not of the Administrators who govern local authorities.

Mr. Speaker, I have only touched very lightly on a few of the more serious complications of this particular Bill. The Minister agrees that the answer to this problem must be found on a national basis. On this side of the House we accept that absolutely, and as we imply in our amendment we are prepared to assist in finding that national solution. But we say that if he really believes that the problem is a national one, then we say that the answer itself must be on a national basis, not on a sectional one. If the Minister really believes that his Group Areas Bill is the only thing that can work satisfactorily in the place of the Cape Provincial Ordinance that I quoted, if he really believes that that Bill, with its widespread implications, with all its interferences and with all its over-riding powers, is the only thing that can take the place of that little ordinance, then I say that the Minister himself has given this House the most conclusive proof that the whole subject is so complicated that it requires most careful consideration and inquiry before he attempts to put legislation of this kind on the Statute Book. He has given the most convincing proof that we have had up to the present on that matter.

When we come to deal with the problems before the four provinces, I would like to say that there is another aspect that we have to consider. The problems of the Transvaal and of Natal, great problems, are problems of a hundred years or so. The problems of the Cape Province are the problems of three centuries of established rule, and it is necessary that in any legislation, we adopt, if we are not to damage the future of our country, the answer to those problems must be co-ordinated so that we can get an answer which will take into account all the problems, decently, in a human manner, in a sensible manner and apply the remedies to the benefit of the country, not to the detriment of the country. I would say in conclusion that I may be new to the House, but I am far from new to public life. I have given my life to the practical side of the

work that this Bill is trying to force on to us now by compulsion, by this ill-conceived legislation. I would say that this is the type of legislation which should only be launched on the country after all concerned have had ample time to consider and study it, time to assist in framing and drafting it, time to ensure that it bears as lightly as possible on the people it is going to affect, and it is going to affect many millions of people in this country, people who cannot speak for themselves. Legislation of this kind should not be put on the Statute Book until the people concerned have been consulted, until those who are affected by the legislation have been consulted, people whose only mouthpiece in the country is the Opposition in this Parliament. I say this is the worst type of legislation to put before this House at this stage, before a Parliament so constituted, a Parliament such as we have today, where the minority of Parliament represents by far the greater majority of the people who are to be affected, a Parliament in which this minority is the only mouthpiece to voice the wishes and ideals and desires of the people who are going to be affected by this Bill.

*Mr. VAN DEN HEEVER: The hon. member for South Peninsula (Mr. Gay) is very obstreperous when we are dealing with questions affecting his non-European voters in the Cape. He is particularly "cocky" for a member who came to this House for the first time this Session. He considers that because he can play a very big part at municipal congresses as Mayor of Simonstown, that he can also do so in this House.

*Mr. ROBINSON: Hear, hear.

*Mr. VAN DEN HEEVER: The hon. member for Langlaagte (Mr. Robinson) has also played a very big part in the Johannesburg City Council, that is why those two can scratch each other's backs. Let me tell them that we are dealing here with national interests, and where national interests clash with local interests, the national interests must triumph.

The hon. member for South Peninsula has spoken here about the resolutions of the Cape Municipal Congress on this subject. He has tried to tell us that those resolutions are nothing like what the Minister pretends them to be. But let me say this to the hon. member, that what he is advocating here amounts to nothing less than this that every municipality in the country must have a greater say than he is prepared to grant to the Union Government. That is what he is advocating here, and on what grounds does he want to give his municipality of Simonstown or any other municipality more say than he is prepared to give the Union Government? Surely it is absolute nonsense to argue on those lines. The hon. member went further; he said that what they want is that the delimitation of areas, which they also pretend to favour, must only take place after what he has called a "full inquiry". But he has not read the Bill, if he does not know that it actually does provide for a full inquiry. Under this Bill not a single inch of land is delimited for the various races. Every delimitation will take place separately, after the question has been locally investigated, and as far as his own seat is concerned he will have the right to appear before the board and to plead his cause and to say: "Here I want it to be delimited in this way and there I want it like that." He will have the fullest right to do so and the fullest opportunity. There is no undue hurry in connection with this Bill.

*An HON. MEMBER: He has never read it.

*Mr. VAN DEN HEEVER: All this Bill does is to create the necessary machinery.

*Mr. DAVIDOFF: What about the inspectors?

*Mr. VAN DEN HEEVER: If the hon. member for Edenvale (Mr. Davidoff) had read the Bill, he would have seen that the inspectors' duties only come into it when the group areas have been finally declared. There are no inspectors' duties before that has been done. In other words, the inspectors' duties enter long after the hon. member for South Peninsula has made his representations to the Commission and after the case has been approved by this House by way of resolution, when he will again be able to have his say.

*Mr. DAVIDOFF: What about the five-year period?

*Mr. VAN DEN HEEVER: The five-year period is a short period. Your machinery, in many cases, will not even be properly into operation yet. I also want to say this about the five-year period. The present legislation in Natal provides that the Government can decide those matters without a resolution of Parliament for the next five years and this legislation does no more than confirm the right which they already have; or does the hon. member for Benoni (Mr. Lovell) not know that?

*Mr. LOVELL: No.

*Mr. VAN DEN HEEVER: Well, of course, the hon. member has said all he wants to say on this Bill. It is rather a pity that the hon. member should have spoken before making sure of his facts. I want to emphasise that the hon. member for South Peninsula

should cease putting local interests before national interests.

*Mr. GAY: I do not need your advice.

*Mr. VAN DEN HEEVER: If that is his attitude, then I want to tell him that we do not need his advice on this Bill either; he may keep his advice to himself and we shall be able to get on quite well without him in this House.

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

Afternoon Sitting.

*Mr. VAN DEN HEEVER: When business was suspended I was saying a few words about the demand by municipalities in the Cape, that they should have the right to do the delimitation of group areas in the Cape. I just want to say this, that the municipalities feel that because they are they, they must, therefore, have that right. We, in turn, say again that we, the legislative assembly of this country, are the highest legislative body in the country and we, therefore, want to have that right, and I think this body has more right to lay down the policy on behalf of the people as a whole than the municipalities have. With a view to uniformity it is absolutely essential that this power should be in the hands of the Union Government and of Parliament and not in the hands of the municipalities, because obviously from the very nature of things there will be differences in policy from town to town and from city to city under the different municipalities. There will be such a mess-up where you have municipalities with out-and-out liberal views. That is where the danger lies that they are going to cause chaotic conditions throughout the country and instead of solving this matter they will rather make it more difficult.

I just want to say a few words about the speech of the hon. member for Germiston (District) (Mr. Strauss). The hon. member spoke about the financial implications of this Bill. He said, among other things, that the gradualness embodied in this Bill, the gradual application of the institution of group areas—I have written his words down—causes uncertainty. He further said: "It will dislocate the property market." He said that even now there was chaos in the property market. Let me ask the hon. member in all fairness, does he want us straight away to come to Parliament with a plan delimiting the whole of the Union and does he want that delimitation to be the law of the land? Does he want us to make as big a mess of things as they made of Durban with their 1946 Act? There they arbitrarily drew demarcation lines after they had gone through the town in motor-cars, and then they said that they would afterwards be able to exchange one area for another. But when the authorities concerned tried to effect such exchanges, where the lines had been wrongly drawn, they found that those parts which had to be exchanged did not correspond. The one was much bigger than the other and the result is that conditions there today are intolerable and the problem is almost insolvable. You cannot do it, you have to tackle the question from place to place and you have to do it gradually. Let me tell the hon. member this, that this Bill, as it now stands, when it becomes law will not change one single iota or tittle in the whole country. It does not proclaim an inch of land, now belonging to one group, as the residential area of another group.

*Mr. ROBINSON: What about the future?

*Mr. VAN DEN HEEVER: That is the very point I am coming to. The Bill provides very clearly that before a delimitation of an area takes place advertisements will be placed in the local newspapers to the effect that representations will be received in regard to converting a particular area into a delimited group area. Then all the local authorities and building societies and whosoever is interested can make representations to the commission which will be sitting and all that evidence, together with the commission's recommendations, will be forwarded to the Minister. On top of that the Minister will still go to the Administrator to see whether they, between them, can devise a plan to obtain a final delimitation of the area. And even that is not the end. The report will then be sent to Parliament and a resolution has to be passed here that such and such a delimitation is accepted, and only after that the area becomes a group area. Where can you get a greater guarantee of security in connection with this matter? Greater security is impossible. My hon. friend spoke about the Minister's tremendous powers, but on this cardinal point the power does not rest with the Minister. The recommendation is made by the board, then it goes to the Minister and the final decision in every instance rests with this House. I hope that we shall, every year, get a number of recommendations from this board to be debated here, so that we may be able to catch out hon. members opposite. Let them then oppose what is proposed in regard to the actual delimitation of separate group areas. I consider that the attitude of the hon. member for Germiston (District) is ridiculous when he comes here and mentions Orlando in Johannesburg as one of the areas which may possibly become a European residential area.

*Mr. ROBINSON: Alexandra.

*The MINISTER OF JUSTICE: Still worse.

*Mr. VAN DEN HEEVER: It is much worse. If he cannot give an example of some

practical value at least, then I do not know where he gets his arguments from.

Another matter which the hon. member referred to is this. He said that our modern system of land registration would be dislocated by this Bill. I want to deny that most emphatically. It is not true. Our system of land registration makes very clear provision for servitudes on title deeds, and he knows it. He knows that there are servitudes on a very large percentage of the land in the Union, and this has nothing to do with the land registration system. These are two separate things and when the group areas have been delimited it will be quite easy. It will be known that a whole area is a European area, another area will be known as a Native area, and another as an Indian area, and yet another as a Malay area. It will be very easy if the Surveyor-General's office has the maps to know exactly where each piece of land is, even if there is no servitude registered on the Deed of Transfer. I think that the hon. member has never been in a Deed's office.

The hon. member used this argument: He said that if he sold a piece of land in good faith to a European, and that European lived with a non-European woman, that transaction would lapse and the seller of the land would suffer damages. The hon. member should remember that primarily the European would be guilty of a contravention of the Immorality Act. He cannot live with this non-European woman — he contravenes the Immorality Act if he does so, and he has to part with the non-European woman and then he retains the land he has bought. The argument of the hon. member has no foundation. I have also received that letter from the Associated Chambers of Commerce to which the hon. member referred, and I want to tell them this. They say that they have not had time to study the Bill; but the contents of this Bill have been known for nearly six weeks and to come now on the 26th May — they have picked a blessed date — and to write us a letter to say that they have not had time to study the Bill and that we must not pass it — well, it sounds to me as if they have allowed themselves to be influenced somewhat by powers which do not look at these things as objectively as they should. The Chamber of Commerce has no reason to be afraid that any of their interests will be affected by this Bill. When it is decided to lay out group areas, then, and only then, do they come into the picture and they will have the fullest right in every individual case to make their representations to the Board to be set up under the law, and to the Minister, and after that they can make representations to Parliament if they have not got satisfaction. I understand that the hon. member for Woodstock (Mr. Russell) is the new Chairman of the Cape Town Chamber of Commerce, the body which has circulated this letter. The hon. member for Kimberley (City) (Mr. Oppenheimer) also said a few words about the economic aspect. He confined his remarks more particularly to companies and discussed companies with bearer shares. He is afraid that they will be affected, he considers that they will be handicapped under this Bill. But let me tell the hon. member that one cannot allow people to obtain land under false pretences. Companies are formed on bearer shares, especially by Indians, and then they have nominated Europeans who have to buy the land on their behalf and who hold the land for them, and this practice has to be stopped. There is only one way of doing so and that is the way which the Minister proposes in this Bill. Perhaps an amendment may be made here and there, but I cannot see how one can change the principle unless one wants this problem to continue and to drag on until eternity.

The amendments proposed by the Opposition and by the Labour Party are clearly amendments proposed by Liberals.

*Mr. TIGHY: Who are they?

*Mr. H. S. ERASMUS: You are one of them.

*Mr. VAN DEN HEEVER: The hon. member for Johannesburg (West) is one of those people who is always in two minds — he does not know whether he is a Liberal or not.

*Mr. TIGHY: You are off the track now.

*Mr. VAN DEN HEEVER: I say that this amendment is an amendment which emanates from the Liberals on the other side of the House. Those members opposite who are not Liberals do not agree with the amendment. Some of them have the courage of their convictions to say that they do not agree with it, but many of them have not got the courage to do so. But let me tell those people that in their heart of hearts they thank the Lord that this Government has introduced this Bill.

One quite appreciates the disappointment of hon. members opposite, because at the general elections in 1948 they went to the public and they said this: "Look, the Nationalists are coming along with their apartheid story; they are only misleading the public because they know that they cannot carry out their apartheid."

*Mr. ROBINSON: Hear, hear.

*Mr. VAN DEN HEEVER: That is what they told people at the time of the elections. They asked the public to vote for them because they said that this party was defrauding the voters. Thousands of people allowed themselves to be caught by that

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story. I do not want to mention any names but there are several members opposite who would not have been here were it not for the fact that many electors, especially English-speaking, believed that story of theirs. Now they come here and they find that we are definitely carrying out that policy, and they are disappointed because they do not feel too keen on going to the public and saying: "What we told you in 1948 is not true; the Government is really giving effect to apartheid." That is why they are so disappointed.

I just want to point out what our policy —which we submitted to the electorate in 1948—contained. Let me quote from the Nationalist Party's colour policy as issued by the Prime Minister before the elections. In this statement he says—

> It contemplates the maintenance and protection of the white population of our country as a pure white race, and the maintenance and protection of the indigenous races as separate communities of the population with the object of developthem in their own territories to become self-supporting units, the fostering of national pride and self respect and mutual respect for the different races of the country.

The statement of the United Party that what we have declared in our policy could never be carried out by us, their statement that it was a fraud on our part, not only found its echo in the elections but in this House, too, it has been repeated by members opposite. Let me quote what has been said here—

*Mr. BARLOW: What are you quoting from?

*Mr. VAN DEN HEEVER: I am quoting from Hansard, the Bible of Parliament. The hon. member for Fort Beaufort (Mr. V. G. F. Solomon) said this in 1948, according to column 1706 of Hansard (Afrikaans)—

> They well know that their policy of apartheid is physically impossible, economically unsound and from a moral point of view, wrong.

And a little further on he said—

> We intend, however, to hold them to their election promises and to show up the biggest political fraud ever perpetrated in this country.

Now all those statements of theirs come back to them like a boomerang with interest added. This statement of the hon. member for Fort Beaufort found an echo with them and it was used in the election campaign throughout the country. But we are engaged in carrying out our policy. We are carrying it out step by step. We have passed the Population Registration Act which I called a foundation stone of apartheid. This Bill now before the House is one of the most important foundation stones of apartheid. We have passed the Mixed Marriages Act and we have passed the Immorality Act. On the administrative side we have applied apartheid in the post offices and on the trains. These measures have been passed in spite of the prophecies of members opposite. And for that reason because we have given effect to apartheid they are terribly disappointed.

Let me say this to hon. members opposite —that we are anxious to hear from them clearly where they stand, and what their position really is. Let them be frank and tell us what their attitude is. The trouble is that we can listen to them until Doomsday and we shall never get clarity as to what their attitude as a party is, because the one S.A.P. continually clashes with the other. It reminds me of a meeting of the old S.A. Party which I attended at the Sea Point Town Hall one evening. At the time there were rumours about coalition, and the chairman of the S.A. Party in Cape Town said this: "What a lot of talk about coalition, the S.A. Party itself is a coalition. There is room in the party for anyone, let them come to us and join; why do they want coalition?" That was in 1933. We still have exactly the same position among hon. members opposite Theirs is a party of heterogeneous elements and they thank the Lord if they can attract more elements to their side.

Mr. Speaker, I say that the Liberals dominate that party and that is why that party is in trouble today. That is why they cannot come forward with the attitude they adopt. They are now hiding behind a motion for the appointment of a commission. A party which has a definite attitude does not require Select Committees or Commissions all day long. The cloud behind which they are trying to hide is a very thin one, and anyone can see through it. What they have given us to understand is that the furthest they are prepared to go is separate residential areas — but on a voluntary basis. What does that mean in practice? In practice it means that we shall never get separate residential areas, just as little as we shall ever be able to reach the sky with our hands. None of them will deny that that is the furthest they are prepared to go as a party. And let me prove even more conclusively that that is thte furthest they are prepared to go. The hon. member for Cape Flats (Mr. du Toit) was discussing another question when the Minister of the Interior asked him: "Are you opposed to apartheid on the Railways?" And to this the hon. member replied: "I object to the principle." He objects to the principle of apart-

heid because it is compulsory apartheid. In another part of his speech he said it even more clearly. Even the hon. member for Gardens (Dr. Jonker) expressed himself in those terms. He was making a speech when he was asked, "Do you want to be a second Hofmeyr?" And his reply was: "I must thank the hon. member, he is paying me a compliment." I hope that hon. members opposite will be grateful and will say: "Our Government is carrying out its promises." This Government is importing apartheid in South Africa. And what is more, this Government is laying down a foundation which is so solid that even the South African Party will find it impossible to upset it, and it will have to maintain it. That is all that is left to them, and they will have to admit it.

I also notice that after the late Mr. Hofmeyr's death the hon. the Leader of the Opposition held a meeting in Pretoria where he addressed his head committee and where he said this, inter alia, according to the "Rand Daily Mail", on the 12th January, 1949—

> Col. Rood referred to the liberal elements in our party. I would like to know who these dangerous people are. Before his death Mr. Hofmeyr was attacked by our opponents for his liberalism, and the general election was fought largely on that point. I am surprised that now that Mr. Hofmeyr is gone, Col. Rood should start that sort of talk.

Because there were liberals in that party and because Col. Rood objected to that, they kicked him out long after Mr. Hofmeyr's death. Why was Mr. Michael Brink kicked out after Mr. Hofmeyr's death?

*An HON. MEMBER: No, he was not.

*Mr. VAN DEN HEEVER: I know that they kicked him out. Let me tell hon. members opposite this, that for them there is only one way out, if they want to help to save white South Africa. They must do what the hon. member for Musgrave (Mr. A. H. J. Eaton) has done here and admit frankly that this measure is a measure which will save the white people in South Africa and will put a stop to racial friction. With these words I want to conclude. I expect the hon. member for Drakensberg (Dr. Steenkamp) . . .

*HON. MEMBERS: Hear, hear.

*Mr. VAN DEN HEEVER: Yes, I quite understand that hon. members want me to stop, because this is like castor oil to them. I understand that the hon. member for Drakensberg will speak after me and I should like him to repudiate the hon. member who shares his bench — not the one who is sitting there now, but the one who usually sits there (Mr. A. H. J. Eaton) — and then I should like him to go back to Natal. We would like to see what is left of him then.

Mr. N. G. EATON: For some reason or other, most of the speakers on the Government benches are very keenly interested in the attitude of the Natal members in regard to this particular Bill. Now, as far as I am concerned, I am going to ask the House to bear with me while I give hon. members some outline of the position as I see it from the Natal point of view, and from the point of view of the approach of my party to the Natal point of view, as well as the national point of view.

An HON. MEMBER: Be careful.

Mr. N. G. EATON: No, I need not be careful. I have nothing to be afraid of. There has been considerable agitation in Natal for many years past on this question of the Asiatics and the Asiatic penetration into European areas. Finally, in 1946, a Bill was introduced in this House which confirmed in a great measure the Pegging Act. But the 1946 Act made no provision for areas as outlined in this Bill, i.e., to become in the course of time completely inhabited by one particular race. And that, in turn, gave further ground for agitation in one quarter or another. The other point where the 1946 Act failed was that it created distrust in the permit system and that system is being continued in this Bill. It left a certain amount of discretion to the Minister in regard to the acquisition and occupation of property in predominantly European areas. This Bill has certainly gone a little further in that regard, but there is still provision for permits.

Then we had a further development, and it is this further development that, in a way, started me on the path that has led to the present position. The further development was the request by certain people for the exclusion of certain areas from the scheduled areas as defined in the 1946 Act. The hon. the Minister will recollect that I led a deputation to him in Pretoria in November, 1948. Included in that deputation was a gentleman who owned a farm in my constituency—the nearest farm to Durban—and he was very anxious to get the whole of his farm included in the European area. The Minister indicated at that particular time that he did not have the power under the Act to do anything at all to give relief to this individual; but he also indicated that he was prepared to examine what amendments could be made to the existing Act. The Chairman of the Land Tenure Advisory Board was also present, and I think the Minister indicated for the first time that he had in mind a Bill somewhat similar to that we have before us today. He indicated that it would require a new Bill to give relief to the individual concerned. Subsequently the Minister came to Natal. These committees were appointed, and in the terms of reference of the two committees we find the following —

To receive and consider proposals for the amendment of Chapter 1 of Act No. 28 of 1946 and to report to the Minister thereon.

That portion has been concluded; and then the second portion —

To investigate whether urgent amendments to Chapter 1 should be made during the next session of Parliament, pending further amendments of a more radical nature which might be recommended, and which cannot be introduced during the next session of Parliament.

The first portion of this paragraph has also been done. As regards the second portion, that is where we have arrived today. These are amendments of a more radical nature, so radical that the original Act will almost disappear and a new Bill will take its place. I also want to discuss the way in which this commission, or these two committees, called for evidence. From 23rd December, 1948, to 8th January, 1949, the Natal Committee inserted in the Press notices —

Inviting "any person, group of persons, or public body desirous of submitting proposals for the amendment of the said Act . . . to forward such proposals in writing . . ." to the secretary of the committees.

That was in regard to the 1946 Act. But in regard to this invitation we also find this statement —

"It must be noted that the committee will not hear oral representations, except when required by it for the amplification or explanation of proposals already submitted in writing."

In this connection I want to indicate to the House that I was associated with a civic association which had sent memoranda to the committee and subsequently the committee called upon the association, in terms of the notice I have read out, to give oral evidence. I was asked to accompany the deputation that waited upon the committee in Durban. Now it is quite possible that I am the only member of Parliament who gave evidence to these committees. I am not sure, but I think it is so. It was because I was there that I got to know in advance what the Minister and possibly the committee had in mind when they spoke of a more radical scheme. When we had amplified our proposals, which were suggested amendments to the 1946 Act in order to make it more workable, we were asked by the committee members what we thought of a larger scheme. At the time they envisaged four groups, and not three, as in this Bill. The point I want to make is this, that the deputation that waited upon the committee had no previous knowledge that they were going to be questioned on the larger issue, and any evidence they gave on that at the time or any statement they made was purely in reply to questions put to them; it was not a question at all of statements having been made after due consideration.

After we had given evidence, there was a general feeling of satisfaction that we would get amendments to the 1946 Act which would end forever the distrust and doubt in regard to penetration by Indians in the urban areas in Natal. I asked the hon. the Minister from time to time what progress was being made, and he told me a Bill was in preparation.

I want to go on now to the next stage in this development. It will be remembered that the hon. the Prime Minister during a visit to his constituency, indicated that a Group Areas Bill would be put before the House during this Session. That announcement was given wide publicity; so much so that I was requested to address a meeting in my constituency, which I eventually did during the recent short recess. At that meeting, although I had not seen the Bill, I was able to give a pretty fair outline of what was likely to be placed before us in this Bill. I was out in regard to a couple of points. I thought there would be four areas and now there are only three. I thought a commission would be appointed to go round the country and take evidence, in order to discover what areas would be demarcated for Europeans and non-Europeans. I was wrong there. The Bill provides for the appointment of an advisory board to deal with the same matter. In regard to that point, at the time the overriding wish of those present was that they wanted the existing Act of 1946 amended in such a way as to eliminate what they called the red pockets. It was this question of the red pockets that was causing all the trouble. But this Bill in its present form gives no guarantee that the red pockets will be eliminated. On the other hand, there is considerable danger that the existing white area will become red in my particular constituency. This is not of general application, but it is important from my point of view. The Minister will remember that he received, I think it was last Friday, a deputation from the Durban City Council. They have accepted this Bill and in doing so I am not quite sure that they accepted the financial implications of the Bill. But in this morning's "Cape Times", under the heading "Group Areas Cost", "Durban Expects Big Outlay", we find that Mr. Leo Boyd said this —

That the effect of the Group Areas Bill on Durban would be the creation of areas which would probably cost the Council hundreds of thousands of pounds capital to provide roads, drainage and other amenities.

Mr. Boyd was the leader of the deputation from the Durban City Council which interviewed the Minister. Now my constituency, Umlazi, includes a large area in Durban proper that has not been developed, and when Mr. Boyd speaks of a cost of hundreds of thousands of pounds to provide roads, drainage and other amenities, it is obvious to me that he has in mind the utilisation of the undeveloped portion of Durban for the provision of an area for Natives and Coloureds. Now this question arises in my mind, as the representative of that particular constituency: If the people are opposed to the red pockets and they want those removed in the constituency, are they going to take it kindly if a larger portion of my constituency is made into a Coloured or a Native area?

An HON. MEMBER: That is racialism.

Mr. N. G. EATON: No, this is not racialism. My point is this. I am in a constituency where the Europeans are desirous of removing the Indian pockets, but they are not keen on establishing Native or Coloured areas in the constituency. That is the problem that will have to be faced by other members of Parliament in relation to their own constituencies, but I am quite sure it will not have to be faced by the hon. member for Musgrave (Mr. A. H. J. Eaton), who indicated this morning that he was prepared to support the second reading. He fortunately is in a constituency where there is very little likelihood of any portion being demarcated for non-European occupation.

Mr. A. H. J. EATON: There are pockets.

Mr. N. G. EATON: Yes, there are pockets but not of such a nature that the Land Tenure Advisory Board would establish a large non-European area in that constituency. His position is far easier than mine.

It may be necessary for me at this stage to indicate that it may be easy for members on the Government side to say "Yes" or "No", whether they are in favour of this Bill or not. They must appreciate that other members are faced with difficulties and it is not so easy for us to say "Yes" or "No". This is not an easy Bill. I do not want the Government to think that as far as Natal is concerned the policy of apartheid has been accepted. Except for the hon. member for Newcastle (Mr. Maree) we have no other Government representative in Natal. I am not speaking of the Afrikaner Party at the moment. It may be news to members on the Government benches to know that during the last general election Natal was not asked to decide whether apartheid was to be the policy of the country or not.

The MINISTER OF THE INTERIOR: Are you against the Bill?

Mr. N. G. EATON: The Minister asks me whether I am against the Bill. I am in favour of any Bill that will make relations more harmonious, and if you are going to call that apartheid, I am not worried about words. I am prepared to argue on what the final result will be. As far as I am concerned, my position is very clear in my own mind. I only wish that the Government members were as clear about the implications of the Bill as I am. But because they have not had the opportunity of practical experience of measures such as this, it is possible for them at once to say "Yes" or "No", whether they are in favour of the Bill or not.

There was another question raised, of general application. It was the question of the responsibility for the advent of Indians in Natal. I want the Government not to be so free with its criticism in regard to the influence exerted by the Imperial Government, because in that regard we have to bear in mind the fact that at that time the Zulus were still fighting for their freedom and that it was most difficult for the Government to persuade those people to work in Natal when they were actively opposed by the Government. That was the position in the early days in Natal. The Zulu at that time was living a very free, a very independent life, and he was then asked to come and work for the white man. He saw no purpose in doing so. He had as much as he wanted, and in some cases more than he wanted, so why should he work for the white man, and I cannot see why the British or the Imperial Government should be blamed, not for the introduction of Indians into Natal, but blamed for not making the Native work. I think that is quite wrong. Those people were not a subject race. They were still fighting and did fight very severely for their own freedom; but that is just in passing. Steps were taken in the early days to meet the conditions that existed but I want to go a step further and deal with another question that was raised by the hon. the Minister of the Interior in introducing the second reading of this Bill. He said that the Government looked upon this as a national problem. This Bill, it is true, makes provision for three groups — European, Native and Coloured—and its provisions will apply to the whole of the Union. But is the Minister going to tell me that with the passing of this Bill it will be quite in order for Indians to go and live in the Free State.

HON. MEMBERS: Of course not.

Mr. N. G. EATON: And yet they say that this is a national matter, but when we talk about Indians going into the Free State then it is provincial.

An HON. MEMBER: That is silly.

Mr. N. G. EATON: This is not a silly thing. This Bill makes provision for Indians or Coloureds to live in the Free State. It does whether we like it or not.

HON. MEMBERS: Where?

Mr. N. G. EATON: This indicates clearly to me that the members on the Government benches have not examined this Bill.

HON. MEMBERS: Read it.

Mr. N. G. EATON: Provision is made in this Bill for areas for Coloured people in the Free State. If Indians are not going to be permitted to live in a Coloured area where are they going to live? This is not a silly notion. This is implicit in the Bill. The Bill has made provision for it. Whether or not the Government will break down provincial barriers as far as the Indians are concerned, is another matter, but my point is that the provisions are there and there is nothing that can be done about it.

An HON. MEMBER: Read Clause 2.

Mr. N. G. EATON: The people in Natal would be very happy if they felt that this Government was looking at this thing as a national problem and if they were prepared to say: "If we cannot repatriate the Indians we will at least ease your burden by allowing Indians to live anywhere in South Africa." As a measure of their sincerity let us see how such a suggestion would be received. They are talking of Natal; they are saying to Natal: "This is what we are doing to help you." But when we apply the test in order to see whether they want to help Natal in reality we get laughter from that side. Then they tell us: No, we do not want your problem; you keep it to yourself. That is the position, Sir, and it is just as well that the people of Natal should realise exactly what this Bill means. The Government is making provisions but they are not prepared to implement them.

Dr. VAN NIEROP: Are you serious?

Mr. DAVIDOFF: The trouble is you are not.

Mr. N. G. EATON: The hon. member for Mossel Bay (Dr. van Nierop) always interjects when he is worried and I do not blame him because in his position I would be worried, too.

The MINISTER OF THE INTERIOR: He interjects when you are worried.

Mr. N. G. EATON: Let us take this question of the attention of the Government towards Natal a step further. Apartheid measures have been in force in Natal in most cases for years and years. The position is that we have not called it apartheid. We have called it common sense.

An HON. MEMBER: That is apartheid.

Mr. N. G. EATON: In Natal we have applied the principle as and when we could, but this Government is not prepared to take a common-sense view of the situation. They say that this is a national matter, but when it comes to applying it nationally they say it involves too many things. For the benefit of members who perhaps do not know Natal, I want to tell them that apartheid on our railways has been in force for many, many years. On our local transport system we have had it for years. We have had it for years in cinemas and in the utilisation of halls.

An HON. MEMBER: We are following your lead.

Mr. N. G. EATON: The hon. member says that they will follow our lead. That is the point I want to make. Natal was not converted to what the other side calls apartheid. We led the way and now because a Bill is brought before us, which the Government claims is national in its scope, and we ask logically that it should be made a national Bill and what about Indians in the Free State and in the Transvaal, they say: "We don't want to know."

The MINISTER OF THE INTERIOR: Have you ever seen the colour map of Durban?

Mr. N. G. EATON: I have a picture of that in my mind all the time.

The MINISTER OF THE INTERIOR: Do you call that apartheid?

Mr. N. G. EATON: The question of apartheid in relation to that map is the point I expressed earlier on, and it is the very reason why I say that if you as a Government are prepared to leave the Indians concentrated in Natal, you have no feelings for Natal whatever. If the Minister wants to remove those red spots from Durban, he can do so by allowing Indians freely to go to any part of South Africa.

The MINISTER OF THE INTERIOR: I thought you said that you had apartheid in Natal; that you led the way?

Mr. N. G. EATON: Of course we did. The question of apartheid in Natal was established under the 1946 Bill. It did intend — I grant the Minister this — by voluntary measures to achieve apartheid. If the Minister examines our amendment to this Bill he will

see quite clearly that this party does not support the theory of voluntary separation. We made that quite clear. We say that—

> This House, while accepting the principle of residential and social separation, declines any Bill empowering the executive to demarcate group areas for the respective racial groups in the Union which fails (1) to impose financial responsibility on public bodies, including the State, for providing alternative accommodation and residential amenities for persons evicted as occupants from an area.

We are in favour of compulsory separation, if necessary, but we want to see provisions in this Bill to compensate those people who have been compulsorily evicted. This is quite logical. Then the second portion reads—

> To make provision for the compensation of persons as owners of property who are adversely affected by such demarcation.

All we want is this Bill with these provisions incorporated in it. When the Minister spoke on this particular Bill yesterday what did he say? He spoke about the hardship that would be created and he said he wanted the Bill to be administered in a fair, equitable and judicious manner. I say how can he as Minister administer a measure of this sort in a fair, equitable and judicious manner without the provisions of our amendment? It is impossible for him to do so.

Dr. VAN NIEROP: May I ask you, are you supporting the Bill?

Mr. N. G. EATON: May I ask you, are you supporting our amendment?

Dr. VAN NIEROP: No.

Mr. N. G. EATON: No, the hon. member for Mossel Bay has not considered this subject at all. All he says is that this Bill is a Bill which says one thing and if people say another thing, then they are against it. As far as the hon. member for Mossel Bay is concerned, his training in commonsense was sadly neglected in his early days.

Dr. VAN NIEROP: You have not replied to my question yet.

Mr. N. G. EATON: You have not replied to mine either. As a member of the Labour Party I want to indicate to the House very clearly that the policy of separation or segregation, as far as our multi-racial population is concerned, was accepted by us at a conference in 1946. It had been accepted years before, but in 1946 it was laid down in a printed document.

An HON. MEMBER: That is news to me.

Mr. N. G. EATON: That may be news to the hon. member because he can only think in terms of the Cape, the Transvaal and the Free State.

Mr. J. H. CONRADIE: Is that compulsory?

Mr. N. G. EATON: Yes. If the hon. member for Gordonia (Mr. J. H. Conradie) will read our amendment he will see in terms of our amendment that we are providing for the compulsory eviction of people. That was the purpose of the amendment. The Bill as it reads now makes no provision for those people who are compulsorily evicted; no provision whatever. As far as the Bill is concerned it is possible for large numbers of people to be evicted and for them to have nowhere to go at all. The purpose of our amendment is that provision should be made before they are evicted, so that they will at least have a roof over their heads, even although they may be in a strange area. That is the position. That is the purpose of our amendment, and if the Government examines it closely they will see that there it nothing in our amendment that is against the policy of separation. All we want to do is to make it a workable possibility. We want to see the separation of our people brought about in a fair just, judicious manner. But the hon. the Minister of the Interior — I jotted down his words in connection with this question — said that he had no intention of creating hardship. Perhaps the hon. the Minister, when he replies, will tell us how he is going to avoid hardship and at the same time legislate for eviction. It is quite obvious to me — I am going to say it again — that the hon. member for Mossel Bay has not examined the Bill. He says that there is no eviction.

Mr. SCHOLTZ: What clause are you talking about?

Mr. N. G. EATON: If the hon. member had examined the Bill he would have known what clause I am talking about. The fact that the Minister says that there will be no eviction up to one year; does not mean to say that there can be no eviction. This Bill, if it does not make provision for eviction, cannot achieve the very object on which members on the Government benches are so keen, and on which, I may say incidentally, many Durban people are keen, and that is the elimination of red spots.

Dr. VAN NIEROP: There is such a thing as a permit.

Mr. N. G. EATON: The people that we are concerned about, as far as Euroepan areas are concerned, are Indians living in European areas under permit, and if this Bill does not provide for the eviction of

such people, then I say that I have misread the Bill. As far as I understand it this Bill will make it possible—and that is why we moved our amendmentt—for European areas eventually to become 100 per cent. European.

Dr. VAN NIEROP: That is right.

Mr. N. G. EATON: But the point I want to make here is this, that the Bill lays down that the owner of such property will remain in residence until he dies. If Indians happen to live in a European area they will have to go eventually; if they refuse to go they will be evicted. That is the position. It is quite possible that the Indians will adopt a passive resistance policy and finally they will have to be evicted.

An HON. MEMBER: Are you suggesting passive resistance?

Mr. N. G. EATON: I am not suggesting passive resistance. Our amendment clearly stipulates that in that eventuality financial assistance must be given in cases of hardship, and that is the point on which we differ from the Minister. We say that it is not possible to put this Bill through without creating hardship, and we are asking him to provide in this Bill measures which will ease that hardship, whether by way of compensation or whatever it may be. Provision should be made in this Bill for the necessary alternative accommodation.

The MINISTER OF THE INTERIOR: Must the alternative accommodation be in Umlazi?

Mr. N. G. EATON: That will be for the Advisory Board to decide. Whatever the Advisory Board determines the alternative accommodation to be, housing should be provided there before large groups of people are sent there. We are not asking the impossible. I am suggesting to the Minister that for once he should take this amendment seriously, and by taking the amendment seriously I am convinced he will get a greater measure of general acceptance of this Bill than he will without such provisions as we have indicated in our amendment.

*Mr. HUGO: I want to congratulate the hon. member for Umlazi (Mr. N. G. Eaton), who has just sat down, on being under the illusion that he is not between the devil and the deep blue sea as far as this Bill is concerned. But I want to assure him that if he continues blowing hot and cold, as he has been doing for the last half hour, then if I judge the Natal people correctly he will find himself one of these days in the position of actually being between the devil and the deep blue sea.

*Mr. W. C. DU PLESSIS: And then we shall also proclaim the area between the Devil and the Deep Blue Sea as a group area.

*Mr. HUGO: I want to confine myself exclusively to the principle of this Bill. Those hon. members who have contended so far that they support the principle of the Bill but who have proposed amendments and spoken for hours, have done nothing but find fault with the principle under the pretext of being opposed to this measure in its present wording. I do not want to follow in their footsteps and I want to tell them that they have not succeeded in convincing the House that they are not opposed to the principle. I also want to assure them that they have not succeeded and that they will not succeed in convincing the public that they are not opposed to the principle of this Bill. It is a usual occurrence to find people at the corners of the streets, English-speaking and Afrikaans-speaking people, talking about this measure which we are now discussing. Only this afternoon I listened to such people while I was on my way home. They happened to be English-speaking, and the remark which I overheard was "This measure should have come years ago". That is the attitude of the public outside, and those hon. members who are still protesting against the Bill, are causing their own downfall and the downfall of their Party. Well, let them carry on. It is to our benefit and we shall attend their funeral without tears. This Bill is essential if we want to preserve white South Africa. Secondly it is more than that; it is the realisation of a long-felt and long-cherished desire for the termination of an ever-growing danger created by inevitable miscegenation, and thirdly and best of all, this Bill, when it comes on the Statute Book, will be the corner-stone of racial peace in South Africa. A few years ago the Rt. Hon. the Leader of the Opposition—and that was in the days when he was in his glory—said, referring to the then Opposition, the present Government, "Let the dogs bark, the caravan moves on, slowly but surely". That caravan wrecked itself on the 26th May, 1948, simply because it was moving away from South Africa, away from the principles and the basis on which South Africa had been founded and built. But if my understanding of South Africa, English-speaking and Afrikaans-speaking, is right,, and if I also understand the non-European races in South Africa, to a small degree, then let me say, and I say this to hon. members of the United Party and also to hon. members of the Labour Party, and most emphatically of all to the Natives' Representatives, "Let the dogs bark, this caravan moves on, slowly, perhaps very slowly, but it moves surely, in spite of the barking of the dogs". The practical carrying out of this Bill will certainly not be easy. As a matter of fact the

Minister himself has said so—and that is what the hon. member for Umlazi kept on referring to. The Minister himself has said that this Act will require sacrifices from the people of South Africa of every race and of every colour. As this Act does not discriminate, sacrifices will be required from all races. Just let me say this, that, at least as far as we on this side of the House are concerned, we are very willing, in the interests of the people of South Africa, in the interest of the upbuilding of our mother country, to make such sacrifices, if necessary. But we are doubly convinced that those for whom this Bill will be of special importance, namely, the less privileged white section of our population will also be prepared, poor though they may be, poorly endowed with earthly goods, to make their sacrifices and bring their gifts. I repeat what I have said before, that all good things in South Africa have had to wait for the arrival of the Nationalist Party Government or of a Nationalist-minded Government. If I may mention it—would the Iron and Steel Industry have come into existence but for the Nationalist Party Government? Would the boot and shoe factories in South Africa ever have got on to their feet without the protection which the Nationalist Party Government of the time extended to those young factories so that they could become independent? Would South Africa ever have obtained sovereign independence had it not been for the persistence of the late General Hertzog and the men who, in those days, stood by him? Do hon. members recollect how we were opposed in the passing of these measures which I have mentioned? Do hon. members recollect how the people of South Africa were bruised and hurt by the expulsion of one of their greatest sons, simply because he stood for South Africa first? Let us get a little closer, however. Let us remember the battle we had to wage here exactly a year ago—with an all-night sitting thrown in—to get one of the most natural measures imaginable passed. A measure required by every country, and one which every country has, namely the Citizenship Act of the Union of South Africa. Earlier this Session less objection was raised to the abolition of the right of appeal to the Privy Council. We can still hear the thunder of the United Party when another proud Nationalist undertaking—also accompanied by a night-sitting—was passed here—a measure which has not been finally disposed of yet, I refer to the Population Registration Bill, on which we have been engaged here the last few weeks. It is a law known in every country, a law which can do naught but benefit us, and be of use to South Africa, yet it was opposed by that side, opposed to the death, and were it not for the courage and persistence of this side, of the Nationalist Government, this Population Registration Law would never have come on the statute book in South Africa. I am entitled to say that every grand achievement in the past, everything of which we can be proud, and I almost make bold to say, everything we shall be proud of in days to come, must emanate from this side of the House, and saying this is no more than making a simple statement of fact. This side has the greatest respect for any other people in the world, but first and foremost we are Afrikaners and probably the people on the other side, who cannot or will not adopt the same attitude as we do, are primarily not Afrikaners.

*Dr. VAN NIEROP: Just sing Tipperary, and you will see them wake up with a start.

*Mr. HUGO: But the day will dawn when those, who will probably, or should I say certainly vote against this measure—I say the day will dawn when they will be glad to give all they have to get their names deleted from the list of names of those who have opposed this Bill. And more than that—in all probability they will, as they have done in the past, try to get in by the back door, so that if necessary they can bless this measure, this little child, because they will be very anxious to be honoured and thanked by posterity for legislation of this kind in South Africa. If we desire to help white South Africa to carry on, then let me say most decisively this afternoon that legislation for separate residential areas is essential, and not merely essential, but long overdue. I have the honour to represent a semi-urban constituency, a constituency where there are just as many, or even a few more Coloured people than Europeans. I know what I am talking about and I want to repeat most decisively that this Bill is not merely essential but absolutely necessary, even though it is a little overdue. The hon. member for Bredasdorp (Mr. Uys) quite rightly said yesterday that this Bill aims more particularly at the salvation of the less privileged Europeans. That is the position in the constituency which I represent, and hon. members who do not see things as the hon. member for Bredasdorp sees them, should realise that bastardisation in South Africa will not set in from the top. If bastardisation does come in South Africa it will start from the bottom, not because there is lack of character among the lower layers, among the less privileged classes, but because they live under conditions and in circumstances which they cannot control, and it is our duty, our sacred duty, to change these conditions, and we are grateful that with the aid of this Bill we shall have an opportunity of changing the conditions and the living conditions especially of the poor whites, and of so altering them that these people also will be able to live like Europeans. On the occasion of the elections I said in my constituency that if separate residential areas

were not provided then, or at least very soon, for the different races, the results of bastardisation would soon have to be faced. That bastardisation will not start high up on the mountainside but down below at the Berg River. That is why, as far as this measure is concerned, very few people will support the views of the United Party. The people affected are looking for protection from the Nationalist Party against this great and menacing danger. Someone who had been doing social work in the suburbs of Cape Town ten or twelve years ago, has told me of her experiences. As a social worker among the railway workers she would visit families and in one particular house she found a white woman, a mother, living with her four children and her husband, while the rest of the people in that house were non-Europeans. They used the same bathroom, the same stairs, and the woman, cast down by circumstances, would say to her, "What else is there for us to do, we either have to suffer through lack of food, or through poor accommodation, and at any rate we are getting enough to eat although our living conditions are bad." This necessarily must eventually lead to miscegenation. I could mention another instance of a poor family where the eldest daughter has married a Coloured man. I asked this social worker: "Tell me, has this girl improved her conditions by marrying the Coloured man, yes or no?" The reply I got was pathetic. This poor white girl had improved her conditions by marrying the non-European. If these conditions are not improved, if they are not removed, there can be only one ending, and that is miscegenation—it is unavoidable. We have to prevent it at all costs. I conclude by saying this to hon. members opposite: "Remembering the unavoidable friction which prevails today, and which from the very nature of things must prevail between racial groups which cannot fit into each other, huddled together in one area, in one street and sometimes in one house—I ask them whether they are honest towards that group if they oppose this Bill, even if they do so on the poor excuse that more investigation is required." I also want to say this to hon. members opposite: "Remembering the conditions under which many of our fellow-Afrikaners live, bear in mind the golden rule 'Do not unto others what you do not want to be done unto yourselves'."

Mr. ROBINSON: I do not propose to devote a considerable amount of time in answering the hon. member who has just sat down. He is a kindly gentleman and he is a well-respected Parliamentarian. He is also an arch disciple in his quiet way of this narrow sectional nationalism which is represented by the party on the other side of the House, and the speech which he has made this afternoon was merely a reaffirmation of his belief in those principles and he has not dealt, if I may say so, very much with the principles of this Bill.

My main object this afternoon is, with great respect, to address myself to the hon. the Prime Minister. There is an aspect of this legislation which has not been discussed, at any rate in full by the House, an aspect of this legislation, which, if I may say so, concerns the Prime Minister in his capacity as Minister of External Affairs, and an aspect of this legislation about which we should be very careful indeed. All parties in this House would be grateful if the Prime Minister would give consideration to the desirability or otherwise of entering into this debate so as to deal with the points which I shall now lay before him and any other aspect of the matter which he might have in mind. It has caused some speculation that the Prime Minister has not so far entered into this debate, because the Minister concerned with the Bill has indicated to the House that this is a Bill of such magnitude which is going to affect race relations in this country for generations ahead, it is a Bill of such magnitude that all present relationships are likely to be broken down and a new pattern for the future of South Africa set up. We want to know, if we may, from the Prime Minister, how he thinks international opinion is going to react to this measure.

Mr. G. F. H. BEKKER: Ah!

Mr. ROBINSON: I hear the hon. member for Cradock (Mnr. G. F. H. Bekker) with his customary interjection, which is nothing more than a bleat, but I want to assure him that I am dealing with a very serious aspect of this Bill and I am at the moment taking the liberty of addressing myself to his Leader on this particular point. At the moment South Africa is, one can almost say, the defendant at the International Court of Justice at the Hague. South Africa's relationship with members of the United Nations has deteriorated considerably over the past few years and it is suggested by many quarters that UNO will look with considerable alarm on this measure which is now before Parliament, and therefore the first question that I would like to ask the hon. the Prime Minister is: Does he consider that this Bill will in any way intensify ill-will towards the Union of South Africa at UNO? Does he consider that this measure is fully understood by the nations abroad and what are his views as to the reaction of other countries in general? But secondly, and possibly more important, I would like to ask the hon. th Prime Minister whether he has had any communication on the subject matter of this Bill from either India or Pakistan, or both. I believe that a little earlier in the Session, the hon. the Prime Minister indicated that

he had in fact received a communication from one or both of these countries, but at that stage he did not deem it advisable to tell either this House or the public of South Africa what the contents of these communications were. I think that as we are being asked to pass this measure, which apparently has been the subject of representations by India and Pakistan to this country, it is the duty of the Government to inform the House of the nature of those communications. There are many people who believe that as a result of this Government introducing this legislation into Parliament, that the proposed round-table conference between India and Pakistan and South Africa might more or less be presumed to be a dead letter. I would like to ask the Prime Minister whether he would be good enough to take this opportunity of indicating whether such a round-table conference is likely to materialise. The reason why I ask this question is not merely to seek information for information's sake, but because much is talked about repatriation and the necessity of getting rid of the Indian population from South Africa, that I would like to know what the position is. We are all agreed that if such a course were possible, it would be highly desirable, that is to say by mutual agreement between the other two governments and ourselves, and if one hears it rumoured that in fact representations have been made of a character that indicates that if we proceed with this measure, no consultation can take place, then it is safe to draw the conclusion that this action of the Minister in introducing the Bill at this stage, may result in no conference being held and may result in the breakdown of the negotiations between the three countries and put "paid" once and for all to the opportunity of arriving at any arrangement with India and Pakistan for the repatriation of Indians from South Africa. Now these are matters which I do suggest we should investigate and we should be told about, and I have taken the liberty of asking the hon. the Prime Minister whether in view of the gravity of this matter, and I can assure you that members on this side of the House are deeply perturbed about these vague reports which we hear, whether he will be good enough to intervene in this debate and to tell us something about this matter in so far as his portfolio of Minister of External Affairs is concerned. If I may say so, there is one thing that impresses one when one judges the activities of the present Cabinet and of the present Government in so far as their handling of international affairs is concerned and that is that they seem to have been in isolation for such a considerable period, they seem to have been out of touch with world opinion so long, that they have the most curious habit of mistiming their activities in relation to world matters. A great deal of the criticism which comes from the world against South Africa at the present time is not so much in relation to the inherent contents of any particular measure which this Government may see fit to pass, although one can object to a great deal of it; a very great measure of world opinion objects to the activities of South Africa because we keep putting our foot into it in our timing of these various matters. Here we were apparently on the eve of a conference with India and Pakistan, they make representations in regard to this Bill, and what happens? The Government promptly introduce a measure in the closing stages of the Session for narrow political motives. Now I have asked the hon. the Prime Minister to give consideration to this matter and I trust that he will take the House into his confidence and give us some further information.

Coming now to the national scene, I would like to divide my approach to this subject, in regard to the national reaction to this Bill, into four sub-divisions. First of all let us consider the reaction of the European community in South Africa to this measure. I believe that many people may be misled into supporting this measure without fully realising the full implications. There are quite a few misguided people who believe that this measure is really not as bad as it is painted and there are many misguided people amongst the European community who see no harm or no danger in the simple fact that we are creating separate residential and social areas in South Africa. All parties are agreed on that subject, but I should like to instance to the European community some of the dangers to that European community. First of all there was the point raised by the hon. member for South Peninsula (Mr. Gay) in respect of local government. I would like to know where is the voice of local government in relation to this Bill. Does local government in South Africa realise the full implications of this Bill? As hon. members are aware, in the South Africa Act it is laid down that the powers, authority and functions of local government shall not be interfered with except by Act of Parliament, but in terms of this measure the new board or the Minister, or both, will have powers in relation to local government which will enable them to do the many things that run contrary to the spirit of the South Africa Act in a manner which I have indicated. This Bill empowers the board to interfere in local government areas without reference to Parliament, and I would like to ask the hon. Minister in charge of the Bill whether he has taken steps at any stage during the preparation of this matter to consult with the United Municipal Executive, which as hon. members know represents municipal interests in South Africa. Has he taken any opportunity whatsoever of consulting the United Municipal Executive? I

do not believe so, Mr. Speaker, because otherwise most certainly the provisions in this Bill dealing with local government would never have read as they in fact do. Does European South Africa realise, as the hon. member for Germiston (District) (Mr. Strauss), has already pointed out, that this Bill interferes with private rights of individuals in this country, without the prospect of gaining any compensation? Does European South Africa realize that with the passage of this Bill there is every possibility of complete chaos establishing itself in the property market of South Africa? Does European South Africa realise that this Bill makes further inroads into the powers and prerogatives of Parliament? I believe that at the rate which we are going in this country today, and particularly at the rate at which the hon. Minister of the Interior wishes us to go, that the object of the Government is to hand more and more powers to boards and Ministers, and in that way not only to interfere with the normal prerogatives and rights of Parliament, but what is more important, to make it increasingly unnecessary for Parliament to legislate on major issues affecting the people of this country. I have no doubt that if this Government had its way, the necessity for longer Sittings would fall away, because all the powers of Parliament would be in the hands of Ministers or in the hands of boards. I believe, and I say it with absolute conviction, that hon. members on that side of the House are doing their level best—not so much the rank and file, they don't understand these things, they never read the Bills, they are never consulted, they don't know what their Cabinet is up to, it is a secret conclave which takes its instructions, as we all know from another organization, which it is not necessary at this stage to go into—but I say with firm conviction that this Government is trying to bring Parliament into disrepute. I tell hon. members on the Government side to watch out, watch out in your caucus meetings, watch out when future measures are brought before you for your consideration. This Government is trying to bring Parliament into disrepute, this Government is endeavouring to do this so that at a given stage, and I know that the hon. the Minister of Lands has this in mind—that has always been his approach to this matter—at a given stage they will go to the people of South Africa and say: "The parliamentary system as it operates to-day is a waste of time," and they will endeavour to take power to control the country without continuing our democratic system of Government. That is the long-term plan and the evidence is again to be found in this Bill which is here before us today, which once more affects our prerogatives and our parliamentary privileges. Does European South Africa realise, as was pointed out by the Acting Leader of this Party, that this Bill cuts right across the established system of land registration in South Africa, and does European South Africa realise that this Bill cuts right across the security of mortgages in this country? What have the building societies had to say in regard to this measure? Has the hon. the Minister taken the opportunity during his second-reading speech of advising us whether he has had any representations from the building societies, which have large and important interests in South Africa and which have a very real interest in this matter? Does European South Africa realise that although you may be classified as a European in terms of the Population Registration Act, in terms of this Bill you may in turn be classified as a non-European? Does European South Africa realise that that danger is inherent in this Bill?

Mr. Speaker, these are a few points which I am afraid European South Africa has not wakened up to. We have had public protests over very many other measures which are easier to understand, but if ever there was an occasion for public protests against rushed legislation without full inquiry, then I say that this measure before us is a fine example.

This Bill forms part of a programme of legislation that is being sponsored by the Government and it is based on two things, and I make this very serious charge with due consideration of all the facts, that since this Government has come into power it has based its legislative programme so far as human relations in this country are concerned, and the status of the people in South Africa is concerned, entirely on a basis of hatred and fear of the non-European people in South Africa. The Immorality Act, the Population Registration Bill, the Mixed Marriages Act, the measure before the House at the present time, are all examples of this intense hatred and intense fear in the breasts and the hearts of members sitting on that side of the House in relation to the non-European people. The hon. member for Wonderboom got up here yesterday and he told us that there was a growing hatred between the races in this country and I entirely agree with that hon. member, and I say that the reason for that is the attitude and the legislative programme that this Government has introduced since it came into office. Fear is motivating this Government in trying to legislate the European people of South Africa into a kraal, surrounded by 8,000,000 non-Europeans, in the stupid belief that once we erect a wall of legislation surrounding us as our protection, that we shall be safe for evermore from the progress, and the very necessary progress, of the non-European people of South Africa. All this legislation is built up as legislative protection in the opinion of the Government for the Europeans in South Africa; but that is not

going to be the result of this legislation. What is happening is a complete breakdown and a deterioration in race relations in South Africa, owing to this type of fear legislation, and the sooner we get back to the positive form of government and the positive form of policy for which this side of the House stands and which I am going to deal with in one moment, the better for the Union of South Africa. Take the last election. Take the speeches that were made by hon. members on that side of the House and their supporters in the country. Speeches of venom and hatred of the non-European from platform to platform. Is that sort of thing the sort of thing that is best calculated to improve race relations in South Africa? I say that this country will rue the day that the Malan administration took over in May, 1948. We have had three major periods in South African history since Union. We had the formative period of Union under the leadership of the late Gen. Botha. We then followed with the period under the leadership of Gen. Hertzog, when the equality and the rights and the full privileges of Afrikaans were established in relation to English in this country, and that period is well known in our history and in that period the United Party was formed, and we have had the third great period in the history of our country, that period when South Africa played its part among the comity of nations under the leadership of my present leader, the hon. member for Pretoria (East) (Field-Marshal Smuts), the Smuts era, which is the era of consolidation and the establishment of unity between the Afrikaans-speaking and English-speaking people in South Africa. The major contribution in this direction was made during this last Great War. And we come now to the Malan era, and the Malan era will be remembered in the history of this country as the era of the breakdown of race relations in South Africa, and I say that members on that side of the House before glibly supporting legislation of this kind, without full inquiry, should be well reminded of what is happening in South Africa and should call a halt before it is too late. There is a cloud of fear and hatred covering South Africa, there is fear and hatred developing between white and black, between white and coloured, between white and Indian, and I say that the continual representations and attempts that have been made by this side of the House to lift this whole question of the non-European problem outside the arena of party politics and to try and establish a basis on which we can work for the next five or ten years, would be of benefit to all sections. Our proposals are continually turned down by members on that side of the House for narrow political motives. Secondly, as far as the Indians are concerned, it is quite definite that the Indians will resist. What form that resistance will take, nobody has yet heard, but we have had a clear indication in the past, and it is a very disturbing fact to my mind that so many leaders of Indian opinion in South Africa do not realise their full responsibility as South African citizens. I feel and I say that the attitude of this side of the House is this, that we say to the Indians in South Africa: Exercise restraint, exercise responsibility; we, as the guarantors of freedom in South Africa, and this side will always endeavour to give a square deal to all sections of the community in South Africa, cannot but have our hands tied and our course of action very severely handicapped if there is to be irresponsibility on the part of Indian leadership in South Africa. We ask them to be patient. The day is not far distant when that Government will be out and we will be back and we will be able to make our contribution for the better settlement of race relations in this country.

HON. MEMBERS: [Inaudible.]

Mr. ROBINSON: And I would like to say to hon. members over there who keep on interjecting every time I make an observation which is true that Mr. Pirow, who was a great supporter and colleague of theirs for many years, said today in the public Press of South Africa that it will not be many days or many months before they will be on this side of the House and out of office. And for once in my life I must say that I agree with him.

Thirdly, I come to the effect on Coloured opinion. The Coloured people of South Africa have tradtionally been loyal and faithful to the Europeans of this country. This Government, which is not inquiring into the position in the Cape, this Minister, tells me, in reply to an interjection, that we are required to pass legislation of this character, this complex Bill, and that the information which would make us support this legislation is to be found in his office should any of us choose to come along and take the opportunity of reading it. That was a considered reply to an interjection which I made to the hon. the Minister. I asked him what Coloured people support the legislation and he told me of two cases. One, he said, was the Malay population. We asked him what Malays, who were they. But he evaded the question and refused to reply. May I ask the hon. the Minister who came to see him on behalf of the Malay population?

Mr. TIGHY: Who represented them?

The MINISTER OF THE INTERIOR: I will certainly reply at the correct time.

Mr. ROBINSON: I only want to know whether he will reply. He says he will and that is at least a stage further. Previously

he evaded the question entirely. Now we are going to get a reply in due course.

The MINISTER OF THE INTERIOR: Surely you do not expect a reply to every interjection?

Mr. ROBINSON: The other representative of the Coloured community, the hon. the Minister said, was from the Rand, I presume that that was Mr. Albertus Pop. May I ask the hon. the Minister whether Mr. Pop approves of this legislation.

The MINISTER OF THE INTERIOR: I do not know.

Mr. ROBINSON: Therefore we must assume that he did not constitute the representation from the Rand.

The MINISTER OF THE INTERIOR: He was not the one I was referring to so far as I know.

Mr. ROBINSON: So far as you know he was not the one, but may we ask the hon. the Minister whether in due course he will tell us who made this representation to him from the Rand. Will the hon. the Minister tell us. We are trying, Sir, to judge this Bill on its merits. We are asking for information, but the hon. the Minister will not give us the information. The final thing that the hon. the Minister said to me, and may I remind hon. members of it, was: "Come to my office and I will show you enough information that will satisfy you to support this Bill." I said to him: "Why do you not lay the information on the Table of the House?" He replied to me that I should learn my parliamentary practice and procedure. And then in the next breath he said: "Please pass this legislation because the Coloured people want it." I ask you, Sir, here is a responsible legislative assembly in this country being asked to pass legislation, and on what evidence should we pass it in so far as the Coloured community are concerned?

The MINISTER OF THE INTERIOR: I thought you supported the principle?

Mr. ROBINSON: That interjection of the hon. the Minister . . .

The MINISTER OF THE INTERIOR: Now the cat is out of the bag.

Mr. ROBINSON: That interjection of the hon. the Minister is the type of interjection which he constantly makes in order to avoid answering questions which are put to him. I still, I hope, have a few minutes left in which I will make my own position quite clear in regard to this question of principle . . .

The MINISTER OF THE INTERIOR: You have made it quite clear.

Mr. ROBINSON: . . . and what I believe is the attitude of this side of the House. Finally we come to the question of the Natives. What is their reaction to the Bill? Those poor, unfortunate souls know nothing about this Bill — at least the vast majority of the Natives.

An HON. MEMBER: Except what you and the Communists tell them.

Mr. ROBINSON: Do they know anything about the implications of this legislation? I ask you, do the Native people of this country know, as they knew when the 1936 legislation was put through, when the late Gen. Hertzog saw fit to tour the country and to travel about and to see that Native opinion was kept informed in regard to the changes that were going to be made. What has been done by the Government in regard to informing Native opinion about this legislation? Has the hon. the Minister of Native Affairs had any consultation with Native opinion to tell them what is contained in this Bill? No, Mr. Speaker, here again is legislation by a sectionalist group of Europeans in this country, without any question of consultation with the people most affected.

Now, Sir, if I might conclude on this note. The difference, of course, between the United Party approach — I will answer the hon. the Minister's question if he will give me an opportunity — and the approach of the Nationalist Party is a very simple difference — a clear and very distinct difference. We are in favour of separate residential and social areas. We are in favour of such separation. So is the Nationalist Party in favour of such separation. But we make it as a condition precedent that any such separation should be accompanied by a policy of uplift of the non-Europeans. The Nationalist Party simply requires that social and residential separation for their own political advantage and they are not concerned with any policy of uplift so far as the non-Europeans in South Africa are concerned.

An HON. MEMBER: Why make such an irresponsible statement?

Mr. ROBINSON: I believe therefore that the amendment which has been moved by the Acting Leader of this Party makes our position perfectly clear. We have called for a judicial inquiry into this matter. We say that when the results of that inquiry are available we will be perfectly prepared, if necessary, either on a voluntary or a legislative basis, dependent entirely upon the results of that inquiry, to proceed with the creation of these various separate residential areas in South Africa. We ask for a careful and impartial inquiry into the whole matter.

And then we also say in our programme of principles and in our policy, if you will read it, that in the creation of these separate areas, we do so with the determination to follow a policy of uplift in regard to those areas and to give to the people of those areas a reasonable opportunity to progress under European leadership in South Africa. That is the often restated policy of this side of the House.

The MINISTER OF THE INTERIOR: Then you object to Clause 7 of the Bill.

Mr. ROBINSON: I am not going to be taken off my track by the hon. the Minister.

The MINISTER OF THE INTERIOR: You are off the track.

Mr. ROBINSON: We stand for residential and social separation of the races, but we want an investigation and a full inquiry into it. Once that investigation and inquiry is finished we will proceed with the creation of those separate areas and, at the same time, we will proceed with our policy of uplift in regard to those people.

The MINISTER OF THE INTERIOR: You had nine years in which to do it.

Mr. ROBINSON: The positive way for South Africa is to investigate the matter by means of a commission, and to have separate residential areas after such investigation, a policy of uplift for all sections in their separate areas, a national housing drive for all sections to accommodate particularly those persons who have to be moved, and full consultation with selected leaders of the non-European population to set about improving race relations in South Africa so as to create a settled future for this country. We are at the turning point, in this year, 1950, of the century in which we live. We are at the turning point in so far as the future of South Africa is concerned. Unfortunately today the future of our country rests in the hands of that extremist group sitting on the other side of the House. I say that the people of South Africa will not be long in rising up against the mischievous policy which is being pursued by them and once again restoring sanity and good government in this country by returning the United Party to power so that we may improve that deteriorated position . . .

Mr. A. STEYN: That is wishful thinking.

Mr. ROBINSON: . . . and set our country upon a proper course for the 50 years that lie ahead.

*Mr. ABRAHAM: It is a sort of privilege for me to be able to say a few words with reference to the hon. member in that corner who is now receiving the congratulations of his liberalist friends. The speech which he has made here is characteristic of the party on the other side of the House. If one looks at the members on the other side, one gets the impression that they are the survivors of a wrecked pirate ship who have now been rescued. Some of them look like pirate chiefs and the others like a lot of sheep being led to the slaughter. There are individuals on the other side of the House who believe in the continued existence of their species or race in South Africa. But then we have the liberalistic-minded chiefs on the other side, like the hon. member who has just spoken so arrogantly about race relations in South Africa. They are the people who are at the head of affairs on the other side and the other members must simply obey them.

The hon. member who has just sat down has departed somewhat from the general trend of the speeches we have had hitherto from members on the other side. Up to the present they have all spoken like people who are dancing on eggs. They did not know which way to turn in their speeches because it was dangerous for them to speak strongly in favour of those principles which they actually support. They tried to hunt with the hounds and run with the hare. On the one hand they had to retain the vote of the Coloureds in the Western Province. They had to give the impression to that section that they stood for the maintenance of the rights and privileges which those people enjoy at present. On the other hand, they had to bear in mind the people in the Transvaal, in Natal and in the Cape Province who are threatened by Coloured penetration. They tried to find a way out to appease those people with this explanation: "We, too, want what the Government wants, but we want to achieve it in a different way."

What actually does the Government want? What the Government wants is nothing less than what the people of South Africa want, as disclosed in the election on the 26th of May, 1948. On the occasion of that election the Government was given a mandate to carry out apartheid. This measure is a most positive step in the direction of apartheid. It is the framework of apartheid. It is the foundation on which we must erect the apartheid structure in the future. I say that some of the members on the other side approve of it, because they can do nothing else. Now the hon. member for Langlaagte (Mr. Robinson) comes along and says to the Indians: "Never mind, you are objecting now; you are holding congresses; you are agitating and submitting appeals to congresses in the East; you must only be patient for a little while; we of the United Party will come into power one of these days and we will alter the position." The hon. member could not

have said anything better, because in saying that he has let the cat out of the bag. The people of South Africa must take note of that because it was clear that he spoke on behalf of his party and that they were prepared to view the colour question in South Africa from a different angle.

*Mr. ROBINSON: That is absolutely untrue.

*Mr. ABRAHAM: Now suddenly it is absolutely untrue.

*Mr. ROBINSON: I did not say that.

*Mr. ABRAHAM: The hon. member did say it. He said to the Indians: "Wait until we are in power, then we will rectify the position."

Mr. ROBINSON: Mr. Speaker, on a point of personal explanation, may I state very briefly what I did say and not be misrepresented in the manner in which the hon. member is doing at the moment. What I said is this. That I took exception to the fact that certain elements of Indian leadership in this country were making it exceptionally difficult for the Europeans to handle the Indian problem in South Africa and I said that, in my view, the Indians ought to conduct themselves in a manner which was better calculated to enable their problem to be handled on a true basis. I then went on to say that I said to the Indian community that if they conducted themselves in a reasonable fashion, they would receive reasonable treatment from this party when they came back into power, which is not the statement that the hon. members wishes to make out, that we stand for the doing away of the colour bar in South Africa. I take very serious exception to his attempt to misprepresent my statement.

*Mr. ABRAHAM: What the hon. member has just tried to explain is a distortion of the distorted words he used. If his words were a drill, they would go on revolving. He said this—

We ask them to be patient until we are back in power again.

Did he say that or did he not?

*Mr. ROBINSON: I said that.

*Mr. ABRAHAM: Why, then, does the hon. member now want to give it another twist?

Mr. ROBINSON: Mr. Speaker, I rise on a point of order.

Mr. SPEAKER: What is the point of order?

Mr. ROBINSON: The point of order is this. If a member makes a statement in this House, is another hon. member entitled to say that that statement is a "verdraaiing", in other words a deliberate misrepresentation of a position? I claim that the hon. member who is now addressing the House continues to say that I am misrepresenting the position in the statement which I made in this House and I wish to claim your protection.

An HON. MEMBER: Take your medicine.

Mr. SPEAKER: What is the point of order.

Mr. ROBINSON: I made a statement as a personal explanation.

Mr. SPEAKER: I understood the hon. member to say that the hon. member said so and so. Is the hon. member now saying that he did not say that?

Mr. ROBINSON: Mr. Speaker, on a point of order, the position is this. The member asked me whether I said certain words which he read out. I admitted that I did say that, but I said that the hon. member had taken them out of their general context and therefore he should state to the House the full statement which I made.

HON. MEMBERS: That is not a point of order. Don't squeal.

Mr. SPEAKER: Order!

Mr. ROBINSON: The hon. member continues to state that I am twisting and I object to that observation and I therefore ask you for your protection.

Mr. SPEAKER: That is not a point of order. The hon. member may proceed.

*Mr. ABRAHAM: That arrogant member who once again wants to give all sorts of interpretations of what he has said, has even gone further now, and has divided the past decades into compartments. He spoke about the Hertzog period, the Smuts period and the Malan period. He said, inter alia, that there was a sinister purpose underlying this Bill and that it had been inspired by a secret organisation. If he happens to be getting his instructions from the Jewish Board of Deputies, he need not think that this Government is also receiving instructions from a secret society. If he feels that conditions in South Africa are becoming impossible for him, let him go to Palestine where, in any case, apartheid has been introduced by the Israelite Government. But we are born in South Africa and we have to stay here. However, I do not really want to say any more about the hon. member's stories.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

There is only one matter which I want to refer to, however. The hon. member, among other things, said that this Government was depriving local authorities of all their powers. That again shows that the hon. member has not properly studied this Bill. It is stated clearly in the Bill that the Minister has to consult the local authorities through the Advisory Board — all the municipalities and all the Village Boards, or any local Government body, has to be consulted in that way; and it is further stated that the Minister must afterwards consult the provinces regarding any new group area that has to be proclaimed. They are very definitely consulted and after that has been done such a group area has still to be agreed to by this House and by the Senate. Hon. members over there should not pretend that they do not understand what is going on. They do not want to understand. They are set on opposing this Bill and that is why they come along with all these imaginary objections.

The Bill before us is undoubtedly one of the most talked of measures ever discussed and passed in South Africa in the past 100 years, because this is the first time in the history of South Africa that such an attempt has been made to settle and to arrange the relations between the various race groups among the communities of South Africa, and to arrange things in such a manner that the various groups can live here with a certain degree of safety and security. We, in South Africa, have lived for the last three centuries in a state of chaos, as far as our racial relations are concerned. We have a population composed of many races and the relations have been chaotic, as the result of outside influences. We have had indigenous people and Governments animated by indigenous conditions in South Africa, Governments which have used their utmost efforts to settle race relations in a proper manner. But what do we find when we search the pages of history? We find that, step by step, generation after generation, and decade after decade, the British Imperial Government has stepped in and interfered with all the efforts of our past Governments, saying, "so far and no farther". Of course, it is characteristic of the Imperialist that he is not concerned with the welfare and prosperity of the various population groups and ethnical groups in the races resorting under him. No, he is only concerned with the central bulwark country, the imperium in imperio; but as far as the races resorting under him are concerned he does not worry. That is the reason for the conditions which have prevailed in South Africa, but thank God we have now achieved our sovereign independence, and as we have sovereign independence in South Africa we have a Government today which has the power to give effect to the will of South Africa and to insulate South Africa against the dangers threatening it from all sides.

Our race problems in South Africa, which already were involved, have become more involved with the Indian making his appearance in South Africa. The Natives and Coloured people are indigenous race groups in South Africa which, under the guiding hand of the white man, under the guardianship of the white man, have been shaped in such a manner as to fit in with the future pattern of the community of South Africa. The Indians are not an indigenous race. They are a foreign race, nor are they assimilable in our community, because of their origin, their religion and their centuries old culture, a culture which can no longer be reshaped by the hand and the guidance of the white man, but a culture which, at the moment, is undergoing a rejuvenation cure in the East and which is trying to let that culture flow to the West and especially to Africa. Here we have a Government which has introduced this important legislation and is piloting it through Parliament, and is trying to put a stop to this action of the East against the West. We know that even in the days of van Riebeeck a revictualling station was established here on the road from West to East, and it is here that the penetration of the Eastern culture to the West has to be stopped.

Hon. members opposite, of course, blush when one discusses sentimental affairs in connection with our national life. But they do not know the conditions of their own country. Unfortunately one has to speak here before empty chairs and benches. But if we do not speak, those chairs and benches will speak, and they will become too hot for members opposite to sit on. I notice a son. of a former President of the Free State over there. He has a holy smirk on his face, but I don't know what is going on in his soul. I believe that he is also going to vote with the Opposition when the fate of this Bill has to be decided. I said that the Natives and the Coloured people in this country are under the guardianship of the white man, but those people who fail to see the position of the Indians in Natal, who fail to see conditions in the Western Province, East London, Port Elizabeth and even Johannesburg, where Malays and Indians have forced themselves in among the Europeans, do not realise what is going on. Here in Cape Town we only have to go to an area like Woodstock and Salt River; the hon. member for that constituency is over there — let him tell us what his own constituency looks like, and let him put his hand in his own bosom and ask whether hon. members opposite are really faithful to their guardianship here in South Africa, and whether they are doing justice to South Africa.

I should have liked to have said a word to the hon. member for Langlaagte (Mr.

Robinson), but I notice that he has run away. That hon. member was so deeply concerned about the so-called international repercussions which would arise if this Bill was accepted. He talked about UNO and what UNO would do to South Africa. It is not UNO's business to tell us how residential areas are to be delimited in South Africa. That body is not there to settle our internal affairs for us. We are affiliated to UNO because we want security in this world, but we are not affiliated to UNO to let them interfere in our internal affairs. We are going to arrange our own internal affairs in the way we consider they will best suit South Africa. Let me revert to the Indian danger in South Africa. Hon. members opposite know, perhaps, that a few years ago a body was formed in the Transvaal under the name of the South African Protection Movement. This was a so-called boycott movement. They apparently do not know that thousands of their own supporters are members of that protection movement. Why have those people become members of such a protection movement? They have done so because they realise the danger of penetration and because they feel that together with the other Europeans in South Africa they must fight and prevent this penetration happening. The hon. member for Germiston (District) (Mr. Strauss) said here yesterday that this Bill is making an attack on the security, on the registration of landed property, on the security of companies and such things. The hon. member is a lawyer who deals with legal matters every day; does he not know that one of the first methods adopted by people who want to evade the law in order to secure property in areas where they are not allowed to own it, is to form a company to buy such property? Does he not know that we have repeatedly passed legislation and that that legislation has been torpedoed and evaded by these people who have formed companies for the purpose of buying properties for the people who have no right to own such properties? But what has he advised us now? He has advised us to appoint a commission to make an inquiry. It is so characteristic of that party opposite. We know that when that party was in power it appointed so many commissions that it became known as the "commission" Government. We have facts going over a period of 70 years at our disposal and there is no need for us to appoint further commissions.

Some members opposite have told us that they accept the principle of this Bill. Well, we are very glad to hear it, because that means that they now accept the principle of apartheid. Last year the Prime Minister proposed to appoint a Select Committee on the coloured problem, to investigate the basis of apartheid, but members opposite rejected his proposal. Today they tell us that they accept the principle of apartheid. That is something which has been achieved by the Nationalist Party. But we know what has happened in the past. The Nationalist Party has in the past achieved things which came from the very hearts of the people, and after those things had been hesitantly accepted by hon. members opposite, we found that they claimed to have originated them and to have supported them, and that is what is happening about apartheid. The party opposite has in the past introduced patchwork legislation in regard to the Asiatics. They wanted to treat the matter on a one-sided basis. This Government now has come forward with a comprehensive Bill which, not only applies to the Indians, the Coloured people and the Natives, but just as much to the Europeans as to the other groups. Where does the hon. member for Langlaate get the idea that there is discrimination in this Bill, and where does he get the idea that it will therefore lead to international repercussions? No, we are getting tired of those stories — stories about a police state and Nazism. I have a vague suspicion that hon. members opposite have found out that their stories about Nazism and a police state, which they used to broadcast, are not believed by people overseas any longer. I have a vague suspicion that people have found out that these stories which aim at scaring people and raising bogies — those stories sent overseas by their Press services — are no longer producing the desired results. The countries outside South Africa are now being properly informed, on the one side by our own information service, and on the other hand by our diplomatic channels, and the suspicions which people felt against us, and the suspicion broadcast by the United Party has now given way to confidence and respect for the people who are carrying out the promises made to the electorate. We promised the people of South Africa that we would carry out apartheid, and we are consistently doing so and it is for that reason that the United Party are worrying and worrying and are unable to get unity on this subject. They are a house divided against itself, a house which will go under and break up.

I have a few other matters which I should like to deal with but my time is getting short. If legislation of this kind had been introduced sooner, and if in Natal, for instance, a law had been passed, would conditions there have got out of hand in the way they have done? And speaking about Natal, the hon. member for South Coast (Mr. Mitchell) comes here and with a great show of hands and a sorrow-stricken voice, tells us that it is an infamous lie that the Indians were imported into South Africa by the then Government to come and work here. That hon. member does not know the history of his own province where he was born. The hon. member for Umlazi (Mr. N. G. Eaton) told him what the history was in a most

striking manner. He told us that the Zulus refused to work for the farmers and that they had to import Indian labour. Now let me ask hon. members opposite whether the Natives in 1904 also refused to work when the Imperial Government imported Chinese labour into the Transvaal. We shall always be grateful to the late General Botha for the fact that he stood firm with "Het Volk" to remove the Chinese danger from South Africa by means of repatriation. We thank him for it and the people of South Africa thank him for it. But that is more than any future generations will be able to say about those people opposite, they will not thank them. They will despise their memories because of their attitude during the discussions on this important Bill. Hon. members opposite always sneer when we thank the Government for some positive action they have taken, but I want to say this now on behalf not only of South Africa, but on behalf of future generations in South Africa, young South Africa, that I thank this Government for securing the future of the white race in South Africa. That is what I want to thank the Government for. The people who are white today are white, and those who do not want to stay here can run away to Pakistan or Hindustan or Israelstan. But we and our coming generations will stay here and this important legislation should be welcomed really by the sounding of bells and the blowing of bugles, and should be hailed as a new era for South Africa.

Mr. SULLIVAN: I think the Government benches ought to be congratulated on having such a hot gospeller of apartheid as the hon. member for Groblersdal (Mr. Abraham), who, on the subject of the motion before the House, on the question of this Bill and the amendment moved by the Acting Leader of the Opposition, has been singularly silent. He has left me with nothing at all to reply to.

Mr. ABRAHAM: But your own sad thoughts.

Mr. SULLIVAN: It is both right and appropriate that a member representing Natal and the Durban area should express his opinions on this Bill and on the amendment. We have in Natal legislation containing a principle not essentially different from the principle laid down in this Bill. I want to look at this question this afternoon from a national point of view, and not merely from a parochial or provincial point of view. The three parties in this House are all agreed on the necessity to apply residential and social segregation to all races, including our own in this country. The two main white races of this country are, in the vast majority of their numbers, entirely in accord with this principle, and that essential requirement, in the government of our plural society. Precedents for the principle of this measure have been laid down in the legislation of this country, in the 1936 Native Land Act, in the 1946 Asiatic Land Tenure Act, and also in the Bill introduced into this Assembly by the hon. the Prime Minister when he was Minister of the Interior in 1925. I refer to the Bill named the Areas Reservation Bill. The principle laid down in this Bill is nothing new at all in this country.

But in the application of this principle, this Bill goes very much further than any of the measures to which I have referred. It is directed against all types of juxtapositional living and trading, and in relation to all races. It is therefore an attempt to introduce into the relationships between the races of this country a complete scheme of social apartheid.

I want to stress what seems to me the most important considerations in connection with this Bill. In the first place this Bill has practically no application at all at the present time to the Orange Free State. It may have in the future when the gold-mining industry with all the complicated social and population problems which will follow on its further extension, develops. In the second place I do not consider this measure really necessary, either in the Transvaal or in Natal, where the Natives today are, under adequate legislation and traditionally, segregated, and can be fully dealt with in regard to segregation . . .

Mr. LUDICK: So you do not support the principle of the Bill?

Mr. SULLIVAN: . . . and where, particularly in Natal, the Asiatics are rigidly segregated by the 1946 Act.

The MINISTER OF THE INTERIOR: What?

Mr. SULLIVAN: If it is necessary to make that segregation more stringent in Natal than it is today, if it is necessary to close up the loopholes, that could easily have been done by suitable amendments to the 1946 Act. This measure, therefore, in my opinion is not really necessary in Natal. We have all the present and all the potential protection we require in that province. In fact, I think, it will be found to be the case that on examination of this measure, in comparison with the Asiatic Land Tenure Act, as amended on the lines recommended to the Minister, Natal would be better off in regard to the segregation of the Asiatics under the amended Asiatic Land Tenure Act, than under this Bill before the House. I know that a case can be made out for tightening up segregation in Natal. That there are holes in the existing legislation is proved by the latest figures. I take the figures given to me by the Minister himself for 1947 and 1948. He pointed out

that in those two years 781 properties were transferred from Europeans to Asiatics and that the total value of those properties was round about £600,000 and that for the same period for the whole of Natal, 499 properties were transferred from Asiatics to Europeans, the value being £394,000. More recent figures indicate that the Indian population own 10,745 acres or 41 per cent. of the private land in Greater Durban. In the past five years, over and above that amount, they have acquired nearly a thousand acres.

Dr. STEENKAMP: In Durban proper?

Mr. SULLIVAN: I admit that there are loopholes to allow a position like that to develop; but these loopholes could have been closed up without introducing a measure so wide in its application as to take into its scope the whole population of the Union. Mr. Leo Boyd, a former mayor of Durban, who led a deputation to the Minister a few days ago, indicates as much. I mean he indicates that it was possible to have closed up the loopholes now in the existing Asiatic Land Tenure Act. I quote his words—

> In taking their decision to support the Group Areas Bill the Council was strengthened by the manner in which the Asiatic Land Tenure Act had been administered. That Act had loopholes, but it was a tremendous step forward. The Group Areas Bill is to a large extent the result of experience gained in administering the Asiatic Land Tenure Act. It contains provisions that the Council feels are very great improvements on the Asiatic Land Tenure Act.

I do not quote that because I want to agree entirely with the opinion of Mr. Boyd. I quote it to show that the conditions in Natal necessitating the closing up of the loopholes, do not at the same time necessitate a Union measure of this far-reaching, profound and revolutionary nature. In view of the fact that the Indians and the Natives are already subject to similar restrictions as in this Bill, there is only one conclusion we can draw from the introduction of this Bill as a national measure and that is that it is clearly meant to apply mainly to the Coloured population of the Cape Province. I submit that that is a task of colossal magnitude. Our experience in Natal in administering similar segregation measures proves that. It confirms the opinion that it is a task of colossal magnitude to apply this Bill nationally and in particular to the Coloured people of the Cape.

The MINISTER OF THE INTERIOR: May I ask you this? Is there any area in Durban where only Europeans can live or only Indians under the existing law?

Mr. SULLIVAN: The Minister knows as well as I do that we are in a process of flux in Durban, that we are administering this Act and have done so only for a few years. It is a measure which was designed to regulate the very thing to which he referred this afternoon; and given a fair trial of experience, many of the obstacles, the piebald spots and the red spots, could have been removed by amendments. When the Minister was speaking and we interjected, he said he would give his reply in due time. I would just like to pass back to him the advice he gave us then.

Before we in Durban embarked upon the comprehensive segregation as laid down in the Asiatic Land Tenure Act, we prepared our people for that legislation. We held numerous inquiries, from a low level to a high level. We had two judicial commissions. It seems to me that there is no comparable inquiry even suggested by the Government in regard to this measure. In the absence of such inquiry it is difficult for us to know the true facts of the case, and that applies particularly to members who represent the northern provinces. But I think no one will dissent from the proposition that such a high-level judicial inquiry is an absolute sine qua non to legislation of this far-reaching nature. This, Sir, is Union legislation. It is not provincial legislation, and although I know that the majority of the people of Natal will approve of the objectives of this Bill, we representing Natal, must nevertheless take a national point of view. In the absence of adequate investigation, I for one, am not in a position to judge as to the propriety or the justice of this legislation in its application to the Cape Province. I know that it runs counter to the long traditions of all populations in the Cape. I know that it will impose very severe hardships on large numbers of people in the Cape Province.

The MINISTER OF THE INTERIOR: I thought you said it was a principle embodied in our legislation.

Mr. SULLIVAN: Before we embark on a national measure of this nature, to lay the pattern of our plural society in this country for generations, for all time, an impartial, an exhaustive, a high-level investigation is absolutely necessary. There is great danger in imposing legislation of this kind on our people in the hurried way in which it is being put through the House.

Mr. S. E. WARREN: Did you say "hurried way"?

Mr. SUTTER: There comes the bugle.

Mr. S. E. WARREN: What do you mean by that? You are not only a bugle, you are a trumpet also.

Mr. SULLIVAN: The 'Natal Mercury" which represents fairly faithfully the general concensus of Natal public opinion, referring to this measure a short time ago used these important words—

> It would be a mistake to allow this measure to be steamrollered through Parliament before its complex, far-reaching and even disturbing implications are understood by the public. Unhappily the Government appear to be in a hurry. Surely this haste is most unwise and most undesirable. Even those with the most elementary knowledge of South African conditions cannot fail to be aware of the complicated legal machinery involved in sorting out and separating the main mixed residential areas in the main urban centres. As was pointed out in an explanatory article in the "Natal Mercury" yesterday, the Bill intimately affects the livelihood and social habits of tens of thousands of people. If it is to be properly and fairly implemented the cost to the country will ultimately be enormous.

No more weighty opinion than that could be quoted to indicate the danger we are inviting in hurrying this measure on to the Statute Book

Moreover the Minister will be aware of the representations made to him by the Christian Council of South Africa, representing the Methodist community, the Presbyterians, the Congregationalists, the Anglican Church, the Swedish and the Swiss churches, all of which have asked the Minister that this Bill be held over pending a hearing to be given to interested parties. It is because we are convinced of the necessity of such a wide-flung investigation that we have moved the amendment from this side of the House. There are certain fundamental good reasons why we should have this judicial commission. I would like to state three of them.

The first is this, that although there is racial zoning laid down in this Bill, the Bill itself makes no equitable division of areas between the various race groups. In dealing with the Asiatic Land Tenure Act in Natal we have a warning of that omission in this Bill. In formulating the Asiatic Land Tenure Bill the Durban Corporation was not consulted in regard to the delimitation of the scheduled areas. Consequently European properties which should never have been there, were left in these areas. There are other anomalies which go to show the need for the equitable allocation of race areas by a commission, areas that are envisaged under this Bill. No scheme of any kind is written into this Bill to provide fully for the present needs of non-Europeans, to provide for their development, to provide for their expansion. There is no system of elasticity whereby the group areas can adjust themselves automatically to the pressure of increased population, and increased social needs; nor does the Bill make any specific provision to provide such indispensable amenities as housing. This Bill does not impose on the administration the duty to meet the need of living space and the need of social amenities as a principal basis of apartheid. I approve of segregation, but only if it can be accompanied equitably by adequate social facilities, education, housing and social services. Those facilities should be equally available. "Die Burger," may I say to its credit, indicates that need. I quote from "Die Burger" of the 28th April last—

> The Bill is not only a corner-stone of the Government's apartheid mandate but also by the creation of new opportunities for the non-Europeans is a highly important and highly necessary contribution to better race relations in our land.

As I understand that, it is a recognition of the need to link social and economic opportunities with separation. That principle, that need, that imperative, should be written into this Bill by introducing special sections.

The MINISTER OF INTERIOR: But you object to Clause 7.

Mr. SULLIVAN: The second reason why a high-level judicial commission, is necessary is that property values, going into millions of pounds in value and investment agencies of various kinds, are all involved in this measure. Mortgage holders are going to be losers; thousands of families are going to suffer loss when under duress they are forced to shift their homes. Yet, Sir as it has been emphasised over and over again by this side of the House, no provision is made for compensation in this Bill.

The third reason that I want to advance why a judicial commission is a sine qua non to legislation of this kind is that the administration laid down in the Bill, the system of administration, is both involved and autocratic. Local authorities will play a subordinate part in the administration. In 1925 when the present Prime Minister introduced the Areas Reservation Bill, he introduced a measure by which segregation would be brought about by local authorities; but this Bill invests almost absolute power in the Minister and his inspectorate. The Minister is not bound to accept any of the recommendations of the Land Tenure Board which he will set up. He is not in any way instructed in the terms of the Bill as to what factors he must consider in laying out the group areas. Further, Sir, he can completely over-ride the jurisdiction of the local authorities. A commission is clearly, obviously, necessary in order to lay down

a far more democratic system of administration for the Union.

The MINISTER OF THE INTERIOR: Such as in the 1946 Act.

Mr. SULLIVAN: The Minister has met a Durban delegation. He will know that that delegation had as one of its main objectives the determination to protest to the Minister against the autocratic powers he is taking unto himself under this measure. Again I quote from a paper—

> The main purport of it is that the council . . .

That is to say, the Durban City Council—

> . . . feels that the powers accredited to the Minister are far too wide and would exclude any right of appeal in the case of transfers of property.

Finally as this Bill goes to the very roots of our national life, in all four provinces, it must not be hurried through the House. Above all, should ample opportunity be given to those whose lives and interests are affected by this Bill to express their views and make their honest protestations. This is elementary justice. It is being denied to people by putting this measure prematurely on the Statute Book. It would be good administration to have such an investigation. It would help us in formulating a more workable plan of segregation. There is absolutely no doubt that the 1946 Asiatic Land Tenure Act has been of great benefit to Natal and to all races in Natal, and I want here today to pay a compliment to the impartial, the thorough and the conscientious work carried out by the Board administering the 1946 Act; and I take some pride in belonging to the party that introduced that Act . . .

Mr. G. F. H. BEKKER: How many parties?

Mr. SULLIVAN: . . . laying down the principle of social and residential segregation.

The MINISTER OF THE INTERIOR: You did not belong to it at the time.

Mr. SULLIVAN: Having said that, it does not detract one iota from the position I take up that to apply that 1946 Act to the Cape Province, to the Asiatics, to the Coloureds, to the Malays, to the Natives, to the Europeans of the Cape Province, is likely to meet with almost insuperable difficulties, and certain to cause far-reaching and profound disruption. Therefore, caution, tolerance and justice on the basis of live and let live, these indispensable requirements to the proper ordering of our South African society can, I believe, only be met by a judicial commission; and, thereafter, by agreed legislation as between the principal parties of this country.

*Mr. H. S. ERASMUS: The hon. member who has just sat down (Mr. Sullivan) is definitely the greatest political opportunist in the House.

*Dr. STEENKAMP: Don't be so personal.

*Mr. H. S. ERASMUS: He came here as an Independent, next he was a Labour member and he now belongs to the United Party.

*Dr. STEENKAMP: What has that to do with the subject before the House?

*Mr. H. S. ERASMUS: It has this to do with it, that the hon member poses here as a champion of the 1946 Act. Do hon. members remember that in 1948, when this side of the House revoked one part of the 1946 Act, which gave the Indians the franchise, the hon. member for Durban (Berea) ran away like a political coward. He did not have the courage of his convictions and I regard it as a political impertinence on his part to come here now and . . .

*Mr. SPEAKER: I think the hon. member should refrain from personalities.

*Mr. H. S. ERASMUS: He now has the temerity to get up here and to say that he stands by the 1946 Act, while it is this side of the House which amended the 1946 Act so that he is in favour of it today. In those days he did not have the courage to vote for it, but today he poses as a great supporter of that Act. I think it is high time for hon. members to realise their responsibility and not to act as they are doing. The hon. member went further and he unequivocally opposed the Bill now before the House, because, he said, the 1946 Act went far enough and that it created separate areas for Indians.

Mr. SULLIVAN: I never said that it went far enough. I said that there were loopholes in it which should be closed.

*Mr. H. S. ERASMUS: The hon. member said that he supported the Act and that it went far enough, but that all that was needed was to improve it. But that is not the important point. The hon. member said that the 1946 Act created separate areas for the Indians in Natal, but surely the hon. member knows that that is not true, that the areas in Natal, which have been delimited, have not been delimited for Indians but that anyone can buy land there, even the hon. member himself. How can he say that the law means segregation for Indians? Those are open areas — released

areas. The hon. member does not understand the law. I am convinced that he has sung his swan song here today and that the people of Natal will settle with him. It is this side of the House which on every occasion has to come to the aid of Natal, to get Natal out of its difficulties in regard to the Indians, and then their representative, the hon. member for Berea, who should help this side, stands up and attacks us and criticises the Bill. When he should help us in passing legislation, he runs away, or if he has to vote, he votes against Natal's interest and against the Bill. It is perfectly clear that Natal wants this Bill as it is. Only a few days ago the City Council of Durban came to Cape Town and told the Minister that they supported the Bill. With what authority can the hon. member, as a Durban member of Parliament, come here and say that Natal does not want this Bill? I am convinced that the hon. member has sung his swan song today. Now the hon. member also, in the same breath, accused the Minister of taking too much power under this Bill, and in the next breath he said that the Minister had not got enough power. He wants to blow hot and cold. Later on I shall deal with the Minister's powers. The hon. member's complaint is that this Bill does not create separate areas. If the Bill were to contain the provisions which the hon. member wants it to contain, it would be impossible to give effect to it, but because it can so easily be carried out, the hon. member is trying to put every obstacle in its way, as he does not want to give this side of the House the credit of having passed this measure. It a well-known fact that so far it has always been this side of the House which has come forward with big and important legislation while the other side of the House has invariably adopted an attitude of delaying and putting things off; and this side has to step in to solve the difficulties that have to be dealt with. It is for that reason that the people of South Africa have put this side in power. I want to pay a special tribute to the hon. the Minister and his Advisory Board who have drafted this Bill. Posterity will in days to come erect a statue to commemorate the Minister and his joint committee for what they have done in regard to amending the provisions on the question of Asiatic land ownership, because these committees and this Minister have opened a definite course for the future of South Africa and they have indicated a clear course for South Africa to follow henceforth. [Laughter.] Hon. members opposite who contend that they support the principle, are laughing now when we defend the principle of the Bill. Let me just quote a few extracts from the report. In paragraph 293 we find this—

> In the laws of 1897 for the limitation of immigration and licences, legislative progress can be noticed in respect of the Asiatic. Further legislative attempts in 1908 to limit trade were wrecked by the Imperial veto.

And in paragraphs 295 and 196 we find this—

> The Government agreed with this policy, but in any legislative action account had to be taken of the London Convention and the Imperial factor behind it.

It was the Imperial Government again which blocked the way. In paragraph 299 we find the same thing. The point I want to make is that when we were still under the Imperial Government, the Imperial Government in South Africa always interfered with the will of the people, and the same thing happened in regard to the abolition of the Coloured vote in the Cape, but fortunately South Africa has now developed so far that we have sovereign independence and that the Imperial Government can no longer veto our legislation. But it has left a successor to try to exercise the veto and to interfere with the people's will and that is the United Party. They are still doing today what the Imperial Government used to do in the past, and they place obstacles in the way of the will of the people being carried out, both English-speaking and Afrikaans-speaking. While we want to place our race problems on a sound basis, we find that the United Party opposes us in everything. But the extraordinary thing is that these people have two opinions, one opinion when they speak to town councils and another when they speak here in Parliament. They are so scared of the rights of the non-Europeans being touched. But when one talks privately to them, they talk as we do and they feel as we do. It is nothing but political hypocrisy. I think the time has come for the United Party to display less political hypocrisy. When they take part in debates here they speak entirely differently from what they do when one meets them in the lobbies. I therefore say that it is political hypocrisy. They speak with two tongues and they have two opinions.

*Dr. STEENKAMP: I know that you have only got one, and that one is wrong.

*Mr. H. S. ERASMUS: I have not got two tongues, but I have one which is honest. The hon. member for Berea complains that we have not said anything about the United Party's amendment. Let us come to the amendment. It says in (b)—

> The absence of a public inquiry where interested parties would be given the opportunity to make representations and to give evidence.

Is it true that there has not been an investigation? Has the amendment any

foundation in fact? Have not hon. members read this report, the report of two committees which over a period of not less than two years, gave the public an opportunity to place evidence before them.

*Dr. STEENKAMP: What did they inquire into?

*Mr. H. S. ERASMUS: The amendment of Act No. 28 of 1946. They first of all submitted an annual report.

*Dr. STEENKAMP: What did they inquire into?

*Mr. H. S. ERASMUS: They investigated the matter for two years. Read paragraph 4 and you will see what they inquired into —

> During the period 23rd December, 1948, to 8th January, 1949, the Natal Committee every seven days published notices in ten Natal newspapers and during the period 28th December, 1948, to 14th January, 1949, the Transvaal Committee at intervals of seven days published notices in 13 Transvaal newspapers in which any person, group of persons, or public institution desiring to submit proposals for the amendment of the said Act, was invited to forward such proposals.

This amendment proposed by the Opposition therefore has no right of existence. They complain that there has been no investigation, but it is clear from this that they have had two years to put forward any objections. How then can they say that they have not had sufficient time? Their amendment goes further and it says that a judicial commission should be appointed. This is casting a stigma on the work of the committee to which I have referred. Who served on those Committees? The Natal Committee had Mr. D. F. van der Merwe as chairman. He is a man who has rendered life-long service to South Africa. And who assisted him? Who is he? He is the Attorney-General of Natal. So the United Party does not trust the Attorney-General of Natal. It is an insult to the Attorney-General for Natal to say that a judge must be appointed to do the work all over again. The Transvaal Committee had Mr. Masson as a member. Who is he? He is the Chief Magistrate of Johannesburg. Hon. members opposite are now accusing the Chief Magistrate of Johannesburg of not being competent to sit on such a committee. They accuse those people of incompetence. Then, in addition, Advocate de Vos Hugo was on that Committee.

*Mr. TIGHY: What has he done and where?

*Mr. H. S. ERASMUS: It makes no difference whom one puts there — they don't even trust the Natal Attorney-General or the Chief Magistrate of Johannesburg.

*Mr. HUGHES: Who made the investigation in the Cape?

*Mr. H. S. ERASMUS: Their instructions were not to make an investigation in the Cape. I am now dealing with the other provinces. The excuse put forward by hon. members that there has not been time for an investigation is one of the old tactics of the South African Party. Postpone, appoint a committee, and then another committee and wreck the Bill that way. These two committees have gone through the reports which cover a period of 70 years. They have studied no fewer than 31 reports of Select Committees and of other committees. Even if another committee were appointed, the findings would be no different. This committee has investigated 31 reports which had appeared in the course of years and in the light of what they found they arrived at their decisions. The Opposition is only trying to wreck this Bill.

*Mr. HUGHES: Did they take any evidence about the present position?

*Mr. H. S. ERASMUS: Of course they did. Apart from the 31 reports they got evidence about the present position on people and from public bodies.

Now one of the main arguments of the Opposition is that the Bill should contain provisions in regard to compensation. Fortunately the Minister and his advisers have not made any such provision in the Bill, because what would it have meant?

Maj. VAN DER BYL: In the Bill dealing with Native land there is provision for compensation — is that wrong?

*Mr. H. S. ERASMUS: This is a totally different type of legislation. Provisions about compensation would have wrecked this whole Bill. Why? If compensation had to be paid, unduly high claims would have been made in respect of land which has to be bought up. They would know that the State had to pay and unduly high claims would be made, and this would have led to disputes and court cases, to vindictiveness and friction, and it would have completely wrecked good relationships between the communities. Perhaps that is what they want. Does it not worry them if vindictiveness and enmity are created, so long as they can upset the policy of this side and make party political capital? It would have led to discrimination and to court cases between Europeans and non-Europeans. I want to point out, though, that the non-Europeans are the people who are going to derive most advantage under the provision of the Bill as it stands. If an area under this Bill is declared a group area and

it is proclaimed a European area, a non-European who owns property there will derive the benefit, because that property will go up a lot in value if the non-European has to leave and if it is proclaimed a European area. Consequently properties will go up in value. Hon. members opposite are opposing this. The hon. member for Cape Flats (Mr. du Toit) always poses as the champion of the Coloureds, but in this case he is acting against their interests, because if a mixed area is proclaimed to be a European area the value of the properties belonging to Coloured people will go up very much. The hon. member by his opposition is digging a grave for the Coloureds. On the other hand, if a person owns property in a non-European area, that property already is low in value, because it is in a non-European area. So the hon. member for Cape Flats is deceiving the poor Coloured people and doing them harm. He wants to prevent them from getting high prices for their properties.

Hon. members opposite also complain of the Minister getting too much power under this Bill. Let me refer to Clause 3 which provides that no area can be proclaimed as a group area without the consent of both Houses of Parliament. How on earth can one talk about dictatorial powers and about the Minister having too much power? Both Houses of Parliament have to proclaim a group area. In the end, one has to go to Parliament. Under any law a Minister must have certain powers, but under this Bill the Minister must, in the end, come to Parliament.

*Mr. BOWKER: What about the exceptions?

*Mr. H. S. ERASMUS: The Minister has explained them fully. There are certain areas already falling under existing laws. That is why there are exceptions.

I again want to thank the Minister most sincerely, together with his advisers. I feel that a new dawn is breaking in South Africa, a dawn of racial co-operation. The hon. member for Wonderboom (Mr. Nel) put the position clearly when he said that there was such a lot of talk in this country about injustices to non-Europeans, but this Bill sees to it that much more justice is done to non-Europeans and that the possibility of any injustice being done is very small. Why are there so many communists today? Because there are educated Natives and Coloured people, young, highly educated men, who have been trained in some direction or other and who are now looking for living room to carry out their profession, but who cannot find it. Here in Cape Town where there are so man SAPS a Coloured man, if he is a barrister, cannot find employment. A poor Native may think perhaps that here among the SAPS he will be able to find work as a barrister. But they don't want him. They exploit the Native for political purposes. He does not find living space and then he becomes a Communist. But under this Bill living room will gradually be created for the different races, and it will be possible for the Native to be himself and not to swing over to Communism. If they are in their own territories, they can live their own traditions, they will not come under the influence of Communistic agitators to the same extent. I repeat that this Bill gives the non-European more advantages than disadvantages.

Mr. BLOOMBERG: Mr. Speaker, there is a very real and grave responsibility resting upon every member of this House in connection with this Bill. Parliament has never been called upon to deliberate upon a measure which affects the rights of every citizen of this country more than the present Bill does. Parliament has never had presented to it a more radical measure than the present Bill. This Bill, more than any other yet presented by this Government affects the destiny of every inhabitant of South Africa for many years to come. It represents one of the greatest problems which this country has ever been called upon to face. It is well, therefore, that in discussing this far-reaching measure we should do so not in confused and violent language such as used by the previous speaker, but rather, Sir, by reasoned argument worthy to some degree of the importance of the subject.

Mr. Speaker, on the face of it this Bill seeks to divide the whole of the population of the Union of South Africa into three main racial groups, with the right given to the Minister to further sub-divide the Coloured and Native groups. It seeks to make the whole of the Union immediately on the passing of the Bill, a controlled area. Thereafter, step by step the controlled area of the whole Union will be divided into specified areas and ultimately into group areas. This change will come about by a series of proclamations. When this Bill becomes law no white person, no Native nor any Coloured person will be allowed to sell landed property to a person of another racial group without a permit first to be issued by the hon. Minister. In addition, no person of one group will be permitted to become the immediate successor of landed property belonging to a person of another group unless again he is authorised by a permit to be issued by the hon. Minister. In short, if this Bill becomes law one Minister of the Crown will be given unfettered power and control over the vested rights of every citizen of this country, rights, Sir, which have been held by the citizens of this country for well-nigh three centuries. Despite the fact that this Bill refers to these three main groups I am satisfied from an analysis of

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the question — as indeed from the Minister's own speech — that this Bill is directed principally against the Coloured people of the Cape. I say this advisedly, Mr. Speaker, because Indians and Natives in this country are already subject to restrictions of the kind provided for in this Bill.

The MINISTER OF THE INTERIOR: In the Cape?

Mr. BLOOMBERG: Not in the Cape. The Coloured people in the Cape up to now have not been legislated against in the manner envisaged in this Bill, and I am satisfied . . .

The MINISTER OF THE INTERIOR: And the Indians?

Mr. BLOOMBERG: No. I have put them all in one category; they have not been legislated against in the manner envisaged in this Bill. I repeat, that upon an analysis of the position one is driven irresistibly to the conclusion that this Bill is directed principally against the Coloured people of the Cape. I say so, Sir, because already there is provision in our laws affecting the Natives and the Indian people outside the Cape.

The MINISTER OF THE INTERIOR: No, not in Natal.

Mr. BLOOMBERG: The principles enunciated in this Bill are, to say the least, most revolutionary. They destroy all conception of the most cherished rights of the citizens of our country. They contain . . .

The MINISTER OF THE INTERIOR: I thought you agreed with the principle.

Mr. BLOOMBERG: I will speak for myself, Mr. Minister, and you will hear in a moment my views on this matter. I say that the provisions of this Bill are most revolutionary and that they destroy all conception of the most cherished rights of the citizens of this country. They contain provisions which are entirely foreign to South Africa; they vest in a single Minister of the Crown what has been rightly described as almost tyrannical powers. If there was ever a measure which will give rise to misunderstanding and to ill-will in our multi-racial community of this country, it is this very Bill.

Mr. Speaker, the hon. Minister in this measure seeks to find a solution of this great problem by compulsorily translating into action a policy of segregation. One is prompted to ask oneself whether the segregation envisaged in this Bill in so far at any rate as it affects certain areas of the Union, is necessary, and if it is necessary whether it is practicable. The Government, judged, by the speeches that have come from the other side and judged by the policy adumbrated by the hon. the Minister and members of his Cabinet, have advanced a policy of complete segregation at all costs. They have done so without equivocation and without considering the consequences. This Government, Sir, has determined to effect the separation of the races in the country on every plane of human activity, which is their ultimate Utopian objective. They are determined, despite the consequences, to do everything in their power to give effect to the anti-colour policy of reactionary elements in their ranks. If one pauses to consider the practicability of such a policy, one is forced to the irresistible conclusion that such a policy cannot be achieved, nor is it practicable. The very nature of our set-up in this country makes it perfectly clear that the races cannot be divorced in every sphere of human activity, a policy such as is advanced by the hon. the Minister on behalf of his party. Segregation in this country can never be complete or effective because of the need for Native and Coloured labour in our economic life. They know that as well as we know it, and therefore, to pursue a policy of effective apartheid or segregation in every sphere of human activity, is so much eye-wash. They know it cannot be effected and that it is not practicable. That aspect has already been acknowledged on all sides. The need for the contribution of Native and Coloured labour in the country is such that without it this country cannot prosper. That is the complete answer to the Nationalist Party cry for this Utopian policy of complete segregation. They know it cannot be brought about. The economic position of our country requires that the labour resources of the black man, the Coloured man and the European, shall be pooled in a common effort for the benefit of our country, and that common effort cannot be attained if complete segregation is compulsorily enforced or if you introduce into the country laws which are likely to give offence and become discriminatory.

As I am convinced that this measure is largely directed against the Coloured people of the Cape, I am constrained to speak particularly on their behalf today. Let us consider the background of this all-important question. For nearly a century two differing policies affecting the non-European peoples have been in operation in the country. In the Cape, the oldest and largest of the provinces, the cradle of civilisation in the country, there has been, until the advent of this Government no racial or colour distinction in the franchise rights and generally speaking in respect of all our legislative enactments. We have not imposed discriminatory laws in the Cape. As far as the Cape is concerned, the policy has generally been one of giving political and property status to all the citizens, whereas

the policy of the northern provinces has been one of no political or franchise rights or property status to the blacks and the Coloureds. I repeat, for nearly a century we in the Cape have been satisfied to carry on the policy of liberalism. We have beeen satisfied with the liberal provisions of our laws. We have not found it necessary, until the advent of the present Government, to interfere with the franchise and property rights of the peoples living in this province.

Mr. H. S. ERASMUS: Do you want to give that to all the Coloureds and Natives?

Mr. BLOOMBERG: In the Cape?

Mr. H. S. ERASMUS: Yes.

Mr. BLOOMBERG: Yes, they have got it until you deprive them of it. I do not propose in this debate to enter into the realms of the specially entrenched clauses of the Constitution, except to say this, that I am convinced that had the Cape principle of liberty been rejected by the National Convention, there would have been no Union of South Africa. By and large the people of the Cape have been perfectly satisfied to stand by their solemn contract and to carry out their policy. In this Bill the Government seeks to impose on the people of the Cape a measure of control as far as their property and occupational rights are concerned, which is resented by the vast majority of the people of the Cape. The Government seeks in this Bill to impose on the Cape, on the Europeans as well as on the non-Europeans — remember that this Bill applies equally to the Europeans and the non-Europeans — and against their will, the compulsion of assuming a legislative enactment of compulsory segregation. It goes further than that. In addition to imposing that compulsory legislation on the Cape, something which is entirely foreign to the attitude which has been adopted by the Cape for many generations, the Government seeks to impose on all the people, Native, Coloured and European, a measure of control in respect of their property and occupational rights; control which up to this time has not been found necessary and which I am sure the Minister will find, upon investigation, the people of this province will resent very much.

The MINISTER OF THE INTERIOR: I take it that you are against the principle of the Bill?

Mr. BLOOMBERG: I am expressing my own views, and for the reasons I am advancing now I am against the principles of the Bill. I have the courage to say I am against it, and I will give the reasons why I am against it. Why is this law to be forced upon the people of the Cape against their wishes? I am speaking particularly as a Cape representative, as one who knows the position obtaining in the Mother City of South Africa, which is likely to be affected by a Bill of this nature more than any other town. Why should this sort of control be imposed upon the people of the Cape? The Government has been obliged to admit, and the Minister has admitted in his White Paper — I ask the Minister to bear with me here — that there has been no very strong feeling in the Cape to differentiate between the people of this province on the lines proposed in this Bill. The Minister has admitted that.

The MINISTER OF THE INTERIOR: Prior to 1910; that was the reference.

Mr. BLOOMBERG: I need only refer to his remarks in his second-reading speech and to the White Paper. It is true the Minister said yesterday that certain representations had been made to him. He has not given the House the nature of those representations or the details of the representations which were made to him, and I want to say this, that I am certain no responsible body of citizens has made representations in this regard. There may have been one or two isolated instances of disgruntled persons, but no Government should be swayed by representations of that nature. I repeat that up to now it has not been found necessary in the Cape to impose control or legislation of this nature on the inhabitants of this province, legislation to compulsorily segregate our people.

There has not been any marked intrusion of the non-Europeans upon the European community, either territorially, economically or socially in the Cape. I challenge the hon. the Minister to produce a vestige of proof that there has been such intrusion on the part of the Coloured people — I am not discussing the Indian element at the moment because the Minister has told us he has made some investigation as regards the Indians — I challenge the Minister to produce any evidence of a marked intrusion of the Coloured people, territorially, socially or economically, on the European peoples of the Cape. I say we have not found it necessary to impose this discriminatory type of law in the Cape. We in the Mother City have pursued the policy — I am now stating my view and I hope the hon. the Minister will listen to it — of gradually bringing about on a voluntary basis a position which is tantamount to the Utopian segregation which the hon. the Minister has in mind. I would like to show this House what we in Cape Town have already accomplished in bringing about voluntary segregation, without the imposition of offensive legislation in any shape or form upon any section of our people. In Cape Town we have pursued a

vigorous policy for the establishment of the Minister's idea of group areas, but with this distinction. We have not found it necessary to impose any compulsion in the form of offensive legislation on our people. But we hope, by co-operation and goodwill, to obtain the same object the Minister has in mind. Except that our approach is different. Mr. Speaker, I would like to tell this House what we have accomplished on an entirely voluntary basis. We have already provided no less than 3,878 dwellings for non-European (that is, Coloured) people on a sub-economic basis. We have already housed no less than 19,390 Coloured persons.

An HON. MEMBER: In separate areas?

Mr. BLOOMBERG: Yes. I will also deal with that. By a policy of co-operation and goodwill we have taken these Coloured people out of mixed areas, which were slum areas, and provided for them decent homes where they can live in comfort and cleanliness under medical and other supervision, and the Coloured community has voluntarily gone to these new decent homes we have provided for them. They have no desire to live in overcrowded mixed areas. They are as anxious as we are to move from squalid slumdom to decent homes which we provide for them. The vast majority of the Coloured people of the Cape have never shown any resentment. On the contrary, there is a waiting list of thousands only too willing and happy to go to these new homes. The vast majority of the Coloured people of the Cape have never imposed or obtruded themselves on the European community. They have voluntarily refrained from doing that, although they know they have their rights, because they also know that it might be resented by a section of the European community. The Coloured people have a very strong sense of pride and self-respect, which is a far greater deterrent on them than any miserable laws we may impose on them. We feel it is not necessary to inflict any repressive legislation on the Coloured people. I am sure we can go much further, and I want to suggest this to the hon. the Minister, with the Coloured people by a policy of co-operation. I have already indicated what we have accomplished in Cape Town, where we have given a haven in decent surroundings to nearly 20,000 Coloured people. They have voluntarily gone out of mixed areas to outside areas.

I would urge the hon. the Minister and his colleagues in the Government to give some thought to the suggestion I am now making. Instead of spending untold hundreds of thousands of pounds on the administration of impossible measures such as this Bill and other Bills which have been passed by this Government, let the Government make that money available to the major local authorities to enable them to provide our Coloured people with decent homes in areas which will not obtrude on the European areas. There are thousands of Cape Coloureds who would readily avail themselves of the opportunity to leave the mixed areas and live in decent surroundings, if the Council were able to make provision for them. But what do we find? The housing policy of Cape Town has been hampered and restricted by the actions of this Government. Sub-economic housing funds have become depleted as a result of the actions of this Government.

Mr. J. H. CONRADIE: That is not so.

Mr. BLOOMBERG: When the hon. member for Gordonia (Mr. J. H. Conradie) said on a former occasion that he was a member of a utility company in the Cape and knew what the position is, I told him that he knows absolutely nothing about it. I say this, that if the Government makes available these untold hundreds of thousands of pounds they are going to waste on impracticable legislation — if they make that available to the major municipalities of the country, they can bring about the segregation they desire without the necessity for imposing this pernicious legislation on our people. Mr. Speaker, if there is a colour problem in this country, the decent and human way to deal with it is to uplift these people educationally and economically and to give them decent homes in which to live.

The MINISTER OF THE INTERIOR: You can still do that.

Mr. BLOOMBERG: That will bring about a far better form of segregation, a more human form of segregation, on a co-operative and voluntary basis, than this unnecessary and miserable Bill. I repeat that instead of wasting this vast sum of money on an impracticable measure such as this, let the Government give the major municipalities of the country as much money as they need to enable them to carry out sub-economic housing schemes.

Mr. Speaker, the Coloured community on these schemes, I want to remind the House, are happy and content. After all, they isolate themselves territorially from their European neighbours, which is what this Government wants. They do that voluntarily. They have formed in these housing schemes their own co-operative societies. They have their own churches; they have established their own schools; they have formed their own cultural organisations: and, generally speaking, on a voluntary basis, without being forced to do it by legislation of this sort, they have formed a group area — that is the term the Minister likes — without being forced to do it by the imposition of the legislation of this type.

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The MINISTER OF THE INTERIOR: They can still do the same thing.

Mr. BLOOMBERG: I commend to the Minister what Cape Town has done in this regard, and I appeal to the Minister to pause before he goes further with this measure. It will redound to the discredit of every white man in this country. Here the hon. the Minister has an opportunity of giving us the right to carry on with this policy which Cape Town and the Cape generally has followed for many generations.

If there is any substance in the Minister's White Paper that the people of this province have suffered under this disability for so many years — which I deny — then surely there can be no objection at all to deferring this legislation for a few more years in order to see what the municipal councils can do on a voluntary basis such as I have outlined . I plead with the hon. the Minister — I see the hon. Prime Minister is here and perhaps he will take heed of what I am saying — to accept the suggestion I have made. Let the Government make available to the larger municipalities of the country greater sums of money for subeconomic housing. Let the Government give us two or three years and let them judge whether there is any necessity for proceeding with this offensive piece of legislation. If we are given the money and the facilities for which I plead, then speaking on behalf of Cape Town, and I am sure on behalf of all the major municipalities, I say that we will bring about a form of segregation on a voluntary basis, without giving offence to any section of the people. If the Minister does not accept this suggestion, if the hon. the Prime Minister does not accept this challenge, then, Sir, I cannot be blamed if I come to the conclusion that this Bill has been introduced purely for political purposes in order to bring about Nationalist Party apartheid in the country and to give a sop to the reactionary elements in their ranks.

Social segregation has already been accepted in this country. Social segregation has been accomplished in this province, and it has been brought about not by any legislative enactment or by any discriminatory law or by any repressive law, but by the Coloured people themselves who take a great pride in their race and who are determined to advance by their own methods and with our help. I repeat, there has been no marked intrusion upon the European community, either territorially or socially. On the contrary, the tendency has been wherever there has been slight intrusion, to gradually remove that intrusion by the means I have described. I repeat that the Minister has not advanced a vestige of proof or any reason at all why this measure should be imposed on the people of the Cape, except for the fact that he says he has received one or two complaints from people and which he has not been prepared to disclose. So far, then, for that aspect of my approach.

I now want to say a few words about the hardships that are likely to arise under this Bill if it becomes law. Already there exists much chaos in the minds of bona fide investors who are at their wits end to know what to do with regard to investments in respect of immovable property in areas likely to be affected by this Bill. I do not know whether the Minister is aware of that state of chaos.

Mr. VAN DEN HEEVER: That is not correct.

Mr. BLOOMBERG: Do you know the position in Cape Town? You know nothing about it. Trust companies and bona fide investors in Cape Town and in the Cape generally, are greatly alarmed at the provisions of this Bill. I do not know whether the hon. the Minister will admit it, but I think building societies, financial corporations and the Chambers of Commerce and bona fide investors of all kinds have approached him with an appeal that this measure should be delayed until it can be scrutinised by impartial experts. They fear and rightly so, because there is great justification for that fear, that there will be a general adverse effect by the Bill on existing contractual relations. I will mention just one or two examples of what is taking place in this city today. A trust company representing a deceased estate, whose beneficiaries are a widow and two children, some years ago granted a bond by way of investment on a property in the area which is commonly known as District Six. The amount of the bond is £5,000. The property was owned by a European, but occupied by Coloureds. When it became known to the trust company that the Government intended to proceed with the Group Areas Bill, the trust company naturally became alarmed and gave notice of repayment of the bond. In ordinary, normal circumstances the property would have realised not less than between £9,000 and £10,000. The bond was therefore adequately secure. At an auction sale held after it had become known that the Government intended to proceed with this Bill, there was not a single bid for the property. There was nobody interested in the acquisition of the property. Why? Because of the doubt that existed in the minds of would-be investors as to what would happen to the property. We can well understand that. If the area in which the property is situated is to be proclaimed a Coloured area, it can thereafter only be sold to a Coloured person.

The MINISTER OF THE INTERIOR: That is not so.

Mr. BLOOMBERG: That is in the Bill.

The MINISTER OF THE INTERIOR: It can be proclaimed as a group area for occupation.

Mr. BLOOMBERG: I mention this merely to indicate the doubt that exists in the mind of the public.

An HON. MEMBER: Who caused that doubt?

Mr. BLOOMBERG: I can only say this, that this sale took place after the White Paper had been presented and published. The doubt still existed in the minds of would-be investors as to what the position would be. They feel that if a property is in an area to be demarcated as a Coloured area, then it can only be sold to a Coloured person unless the Minister grants a permit, and if the sale is restricted to Coloured people, then it is quite obvious that the amount of the bond will not be realised. This is only one of several examples that have been brought to my knowledge during the past two ar three weeks. Representations have been made to me by leading auctioneers and estate agents in this city, that indicated that the property market in areas likely to fall under one or other of the categories mentioned in this Bill, is simply dead. You cannot raise a bid. I mention this to the Minister so that he might pause before continuing with this Bill and consider the matter in the light of financial repercussions throughout the country.

But there is an even worse feature, because the bona fide investors can still look after themselves. What is to happen to the homes which are owned by Coloured people living in a particular area that is to be declared a Coloured area? They can only sell those homes to members of their own community, and we know only too well that this is going to mean untold hardship to those people because there are only a very limited number of Coloured people who are able to purchase these homes. They will have a limited and restricted market for the sale of their homes. These Coloured people who have invested the savings of a lifetime in a home will never have an opportunity of realising it.

The MINISTER OF THE INTERIOR: You are quite wrong.

An HON. MEMBER: It will depend on you.

Mr. BLOOMBERG: The Minister will decide. I repeat, Mr. Speaker, that the hardship that is going to be imposed on these Coloured people is infinitely greater than the hardship imposed on the bona fide investor.

Mr. Speaker, I want to go on to a further example of what is happening here in Cape Town. In Cape Town we have altogether 26,500 municipal ratepayers. That includes property-owning companies. Of this number no less than 20,000 represent ratepayers who pay up to £49 per annum. I have divided them into categories up to £50 and then higher. It is reasonable to assume — and here I must say the Minister has been frank enough to say that he has not investigated the position in regard to Coloured house ownership in this Province, as part from Indian ownership — that among the 20,000 you will find all the Coloured property owners. They will mostly fall under this category. It is unconscionable, I suggest to the hon. the Minister, to contemplate removing these people from their homes in which they have invested the savings of a lifetime, without any compensation to them. As I have already pointed out, Mr. Speaker, once an area is declared a Coloured area, they will have only a limited market for disposing of these properties. The economic position of the Coloured person in the country is such that they have not the means for acquiring a home.

The MINISTER OF THE INTERIOR: What Bill are you referring to?

Mr. BLOOMBERG: I am referring to your Bill. It is all very well for the hon. the Minister, in his suave way, to try to extricate himself from a very difficult situation. I say that these are some of the hardships that will be imposed on the non-European people. Similar hardships will be imposed on the European people as well by this Bill . . .

The MINISTER OF THE INTERIOR: You have a powerful imagination.

Mr. BLOOMBERG: I say the hardships are so great that they are frightening. In Cape Town we have a rateable municipal valuation of nearly £108 million of which £27 million is exempt from rating. In other words, the net rateable valuation is just over £80 million. The small Coloured property owner, who owns his own small cottage in which he and his family live, forms only a small portion of this figure, yet no provision is made for any compensation in the event of this area being declared a Coloured area and his being restricted to Coloureds in the resale of that property. I mention this hardship and there are countless more which are going to be imposed on our people of all sections of this country if this Bill goes through in this form. I ask the Minister, is it right, without a thorough investigation into this matter, that these people should be deprived of rights which they have held here for nearly three centuries? Is it right, is it conscionable that that should be done? Another aspect is this. Has

the Minister given any thought at all to the provision of alternative accommodation to those Coloured people who are going to be removed from these areas? Surely before an area can even be specified, the Government should provide alternative accommodation. The hon. the Minister has given no thought, I suggest, to that aspect of the matter, or else he would have collaborated with the City Council of Cape Town in an endeavour to see whether it is at all practicable to give effect to the terms of this Bill. I am convinced that this Bill is an unnecessary one and a repressive one. I am convinced, Sir, that it is being introduced by the hon. the Minister merely as a sop to the reactionary elements in this country. I hope that upon reflection, even at this stage, the hon. the Minister and the hon. the Prime Minister who is listening to my plea in this matter, will pause before they proceed with a measure which is going to create so much hardship and ill-will amongst the people of the country. If the Minister turns a deaf ear to the plea that I have made and to the various entreaties, genuine entreaties that have come from this side of the House, and other sides of the House, if he refuses to allow this matter to be scrutinised by an impartial tribunal, free from political bias; if he refuses to allow the people who are most likely to be vitally affected by a measure of this sort, to make representations to that tribunal, then, Sir, he cannot blame anyone for the views that have already been expressed in this House and outside this House that this country is fast moving towards a police State.

*Mr. VAN DEN BERG: If the hon. member whose heart always bleeds so profusely when he speaks for the Coloured community has ever really been put to the test, he has been this afternoon. True, the hon. member did say that he was expressing his own opinion but despite the fact that he expressed his own opinion, I want to add this, and it is an important point which emerges from his whole outlook, that he scored a triumph over his party as such, and that he succeeded, even though he spoke here in a private capacity, in enforcing his will on his party. He succeeded in inducing his party to swallow the principles for which they stand. The hon. member, by the strength of his feelings, succeeded in forcing these alleged giants over there, these men who pretend that they also favour the principle of this Bill — he succeeded in forcing them to swallow their own principles, and this is the first time in my life that I have ever seen members on that side, who are always so proud of their British descent and of their adherence to principle, allow themselves to be forced to swallow their principles because of that hon. member's views.

Mr. BLOOMBERG: It only goes to show that we are a free party.

*Mr. VAN DEN BERG: I would be very grateful for a little silence. I have listened with great attention to the hon. member. Now we come to the hon. member whose heart bled so profusely this afternoon for the Coloured people. His whole argument circulated around the story which he told us, that the property market would come down and that the value of properties actually did come down the moment the White Paper in regard to this Bill was published. Did I understand him correctly?

Mr. BLOOMBERG: Yes.

*Mr. VAN DEN BERG: Now let us test the hon. member's sincerity. If my heart had bled for the Coloured people in the way his did, I would have said: "Thank you, a thousand times thank you, because the Coloured people will now surely be able to get those houses cheaply."

Mr. V. G. F. SOLOMON: What kind of an argument is that?

*Mr. VAN DEN BERG: When his heart, bleeding for the Coloured people, clashes with capitalist interests he says: "Oi, how my heart aches for the interests of property." And there he stands now, as bare as a doll stripped of all its fripperies. Let him go and tell the Coloured community now that his heart bleeds for them. Here is a golden opportunity for him, if he has been truthful. If he spoke the truth this afternoon, and did not bring the House under a wrong impression, then here is a golden opportunity for him now, with the price of property down to such a low ebb, to congratulate the Coloured community, and to say to them: "Here is a chance for you now to secure those properties cheaper than ever before in the history of South Africa." But I am afraid that his dual-purpose heart has other interests when the question of the protection of Coloured people is involved. When that question is at issue, he may perhaps throw them a sop so that he can make a little political capital out of it. No, the hon. member has been shown up today and he has shown himself up more effectively than any other member in this House could ever have done.

Now we come to another question about which the hon. member did such a lot of boasting. He tells us: "Voluntarily we have taken 20,000 Coloured people and put them in those houses"; but look how shrewdly he argues, he must imagine, of course, that we are all asleep here. He does not tell us who the people are who have gone to live in the houses from which those other people had been moved. Is not that important? Look how my hon. friend is laughing now.

Mr. BLOOMBERG: You said that I was not to interrupt you.

*Mr. VAN DEN BERG: The hon. member has been telling us that they voluntarily put 20,000 Coloured people in those houses, but he does not tell us who moved into their old houses. In other words, if he were to do so it would show that this "voluntary" story of his is the greatest bit of hypocrisy in the world. It is a process which keeps on turning like a circle and in the end you are just where you were.

*Mr. LUDICK: He talked nonsense.

*Mr. VAN DEN BERG: And he knows it. What does the hon. member say further? He says that this Government is responsible for the fact that the whole housing scheme in the Cape and the whole position in regard to the housing of Coloured people has been messed up. But what happened before we came into power — we have only been in power two years? Why has it not been a success before? Why has it been such an absolute failure in the past? The hon. member thought that he could tell us all these things and that he would be able to excuse himself by saying that he was speaking for himself and expressing his personal opinion. But the hon. member is nonetheless consistent. On previous occasions he has expressed similar views here, but I now want to link this up with his story that this was done on a voluntary basis. On the 24th January, 1947, the hon. member expressed himself in these terms; he said—

> I have to make it perfectly clear that I am now expressing my own personal views in regard to this aspect of the motion. It is obviously not for me to speak in regard to this matter in the name of the Government party. I repeat I am expressing my own personal views, and I do so in the hope that my remarks may have some following in this House, and it is in that spirit that I venture to suggest, these, my own views, on the principles involved in this aspect of the motion submitted by the Leader of the Opposition. I personally regard paragraph 5 as the most important aspect of the motion now before the House. I would like to say immediately and in unequivocal terms that I, personally, am uncompromisingly opposed to the principle of Coloured segregation.

In principle he is opposed to it. But then he comes here with his story that if it is done on a voluntary basis, he is in favour of it.

Mr. BLOOMBERG: Read on.

*Mr. VAN DEN BERG: I am going to do so.

Mr. BLOOMBERG: Read the whole speech.

*Mr. VAN DEN BERG: If the hon. member wants to read a good speech he can read a lot I made in this House. His was not so wonderful. He further said—

> I say that on analysis it will be found that this principle of segregation is based only on prejudice and fear, and is motivated entirely by political under-currents and by political purposes and expedients.

Mr. BLOOMBERG: What I said in 1947 is true today.

*Mr. BARLOW: Now read the Bible.

*Mr. VAN DEN BERG: The hon. member says that he is absolutely opposed to it. His colleague says that he is also absolutely opposed to it.

*Mr. DU TOIT: No, I did not say so.

*Mr. VAN DEN BERG: But here in the City Council of Cape Town they have built a little nest for themselves which is safe, where the Coloured people cannot come and live.

*Mr. DU TOIT: I am in favour of legislation.

*Mr. VAN DEN BERG: But while the hon. member is saying that he favours legislation, the Coloured man can just go and stay where he wants to.

*An HON. MEMBER: In Pinelands.

*Mr. VAN DEN BERG: In Pinelands, for instance.

*An HON. MEMBER: That is not true.

*Mr. VAN DEN BERG: The hon. member knows that it is not so. When they are dealing with the property and the residential areas of other people, then they are quite indifferent, but when their own skins are concerned, then they build a safe little nest for themselves in the Cape Town City Council. The hon. member for Cape Town (Castle) (Mr. Bloomberg) has been a member of the City Council for many years. They make their own little nests safe but the rest of the community can go on suffering. The sincerity and the honesty of hon. members who talk like that crops up time after time, just like a cork on top of the water; you can keep it down, but time after time, as soon as you let go, it comes to the top. No, today they have been shown up. The hon. member for Cape Town (Castle) must not take it amiss if I say that he fully realises that if this policy is carried out and the Coloured community is moved to better surroundings and if the Coloured community is made to leave his constituency, he will never see this Parliament again till all eternity.

Mr. BLOOMBERG: I am prepared to resign my seat and if you resign yours we can contest my seat here.

Dr. VAN NIEROP: You have not got a hope without the Coloured vote.

Mr. BLOOMBERG: Very well, without the Coloured vote.

*Mr. VAN DEN BERG: Let the hon. member postpone his resignation for a while until such time as this Bill is in full operation. Let him resign then and I am prepared to resign my seat and I shall come and oppose him here, but then he must also come and oppose me at Krugersdorp; otherwise there is nothing to it. As a rule one of the complaints made against any Government is this: "You are wasting the country's time, you just go on appointing commissions and you have not got the courage of your convictions to tackle these things yourselves." But the complaint which the Opposition is now making against the Government is that the Government programme of action is too fast altogether for them. They are now complaining that this Bill is being passed so rapidly that they have not got time yet to study it and to understand it. Here we have the Opposition swallowing their own words. But what did they do last year, and in the beginning of this year? Pardon me, Mr. Speaker, for doing what they have done. They threw up their hands and asked: "Where is apartheid? You have been in power such a long time now, where is apartheid?" If they go back to their constituents now, they can just put their hands on this Bill when it gets on to the Statute Book and say: "Here is apartheid." Last year my hon. friend and his colleagues, when holding meetings, thumped the table with their fists on the platform and asked: "Ladies and gentlemen, where is apartheid?" When they go back now they will be able to say: "Here is apartheid, and this is what apartheid looks like." I tell you that I am thoroughly convinced that when this Bill appears on the Statute Book, it will create a brand new South Africa which you, Mr. Speaker, and I have dreamt of for years and years, a South Africa which you and I have often thought would never materialise, with all the powers that are against us. We shall have a South Africa which will make true the dreams of the greatest idealist, who wants to build up his people, whichever groups in the country he may belong to. I say that this will create a South Africa which humanly speaking will be as close to perfection as one can ever hope to get it, because this, for the first time, will bring about on a progressive basis that separation which we desire and when eventually it will have reached its full effect, when the Natives will be in their groups and in their own surroundings, where they will be taught to govern themselves and to control themselves, and to look after themselves, when our Coloured community will be in the same position, when the Coloured community will no longer be pushed aside by the Native, as happens today, when the Native will no longer be pushed aside, as is the case today by the Indian in commercial spheres, when every group will be able to govern itself and contribute its share to the structure of South Africa, then we will show you what South Africa should look like. A South Africa where we shall have separation, and not this intermingling which hon. members opposite have so terribly at heart.

We now get this position. In spite of this carefully devised, idealistic position we are not getting constructive criticism here, in spite of the contentions from the other side that they agree with the principles of this Bill — we get no criticisms from them which aim at improving the Bill. All we get is purely and simply recalcitrance and obstreperousness of the first water. We get this after we have been tackling this matter all these years in every possible way. There is no town council, there is no urban area in the Union which cannot give you the full details. We have had masses of Commissions, we have had these Select Committees which have given us all the necessary information. The information is there, if we only read it. But what would have been the use of those mountains, those hills, those wagon-loads, those ship-loads of information if we had not had a Government with a backbone and a will to bring to fruition in the form of a law, what we have been aiming at? That is the position which we have today; this is what the Government has done. And instead of being congratulated by the Opposition, and instead of having the co-operation of that side of the House, we get recalcitrance and objection. No individual can defend recalcitrance purely on the score that he differs from the next party, and least of all when he says that he agrees with the principle. I say that that party has no right at all just because of recalcitrance to say: "We do not want you to do this or that, we are moving an amendment to ask for an investigation by a commission under the chairmanship of a judge." What is there to be further investigated? Have we not got ample information? We have all this information from the various municipal councils, we have all the reports from the various commissions which have gone fully into the question.

Hon. members on that side of the House have often and repeatedly challenged us to show them where our apartheid is. Here we have the pattern, the machinery to lay down apartheid in future in an effective way and without dislocation, without doing an injustice to any section, a pattern which will allow things to go their normal, con-

structive course, and in a manner which no one can reasonably object to and say that an injustice is being done. Hon. members opposite can say what they like, they will not succeed in hiding behind this amendment of theirs and then go to the country and say: "We also agree with the Government on the doctrine of apartheid." They cannot do it if, at the same time, they vote against it. They will tell all sorts of shrewd stories, they will distort the facts, they will read misquotations to their constituents . . .

*Maj. VAN DER BYL: That is what you are doing now.

*Mr. VAN DEN BERG: Look at the way they are floundering — I could almost say they are floundering deliberately. Even among the most intelligent members on that side of the House, even among the best men on that side, we find that that is happening. The hon. member for Berea (Mr. Sullivan) has made a great point of the fact that in this Bill there is no provision for the amount of compensation that will have to be paid. Could an intelligent man in this House talk greater nonsense?

*Mr. TIGHY: Where is the compensation?

*Mr. SERFONTEIN: He is talking about an intelligent man.

*Mr. VAN DEN BERG: They know that the Minister has made this Bill so clear that if anyone is anxious to understand it, there is no need to spend nights in studying it. He has told them that the machinery is there to do it. How can one, in a Bill of this kind which creates the machinery, say that it is going to cost so much and so much?

*Mr. TIGHY: How is it that it was done in the Slums Areas Act?

*Mr. VAN DEN BERG: How can one, in a Bill like this, say what the expense is going to be? Take the instance mentioned by the hon. member for Castle. We get a mass of property there for practically nothing — for "next to nothing", as they say; what will the expense be? In actual fact the expense will be next to nothing, because surely you are not going to buy those properties and blow them up. It is just a question of removing people from one part and settling them somewhere else. Where is the terrific expense which hon. members have been talking about?

*Maj. VAN DER BYL: If you talk like that it shows that you do not understand the Bill at all.

*Mr. TIGHY: You may just as well sit down now, you are finished.

*Mr. VAN DEN BERG: No, I want to put this question to hon. members opposite. Have they lost all sense of responsibility?

*Mr. G. F. H. BEKKER: Apparently.

*Mr. VAN DEN BERG: Is there no such thing as a sense of responsibility among them? A sense that a time comes when your party becomes recalcitrant and troublesome, or when your party suffers from hydrophobia, when you just have to give expression to your party's fads and fancies.

*Maj. VAN DER BYL: What did you say in the days when you sat on this side of the House?

*Mr. VAN DEN BERG: The hon. member is just interrupting me to try to upset me, so I shall not be able to say when I want to say. During this debate they have proved conclusively that that is what they want to do. If they were honest in their objections they would not come here with this nonsensical story that this Bill should make provision for compensation — and let me say this, it is not the most ignorant members on the other side who make these remarks. It only goes to show that any possible or impossible story is dished up to place before the House as an argument. And then it is sent into the world, it is published by a long-suffering Press, and then it is put before the public as though it were a fact. That is how the country is misled in regard to matters which, as they contend, are a radical interference with our national life. Where one deals with a radical question one tries to stick to the truth as closely as possible, but instead of doing so, hon. members opposite do their utmost to get away from the truth as fast as they can.

*Dr. STEENKAMP: If there is going to be provision for compensation, then we want to know how that provision is going to be made.

*Mr. VAN DEN BERG: Does the hon. member want me to speak about a Bill which is not even on the Table yet?

*Dr. STEENKAMP: Is there going to be such a law?

*Mr. VAN DEN BERG: I do not want to go into that now.

*Mr. TIGHY: Yes, he says that there is going to be such a Bill.

*Mr. VAN DEN BERG: Mr. Speaker, I am not able to continue under such conditions.

*Mr. TIGHY: Why have you suddenly got so sensitive?

*Mr. VAN DEN BERG: Let me come now to the attitude of the Opposition.

*The MINISTER OF THE INTERIOR: Which attitude? They have so many.

*Mr. VAN DEN BERG: They come here today and they proclaim to the world, and they actually do so in an amendment, that they subscribe to the principle of segregation. The hon. member for Woodstock (Mr. Russell) last year, and this year, called it an absurdity ("onding"); he called apartheid an absurdity, and when the Prime Minister invited them to discuss this question, together with all the parties, on the basis of apartheid, they said "not a damn", and there they stuck, they were not going to do it.

*Mr. TIGHY: That is unparliamentary language.

*Mr. VAN DEN BERG: The Prime Minister said: "I invite you, I invite all the parties, let us discuss this question on apartheid basis." Their reply was: "No, take out the word 'apartheid' and then we shall be prepared to discuss it." But they were not prepared to discuss this question simply because the Prime Minister had used the word "apartheid".

*The MINISTER OF THE INTERIOR: The Labour Party was prepared to discuss it.

*Mr. VAN DEN BERG: Yes, they were prepared. My hon. friends of the Labour Party said that they were not going to run away. They were prepared to discuss it, but the United Party did not even want to hear of it, and that is the cardinal point on which they said that they were not prepared to accept the Prime Minister's invitation, because he wanted to discuss that question on the apartheid basis. And here they come today and verily they are converted — or otherwise they are hypocrites — one of the two. We should like to know which of the two it is. Surely there are still some gentlemen on that side? We should like to be told by them.

*Maj. VAN DER BYL: [Inaudible.]

*Mr. VAN DEN BERG: I include the hon. member for Green Point (Maj. van der Byl).

*The MINISTER OF THE INTERIOR: Do not look so surprised.

*Mr. VAN DEN BERG: Look at the progress we have made. We have converted them. They now find that we are right. The principle which they were not prepared to discuss with the Government last year and in 1946, which they rejected in toto, they now accept and on that they base their amendment.

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

Evening Sitting.

*Mr. VAN DEN BERG: When business was suspended I had already pointed out that the United Party were on the verge of conversion In consequence they find themselves in a very dangerous position. If a man is on the verge of conversion he may possibly fall back, and then he may find himself in a position where the seven devils will take possession of him, so that he will be worse than before. I am very worried that the influence of the hon. member for Cape Town (Castle) (Mr. Bloomberg) may have the effect of diverting them and making them go in the direction where he wants them, instead of allowing them to be converted and coming over to our side. I do hope that he will not, at this stage, use his influence in that direction. I do feel, however, that in all reasonableness the hon. member will agree that I did not make any undeserved remarks about him when I said that, although he had stated that he was speaking in a private capacity, he had nonetheless succeeded in getting his party, the overwhelming majority of whom are in favour of this Bill, to swallow their principles and to introduce this useless amendment, so that they need not vote for the Bill. The hon. member for Cape Town (Castle) has no excuse. He cannot hide behind the excuse that he is ignorant. Why then does he come here with the statement that this Bill is exclusively aimed at the Coloured community? Surely he knows that it is not so, and that the Bill deals with Europeans, Coloured people and Natives, at least three groups. Now the hon. member tries to tell the world that it only aims at the Coloured people. Does he just want to stir up their feelings? In any case, he has forced his will on his party, as this amendment proves. The hon. member will have to admit, and the House will have to admit, and the country will have to admit that voluntary exchange, to which he has referred has so far been a total failure, wherever it has been tried. I have given the reasons for that this afternoon, and the Government apparently does not propose to persist with a scheme which has been a failure and that is why it has created positive machinery through this Bill.

Now the hon. member for Durban (Berea) (Mr. Sullivan) said that he was quite satisfied with the position in Durban.

*Mr. SULLIVAN: No.

*Mr. VAN DEN BERG: What does the hon. member really want to learn from a

further investigation? He knows well enough what the position in Durban is. He knows enough about Durban to express an opinion about it, and I am of opinion that after all the years he has represented that town, he would at least be able to speak on behalf of Durban. I am asking this because he has said that he is satisfied with the position in Durban. I have this map here which hon. members have seen. Let me show it to the House. These red spots indicate Indians, and as hon. members will see, the map is full of red spots. That is the position in Durban and the hon. member knows it. The Minister is now creating the machinery to regulate the position but the hon. member refuses to co-operate. He refuses to co-operate if these measle spots are taken out.

*Mr. SULLIVAN: We are prepared to co-operate in the right way.

*Mr. VAN DEN BERG: The only co-operation we get from them, is a recalcitrant argument and stubborn arguments. But I do not want to say any more about Durban. Let me come back to my own constituency. Any hon. member prefers to deal with his own constituency and in that connection I can state facts which the town council has, facts as to what has actually happened. They have had a lot of trouble in my constituency, particularly with the Indian community. What has happened there? The Indian community is my constituency has consistently refused voluntarily to move into residential areas which have been set aside for them. What then is the use of talking of a voluntary basis? The town council has set an area aside and has undertaken to provide all the facilities necessary to create proper conditions. This was approved by the then Minister, the late Mr. Stuttaford, and by Mr. Clarkson. Both said that what had been done there served as a model for all town councils in South Africa, but the Indians refused to go and live there. Not a single instance can be mentioned in South Africa where this has been carried out on a voluntary basis. Those who were prepared to move into those areas, were boycotted. That has been our experience in Krugersdorp. What right have we then to continue deceiving the people by so-called voluntary repatriation and voluntary movement and segregation? What right have we to put this before the public knowing that the Indians are consistently refusing voluntarily to accept such a scheme. And it is going further than that now. Unfortunately this unreasonable attitude is no longer confined to the Indian community. It has also affected the Natives — it is being transferred to the Natives by the Indian community, so that the Natives today are no longer voluntarily accepting the position of being separate. In Durban, you may perhaps meet with the greatest difficulties, but in other areas those conditions also prevail. And then the hon. member for Durban (Berea) comes here and tells us very sweetly that he is perfectly satisfied with the position there.

*Mr. SULLIVAN: You know that that is wrong.

*Mr. VAN DEN BERG: If I am mistaken I shall be very happy, and if the hon. member, when we come to a division on this Bill, walks across to vote on our side, I promise him that I shall apologise to him in his constituency and that I shall say to the people there: "Ladies and Gentlemen, I beg your pardon, I was wrong about Mr. Sullivan, he is really a man of his word." But they must not come here and tell us that they want to co-operate and then propose recalcitrant and aggravating amendments. Let them be honest and get up and tell the Minister: "We are not going to object to the second reading, but there are a few difficulties here and there and we feel that improvements can be made here and there when we are in Committee." But instead of that, before the Bill was even printed, when it was announced, they started making a fuss, and they announced, through the hon. member for Salt River (Mr. Lawrence) that they were going to fight this Bill step by step. True the seeds of conversion are there, because now and then they come and tell us that they are also in favour of the principle, but possibly the seeds of conversion are so slight that they have only affected the red corpuscles of their blood and not the white corpuscles. Let us hope that the Mayor of Durban's visit has had a stimulating effect upon them, and that he will convince them that this is good and necessary legislation. The hon. member for Berea, who sits over there, apparently does not know what is going on in Durban.

Mr. SULLIVAN: I know perfectly well what is going on in Durban, and I have even got a mandate from my constituents.

*Mr. VAN DEN BERG: The hon. member says that he has a mandate from his constituents. If that is so, then I feel that he has been failing in his duty by not telling the House what the mandate is which his constituency has given him.

*The MINISTER OF THE INTERIOR: What is the instruction which he has received from the Joint Wards' Committee?

*Mr. VAN DEN BERG: Yes, but even his party machinery. I would almost go so far — I know I am on dangerous ground now, but I am going to risk it — "I challenge any

Durban member to say that a United Party branch in his constituency has instructed any of them to oppose this Bill." Let them get up and say that they have got such instructions. I am challenging them here, on their own ground. I challenge any one of them to state that any of their branches have asked him to oppose the Bill as it now stands. Not one of them is accepting my challenge. They cannot do so. I think it is a manly challenge. Why am I making it? I have a very high respect for the Durban public, the European public of Durban. They have been fighting this evil for more than a century, and the present Government and this Minister are the first to place a Bill of this kind on the Statute Book.

Mr. SULLIVAN: Why has not the Minister carried out compulsory repatriation?

*Mr. VAN DEN BERG: Under which law? Under which law can he carry out compulsory repatriation? This is the sort of thing we get from the hydrophobia type, and the hon. member is one of those who have been bitten most, but here we have this fact, that they are acting against the interests of the people as a whole, against the interests of white South Africa. The United Party is acting in conflict with the interests of South Africa, and is even ignoring the wishes of many of its party members in Durban and elsewhere, and that because the hon. member for Castle and his small group of liberals have a stranglehold on that party. For the sake of the ultra-liberals in the party, they are forced to swallow all their principles. I do not want to handle them too roughly, I only want to express the hope that the Minister's stimulating influence will bring them so far that they will have the courage of their convictions. My time is up, but just let me prophesy this: This Bill will pass, and when it proves to be effective and successful, we shall hear hon. members opposite tell the country that in the long run it is their policy which is being carried out.

*Mr. TIGHY: As usual, the hon. member for Krugersdorp (Mr. van den Berg) spoke a great deal but said very little. He just tried to fool us with absurdities. His whole speech was directed against the hon. member for Cape Town (Castle) (Mr. Bloomberg) and I am afraid he tried to fool us with absurdities. The hon. member for Krugersdorp knows very well how to pull chestnuts out of the fire. We remember the days when Capt. van den Berg also knew very well how to do it and I want to give him credit for the fact that he always succeeds in being on the side of the Government. He always sees to it that he remembers on which side his bread is buttered. How he manages it passes my understanding but he is always there. I do not think we should pay too much attention to what the hon. member said, but he nevertheless made a slight slip in his speech, in the midst of all his buffoonery. When we challenged him on the point regarding compensation, he said: "How can you expect provision to be made for compensation in this Bill? Is there not another Bill coming which will deal with this; how can I now talk about a Bill that has not been tabled yet?" Allow me to ask the hon. Minister what Bill this is which is still coming, or will he admit that his front-bencher was talking nonsense? Is that Bill going to be introduced as mysteriously as this report, which was tabled on Saturday afternoon, so that members were only able to get it on Sunday? Why was it kept so secret? The hon. the Minister may be a very clever fellow, but this Parliament is not a political chess board and if the hon. the Minister still has a rabbit or something of that kind under his hat we would like him to produce it. There a front-bencher of his party got up and said that he cannot talk about compensation in connection with this Bill because another Bill is coming. We want to know whether there is another Bill coming and, if not, then the hon. member for Krugersdorp has once again talked nonsense. The hon. member knows that in the Bill in connection with slums provision is made for compensation at the municipal valuation plus 30 per cent. If it can be incorporated in that Bill, then why not in this case? That is another example of political conjuring. Without a doubt this party, this Government, is simply using Parliament as a political chessboard. The Bill is nothing but a smokescreen behind which they seek to conceal their powerlessness to carry out the apartheid policy in full. They cannot get away from it. They cannot give full effect to apartheid and this is intended to be a dummy to satisfy the electorate. We know that they cannot carry out the apartheid policy as they wish because they cannot obtain the support of their chief ally, and they also know that they cannot obtain the support of this side of the House either in order to carry out their apartheid policy fully, especially as far as political apartheid is concerned. Now this measure has to serve as a dummy to satisfy the electorate until such time as the election will be held. They are preparing themselves for any eventuality. Take South-West Africa. Things may go wrong. Perhaps things will not go wrong; then their actions are right, but should difficulties arise or should there be a crisis during the recess — several congresses are being held during the recess and difficulties may arise — then they will tell the country: "Look, we tried everything possible to carry out the apartheid policy but we did not have the support of our allies and we could not obtain the support of the Opposition, but look what we did in spite of the Opposition." They are always keeping themselves in readiness for eventualities. Last year it was the

Citizenship Act, this year it is the Group Areas Act. The Government definitely does not intend putting this Bill into effect in the immediate future. The Minister has admitted in his speech that it will take a long time, five or ten years. Then why the hurry? The hon. members over there got up time and again and tried to question the honesty and sincerity of this side of the House when we offered assistance in this matter.

*Mr. H. S. ERASMUS: When did you offer assistance.

*Mr. TIGHY: Apparently the hon. member was absent. Our whole amendment points in that direction. If they doubt our honesty then we have every right to take the same attitude towards them because as far as they are concerned there is no indication that they are serious and honest in connection with this matter. It is purely a political move and nothing but a political move. Allow me just for a moment to draw the Minister's attention to a very important and practical aspect of this matter which hon. members over there have forgotten. The hon. Minister has admitted, and the Bill also makes provision for it, that some time will elapse between the moment when this Bill is passed by this House and the time when it will be practically enforced and that period is going to be the cause of dreadful chaos in the property market, especially in the big cities. That period can be used to institute a proper investigation and that is what this side of the House is asking, in other words, this side promises to cooperate with the Government but we want to act according to a procedure that requires the necessary investigation in the first place so that when the Bill is accepted it can be enforced immediately.

*Mr. H. S. ERASMUS: But surely you can never enforce it.

*Mr. TIGHY: Those hon. members are simply bent on political advantage.

*Dr. VAN NIEROP: What advantages are there in this Bill?

*Mr. TIGHY: I am sorry but I cannot repeat what I said.

*Dr. VAN NIEROP: But what advantages are there?

*Mr. TIGHY: I think it is clear to the whole country that it is a political trick played by the Government. They talk about inquiries that have been made by one or two committees. What inquiries? That committee or those committees looked up old reports. Was there any inquiry on which this Bill can be based?

*Mr. H. S. ERASMUS: Of course.

*Mr. TIGHY: I am quite certain that those hon. members have not read the Bill. Allow me to give a few practical examples. We again have a repetition here of the uncertainty that exists and that will exist in connection with the identification cards. The Hon. members seem to be under the impression that the mixed areas can quite easily be got rid of. We would all like that to happen, we are all in favour of separate residential areas, but this is not what the Bill implies.

*Mr. A. STEYN: And you do not want it.

*Mr. TIGHY: Allow me to give you a practical example. I shall take an area well known to the hon. member for Westdene (Mr. Mentz). On the Rand there are five non-European areas which are surrounded by European areas.

Mr. MENTZ: Now you must be careful.

*Mr. TIGHY: I need not be careful. When the Johannesburg City Council was disposed to rid the city of those areas it was the Nationalist Party in the Johannesburg City Council that stood in the way.

*Mr. MENTZ: That is nonsense.

*Mr. TIGHY: The hon. member cannot get away from it. The Nationalist Party had the decisive vote in the City Council and that project was not carried out. This is another proof of their political dishonesty in connection with this matter. In this case it may happen that the European areas have to be evacuated and who will then come to buy property there? Will the non-Europeans come there and pay them out? No, that will not happen. Take a place like Overton. There we find Asiatics, Coloured people and Natives. Supposing that area should be proclaimed a European area, will the Europeans go and live in those houses? Supposing Sophiatown is proclaimed a European area without any compensation being paid, must the Europeans then go and live in that area; must they go and live in those Native houses? No, this Bill has not been properly considered. My plea is that this Bill should be postponed. There is no hurry. We have stated very clearly that this side of the House is willing to assist in placing a proper law on the Statute Book. In its present form the Bill is merely going to cause chaos and difficulties and therefore we say that is should first of all be investigated.

So what I am pleading for is that this Bill should be postponed for the following reasons. The first is that the United Party has clearly stated that it is in favour of separate residential areas.

*Dr. VAN NIEROP: May I ask you a question? If the United Party is in favour of separate residential areas, why did they not try to do something in that direction when they were in power?

*Mr. TIGHY: This is my reply to the hon. member. When we were in power we were busy saving South Africa's right of existence at a time when the hon. member for Mossel Bay (Dr. van Nierop) wanted to help Hitler to come and take South Africa away from us. When we had finished fighting that war we started tackling the interior problems of South Africa. Because the United Party clearly states that it is in favour of residential areas this Bill will be of no use to the Government Party from a political point of view or for propaganda purposes. They cannot gain anything by it. The second reason why I say that this Bill should be postponed is because this so-called report of the Committee is incomplete. We have no evidence before us. We have only extracts before us and nobody knows who made those extracts and how they were made. The result is that it has a suspicious taste.

In the third place I wish to point out that we have come near the end of the Session and hon. members have not got the opportunity to give sufficient attention to this Bill. It is a very important Bill and at this stage of the Session members have not got the opportunity of giving it the attention it deserves. There is a tremendous lot of preparatory work that has to be done before a Bill of this nature can be put into operation. That should first be done. But the Minister hastily came forward with this Bill to gain political advantage through it. There is another matter which I would like to bring to the notice of members, something which they have perhaps forgotten. During the past few months it happened over and over again that judges gave certain hints in connection with the legislation which is being piloted through this House, namely, that this legislation is not what it should be. The courts cannot tell this House directly what we should do. We shall take exception to it. But when such hints are given we ought to take notice of them. That is why we should not rush Bills through this House. They should not be accepted by this House at a gallop. In such circumstances we are unable to give proper attention to such legislation and I repeat once more that this is extremely important legislation. Look at what stage of the Session it was introduced and how much time we have at our disposal. We are running the risk of belittling ourselves in the eyes of the world and particularly in the eyes of the law courts. We must not forget that when a Bill is tabled it is only a draft and that it then becomes the duty of this House to place a proper Act on the Statute Book. With all due respect I wish to say that this Bill has not been well drafted. I am not blaming those who drafted this legislation, because a Bill dealing with property is an extremely difficult affair. It is extremely difficult to incorporate all the necessary provisions in the legislation. That is why it is essential that this matter should receive more attention and beter consideration. And this is especially true because this side of the House has clearly told the Government that it is prepared to help, provided that the matter is properly investigated.

*The MINISTER OF LABOUR: Tell us whether you are in favour of compulsory separation of residential areas.

*Mr. TIGHY: The Minister of Labour is a good politician and he must not try to catch me with words. The fact remains that the spirit and the wording of the amendment was such that it is perfectly clear that we are prepared to help. The hon. member for Germiston (District) (Mr. Strauss), our Acting Leader also said so in his speech.

*The MINISTER OF LABOUR: But are you in favour of compulsory separation?

*Mr. TIGHY: I shall not take any notice of hair-splitting. We have the plain fact that the Opposition in this House, the United Party, reached out a helping hand and that it was refused by the Government. If difficulties arise as a result of this Bill the Government will have to take full responsibility.

There is another very important reason why we should be careful with this Bill. We are here dealing with one of the most important rights of a subject, namely, his right of possession, and where we are dealing with that right and with the diagram and deed of transfer belonging to a subject, we have to be extremely careful. As I have said before, the way in which this Bill has been drafted will cause tremendous dislocations and it may easily happen that during the interval after the acceptance and before the enforcement, the result of this Bill might be that financial concerns, commercial concerns and companies advancing loans in our big cities may be closed. Members on the other side do not understand this because all they know is how to appeal to the emotions of the people. All they can do is to repeat the word apartheid over and over again. We know that they will go out to the country to give the electors the impression that the United Party is opposed to separate residential areas.

*Mr. A. STEYN: We shall go and tell them in Johannesburg (West) that you are opposed to it.

*Mr. TIGHY: Let me tell the hon. member that in 1937, when I was at the head of a

deputation to the previous Minister of Native Affairs, Mr. Justice Fagan, that the Minister of Labour opposed me and refused to receive us here.

*Mr. MENTZ: That is not true.

*Mr. TIGHY: I was already dealing with this matter before most of the members on the other side had ever thought of it.

*Mr. A. STEYN: And why are you opposed to separate residential areas now?

*Mnr. TIGHY: That hon. member is so used to making stupid interjections that one cannot take any notice of him. Allow me to draw the hon. Prime Minister's attention to the fact that this Bill is going to have very far-reaching results in connection with capital investment, which is going to be hindered by it. The capital still flowing into this country is invested in property in most cases. Since there is now some uncertainty regarding the various areas those people will refuse to invest their capital They may, perhaps, invest money in Central Johannesburg but what will happen tomorrow? Let me quote an example. The Feetham Commission recommended that a part of Ferreiratown should be set aside as an area for Asiatics. Now who knows whether there will not be a change under this Bill? We also know about the Malay location near Vrededorp. What is going to happen now? Will the Malay location be removed or will Vrededorp no longer be a European area?

*Mr. MENTZ: Do you want the people to live together there?

*Mr. TIGHY: That is a stupid question from the hon. member. The position is that the Bill gives us no certainty on that point. The previous government introduced its Asiatic Land Tenure Act but first of all it decided which areas would be delimited and it did not first introduce the legislation, leaving the investigation for later. This Government did not set about it in that way and members on the other side cannot evade their responsibility. We know that if the property market comes to a standstill and if building comes to a standstill then there is a depression. If that happens we shall be heading for the rocks and what are they going to do? From an economic point of view there can be no doubt that this Bill, in its present form, will lead to disaster. Once more I repeat that this side of the House is in entire agreement with the Government that there should be separate residential areas. Therefore, it will be useless for those members on the other side to use this Bill for propaganda purposes. But I know their procedure very well. We do not want to co-operate with them in a way that will stop the influx of capital and that is going to cause confusion. The Minister ought to realise this if he knows anything about the matter. Unless he wants to get up and admit what the hon. member for Krugersdorp (Mr. van den Berg) said here, namely, that there is another Bill coming under which compensation will be paid. If such a Bill is to come it changes the whole position. But the Minister does not say a word. Perhaps it is another little rabbit which he still wants to produce out of his hat.

Then I still want to say this, that the solution of the question concerning separate residential areas is not to be found in pure legislation alone. It is to be found in practical steps which have to be taken. The Minister seems to think that if this Bill is accepted, the separate areas will happen automatically. Supposing Sophiatown were to be roclaimed a group area for Europeans, will that area then be automatically cleaned up? Who is going to clean it?

*Mr. MENTZ: Do you want to retain the Malay location at Vrededorp?

*Mr. TIGHY: The hon. member knows that I was already working in connection with that affair when his party was still opposing it.

*Mr. MENTZ: That is nonsense.

*Mr. TIGHY: The hon. member must not now make misuse of the courtesy being shown him. But supposing it has to be taken away, how is the hon. member going to get it removed? The Bill does not tell us. The Minister has again served up a half-baked egg here as he has done so often. He does not give sufficient consideration to a matter and then he comes and introduces it here with pretty phrases to give everyone the impression that it is something very good. It is all make-believe. Look at the amendment of the law of 1946. What happened to properties in Johannesburg and Pretoria? There were months of delay and the Minister had to come and propose an amendment to get out of the difficulty. That is the trouble with this Minister. He is in such a hurry with his Bills that he has to come with amendments afterwards. That is my objection to legislation which is accepted too hastily. I am convinced that as soon as this legislation comes into force the Minister will have to come back to this House to have it amended although in my heart of hearts I feel convinced that the Government has no intention of enforcing this legislation.

*Mr. A. STEYN: Then what are you crying about?

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*Mr. TIGHY: Precisely because you do not want to bring about separate residential areas. You pretend that you want separate residential areas but you do not do what you pretend to do. If it was really your intention you would have set about it in a different way. You look at the matter purely from the point of view of political propaganda.

*Mr. MENTZ: What political propaganda?

*Mr. TIGHY: The hon. member knows better than I do what political propaganda and I am not going to waste my time to help him in that respect. In the meantime this legislation is going to cause tremendous difficulties and tremendous conflicts between Europeans and non-Europeans in this country.

*The MINISTER OF LABOUR: And that is why you are against it?

*Mr. TIGHY: The Minister of Labour must not regard me as an example of a Blundering Ben.

*The MINISTER OF LABOUR: We shall meet you on the Rand in connection with this.

*Mr. TIGHY: If the hon. Minister of Labour would rather look after his constituency it would be better for him.

*Mr. MENTZ: Are you prepared to meet me in your constituency in connection with this matter?

*Mr. TIGHY: I shall do so tomorrow and not only that hon. member but the whole battalion on the other side. Let one of them resign his seat and come and contest my constituency against me. This is the type of legislation which deals with the non-Europeans and which aims at nothing but political exploitation that does not improve matters between the Europeans and non-Europeans and that causes the racial tension to become worse. Nobdy can accuse me of being a negrophilist. It is the last thing I wish to be. On the contrary, it is well known that I hold conservative opinions on the non-European question; but it is this type of legislation that causes hatred and enmity, and then members on the other side look for scape-goats. Now it is Communism and then it is the United Party. Some say these things are caused by Communism and others say they are caused by Nationalism. To my mind it is all caused by hatred, resentment and enmity, and the way this Government is setting about things will lead to disaster as far as relations between Europeans and non-Europeans are concerned. The Government is setting about things in a clumsy manner. The Minister is a capable man. Although I disagree with him in matters of politics I admit that he is a capable man and, given the opportunity, he can do good work. But in the present case he is in a hurry. I want to appeal to him as a young Afrikaner, as a young member of the Cabinet, to approach this matter in a new spirit and to see whether it cannot be dealt with on the best party lines by means of co-operation between the two main party in the House, not so much for the sake of a party but for the sake of the future of our country.

We are dealing with a grave matter. We have already witnessed some riots in this country. They are only the harbingers of a great outburst and when the real trouble comes I am afraid this Government will be blamed for it or that its fall will come with that outburst If that happens it will be the result of the manner in which this Government is dealing with the matter. The colour question in South Africa has reached the stage where we cannot allow it to be exploited for party political purposes any more. We have to approach the matter from another angle in the interests of South Africa.

*Mr. MENTZ: Then why not stop exploiting it?

*Mr. TIGHY: I wonder whether the hon member has had some buchu-brandy or something. We on this side of the House are the people who are trying to lessen that feeling in this country. Today we are still in the fortunate position of having men like the Prime Minister, the Leader of the Opposition and the Leader of the Labour Party, men with a great deal of political experience who understand these things and who can help us. When we lose them, then we, the youngsters, will remain behind to deal with these great problems.

The legislation in its present form and in the form in which is will probably be passed, will not contribute one iota to the advantage of the European and the non-European in this country. It will merely contribute towards the further deterioration of the relations between the various races in our country. In South Africa we have two matters in particular which call for the attention of the Europeans and which are not receiving the attention they ought to receive at the moment. The first is our economic position and the second is that deterioration in the relations between the races in South Africa. Both these most important matters are being completely ignored by this Government. Here we now have the Minister of the Interior dealing with a Bill which concerns this great problem and that is why I am making this appeal to him.

*Mr. A. STEYN: [Inaudible.]

*Mr. TIGHY: I am not speaking to that hon. member now; I am speaking to somebody with intelligence. The Minister of the Interior is a capable man and that is why I am appealing to him. But if, on the other hand, it is a foregone conclusion as far as he is concerned and if he wants to use this Bill for purely political purposes, that is his affair, but it will most certainly not be in the interests of South Africa.

*Mr. PAPENFUS: I did not expect the hon. member for Johannesburg (West) (Mr. Tighy) to participate in this debate, especially when we think of what he said on previous occasions in this House on the same subject. I think his biggest contribution to this debate this evening was a new Afrkaans word "benullig." I thing his "benullige" speech was a stupid rattling. I shall not try to follow the wanderings of his mind. It is impossible to do it, because he definitely is unique. But where pertinent questions were put to him by the hon. the Minister of Labour as to whether he is in favour of compulsory or voluntary residential apartheid, we could not elicit an answer from him in this debate.

*Mr. TIGHY: We have given our answer.

*Mr. PAPENFUS: No, they have not. On looking at their programme of principles one finds that they say they are in favour of Coloured residential areas, but on a voluntary basis. If it means anything, it means one thing and that is that it forms part of the principles of their Party, but, according to their speeches here, they are not prepared to endorse that acknowledged principle of their Party here in the highest Council of the country. They lack the courage to support their own principle in the highest Council in the country. Why? Because they know that if that is their principle, they are opposed to this legislation because it necessarily has to make the separation between residential areas compulsory to a certain extent.

I think it is unnecessary to say that this Government as it is composed, believes in apartheid. We believe that we can solve the racial question in the country along those lines. We also believe that only by following that road, shall we be able to bring about and perpetuate racial peace in this country. Why are we introducing this legislation? This Government has a responsibility to the people in this respect because the people definitely gave the Government a mandate to pass this and similar legislation in order to solve the Coloured question. It is not necessary for me to dwell on the evils of mixed residential areas. They are so obvious that it is not necessary to enlarge on them. We can go back to the riots at Newclare. We know that apart from all the other problems that were associated with it, like the problem of the thousands of Native vagrants, we were dealing there with European areas and Native areas bordering on each other; they became a source of danger to the women and children in those areas. It is a great danger to good relations between European and non-European. As far as that is concerned I would like to read to the House what the Minister of Justice said in connection with this matter when he made a statement in connection with the riots —

> A disquieting phenomenon that has come to light is that Europeans in the areas concerned are becoming impatient from fear for the safety of their families and property, and to some extent, although so far fortunately on a small scale, they are hurrying to the scenes of the outburst, armed, and are taking the law into their own hands. It appears that the rioters moved towards the White areas, and this might explain the attitude of the Europeans. Yesterday I made a serious appeal that these people should avoid such scenes, because they not only double and render difficult the work of the police, but this may create an extremely undesirable and dangerous state of affairs.

It should not be necessary for us to point out further dangers, nor to show how necessary and absolutely essential it is to have legislation. But I would like to draw attention to what the hon. member for Johannesburg (West) said a few months ago in order to compare his past attitude on this question with his present attitude. On the 15th February he said according to Hansard, Col. 1367—

> Those hon. members must realise that we are facing a crisis at the moment, and what we expect from the Government is immediate steps to face the situation.

He was dealing with the riots. Then the Rt. Hon. member says further—

*An HON. MEMBER: Right honourable?

*Mr. PAPENFUS: Yes, because he is now acting as the leader on that side. He said further—

> The people of Johannesburg and the people throughout South Africa are very perturbed at these sporadic riots which have taken place in the western areas of Johannesburg. We have heard of these riots which took place last night. They were very serious riots, much more serious than those which took place previously. They constitute a source of great danger to the Europeans and also to the law-abiding Natives. We have townships such as Newlands, Westdene, Crosby, Auckland Park,

> Hercules, and so on, and these riots are a very serious source of danger to the people residing there.

Quite correct. Then he says—

> These riots will not be the last riots in those areas — by no means the last. This is only the beginning of the trouble. We will see that in future.

Those difficulties will only be solved by legislation of this nature and not by the appointment of a commission. The hon. member said at that time that there was no time for a commission, but now they want a commission. He went further—

> During the time I was a member of the Johannesburg City Council we advocated the removal of these townships; the council accepted it in principle, passing a motion to that effect.

But now the hon. member is not in favour of it. How must we take him? He says further—

> If we (the United Party) had remained in power we would have commenced with the removal of these townships.

Now they do not want to do it, but want to take shelter behind a commission—

> Conditions are normal now, and why does the present Government not do something?

He says they could not do anything on account of the war, but something has to be done now. But today they refuse to do anything. He says further—

> Unfortunately we did not have the support of the City Council of Johannesburg at that time. Subsequently the council adopted a motion for the removal of the townships. That is the only solution.

Why then has it now to be investigated further? Where we expect assistance from him, we get criticism. He says further—

> Every penny spent on the removal of these people will be refunded by the re-sale of the land.

That is what he said in February and now we have all these misrepresentations from that side as if there would be losses in respect of land that is sold.

*Mr. TIGHY: I do not retract a word of what I said.

*Mr. PAPENFUS: It seems to me the hon. member does not know what he is saying. Today we brought him in the form of this legislation what he was asking for on that occasion. It appeared rather strange to me that that hon. member was not in the House today. I thought he would be sensible enough, after what he had said here, not to enter again, because we are generally well aware of his presence. We always hear him. He probably took his courage in both hands during the dinner interval and came back here, and now has put his foot still further into it. This Bill offers a solution not only in respect of the particular area for which the hon. member pleaded. We regard this as a national problem and this Bill offers a solution for the whole problem. I want to make a last appeal to the hon. member who is now walking out to assist us and to vote on this side. Now is his chance.

*An HON. MEMBER: He has gone to seek courage.

*Mr. PAPENFUS: These mixed residential areas have in the past caused trouble between the Indians and the Zulus in Natal. We know that the Zulus even set fire to Indian stores in the outside areas. In these parts, in the Western Province or especially in the Peninsula, the Natives are becoming a menace to the Coloureds. We know it and it is not necessary to emphasise these things. The mixed residential areas are a source of annoyance and a menace to racial peace, and we believe that they should be cleared away. This Government's attitude does not emanate from considerations of racialism or considerations of prejudice or considerations of discrimination. Here I have the words of the hon. member for Drakensberg (Dr. Steenkamp), who agrees with me. On the 25th March, 1946 (Hansard, Vol. 56, Col. 4211), he said—

> Our attitude is not based on racial hatred or racial prejudice.

That is always represented as being the motive—

> It is founded on protection and maintenance of our own civilisation for which we have sacrificed much and had much at stake. I think that if it is realised that our whole struggle today is based not on racial hatred or racial prejudice, but that it is founded in a very strong realisation of what our own national life involves, it will be recognised that that is the greatest line of thought for us to follow, the maintenance of our own civilisation and our own self-preservation.

We have already been waiting the whole afternoon to hear what he will say. I am certain he will not adopt the course as indicated by him in 1946. He said further—

> I know that we have been accused by other countries of being intolerant. This

accusation may be justified, or it may have no foundation. But in my opinion our accusers fail mostly in this that they do not understand, realise or appreciate the peculiar and unique position in which we in South Africa find ourselves.

It even applies to many members opposite who live in South Africa—

> We are the representatives of European civilisation on a black continent.

Then he repeats the words used by the Rt. Hon. the Leader of the Opposition at the Imperial Conference of 1917, and then he concludes with these words—

> It is because of this fear and for no other reason that we act; and again I use the words of the Prime Minister at this same Imperial Conference, that our treatment of the coloured races sometimes apparently — and he lays stress on the word apparently" — but not actually seems to be intolerant.

These reasons which I have now quoted here and which were advanced by the hon. member for Drakensberg, persuaded the Government to introduce this legislation. We all know how the position developed, how the conditions deteriorated and how the problem took on wider and more serious proportions by the day. Here I want to refer to the report of the second Indian Peneration Commission (Durban). The report shows how this penetration grows where it is not controlled. It hardly seems necessary to comment on these figures. I am quoting from the report of that commission—

> Suffice it to say that the number of sites acquired during 1942, the last complete year, is 2½ times greater than the highest previous yearly total, viz., that for 1939: that during the first two months of 1943 Indians paid more for sites in European areas than during any complete year dealt with by the previous commission, and that the amount so paid by the Indians during the 29 months covered by the present commission does not fall far short of the total amount so paid during the whole of the 13 complete years covered by the previous commission.

I have quoted this to show how tremendously the problem has grown during recent years. Then they draw attention to the bad effects of this penetration; they are referring to a particular urban area and they say—

> This area has been selected as being the worst, and it is very bad. As a result, anti-Indian feeling in the area has become inflamed, as was shown by evidence led before the Commission by the local Ratepayers' Association and by individuals.

The penetration is not limited to Natal. It is generally admitted, and we often heard it said here today that a commission must first be appointed to determine what the nature of the penetration in the Cape Peninsula is — as if the Act is not required here. I now again want to quote what the hon. member for Drakensberg said here on the 25th March, 1946 (Vol. 56, Col. 4219)—

> I wish to conclude by asking the hon. the Prime Minister earnestly whether the time has not arrived, especially in view of what has been happening in the Cape in recent months, for him to include the Cape also before it is too late and before such drastic steps must again be taken to save the position in the Cape Province.

That alone is sufficient proof that if that had been the position in 1946 and that if the danger had threatened then, it must be still more true today, four years later. We must tackle the question. We read in the English Press that they also want negotiations with India and Pakistan. That is what they propose. But I think we have had sufficient experience. We are where we are today as a result of deferring legislation and as a result of past negotiations. Time and again legislation which was to be introduced was deferred on account of negotiations. This method has been tried in the past and the result was that the problem became bigger and worse, while we achieved practically nothing. The Government's attitude in this respect is very clear. I just want to refer to what the hon. the Minister of the Interior said here. On the 20th February (Col. 1568) he said —

> In order to safeguard this position the Government, in the official exchanges between it and the Governments of India and Pakistan which preceded these talks, explained its position concerning a proposal for discussion of the Indian question in the Union as follows:
>
> > That they have always taken up the standpoint that the so-called Indian question in South Africa is entirely a domestic matter and that, unless a reasonable prospect is opened for a solution satisfactory to South Africa herself, with the co-operation of an outside Government or Governments, such discussion must be regarded as interference in the domestic affairs of an independent country. On this principle the Union Government takes an unequivocal stand and can countenance no compromise.

Then the hon. member for Germiston (District) (Mr. Strauss) comes here and says that the Bill will affect our prestige abroad. Let me just refer him to the attitude adopted here in 1946 by the Rt. Hon. the Leader of the Opposition when the Asiatic Land Tenure

and Representation Bill was discussed here. On that occasion he said that it was a domestic matter. He said there were people here who wanted to frighten and scare us and that there was not the slightest reason for that attitude. He said there were people who held that it was an insult to India; he said it was nothing of the sort. He said if we leave the problem like that any further we shall land on the rocks. It is still true today and even more true. He also predicted a new dispensation in South Africa where the various sections of our population can live together quietly and peacefully. That is precisely the object of this Bill. I say all this beating about the bush serves no useful purpose. As far as mixed residential areas and the penetration of Coloureds here in the Cape Peninsula are concerned, I just want to refer to an article by a correspondent which appeared in the "Star" in August, 1949 —

> In every suburb of the Peninsula the races have become so intermingled that nothing short of a mass movement of population involving probably 200,000 people would achieve separate European, Coloured and Native areas.

This is from the Opposition's own Press. They say that the number affected would be 200,000. We can be very certain that the Opposition's attitude is due to the fact that they are today rejecting a line of demarcation between the Europeans and the Coloured people, especially here in the Peninsula. It was rejected here by the Rt. Hon. the Leader of the Opposition. He said that classification has become impossible. We hold that legislation must be introduced and we do not believe in residential separation on a voluntary basis. We do not believe that it can succeed. The hon. member for Troyeville (Mr. Kentridge) also said here on a previous occasion that the Pretoria Agreement tried to apply the principle of voluntary apartheid, but that it did not succeed. We know it cannot succeed and they know it will not work. It will not work because there are many people who are diametrically opposed to colour segregation. Even the hon. member for Bloemfontein (City) (Dr. C. F. Steyn) said here during the debate on the Population Registration Bill that it is only a trick to separate Europeans and Coloureds permanently, and apparently he is opposed to it. Apparently he will also be opposed to this legislation for that reason. The party opposite are divided amongst themselves in this House and so are their followers throughout the length and the breadth of South Africa. They are dependent on followers whose views are diametrically opposed to each other. That is why the United Party constantly has to hide behind a commission or move an amendment which is of no use and offers no solution. That is why we are asking them and their followers who still stand for a white South Africa and racial peace in South Africa to support us with this Bill.

Dr. SMIT: Mr. Speaker, as one who was born and brought up in the traditions of the Cape Province I desire to say a few words on this Bill as it affects the people of the Cape Province. In regard to social and residential separation I desire to make my position perfectly clear at the outset. I believe that there are essential differences between the races of South Africa that make such separation desirable. It has been said from the opposite benches that I stand for equality. I do not believe that in a country where there are so many races in so many stages of development, equality is possible. But I do believe in justice and fair play being meted out to every section of the community, and I think any man of Christian upbringing must agree with this point of view. I have spent a great part of my life in working for the improvement of the non-Europeans, and I wish to tell hon. members opposite that those of them who think the non-Europeans all want to live cheek by jowl with the Europeans are making a very big mistake. Many of these people have the same pride of race as we have and would welcome separate residential areas, provided they are given decent houses and social amenities in a good, healthy locality. It is our failure to provide proper housing and places of amusement that is at the root of most of our trouble. In introducing legislation of this character, the Government is beginning at the wrong end. If only they would concentrate all their attention on the housing of the people, in suitable social groups, the need for all this unsavoury legislation about mixed marriages and immorality and Communism would fall away.

We are aware that the northern provinces have their own peculiar problems — problems which formed the subject of the Joint Report of the two Asiatic Land Tenure Committees, which was tabled a few days ago, but in which we as a province were not concerned or consulted. The terms of reference to the two committees were to deal with the Asiatic problem in the Transvaal and Natal, and they were not competent to make recommendations for the Cape. In any event, they never consulted public opinion in the Cape and they had no right to include us in their recommendations. I do not feel competent to speak on the situation in the other provinces and so I shall confine my remarks to the Cape Province.

To us of the older school it is a very sad reflection that the traditions of the old Cape Colony, where we enjoyed freedom and happiness without all the racial differences that have come upon us in recent years, have one by one been whittled away since Union; and this Bill, which seeks to deprive us of some of our fundamental rights of ownership

is another illustration of the break-down of the ideals for which we have always stood.

It is said that as the Bill applies to all races, it cannot be attacked on the grounds of discrimination. But in as much as the white group own the vast bulk of the land in the controlled areas, where the non-European will be confined to acquiring land from members of his own group, who own very little, the Coloured people of the Cape Province will, I think, rightly regard this Bill as another squalid fraud and a breach of the undertaking given to them on many occasions in the past by no less a person than the present Prime Minister that segregation would not be applied to them and that they would be treated as part of the European population. Gen. Hertzog, in his Smithfield speech, in 1939, put the position very clearly in the following words—

> The old Nationalist Party with myself at the head and with the full approval of Dr. Malan and the bulk of those who sit behind him in Parliament today, in order not to alienate the Coloured people repeatedly gave the Coloured people the assurance that segregation would not be applied to the Coloured people and that no demarcation in respect of Europeans and Coloured people would be applied other than social separation. We must now apply political segregation to the Coloured community notwithstanding the fact that this is in direct conflict with the undertaking we gave the Coloured people when we needed their vote for the application of segregation against the Natives. What falsity, what infidelity! What would become of the honour of the Afrikaner if it had to depend on the political morality of the purified party and its purified leaders.

We may well ask what is to become of the honour of the white man if this Bill becomes law without the wishes of the Coloured people being consulted. The effect of this Bill is to provide for complete racial segregation and that without prior consultation with the people of the Cape Province, where the great majority of the Coloured people have lived since the arrival of the first European settlers in 1652.

In justification of the segregation of the Coloured people of the Cape, paragraph 3 of the Minister's memorandum cites a number of Cape and Union statutes dealing with settlements set aside for the Coloured people —mostly old mission settlements that have been in existence for over a century. But, except for the reservation of these areas for Coloured people, none of these statutes prohibits a Coloured person from acquiring land outside those areas and, in the case of Bethelsdorp, the reservation is for a mixed population of Coloured persons and Natives. It is also interesting to note that while the Minister has cited the Bethelsdorp Settlement Act of 1921 to strengthen his case, he has not excluded that area from the operation of Clause 3 of the Bill, so that one or other of the two groups who have lived together for many years will be forced to quit. It means that throughout the Union, except in areas where segregation of the Natives is already in force, any area may be set aside at the sole descretion of the Minister, as a group area, where only members of the racial group concerned, will be allowed to live or acquire property. This will be to the material advantage of ourselves as the white group because we already own most of the land and our continued possession of that land will be free from competition from other groups. A responsible body of educated Europeans like the South African Burea of Racial Affairs makes no bones about this aspect of the matter. In its "Journal of Racial Affairs", after saying that "apartheid" is the complete territorial separation of the different races of South Africa, this body argues very frankly that the non-Europeans cannot be given land in proportion to their numbers because "no code of moral justice requires a wealthy man to divide his riches equally with a comparatively poor family who happen to live next door". Yet, it is added, apartheid will cost many hundreds of millions of pounds and a lowered European standard of living for decades; "but there are few who could justly refuse to make such sacrifices if they were aware of what apartheid would mean for all sections."

After that, the less we say about moral justice the better. But I wonder if members on the Government benches are prepared to face the issue squarely in the light of these considerations to make sacrifices commensurate with the undertaking. One very serious omission too arises from the failure to provide any compensation or alternative homes for people who will be required to move in terms of Clause 4. Only last year an amendment was added by the present Government to Section 1 of the Cape Mission Stations and Communal Reserves Act, 1909, which is one of the statutes mentioned in paragraph 3 of the Minister's memorandum to justify this Bill, preserving the right of a disqualified person and his descendants to reside in a mission station or communal reserve, if they were lawfully resident there at the commencement of the Act. But no such reservation is contained in this Bill and the effect of this omission will be that twelve months after the proclamation under Clause 3, disqualified persons, who will in most cases belong to the poorer class, must leave their homes, their churches and their schools and go forth into the wilderness, in many cases to swell the great body of homeless people or take up their abode as shack dwellers among the sandhills of the Cape Peninsula and elsewhere. This matter has already been stressed by the hon. member for

Natal South Coast (Mr. Mitchell) and other speakers but I mention it again because it strikes me as being one of the most inhuman acts that could ever be contemplated. And these things are to be done at a time when many thousands of families are already living in squatter camps and pondokkies under conditions that beggar description. Under Section 38 of the Native Trust and Land Act of 1936, the Minister of Native Affairs is required to make provision for the accommodation of squatters removed from private farms in terms of Chapter IV of that Act, and the same applies to surplus Natives removed from towns under Section 28 of the Natives Urban Areas (Consolidation) Act 1945. I would just like to read the provision of Section 38 of the Native Trust and Land Act of 1936 to which I have referred—

> It shall be the duty of the Government in its Department of Native Affairs to make such provision as may be necessary and adequate in the opinion of the Minister for accommodating in a scheduled Native area or a released area and on such conditions and terms as may be prescribed by regulation any Native displaced from land outside a scheduled Native area or a released area by reason of the operation of the provisions of this Chapter, or of the Natives (Urban Areas) Act 1923, or any amendment thereof.

That was what was done in connection with other matters relating to Natives, matters in which Natives might be required to be removed. Parliament dealt with the matter very fairly and very justly then; but for some strange reason no such provision has been made in the present Bill. Will the Minister give the House the assurance that these people will be provided for before he interferes with their homes in group areas proclaimed under Clause 3. I would suggest that the hon. the Minister should take his colleagues during a wet week-end to inspect the conditions at places like Windermere or Blaauvlei. It would give them the shock of their lives and a better understanding of the problem they are up against.

The hon. the Minister claims in his memorandum that this Bill will reduce to a minimum racial points of contact and racial friction, and he has given us an assurance that in carrying out his proposed policy of residential segregation there will be no oppression of the Coloured people and that there will be more scope for the more ambitious Coloured person. But the Coloured people of the Cape will not derive much comfort from the Minister's assurances. It all means that before very long, in spite of repeated assurances given by our present Prime Minister in the past, their worst fears of being placed once and for all in the same category as the Natives is to be realised. In actual fact it is part and parcel of the whole scheme which the Government has in mind for the repression of our non-Europeans, who number over nine million out of the 11½ million of our population; and added to that the curtailment very soon of the limited franchise which they still enjoy.

Mr. Speaker, in a speech at Worcester last September the hon. the Minister borrowed an expression commonly used by the dictators of Europe and called this scheme of his a "five-year plan", and so in Clause 3 of the Bill he has taken power to himself to divide up the Cape Province and Natal in five years without the prior approval of both Houses of Parliament. I think that is a very sinister provision.

The MINISTER OF THE INTERIOR: That is the existing law in Natal.

Dr. SMIT: Let me tell the hon. the Minister that he and his colleagues will be dead and buried before this ruinous plan of theirs is completed, that their children will be left to reap the bitterness that is going to follow.

Meanwhile, the Minister of Justice wonders why Communism is spreading among our non-Europeans. It is spreading, Sir. It is spreading particularly in the towns, and I do not want to minimise the danger there. But this constant arbitrary interference with vested rights without consultation with the people concerned, and the general repression of the non-Europeans by the Government is knitting the non-Europeans together in a common cause, and provides the most fertile field for Communism that can be devised. The hon. member for Cape Town (Castle) (Mr. Bloomberg) has mentioned the problem here at Cape Town. That problem has already been tackled by the municipality, as he has indicated, on a very substantial scale on a purely voluntary basis. The municipality has set aside a dozen or more townships for Coloured people, and if only further decent accommodation on these lines could be provided the problem that we have before us would gradually solve itself. I wish hon. members would take the trouble to visit some of those townships. It would open their eyes. Go to a township like Q-town and see what amenities and what decent conditions have been provided for those Coloured people and how happy they are in those surroundings. These people all went to that township quite voluntarily.

The feelings of the Coloured communities of the Cape were expressed with great moderation and restraint in a resolution which the Wynberg Ring of the nine Dutch Reformed Mission Churches, consisting of four European and five Coloured missionaries, passed at its annual meeting last September and which they sent to the hon. the Prime

Minister. I am going to read that resolution, Sir. It is rather lengthy, but the House should be informed. The resolution says—

> This meeting records its regret regarding the far-reaching deterioration in the race relations of Europeans and Coloureds as a result of the un-Biblical and un-Christian application of the policy of compulsory apartheid, which is causing discrimination against the Coloured people and in this way destroys the spirit of Christ among the different racial groups. Not only does it affect community life adversely but it is already causing a breach in the bond between the Mother Church and the Mission Church which, if allowed to develop may prove impossible to heal. The Ring is deeply perturbed by this because it thinks that this bond must, under no circumstances, be broken.

The resolution, while condemning the spirit of Communism and revolution, goes on to express concern about the "rapid progress" of Communism among the Coloured people and states that apartheid was mainly responsible for the success of Communist doctrine. And it ends with these words—

> It is the desire of the Ring that the Government should, in spite of all the promises made to the electorate, keep in mind the fact that the Coloured people are an essential part of the community. The Europeans are as much dependent on the Coloured people as they are in turn dependent on the Europeans. And while we believe in God as our Father, we must also accept the Christian Brotherhood of Man.

These are very poignant sentences, Mr. Speaker, and set out the Coloured man's point of view of these matters. If this resolution does not touch the conscience of every member of this House, I do not know what will.

Another important question I wish to ask the hon. Minister is, where are the millions of pounds to come from to administer this scheme? I would appreciate it, Sir, if the Minister would listen to the questions I put to him. [Interruptions.] I want to ask him this very important question: Where are the millions of pounds to come from to adminster this scheme? If it is to be administered effectively it will need a special department of State, at enormous cost to the country. I have no doubt members opposite are all wondering who is to be the fortunate one to be raised to Cabinet rank to deal with all these matters.

In conclusion, may I say this. In common with other members I have had great difficulty in following the full implications of this Bill. The definition of "disqualified person" alone contains seventeen lines without a single full stop. And yet there never was a Bill that needed more care and understanding in its handling. One thing, however, emerges clearly, and that is that the hon. Minister with the assistance of a board will have the most arbitrary power to order by proclamation where every man, woman and child of whatever race or colour shall be permitted to live or own property, without any right of appeal to the Courts. If South Africa is moving towards a totalitarian State — as I verily believe it will if this Government continues in office — no man is going to have more power over other people's lives than the Minister of the Interior. The powers envisaged under this Bill carry with them grave danger of abuse and undue intereference with the liberties of the subject — powers that should never be entrusted to any man in any democratic country in peacetime, and rarely, if ever, in time of war.

*Dr. VAN RHYN: It cannot be denied that we are dealing here with one of the most difficult and most complicated problems which occur in any part of the world. I therefore want to approach the problem from a scientific point of view. Everywhere in the world where two sections live together in the same country, that is to say, a civilised nation with a less civilised race, or let us say a White population next to a Coloured population, one finds similar problems to those we have in South Africa today and have had for the last century. There are three ways in which two races, a White race and a Coloured race, can live together in the same country. The one is that they intermingle and live together without any social distinction being made and without any residential separation; they inter-marry and therefore become one bastard race. The second way is that the two races live in the same country, but are territorially separated. Then there is the third way where the two races live together, the Europeans and the Coloureds, but where they try to maintain social apartheid and where they try to prevent the admixing of blood. On reading the history of every country in the world where we have a similar grouping, we find in Brazil an example of a country where social apartheid and residential apartheid were abolished; the result was a hopeless failure. We know that today there is no line of demarcation as between Europeans and Coloureds, that bastardisation took place and that the people are neither White nor Coloured. That is the result of having two races together — a highly civilised race and a less civilised race, a Coloured race and a White race — without a line of demarcation between them. Then one gets a position like that. In the United States of America the two races live together, but they want to

maintain social apartheid and prevent the admixing of blood. One can read every big authority who has thus far written about the situation in America, and everyone will say that it resulted in a hopeless failure. I just want to tell members that some parts of America are looking to South Africa for guidance in this respect. A great authority on international problems, Prof. Gregory, said that of all the countries in the world, he knew of only one which succeeded in maintaining apartheid and in keeping the blood stream fairly pure and that is the Boer nation. That is the only country he knows of. But he said that in 1928, and years afterwards when he again visited South Africa, he shook his head at the results which he came across in the large cities. Members can view the matter as they please. Today one finds that there is the utmost hatred and jealousy among the two sections in America. The Americans are at their wits' end. There are no less than two hundred commissions, on the lines of our commissions in this country, who are trying to regulate the relationship between Europeans and non-Europeans, and who are trying to see whether they cannot improve conditions. There are the Phelps-Stope Committees, there is the Rockefeller Foundation, and there are people who contribute millions towards the uplifting of the Negro. In every possible way they have tried to meet them half-way and the verdict given by the last authority is that the present relations between the Negroes and the White population, are infintely worse than what they were in 1860, and that the position is deteriorating every day. Do you know that in America they are beginning to talk of solving the whole question by removing all the Negroes, but they say that they lack sufficient ships to transport the Negro children? The position got out of hand and is getting more and more out of hand. That is the inevitable result of following a half-hearted policy. The law of Nature teaches one that birds of a feather flock together and one cannot expect people to be thrown together without there being social contacts and other contacts in the future. In some parts of America they attempted to bring about territorial segregation as far as possible, and on looking at the maps of the new cities, one can observe the attempts which have been made in that direction. I have here the latest work (1949) by E. Franklin Frazier, Professor of Sociology at the Harvard University. He devoted his whole life to this problem, and here in his book he gives maps of the cities containing Negroes; one can see that they are shifting closer and closer together and are forming blocks as in Atlanta, Birmingham, Memphis, New Orleans, and it is even starting in the older cities, as appears from the maps of St. Louis, Baltimore and Washington. On looking at the maps one sees black spots in every place where Negroes thronged together. What is the result? I just want to quote from a speech made by Prof. Weatherford on the subject: 'Race Relationship in the South." In his book, Frazier quotes the following few words—

> When the Negro has become economically efficient, intellectually more advanced, racially self-conscious, there will be far less friction, for he will then feel as the white man feels that racial integrity and social separation are best for both races. Indeed, most of the best trained Southern Negroes I know at present feel as the white man does about this matter — that each race can make its largest contribution to humanity if it develops its own race life and race consciousness.

That is what this Bill of ours is aimed at, namely, that each racial group can develop its own attributes and maintain its own race consciousness.

Throughout all the years that I was a journalist it was a regular habit with me whenever I had to deal with or criticise a Bill, to base my approach to such a Bill on certain fundamental principles; and the first question I want to put is: Is this Bill founded on the right principle? And if we come to the conclusion that it is right, then we must support this Bill. Now I have indicated that where two races live together, it has been proved that separation is sound. The principle is right. As a matter of fact, hon. members opposite also admit it. In their amendment they admit that they are in favour of the principle of the Bill, but now they are just trying to put things off indefinitely. The principle is right because it is a traditional principle. Since the Voortrekkers trekked to the North we have had the principle of the separation of races. One finds it in every small town in this country, where the Coloureds and the Natives live far apart from the Europeans. On the farmer's farm the Natives live far from the white man's house and they are happy there. There one does not find racial friction and unpleasantness. But if members read this book, they will see that it paints the same picture as we have found here, because the American Negroes were driven from the farms to the cities. No proper provision was made for them; proper areas were not allocated to them in the beginning, and they simply let things slide, as we did in this country; that caused the friction and caused the problem to become so vast that it became almost incapable of solution. The principle is right. One cannot get away from the fact, because it is the law of Nature: Birds of a feather flock together. We, in South Africa, have been violating Nature all these years and Nature is now taking its revenge, and the one or the other will be thrown out of South Africa if we

continue to violate Nature. If we therefore approach the problem from the point of view as to whether the principle is right, we find that the principal is right and that we have to put it through and support it. I cannot understand the attitude of hon. members opposite. They say they are also in favour of the principle. Why do they not wait then until after the second reading, before we arrive at the Committee Stage, and say: "Look, this or that or the other provision will be a little harsh, and we would like to see it amended?" Why do they not do that? But now they are opposing the principle of the Bill. In this respect and as a matter of fact in respect of all the legislation, the United Party reminds me of a small type of jackal which we have in the North-Western parts of Bushmanland. He has two holes and is sly and cunning. Oom Piet Luttig also knows him. A dog will have to be pretty smart to catch him. He has two holes. If one closes up the one hole, he leaves by the other hole. We call him bluntly the "two-hole jackal". Now I maintain the people will not allow us again to fill up one hole while the other hole is left open. Those days when one principle could be proclaimed in the South and another principle in the North, are past.

This brings me to the second point, the second question: Is this Bill in accordance with public opinion? The first point is whether it is the right principle. I have shown that the basis is right. History has taught us that and all the authorities in the world tell us that the basis of the Bill is right in principle. Now I ask: Does it agree with public opinion? Because an Act cannot always be in advance of public opinion, nor should a Government lag behind, because it would then be applying the brakes, but it should also not be too far in advance, because it should always take into account those people who do not develop so fast. But any person telling me that public opinion is not yet ripe for such an Act, does not know South Africa. Public opinion is ripe for it, both the Afrikaans-speaking and the English-speaking people. Both sections want to live and be apart from the non-Europeans, and the better class of Coloured person wants to be apart; the same applies to the better type of Asiatic. We all want to be apart, as we should be, and as the Lord God created us. The man who says here that public opinion is not yet ripe is putting his head into the sand like an ostrich and does not know what he is talking about. Before this Government came into power, in December, 1947, when I was holidaying at Fish Hoek, I was standing on the station platform one morning when an English-speaking person, who was sitting on a bench moved up a little and asked me whether I would not like to sit down. I said: "Well yes, thanks. I am also waiting for the train." It was not long before he started talking. He said to me in English: "My wife and I decided a week or two ago to go to East London. We have a son there who is a builder, and we are going to live with him. I grew up here in the Cape, here under the old Table Mountain, and I do not find it easy to leave here." I asked him why he was leaving then, to which he replied that the Coloured people are pushing them out; one no longer knows whether one is going forward or backwards, and that is why he is leaving. Because it is a historical opinion, because it is a traditional opinion, because our people have been brought up in that light during all these years, public opinion is in our favour. As a matter of fact the people placed this Government in power to implement that policy and it does not matter how much hon. members may accuse us of doing it for political purposes; we know that we cannot derive any political advantage from it. The Coloured people will not vote for us on account of it. The Asiatic will not vote for us. They are being incited against us. They are being told that we want to oppress them, that we want to do this, that or the other thing to them. What votes can we get? We can only get the votes of the thousands whose eyes are opened daily to the way things are going in South Africa through this laissez faire policy, this policy of letting things slide. The cause is right, the principle is an historic principle, it is also morally right, it is scientifically right, and public opinion wants it. Public opinion is behind this Bill, and I am telling members that if this Government does not proceed to implement this principle, step by step, it will go the same way as the previous Government. The people will surely come together again later on and form a new party, if this party is too weak to do it. The third question I am going to put is: Is this Bill in the public interest? Sometimes the public may be in favour of a thing and they may be right, but it need not necessarily be in the public interest at that particular stage. Who will get up here today to tell me that to have separate residential areas, that to separate the various races is not in the public interest and the interest of all? Here I have quoted to the House how experience has shown that as separation takes place, friction disappears. And it is understandable. Members have been talking about frustration. I am referring to the educated Native; what must the poor Native who is not separated and who does not live in his own territory, do? And what can the educated Coloured person do? As an educationist I am thinking of the educated Coloured and the educated Natives. Where must they go to? I was speaking to certain people the other day. I shall not mention the name of the town. But we were discussing this question and talking about apartheid. They were all against apartheid. I then said: Look, let

us be honest with each other and let us be realistic. Say for instance the Government were to appoint a Native —a highly educated Native, who has a M.A. degree or a Doctor's degree or a L.L.B. degree, and who has been trained in a magistrate's office for years and knows his work — as the Chief Magistrate in your town, what would you say then? No, that they do not want. That started them. I then told them that those are the implications. A few weeks ago I had the privilege to visit Fort Hare as Vice Chancellor of the University of South Africa. I conferred the degrees and the moment the Dean got up, the Dean of the Faculty of Science, he called out the names; I cannot remember the names, but let us say the name of the Native concerned was Moses Katoli; this Native had taken three subjects, chemistry, mathematics and physics. For the ordinary degree one need only take two major subjects, two majors, but that Native had taken three majors, three of the most difficult subjects which one can take in the Faculty of Science, namely, chemistry, physics and mathematics, and he actually obtained honours in mathematics and physics; and there are many of them like that. I conferred 114 degrees. Now I am asking hon. members: What is to become of them under present circumstances, where must they go? Will hon. members opposite accept them as magistrates? Will they accept them as teachers in the European schools? Will they employ them as lawyers? where must they go? Fort Hare is a State assisted institution for higher education. There are 368 students who are all receiving higher education. It makes it clear to hon. members and to me. I am telling the Opposition: For God's sake do not wait until they become agitators. Do not wait until those people turn their backs on the white man. Do not wait until those people roam the streets; start in time. We may be Christian-like and we may use nice words; we may use the words of the member opposite, the words "justice and fairplay". But what does it all mean? what do the words "justice and fairplay" mean? That we should appoint Natives as magistrates here in the Cape?

*Mr. N. G. EATON: Ask your Minister.

*Dr. VAN RHYN: I am asking myself. It is in the public interest that we should start in time. We have put this matter off long enough. We are no longer dealing with the problem. The problem is dealing with us; the problem is pinching us, and we can postpone it or put it off altogether, we can appoint commissions or committees and we can again inquire into the problem, but the day will come when we shall have to tackle it, and the longer we postpone it, the more difficult and the worse the position will become. I have subjected this Bill to these three tests: Is the principle right? Is it in accordance with public opinion? Is it in the public interest? Can anybody with any intelligence, and anybody who really loves South Africa, tell me that those three tests do not form the foundation of this legislation?

Then I ask myself whether it is fair. Is this legislation fair towards all the sections affected by it? My reply must be in the affirmative. It is fair and it is today even more fair towards the Coloureds. It is not the European who pushes the Coloured person out in a residential area, but it is the Coloured person who pushes the European out. When Coloured people come to live in a European area, the Europeans leave that area. But when a European goes to live next to Coloured people, the Coloured people do not move away. They are often highly delighted.

*An HON. MEMBER: The Native pushes the Coloured person out in a similar way.

*Dr. VAN RHYN: America has also experienced it that the lowest race pushes the other out. Hence the tremendous amount of friction and the birth of the Ku Klux Klan. It is the lower group that pushes the higher group out. That is what happens. That is what is happening in Durban and the other cities. Do hon. members know where else it is taking place? In a small town like Vryburg. I have seen with my own eyes that they club together and buy a piece of property in a main street — I am now referring to the Indian — they then buy more properties in that street until the values drop, when they buy up the whole street; the Europeans flee from them. That is the position today. One finds it even in the small towns. Letters have been read out here referring to the thousands and thousands of transactions in which the Indians and the well-to-do Coloureds buy properties; in that way the white man is pushed out. No, the Bill is fair towards all sections because it is only when each section lives in its own area, that it can live its own free life, with its own bioscopes, with its own forms of pleasure, with its own tennis courts, with its own football fields, etc. What can a Coloured person do amongst the Europeans? What can the Coloured people do amongst the Europeans? Nothing. They are nothing but flunkies. They cannot live their own free lives, and that is the downfall of the Coloured population, especially the Coloured community in the Cape. They have no leaders. The white man has to guide him, and, if such a white man has only slight attributes of a leader, it does not take long before he uses the Coloured person for his own purposes, as explained by the late B. K. Long in his book. During elections they do need the Coloured people. They even walk arm in arm with them, but once the elections are over, nobody knows the Coloured people. No, this is the just way; social separation

gives everybody the opportunity to live his own free life. The legislation is just towards all sections, fair towards the Europeans because it gives them the opportunity to uphold themselves, to maintain the purity of their blood and to live up to a certain standard of living; it provides the Coloured person or Asiatic, or even the Native, with the opportunity of digging himself into his own traditional way of living in his own area.

Then I ask myself still one more question, and that is: What effect will this legislation have on posterity? That is how one should view a Bill. A little while ago I read an article in an American magazine in which a professor of sociology wrote the following. Mr. Speaker, it is so drastic that I want to mention it here this evening. He mentions the example of a big horse breeder, a big race-horse breeder in the west of America; this horse breeder said that if any horse whose blood is inferior to that of his horses were to jump across the fence to join his horses, he would shoot it dead to protect his stud against inferior blood; he would prosecute the owner of that horse that jumped across the fence and sue him for damages, because the presence of such a horse amongst his stud weaknes their pedigree. And he says that that man, who is one of the best horse breeders in the west of America, actually allowed his own daughter to marry a "half-white" because the man had money. He says that shows how little people consider posterity. He does not worry about the children his daughter will have. He only thinks of the fillies his horses will have, but he does not consider the children of his own daughter.

Posterity will look back on this Government and this side of the House with gratitude because we had opened the way for them. Hon. members talk about conditions, about hate and jealousy. Where do those conditions come from under the old dispensation? Must the fact that conditions have been like this for years prevent us from making a new start? Why can we not have a new dispensation now? The old conditions were not caused by apartheid; they were caused by this mixed business. These tragic conditions came into being under the old dispensation, and we also had it under the previous Government. It was the previous Government who caused the passive resistance movement amongst the Indians in Natal. It was under the previous Government that numbers of them crossed the Natal border in defiance of the law. No, we should not reproach each other. It does not bring us any further as far as this question is concerned. Let us rather say that it is a common problem, and let us tackle it jointly. I can mention many examples of the conditions in the country when that party was in power. But of what use is it to us? We are now governing the country and the people are looking to us. It has been said that the position is difficult and complicated. That is so, but the Nationalist Party has never yet run away from difficulties and has never yet handsupped. Must we now go and sit down, saying: No, it is too difficult, it is too late, it will affect that man it will affect these vested interests or this building society? No, members opposite cannot do it and we may not do it. We owe something to posterity and we owe something to all those sections; if the Opposition want to run away, we may not do so. The Opposition does not have the same responsibility towards the people as the Government has. The Opposition can say: Yes, it is a difficult matter; put it off. But the people of South Africa expect action from this Government, and, as I know the Government, it will show that it can act and it is showing it now. We are now engaged in legislating, and when all the legislation has been passed, the various Acts will fall into place like the words in a crossword puzzle; the people who cannot see the solution at the moment will witness it and will see it as one whole when all the letters have been filled in. How can one maintain a law against mixed marriages, how can one maintain a law against illicit intercourse between white and black while the people live in mixed residential areas? It is an impossibility. That is the logic in our legislation. The one follows from the other: We started with two things, and now we say: Seeing that the human being is only a human being, we must separate them and provide them with separate residential areas, so that we shall no longer have that mixing which causes all those evils; the guilty man must be punished. The one follows from the other. The first two measures would have shown a lack of knowledge of the human being if it had not been followed up by this legislation. We may not run away from the problem. I know there will be cases where it will cause inconvenience and I know it is a difficult Bill; I also know that vested interests will be affected here and there, because it cannot be otherwise where one has allowed a thing to develop the way we have allowed it to develop in this country. But it simply has to go through. They tell us that there will be cases of hardship. Well, if the people of South Africa are not prepared to make the sacrifices for the maintenance of peace between the races in the country and for the maintenance of European civilisation, then we are really not worthy to inhabit this wonderful fatherland of ours. If it is necessary we should face and brave the difficulties. Mention has been made here of possible international complications. I am asking members whether a sovereign independent country like South Africa, with its peculiar problems which we alone can solve, should get our inspiration from overseas. If we must not disappoint UNO as far as our legislation in connection

with the Coloured question is concerned, we should follow the example of Brazil or we should follow Bernard Shaw's advice to intermarry freely. Then one can solve the question. It is the same advice which Oscar Wilde gave in connection with temptation. He said: "There is no such thing as temptation; yield to it and there is nothing there." We know how UNO is composed; it is composed of Western nations with a number of Coloured nations, like the people of the Philippines, of Haiti, of Guatemala, and of other countries, including Russia. Must we get our inspiration from Russia who knows no colour bar? No, the only thing that will cause trouble abroad will be the discovery by the overseas countries and UNO that we are divided. Then they will take up a strong attitude. But if we stand behind these important principles as one nation, they will leave us in peace, and even the big nations of the world will respect us. No, Mr. Speaker, that argument does not hold good either. The hon. member for Cape Town (Castle) (Mr. Bloomberg), who is not here at the moment, spoke the whole evening about hardships, as he calls it, which this Bill will cause the Coloured people, but he did not say a single word about the Europeans. How must the poor European feel who lives amongst the Coloureds in that area and who cannot get away? He is too poor to leave that area. His children have to play with the Coloured children. They grow up amongst the Coloured children, and he does not know what will become of his sons and daughters. We who live in the best areas, in the Gardens or in Newlands, can speak very easily about these matters. But the people who live in District Six or in other parts of Cape Town, are in an unfortunate position. When one thinks of them, one is filled with grief and anxiety, because there is still a great number of our poor-whites who are compelled to live under those circumstances. Their children grow up with the Coloured children and they stand in danger of eventually being absorbed by the Coloured community. The hon. member spoke of large companies and building societies. We need not worry about them. They can help themselves. But these poor people cannot help themselves.

Mention has been made of the existing hatred and jealousy. Where do the hatred and jealousy come from? It is the people opposite who cause it through their incitement. We had an old servant on the farm by the name of David. He was very cunning. In the evenings he used to invite the other servants in the hut; this is wrong, that is wrong and the other thing is wrong. The following morning he would come along and say: "Master, things are not looking too good there, but if Master will give me a small tot, I shall put things right again." It is very easy to rouse those people's feelings. They are less privileged and less talented. That is why they often have a sense of grievance and why it is so easy to incite them. But if we put them in their own areas, we shall be giving them an opportunity to live their own free lives, as they should live. We can give them a hand there and give them an opportunity in their own post offices, banks and businesses. We give them an opportunity in the magistrate's offices; we give them an opportunity in their own areas. Then they will have self-respect and we shall have rest and peace in the country.

No, Mr. Speaker, let us view this question soberly. Let us view it from a scientific angle. It is a matter which stretches into the distant future, and if we look at it from that point of view, we shall see that there is only one way open for South Africa, only one way, and that is the way indicated by this Government and this Minister with this Bill.

Maj. VAN DER BYL: The hon. member who has just sat down and who is shaking hands with another hon. member, said this matter was a most difficult and complicated problem. That is our view. That is what we said all along, that it is a most difficult and complicated problem, and that is why we feel that we want full consideration of this matter before we rush into hasty legislation. The hon. member started his speech in a most reasonable way. It was not a political party speech of the type we have heard all afternoon, and he gave us a dissertation which showed a deep study of similar problems overseas, and I listened with great pleasure to what he had to say. But, Sir, I do not know why he is talking to us on this matter. We all agree and have all agreed on residential separation. There has never been any question about that. He suggested that we were trying — to use his words — "om die saak op die lang baan te skuif." That is not so. But the point is this. If you rush into the matter like a bull into a china shop, when you do not know what the implications are, then you are looking for trouble. All we are asking for, and that is a reasonable request, is for full information on this matter. If this problem is of such vital and urgent importance, why was it not introduced on the first day of the Session; why did the Government wait four months before introducing this measure and then towards the end of the Session?

Then the hon. member said we could wait until the Committee Stage to lick this Bill into shape. How can a Committee of the Whole House, debating within a limited time, hope to deal with all the intricate and difficult problems which this Bill raises. The Minister himself has already proposed several amendments, showing that full consideration was not given to the problem when this Bill was drafted.

Mr. VAN DEN BERG: Discuss the second reading now and move your amendments in the Committee Stage.

Maj. VAN DER BYL: That is the sort of high-faluting nonsense one can expect from that hon. member. How can we deal with all the pitfalls and weaknesses in this hurriedly-drawn-up Bill in Committee Stage, with 153 members all having a chance of talking on it? No, Sir, when he got to that stage, the hon. gentleman to whom I listened with very great interest when he was busy with his scientific approach, realised that there was silence on that side of the House, and so he had to switch and he had to beat the old political drum; you could hear the old soapbox creaking, and then, and then only, did he get the cheers. He mentioned the example of the highly educated Natives to whom he had been giving degrees, and all honour to him.

Dr. FRIEDMAN: But he did not touch them.

Maj. VAN DER BYL: I am not trying to score debating points, so I will not raise that aspect. Now, Sir, I ask him what is his policy? Nothing else than to chase those same highly educated Natives into the same kraal with the raw Native.

*Dr. VAN RHYN: May I point out that the Minister replied in the Senate that 300 of them had been appointed to the Civil Service.

Maj. VAN DER BYL: I am not arguing on that point. [Interruptions.] Mr. Speaker, I do not know whether I am making this speech or whether hon. members opposite are making it. My argument is this, that the attitude of mind of the people on the opposite side is that every man who is coloured, no matter what his education, will be on the same footing and that all of them will be in the same kraal. That is the attitude of mind of hon. members opposite, and do not let them hide it now.

*The MINISTER OF JUSTICE: You want to educate him to despise his own people.

Maj. VAN DER BYL: No, I want to give him a chance to rise amongst his own people. But the position is surely this, that we ought to try to get the goodwill of the educated Native. Then he will support law and order against those of his people who are just emerging from barbarism today. This legislation simply means that you are taking the Native, the Asiatic and the Coloured, educated or uneducated, and you are putting them in the same kraal, where Communism will have the perfect seed bed for its growth.

The hon. member kept on saying that no Coloured man wants to live among the whites. I entirely agree with him. The Coloured man has his own pride and he wants to live among his own people. Who suggests that they should live together? Who suggests that? I cannot understand why the hon. member keeps on talking to us. We have said it categorically here and it stands in our constitution, that we stand for social and residential separation.

*Mr. UYS: What did you say during the elections?

Maj. VAN DER BYL: I said what I am saying here. I have the courage to say here what I said during the election. But what that hon. gentleman said in the election is totally different from what he says now. I did not want to say it before, but now that he has made this interjection he can have it. His chief party agents went to do "huisboek" among the Coloured people in the dark, and he knows it. During the daytime he said to European audiences that he did not want the Coloured vote, but in the evening they were doing coloured "huisbesoek." [Interruptions.]

At 10.25 p.m. the business under consideration was interrupted by Mr. Speaker in accordance with the Sessional Order adopted on the 1st February, 1950, and the debate was adjourned; to be resumed on 31st May.

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

WEDNESDAY, 31st MAY, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

S.C. ON UNLAWFUL ORGANISATIONS BILL.

The MINISTER OF JUSTICE, as Chairman, brought up a Special Report of the Select Committee on the subject of the Unlawful Organisations Bill, as follows:

> Your Committee begs specially to report that it has not been able to complete its enquiry within the time stipulated by the House, and requests that the date for the submission of its Report be extended to Monday, the 5th June, 1950.
>
> C. R. SWART, Chairman.

Report considered and adopted.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

THIRD REPORT OF S.C. ON RAILWAYS AND HARBOURS.

Mr. KLOPPER (for Mr. Boltman, as Chairman) brought up the Third Report of the Select Committee on Railways and Harbours (on petition of J. Farrell).

Report, proceedings and evidence to be printed and to be considered on 5th June.

GROUP AREAS BILL.

First Order read: Adjourned debate on motion for second reading, Group Areas Bill, to be resumed.

[Debate on motion by the Minister of the Interior, upon which amendments had been moved by Mr. Strauss and Mr. Lovell, adjourned on 30th May, resumed.]

Maj. VAN DER BYL: When the House adjourend last night I had practically dealt with with the speech by the hon. member for Bethlehem (Dr. van Rhyn). He had started on a very high plain in dealing with race relations abroad and produced a lot of valuable information from text books, but, Sir, he soon realised that he was completely over the heads of his colleagues on the other side. Yawns instead of cheers were the order of the day, and so he had to come down to something which they could understand. He jettisoned his text books, threw them on the seat, and used the elegant phrase when referring to us as a "tweegatjakhals." Yes, they could understand that, not only the noun, but they could appreciate the adjective as well. I appreciate that some members on the other side have some knowledge of overseas affairs. Some of them have been across the ocean. Yes, on a short trip to Robben Island.

The MINISTER OF TRANSPORT: Some as acting adjutants.

Maj. VAN DER BYL: Yes, but paying his own expenses, which is more than any single Minister or member on the other side has ever done. It has been suggested by someone that a statue should be erected of the hon. the Minister of the Interior.

An HON. MEMBER: A statue.

Maj. VAN DER BYL: We on this side of the House would gladly contribute to that fund provided the hon. the Minister committed political hara-kiri first. And then, when the statue is arranged for, I suggest that it should be in the form so dear to the heart of the monumental mason, of the angel, with one hand raised to Heaven, but the eyes fixed on the ground; the hands indicating where he would have liked to go, the eyes indicating where he probably is.

In view of the fact that the hon. member for Bethlehem, the last speaker on that side, again indicated that we were not in favour of residential separation, to prevent repetition let me just say that the stand I take, the stand that this party takes, in its constitution, is as stated by the acting leader of this party in his opening speech in this debate. There it was laid down clearly that that is our policy both inside and outside this House. Speeches from the other side have indicated quite clearly that they know that that is our policy, that the claim of the hon. gentleman who spoke last night was that we were dilatory obstructing, that we do not want to put it into effect. That was the gravamen of his charge. But the Minister himself has said that the application of this Bill will be a gradual process and that is why he wants the power to proclaim areas as and when he thinks it necessary. This indicates in itself that there is no urgent necessity for this Bill and that a delay of a few months or even a delay to next session could not make any great difference in dealing with a matter which, as the hon. member for Mossel Bay (Dr. van Nierop) said the other day, is going to last for centuries. I ask him, therefore, cannot he agree at this last minute to our amendment which aims at two main points, (1) giving all sections affected an opportunity to study the Bill and to put forward their views and their objection, (2) ensuring through a commission that we have the facts on which this House can form a genuine, balanced and true opinion. We have been told here time after time that we have all the necessary information. We have been told that there are all these various commissions which have sat. There was the Broome Commission and the rest. That is true as far as the Transvaal and Natal and the Free State are concerned, but has any commission sat as regards this question in the Cape Province? Have we any information as far as the Cape Province is concerned?

Mr. SUTTER: Reply to that.

Maj. VAN DER BYL: No, Sir, it is no use the hon. the Minister telling us that this Bill has been before us for a few weeks, and that therefore it could quite possibly have been studied and that therefore we had plenty of time to go into it. The very data on which he basis his opinion and on which we are supposed to base our opinion, the data contained in this report, was put in our lockers on Saturday morning when he knew full well that 90 per cent. of the members would not know of its existence until an hour before he got up to speak here on the Monday morning.

Mr. SUTTER: Another Nationalist trick.

Maj. VAN DER BYL: I think everybody will agree that this is an extremely compli-

cated measure. One merely has to glance at Schedule 39 to see that there are four Acts which have to be amended and nine Acts which have to be amended or repealed and, Sir, I suggest that even the most brilliant lawyer would take a considerable time if he really wanted to know the full implications of this Bill, if he had to study all those Acts first and read them in conjuction with this Bill which is before us. It is quite impossible for the ordinary layman like myself, in the time at my disposal, to study this Bill, particularly when we are sitting morning, noon and night.

The MINISTER OF THE INTERIOR: On Monday night you said that you had not read the Bill yet.

Maj. VAN DER BYL: As usual, he is wrong, Sir. The Minister must be careful. I was asked across the floor of the House whether I had read the Bill and I said that, of course, I had. Do you see how they twist things? I have little time and I want to get on with my speech. I suggest quite seriously and not just to score a debating point that there are not six members on that side of the House who are au fait with the full implications of this Bill.

Mr. HUGHES: Ask them to stand up.

Maj. VAN DER BYL: All that they could have had therefore was an explanation from the Minister at their caucus and probably a very sketchy explanation. I was, however, not present at their caucus, so I cannot say. For the rest, all they have is this very inadequate White Paper which hides very much more than it reveals.

Mr. S. E. WARREN: Why say that when you say yourself that you do not know what happened at the caucus?

Maj. VAN DER BYL: I presume hon. members on the other side are sufficiently interested and that the Minister would have paid them the courtesy of explaining at the caucus what the Bill was all about. It must be a very poor party if the Minister won't even explain to their caucus what the Bill contained. If that is the way that hon. members opposite are prepared to be treated and are merely "ja-broers" then I am extremely sorry for them. No, the hon. member had much better keep quiet. Therefore I suggest in all seriousness that they do not realise what this Bill actually means. The Minister said in his opening speech that he had received letters from Coloureds showing that they support the Government in its present attitude. Sir, I think that there is not one Coloured person in the whole of South Africa who understands the full implications of this Bill. There might be a clause here and there which might be in some Coloured person's interests and therefore get his support, but I am prepared to bet that not one Coloured person in the whole of South Africa knows exactly what all the implications of this Bill are. Therefore I feel that a Commission should be appointed so that these people can put their representations before that Commission, and I suggest that the Minister has no right to take a few odd letters that he may get from people who do not really know what they are talking about, who are not fully informed, and to use that to suggest that the Coloured people as a whole are behind him in this measure. I realised the other day, and I say this in all seriousness, how desperately ill-informed the other side of the House are, when the Acting Leader of this party asked what would happen if Alexandra Township was declared a European area. Sir, a hoarse laugh went up on the other side. Hon. members on the other side were incredulous.

An HON. MEMBER: That is a hypothetical case.

Maj. VAN DER BYL: All right, I will answer that. They were genuinely and sincerely incredulous that such a thing could be suggested. Don't hon. members on the other side know that for at least ten years, to my knowledge, a very strong and influential movement has been afoot to try and do that very thing? I then as Minister of Native Affairs had not been in office for three months before a very strong deputation representing not only members on that side of the House but members on this side of the House, approached the Government asking me to do that very thing. Why this silence on the other side now? Is that a hypothetical case? No, Sir, I refused it on the ground that these Natives were put out there on the veld before Union to get them out of the way. As my hon. friend here says, to take it over today would cost £3,000,000 to start with. But let that go. My hon. friend here, the member for East London (City) (Dr. Smit) was Secretary for Native Affairs at that time and he knows that what I say here is the factual truth. But the point is that those Natives were put out there in an area to which no one wanted to go at that time; it was right out in the veld, and it was not that since then the Natives encroached on White areas. It is a question of the White man buying land out towards the Native township. Unless other land can be given to them there should be no question of taking away from them this land that was given to them before the Act of Union.

Mr. BELL: It was in 1911.

Maj. VAN DER BYL: I thought it was in 1910 before the Act of Union. But I accept that. Now our policy on this side of the House has always been social and residential

segregation. That was the policy that was stated clearly by my Rt. Hon. Leader when he said, as Prime Minister, that you could not solve the Native problem by trying to buy sufficient land for the Natives and putting them into reserves. In fact, there is not enough land in South Africa to do that, and he said therefore the only solution to this problem was that Natives would have to absorb into industries. To ensure that there should be absolute residential and social separation between Black and White parallel villages near the big industries would have to be provided for them so that the Native permanent worker could live in his own area, an area which the White man would not be allowed to go into, but in which he would be near enough to the industry in which he is employed, to be able to go to work in the morning. [Interjection.] I am sorry, I have only a limited time, and I cannot now reply to all these interruptions. The point is this, the Fagan Commission put that down as it policy and we accepted the main recommendations of the Fagan Commission, but the Fagan Commission was repudiated by the other side. Our policy has been to have parallel villages for permanent Native workers, villages in which no White man could live. What, however, was the policy of the party on the other side? I read it only the other day in a pamphlet on which they practically won the election, a pamphlet issued by the highest authority in the Nationalist Party. This pamphlet was published by the Herenigde Party Information Office and printed by the Nasionale Pers. I do not want to bore the House by reading that again except just four or five lines of it to remind my hon. friends what their declared policy is. This is what appears in that pamphlet—

> In future Natives from rural areas and the reserves will be allowed to enter the European urban areas only as temporary workers and must return to their homes regularly on the termination of their service contracts.

What does that mean? It means that these Natives will come in temporarily and that is where you will get the intermingling. Your trouble will not be with the permanent urban dweller, but it is the transitory Native worker who comes in for a few months to seek work who sleeps in the back-yards, who seeks accommodation in slum areas, where there are Europeans, so that he can get a roof over his head. That is the policy of that Government. Our policy has been to try and create proper separate residential areas for black and white, and, Sir, the hon. the Minister of Labour himself said the other day that there ought to be a permanent labour force, so even he is veering from the policy of the present Government. I have read this quotation and I have stated what our policy is. And I hope now that hon. members opposite when they go into the platteland to try and make political capital out of this Bill will remember the facts.

Mr. S. E. WARREN: What do you mean by that:

Maj. VAN DER BYL: I mean exactly what I say and the hon. gentleman knows what I mean. The point I want to make is to show that there is not enough information with regard to the Coloured people and I am going to deal with one factual aspect to prove that what I say is true. I want to show this House how this Bill is going to affect financially and in other ways Coloured landowners in this country, and not only Coloured landowners, but also whites. I have in mind certain farming areas where the land has been held by Coloureds in full possession for over a century or more, and at the very best the moment this Bill is promulgated—there is no gradualness about this—those areas become controlled areas. This land is owned by Coloureds, but it is a fact that white people as well as European financial houses such as trust companies have advanced considerable sums of money on first mortgage, and the value of the land on which the advance was granted was based on the fact that should the mortgagor default either in his interest or redemption, the mortgage could immediately be called up at three months' notice and the mortgagee can get his money back by selling the land by public auction, because the land can be sold to anybody in a free and open market. That the land will fetch the value which is placed on it was assured because the farmers on the adjoining properties are Europeans, and they would buy that land and never let it go below its market price. It was on that condition that the ordinary mortgagee advanced money on first mortgage. Immediately this Bill becomes law only Coloureds will be able to buy that land and, in the areas which I have in mind, I doubt whether there is one Coloured man who is sufficiently strong financially to buy that land at its present value because the land in that area costs anything up to £30 per morgen. The value of that land was entirely based on the understanding that there would be a free market and that the Europeans on the adjoining farms would be able to buy the land if there was any question of default on the part of the mortgagor. In such cases the legitimate bondholder could now lose a great deal of his money. But, Sir, when the mortgagee advanced money in the first instance. . . . I would like hon. members to listen to this . . .

Mr. H. S. ERASMUS: Are you pleading now for the capitalists?

Maj. VAN DER BYL: Are hon. members opposite not landowners? Are not small investors bondholders: are not the trust funds of minors invested in Bonds or land? When the mortgagee advanced this money in the first instance he knew that in the event of a default sale, if the ground did did not reach its full value at a public auction, he could at least take physical possession of it. He could take over the land, develop it and farm it himself if necessary. But under the Bill, if that mortgagee is a European he cannot take physical possession of it.

The MINISTER OF THE INTERIOR: Surely he can get a permit.

Maj. VAN DER BYL: The Minister has anticipated me. I have it in my very next note here, the words "the Minister will no doubt say that he can get a permit".

The MINISTER OF THE INTERIOR: But then your whole point falls away.

Maj. VAN DER BYL: Not at all for surely the permit must first be obtained before he can buy that land otherwise under this Bill the sale is null and void. Is the Minister prepared to go and give permits in advance? I will come back to this point later. It is true that the bondholder might be able first to get a permit before he goes to the sale, but if he gets a permit, he has no other competitor. Nobody else can buy the land and the unfortunate owner of the land who might only have been advanced on mortgage 50 per cent. of the value of the land. Now if there is only one buyer, he will have to let it go for the value of the bond and lose what would have been left to him if that had not been the position. Well, those are points that my hon. friends opposite do not appreciate fully. The position is this. There can be no competitor except the holder of the permit unless there was a Coloured bidder. I presume—and if I am wrong I hope the Minister will correct me and then I will drop the point at once—I presume the Minister will not be prepared to give a number of permits to possible or potential buyers who might think that they want to buy at some time, so as to create competition for the farm which comes into the market. And, Sir, if my presumption is correct—and the Minister has not denied it—then I presume there will be only one permit granted and therefore only one bidder for the farm and he will be able to get it at whatever price he offers. The Minister cannot possibly go into the issue of all these permits personally; he must have advisers, and one can imagine that with some future Minister, with some future advisers at some future date, a very undesirable situation may well be created by a position such as this. I will let it go at that. Let us presume that a permit has been granted in advance to the white mortgagee to purchase. He may not be able to work the land himself. My hon. friends talk about capitalists. Many of these bonds were looked upon as gilt-edged investments taken up on behalf of trust funds where, say, a board of executors had to invest money for a minor. An investor, or his trustees, might not be able to farm that land or, having the same view as everybody else in this House, a bondholder might not care to live and farm on land entirely surrounded by Coloureds. He might not want to work it; what is the position then? He can lease that land but, and this is the point (it being a controlled area), only to a Coloured person. He can therefore only lease that land in a restricted market. The lessee must be a Coloured person. In short, the effect of this Bill must therefore be to reduce the value of the asset on which the existing bond was taken, which I consider creates injustices. Now, Sir, there we have had the case of the controlled area which will come into operation the moment this Bill is promulgated. Now let us assume that the area is proclaimed a white group area under this Bill. The present Coloured owner cannot leave the property at his death to his wife or children, regardless of the fact that the children may already be middle-aged and worked the land all their lives. I know of a case where the owner is an old man; his children are middle-aged and have been farming and developing the property for 10 or 20 years. They have no profession other than farmers. They have had that property in their family for a century or more, and now willy-nilly they will be pushed out. That is the position. They will be forced to leave regardless of what they have done on that farm to develop it. Moreover, none of the arrangements have been made in this Bill which even exists in regard to the purchase of land in the released areas under the Native Land Act, where the owner receives the fair value of the land, as valued by a land board, plus up to 20 per cent. for loss and inconvenience suffered by him. Here there is not even provision for any compensation. It is argued that the Minister can grant permits to the children to live there. But what will be the result? In a short time there will be agitations to get rid of the brown spots, just as we have had agitation to get rid of black spots. The surrounding farmers will say the Government must do away with the brown spots, just as there has been agitation to do away with the black spots under the 1936 legislation. Is it not the policy of this Government to try to have group areas for white and black, and will they then grant permits to Coloured people to remain in what may be mainly a white area? Surely that would cut right across the whole policy of this Bill? No, Sir, they will not, and that is the position. In such

a case the property must be sold regardless of its value and regardless of the state of the market at the time. The surrounding farmers, being human, will probably combine and put up one man to bid on their behalf, and after the ground is purchased they will have a private auction so that each one can have the bit of land he wants adjoining his farm.

*Mr. S. M. LOUBSER: Talk some sense.

Maj. VAN DER BYL: What I am saying is the truth. The hon. member knows as well as I do that time and again it happens that people who want a certain piece of ground come together and do not bid against one another; and afterwards they make their arrangements. But that is the sort of infantile remark we get from opposite members, and from a farmer at that. I am not quoting hypothetical cases. I am not putting up men of straw for the pleasure of knocking them down to score debating points. I am speaking of what I know personally. I can give the Minister the names of the farms, the names of the owners, the names of the bondholders, the value of the bonds, and the value of the properties—all the information he wants. I know of these cases I mention, and I am not speaking hypothetically.

The whole position can lead to very grave injustice, in the first place to the European bondholder, and secondly to the Coloured owner. But take the converse case. If the area is declared a Coloured area, very great injustice can be done to the European owner of the land. Frankly, no money can compensate me if I am turned off my land where my forefathers have lived for 150 years or more. Nothing can replace that for me. It is part of myself, my outlook and life, and I always feel I hold it for future generations of my family. I put all I can into it because I love it, and it will be a mortal blow to me if I have to leave it, and I know my family feel the same. That is the position. People who buy land merely as an investment which is to be disposed of if a profit can be made, would not be able to appreciate what I am talking about. The hon. the Minister then stated piously that he wants this Group Areas Bill in order to get rid of racial friction between the various sections of the community who are forced to live together. I do not want to make a debating point, but this Government in two years has created with pinpricks and tactlessness more racial friction than all previous Governments in the last 50 years. I do not want to make a debating point and so I let that go at that. But I ask this question, in reply to the pious wish of the Minister: Can anything be calculated to create more racial friction and resentment than driving a man off that land that his forebears have cherished without his having been heard, without his knowing what the object of the Bill is, and without his objections having been fully considered? Can you imagine anything more calculated to cause heart burning, than to push a man off land where he has lived for more than a hundred years? Surely, Sir, I have put forward a sufficient case here for a full investigation. And this is all we ask for in our amendment. In principle we always have stood for residential and social separation.

But let me go on to another point. A large association of firms doing the same type of business and representing £200 million of invested capital, has drawn up hurriedly a memorandum which the Minister has received. They have been able to draw up only about a page and a half. Another association, representing organisations doing another type of financial business, and with an aggregate of over £150 million of investment money — and do not let hon. members opposite suggest that they are capitalists, because they are mutual organisations in which all members large and small share equally, nor does any director have any interest in the profits, other than as a member of the organisation — those institutions who have the best actuaries in South Africa and who have to consider only one aspect, namely the financial side of this matter, whereas we in this House have to consider the racial, political and all other aspects, have been unable up to Monday night to put their recommendations or objections on paper because they do not yet know to what an extent this Bill will affect their investments. If men like that, who are experts, men who have no political motives at all — and let me tell the hon. grinning member for Swellendam (Mr. S. E. Warren), and that is about the only thing he can do with decency, that there are as many supporters of the Government on the directorates of those associations and in . . .

Mr. S. E. WARREN: [Inaudible.]

Mr. SPEAKER: Order, order!

Maj. VAN DER BYL: I hope the hon. and chattering member for Swellendam will give me a chance. There are on the boards of directors or in the management, or amongst their policyholders, shareholders or associations, as many members supporting the other side as this side. They are completely non-political. I am speaking of the whole of the associations doing that type of business in South Africa. They have no political bias. They only deal with the financial side, only with one thing, and that is the financial implications, as these affect the investments of the members of the institutions.

Mr. S. E. WARREN: "Gogga maak nie vir baba bang nie."

Maj. VAN DER BYL: Nor will I be "bang" for that "gogga" over there. That rather describes him. Mr. Speaker, that is the position. It is not good the Minister telling us that this Bill will be applied gradually when it becomes law, because the moment it is passed the controlled areas must come into operation. Therefore, Sir, let the Government pause and not rush into the matter hastily as they are doing now. They have told us this thing will be there forever, and affect South Africa for the next century. If that is so, what difference will a delay of three or four months make if we then can have full information? At the moment we have no real information in regard to the Cape Province, and I do ask the Minister to pause and to accept the amendment of this side of the House, because if he does not do so, the public outside will feel there is something else behind this Bill than the desire suddenly to solve all the racial problems of the country. As I said before, if there was this great hurry, then the Government should have introduced it earlier in this Session — say, four months ago. People outside are beginning to feel that there is something sinister behind all this haste. Is the desire of the Government to hold a quick election and to get something new to enable them to beat the emotional drum again, because they know their emotional cry of apartheid is beginning to wear thin. The stock of the Government has gone down on economic matters, cost of living and statesmanship generally, and the only thing they can ever hope to get votes by is the emotional, the psychological appeal to people. The public is beginning to think that this is all merely hypocrisy, merely put forward not to solve the problems of South Africa, but merely to give the Government another drum to beat to stir up the emotional feelings of the people, for vote-catching purposes.

*Mr. POTGIETER: If there is one thing that stands out from the speech of the hon. member for Green Point (Maj. van der Byl) it is his holy fear of the effect of this Bill which he is opposing and about which he shares the opinion of the hon. member for Castle (Mr. Bloomberg).

*Maj. VAN DER BYL: It is not true and you know that it is not true.

*Mr. POTGIETER: The hon. member reacts by saying that I am telling an untruth. He says he does not agree with the hon. member for Castle. What is the standpoint of the hon. member for Castle? His standpoint is that he is opposed to the principle of this Bill, the principle of compulsory segregation and compulsory apartheid as far as residential areas are concerned. I now want to show him what his party's attitude has been on separate residential areas. I have here in my hand the first annual report of the Coloured Advisory Council. I shall be glad if the hon. member would pay attention to what I am saying, because he said that I was telling an untruth and I want to prove to him that I have been speaking the truth. The chairman of the Coloured Advisory Council said the following to the council in his presidential address in 1943 (page 3)—

> No segregation. No Department of Coloured Affairs. No tampering with our votes . . . The council is convinced that there will not be any compulsory segregation in connection with residential areas.

Why did the chairman tell his council that? It was because he had received a statement in 1940 from the then Minister of the Interior (page 4) in which the following words appeared—

> The Government does not intend introducing any legislative or other measures to enforce compulsory segregation in connection with residential areas.

Now they are following different courses. These are the cunning liberalistic tactics and tricks which that side fell for. That is the cunning standpoint of the hon. member for Bloomberg. [Laughter.] It is understandable that a member when dealing with such a situation should make a slip of the tongue. It does not alter the position, however. What I am trying to convey is that members on that side of the House are now pretending that they are in favour of the principle of the Bill; that is what they want to make the country believe. But their policy has consistently been that they are in favour of voluntary separation of residential areas. That is all. They have already given the non-Europeans this assurance which I have read out. Will they deny it? They cannot deny it. They are not in favour of compulsory segregation in respect of residential areas — which is the principle of this Bill. If they are now in favour of the principle of this Bill they are committing a breach of faith in respect of the Coloured people, whose votes they are so fond of. The hon. member for Green Point was very fond of their votes in Bredasdorp, but unfortunately there were not enough of those votes; that is why he is representing Green Point at present and sitting on that side of the House.

The hon. member says that the Coloured affairs in the Cape Province was not investigated. We have had a report in connection with the affairs of the Coloured people in the Cape Province, and in paragraph 732 of that report, I found the following.

*Mr. DU TOIT: What is the date of that report?

*Mr. POTGIETER: It is the report of the Wilcocks Commission and it is dated 1938. Here the Commission says, or rather, recommends—

> (a) Where land is set aside for the establishment of a location or urban area for non-Europeans, the Coloureds should be separated from the Natives.

They therefore go even further. Here we have the recommendation of a commission which puts the position very clearly. We want to put the case very clearly here this morning. The hon. member for Green Point said here that we want to gain political advantage from the enforcement of this Bill, and because that fills him with fear, they come here and pretend to the country that they are also in favour of the principle of separate residential areas. They put on a Sunday suit to proceed with their diabolical work of poisoning racial relations here in South Africa.

*Mr. SERFONTEIN: And the member for Green Point is putting on a frock-coat.

*Mr. POTGIETER: When the hon. member for Bethlehem (Dr. van Rhyn) was referring here to the educated Coloured people and the educated Natives, the hon. member for Green Point said that we want to drive these people back to the locations, back to the kraals. Is that not the great tragedy in our country, that we, as the guardians of the non-Europeans, want to turn them into imitation Europeans and want to educate them in a wrong direction and not in the direction of their own national life? Members opposite are the people who are depriving the non-European races of their natural leaders; that is the big tragedy. If they were to allow those people the opportunity of developing amongst their own people, then we shall be able to give the non-Euroeans their own leaders and not agitators as we have at present, unscrupulous Europeans and non-Europeans, Communists and Liberals, who misguide those people.

*Mr. BARLOW: You should not speak about agitators.

*Mr. POTGIETER: I have no time for that hon. member, who, as always, is trying to put us off. I want to put it very clearly that the Coloured people also want to be apart. I have here in my hand a book written by a certain sociologist.

*Maj. VAN DER BYL: Do they all want to be separate?

*Mr. POTGIETER: I do not say all of them, but there are some of them who want to be separate because they are becoming race-conscious.

*Maj. VAN DER BYL: There we agree with you.

*Mr. POTGIETER: There are some of them who are becoming race-conscious and you grudge these people the opportunity of developing their own race-consciousness according to their own aptitudes and nature. Give them the opportunity to become race-conscious and to follow their own way of living instead of becoming imitators of the hon. member for Green Point with his way of living so that he can obtain their votes and they can help him in Parliament. I want to read to the House what this sociologist says and I shall be glad if the hon. member for Green Point will remain here a little longer because I still want to say a few words to him. But I see he is leaving and I shall say: "Goodbye." Yes, it is goodbye to South Africa if we follow his policy. I say that the Coloured people are already developing a feeling of coherence. And on page 143 of his book, "'n Tuiste vir die Nageslag," Dr. Cronjé says . . .

*Mr. DU TOIT: Who is he?

*Mr. POTGIETER: We know who he is, and we also know that he knows more about these things than that hon. member. He says—

> In regard to the comparative lack of a feeling of coherence amongst the Coloured people, it should also be borne in mind that they have not yet developed a Coloured self-consciousness and self-respect like the Afrikaner self-consciousness which took root and developed amongst the Afrikaners. The mentality of the Coloured people is unstable, uncertain, inconstant and unbalanced.

This relates to the question as to whether they are developing a Coloured self-consciousness and a Coloured mentality. But we find that they are already developing it today. The writer says further—

> Unless they are given the opportunity to develop entirely separately, they will remain nothing but a kind of imitation or adumbration of the white people.

There we have a sociologist who has made a study of the question, and he says that the only way of allowing those people to lead their own lives is to provide them with areas of their own where they can develop according to their own talents and nature. What struck me in this debate was the tactics employed by the other side. They also told us about the difficult racial questions in South Africa and the complicated colour questions in this country. Having listened to the various speeches, it is clear that we are in full agreement at least on

one point, and that is that the racial problems in South Africa are gradually assuming provocative and alarming proportions. Even the hon. member for South Coast (Mr. Mitchell) has said here that the European civlisation in South Africa is sitting on a volcano.

Hon. members will remember that we have had repeated discussions this year in the House on the prime cause of this racial tension and these racial clashes in South Africa. The hon. member for Newcastle (Mr. Maree) yesterday also referred to the riots in Durban and the clashes between the Indians and the Zulus—an unmistakable sign of the tension, not only between European and non-European, but particularly between the non-European races. We also remember the recent May Day clashes—also an unmistakable sign of the growing tension and eventual racial clashes in South Africa. It shows what racial embitterment there is and how it eventually leads to clashes. It shows clearly that racial conflicts are becoming the kernel of the complicated race problems in South Africa. The hon. member opposite spoke of agitators. These agitators are inseparably connected with these racial clashes; they, who are the revolutionary elements amongst the non-Europeans, particularly the revolutionary sections of the Asiatics, are forming a non-European front in South Africa. We are getting still more. That word agitator reminds me of unscrupulous, shameless Europeans and non-Europeans, Communists and liberals, and also people like the Kahns, the Dadoos, the Ballingers and the Scotts, and I was almost going to say also the Barlows, who spoke here about agitators, who make speeches here and through those speeches actually incite the non-Europeans to rebellion; those people come here with demands for equality which, if we were to accede to them, would mean the death-knell to the European race in South Africa.

They come here with saintly words about the complication of these vexatious problems. The hon. member who is looking at me so meaningly at the moment, the hon. member for Langlaagte (Mr. Robinson), who made such an evil-smelling speech here yesterday, divided the history of this country into three periods. He spoke of the Malan period, and he said that we on this side are the cause of the racial clashes in South Africa. But does he want to suggest that these complicated and vexatious problems arose only during the last two years? No, these difficult colour problems are the result of the short-sighted and wretched policy of previous Governments. It is the result of delay. When we think of these complicated racial problems, it looks to us as if it really is too late, almost too late for South Africa. I therefore want to thank the hon. the Minister for having introduced this measure which is now before the House—a measure which is not weak, which is not short-sighted and which is not a cowardly measure; it is a measure which shows moral courage, courage to venture; it is a far-seeing measure.

*Mr. BARLOW: Now thank the Minister.

*Mr. POTGIETER: The hon. member who is interrupting me such a lot will not succeed in taking my mind off the wonderful objects of this Bill, off the exalted object to eliminate racial clashes in South Africa, to give the non-European races the opportunity to develop along their own lines according to their own nature and talents, and ultimately to bring about racial peace in our country for both Europeans and non-Europeans.

*An HON. MEMBER: Hear, hear.

*Mr. POTGIETER: Yes, hear, hear. But your brain is in your hearing and you do not understand what you hear. Mr. Speaker, I want to put it very plainly to you this morning, that when you listen to speeches like those we have heard from that side, you should read the official organ of the Communist Party, the "Guardian"; you should read "The Forum", and you will observe that their attack and their tactics are identically the same as the tactics of the Communists and the liberals. They fell for a liberalistic trick. They want to pretend that they are in favour of the principle of this Bill, but in reality they are opposed to the principle of the Bill. But that is only the cloak they are using. They use the same slogans as the Communists and the liberals: The violation of human rights; the suppression of freedom and democracy. These are the suits they put on to do this diabolical work in our country. That is the trouble. I see that hon. member there, formerly for Vryheid and now, I think, for Drakensberg (Dr. Steenkamp). He no longer knows where he is and he no longer knows where he stands as far as this Bill is concerned. Because the one from Natal votes for the Bill and the other votes against the Bill. I understand that the hon. member is now going to participate in the debate, and I want to predict what he is going to do. I am convinced that he is going to use a magnifying glass to look at the Bill, and he has only one motive, namely, to present this side of the House as the big oppressor and enemy of the non-European races. Those are their tactics of attack. I am convinced of that. Those are their tactics of attack, and then the hon. member for Langlaagte comes here, as he did yesterday, and says: Wait until we get into power, then the non-Europeans will see. Then he poses again, and I can see from the expression on his face how happy he feels, because then he is going to present

the Afrikaner and the Nationalist Party as the oppressors and the enemies of the non-European races in the country; and they are the champions and the saviours of the non-European races in the country. Members opposite are to a certain extent the main cause of the growth of racial tension and racial clashes in the country.

The main reason why I support this Bill is because I see in it the first measure in the direction of the ultimate removal and termination of mixed residential areas in South Africa. The hon. member who spoke yesterday, the hon. member for South Peninsula (Mr. Gay), who has also been a Mayor of Simonstown, told us what they did. But what is the position there in his constituency? And I am asking that hon. member who is sitting there with his hand on his head — he is also a liberal — to look at the situation here in the Peninsula, the situation in Port Elizabeth and the situation in certain parts of Natal. It is so bad there that even the ex-member for Vryheid cannot persuade the hon. member for Durban (Musgrave (Mr. A. H. J. Eaton) to join him in following that wrong policy. That is why they first had to hold a caucus meeting this morning to enable them to say: How lovely it is when brothers live together.

That is the position as far as mixed residential areas are concerned. I just want to give a brief outline of the position there. Those members opposite who pose as the champions of the non-European races — let us just see what a sociologist says. He even gives a description of conditions in a town on the Witwatersrand.

*Mr. DU TOIT: Who is he?

*Mr. POTGIETER: It is Prinsloo in his booklet "Rassebakens". He writes on page 33—

> In Modder East there is a long building with 24 rooms . . . In this same area a Native family and a European family are living together in the same building. It need not surprise us to see non-European children, half-caste and Native children playing together in the dirty backyards of adjacent dwellings.
>
> It is reported from Port Elizabeth that there are numerous cases of Europeans and Coloureds living in the same house. European women leave their husbands to marry Coloured men. The position has deteriorated in recent years.

And then he says that there is a woman with seven children living in a certain street; he mentions her name—

> Quite innocently she said: "Of the seven only two are black." One wonders how many are Coloured. Moreover, these children have a Coloured woman as guardian. And she actually sits with the mother and drinks coffee with her. These children do not attend school, because last year the two eldest children had only three months' school on account of "trouble which arose at the school". The Lotterings rent the house from a Coloured woman for £1 10s. per month. A railway worker also worked here; he was married to a Coloured woman, his mother's servant girl; the other Coloured people regularly visited this house and were received as "brothers".

*Mr. BARLOW: [Inaudible.]

*Mr. POTGIETER: It shows how little the hon. member understands about it. The author is a sociologist who has made a study of mixed residential areas in South Africa. Members opposite may say what they like. One thing is certain, and that is that these mixed residential areas are the death-beds of the European race and race discretion in South Africa. When one reads these things and then listens to the flippant attacks made by members opposite on a Bill which is aimed at putting a stop to these shameful conditions, one feels like thrashing them, not with arguments, but physically; but we may not do so here. I want to emphasise the point that these mixed residential areas must inevitably lead to a deadening of racial feeling and racial honour amongst the various races. Where the children play and grow up together in a mixed residential area, it must inevitably lead to the undermining of self-respect, irrespective of whether they are Europeans or not, and to the degeneration of the national character. There one sees national degeneration, and racial decay. In a cruel way these people are practically torn away from the tribal connections so that they become exposed to the process of miscegenation in South Africa. Are members satisfied with that state of affairs? Did those conditions come into being under this Government? They arose under the previous Government with its policy of letting things slide. Now we are coming with the right remedy which will solve this vexatious problem permanently, while hon. members opposite are like an obstinate donkey and do not want to go forward and assist us. I want to say today that the eradication of the mixed residential areas is not the only reason for this Bill. It is a test for the other side of the House, as far as the question of miscegenation in South Africa is concerned. Hon. members will remember that when some time ago we put through the Immorality Act and the Mixed Marriages Act, when we came here with legislation prohibiting certain things, they said it was negative legislation, that we should consider the problem as a social problem and that we should remove the social causes. I am saying to them this morning that the mixed residential areas are

the main social cause of miscegenation in South Africa. They refused to support us at that time with the negative legislation; now they are being afforded an opportunity of eliminating one of the main causes of miscegenation, by voting for this Bill and supporting this principle. Now is the time; there is practically no time left for South Africa. Now is the time to go forward because there are only two alternatives. Deferring the matter would lead to pernicious racial equality in South Africa. That is why we have come with this Bill and asked for support in this matter. I cannot understand hon. members being opposed to this Bill. What is the cause of these complicated and vexatious racial problems of South Africa? Sociologists are in full agreement on the point that there are only two causes, namely, racial conflicts and the mixing of races. They form the kernel of the complicated and vexatious problems, but, thank God, it is the main object of this Bill to remove those causes. When this Bill is enforced it will lead to the elimination of racial conflicts and the intermingling of races; in that way these problems will be permanently solved, and one will eventually achieve that great object of racial peace in South Africa. Why do we have racial conflicts in this country? I shall tell members. As a result of the weak policy followed in the country, we have in the course of years to a certain extent developed into a hotch-potch community. The mixed residential areas create social intermingling areas where levelling influences are created, and I say it is tragic that the years should have brought us this vast area of intermingling, and that some hon. members opposite say that one should not oppose it. They do not even keep the races apart as separate entities; they crowd together there and one finds racial intertwining, and once there is racial intertwining, there are divergent racial interests which lead to racial clashes of interest; this Bill, which wants to provide these people with separate areas where they can develop along their own lines according to their own character and talent, will eliminate those racial conflicts of interest. Why then are members opposite then opposed to the Bill? When hon. members came here at that time and were discussing the prime causes of the racial conflicts, they also blamed the Communistic intellectual poison and the liberalistic views. They said that is the conflict of interests. They mentioned all those factors and now we have this Bill which will in the future create a position where all those causes will be removed and where the fertile soil will be destroyed—the hotch-potch way of living with its conflicts of interests, where the liberalistic and Communistic ideologies find such an easy prey in the susceptible mind of the detribalised Native when he lives amongst the Europeans and witnesses these tremendous conflicts of interest. To me it is clear that we are dealing here with an absolutely honest attempt on the part of this side of the House to introduce a Bill, and not to remain inactive and do nothing. This is the new dispensation, as hon. members call it. But the hon. member for Germiston (District) says that there is uncertainty, he complains that the gradual application of this Act will cause uncertainty. He says it is uncertain. But there is something else which is uncertain at the moment, and which causes me more anxiety, and that is the fact that the future of South Africa is uncertain. And the future of South Africa is uncertain on account of these very complicated and vexatious conditions. If I have to choose between the uncertainty caused by the gradual application of this legislation and certainty about the future of South Africa, I shall definitely choose the certainty provided by this Bill. Racial conflicts will be eliminated and miscegenation will be eliminated, but I also see in this Bill that essential condition, namely the provision of separate areas where the Coloureds and the Natives and the other non-Europeans will have the opportunity to develop along their own lines according to their own character and talent. A race is just like a human being. Every race, whether it be the Coloured race or the Bantu race, has certain natural potentialities, potentialities of developing; I say it is a tragedy when a Government like the one we have had, and an Opposition like the one we now have, guide the development of those potentialities in a wrong direction. We want to give them the opportunity to develop those potentialities so that a Coloured person can be a Coloured person and proud of the fact that he is a Coloured person, so that the Bantu can be proud of the fact that he is a Bantu and does not strive to become an imitation white man. I therefore support this Bill whole-heatedly.

The hon. member for Langlaagte wanted to know from the hon. the Prime Minister yesterday what we think UNO will think of it. Is that his reaction to the cable which the Indians sent to UNO in their efforts to meddle with the domestic affairs of South Africa? Does he want to seek his salvation in Pakistan and in India where the Indian Congress appealed to Pakistan? What has now become of their policy? Or do they support the policy of this side of the House who say that they may not meddle with the domestic affairs of South Africa? If we were to follow a policy of allowing world opinion to determine South Africa's future, it would be the end of our fatherland, and we would then be heading for racial equality and the destruction of the European race. We do not apologise; we are following the traditional policy of the Voortrekker—a policy which we are scientifically adapting to present circumstances. We do not shrink back and we are not short-sighted. We say:

There is the vexatious problem and here is the solution in the interests of our own welfare and the welfare of our fatherland.

*Mr. HAYWARD: We have had a typical electioneering speech from the hon. member who has just sat down, and if I look at the hon. member and other hon. members who have taken part in the debate, I can well imagine what their attitude is going to be in their constituencies when the Session is over. The hon. member says that this Bill is an honest attempt, but as the hon. member understands it, that honest attempt is an attempt to catch votes. Time will show to what extent the hon. member is right in this connection. He says that we do not want to support the Bill; that we do not want to co-operate. Is the hon. member prepared to ask his Minister to accept our amendment, the amendment which calls for a thorough investigation which has so far been refused? When the hon. the Prime Minister introduced his motion in regard to the guillotine, he said that this was an important Bill as well as a contentious one. Why then do we have this undue haste and why, as the hon. member for Green Point (Maj. van der Byl) and other hon. members on this side have pointed out, was the memorandum only made available to us on Monday morning? Why this extremely great haste?

In the first place I want to say that in principle I am in favour of residential segregation and social segregation between the different races.

*Mr. POTGIETER: Compulsory or voluntary?

*Mr. HAYWARD: If this Bill made it possible to put segregation into effect, then the opportunity should be provided, but as I will point out, this Bill does not do so.

*Mr. POTGIETER: How do you want to bring it about; are you in favour of compulsory segregation?

*Mr. HAYWARD: I am sorry that the hon. member for Lydenburg (Mr. Liebenberg) is not here. When he referred to the late General Hertzog's colour policy he said something which hurt me personally. He said that we stabbed General Hertzog in the back in September 1939. I want to give the House the facts as I see them. The attitude of the late General Hertzog, who was Prime Minister at that time, was always that if trouble started in Europe, this House would decide what our attitude would be. Furthermore, the Prime Minister did not even consult his caucus at that time. If he had done so and informed us fully, there might have been a different decision.

*Col. DÖHNE: Did you not leave him in the lurch?

*Mr. HAYWARD: I deny that I left him in the lurch. My then leader was not concerned about my point of view. I interviewed and discussed the matter with him and he had no quarrel with me. I have only had two political leaders in my whole life, the late General Hertzog and now General Smuts. In connection with this colour policy I want to read what General Hertzog said in connection with residential areas. After dealing with the question of social status, political status and economic status, he said this—

> Then there remains the difficult question of residential areas which are already occupied by Europeans as well as non-Europeans. While it is the intention to interfere as little as possible with existing property and occupational rights, provision will be made to prevent the expansion of mixed residential areas in the future. In the majority of cases mixed residential areas exist only on a small scale and it is possible to devise means to eliminate this difficulty step by step without any unnecessary burden or even by consent and in that way to ensure in the long run a homogeneous population either of Europeans or of non-Europeans.

*Col. DÖHNE: Read on.

*Mr. HAYWARD: Very well, I will—

> The Government looks forward to the time when the major portion of the Native population will be happy and content to live in their own urban areas, towns or suburbs. It will then be possible to make them responsible for looking after their own affairs and for the provision of their own services.

*Col. DÖHNE: Hear, hear.

*Mr. HAYWARD: I would like to analyse the position a little for the hon. member's information. General Hertzog used these words, "interfere as little as possible," "without unnecessary hardship," "step by step," and "even by consent".

*Col. DÖHNE: That is what the law says.

*Mr. HAYWARD: I say that the way in which the provisions of this Bill are going to be carried out does not in any way give effect to what General Hertzog visualised as the correct way to solve this problem. What General Hertzog had in mind was that new areas would be established voluntarily, areas in which Coloureds or Europeans or Natives would live as separate racial groups and that the problem would gradually be solved and separate areas be established. I leave it at

that. I am in entire agreement with the hon. member for Brits (Mr. Potgieter) when he says that these mixed residential areas constituted one of the main causes of miscegenation. The point on which we differ is the manner in which the problem is to be solved.

*Mr. S. M. LOUBSER: How do you want to solve it?

*Mr. HAYWARD: The hon. member will get an opportunity to speak. I should like to refer to my constituency particularly. This matter is so often discussed in general terms, but I want to examine it closely and see what the position will be of my constituency, one of the constituencies which will perhaps present the greatest difficulty in finding a solution of this problem.

*Mr. POTGIETER: Korsten.

*Mr. HAYWARD: Yes, the City Council of Port Elizabeth is well known for the steps it has taken in connection with the residential areas for the different racial groups, but in spite of this almost inhuman effort which has been made by the City Council — financially they are still unable to establish these residential areas — it is impossible to provide for all the different racial groups, Coloureds, Natives as well as Europeans, and in view of the tremendous expansion that has taken place in the industrial sphere, the position is steadily becoming worse. In New Brighton there are about 2,000 houses which were erected exclusively for Natives and where the Natives are provided with every possible service. Schaudertown, a township for Coloureds, has 1,000 houses and it is regarded as a model township. I exerted myself to obtain postal facilities there, and I am pleased to state that one of the first things the Minister did, when he became Minister of Posts and Telegraphs, was to open the local post office, in which Coloureds are employed. Recently I visited the post office and the postmaster complained that he only received £11 per month and that he could not make ends meet on that salary.

*Dr. STEENKAMP: Is he a Coloured person?

*Mr. HAYWARD: Yes, he is a Coloured, but his standard of living is high and he told me that he could not come out on his salary. I asked him what his plans were and he told me that he had no alternative but to look for other employment or, failing that, to help himself to money which was handed in at the post office. To begin with the majority of the inhabitants of Sidwell were Coloureds, but the number of Coloureds has decreased and the number of Europeans has increased as the result of the acquisition of new plots that were allotted. It is a slow process, but eventually the Coloureds will probably disappear completely. What will the position be if this area is declared a European area? What about the Coloureds?

*Mr. MENTZ: Why such a hypothetical case?

*Mr. HAYWARD: In the course of time the Coloureds will disappear but when that happens what will be the position as far as the exchange of property is concerned? But in the case of Sidwell the financial repercussions will still not be as bad as in the case of Korsten, because I expect the latter to be declared a Coloured area. According to the figures supplied by the City Council of Port Elizabeth in 1938 only 12½ per cent. of the population there was European while the Coloureds and Natives had their churches and schools there. Where must the Europeans go who live at Korsten today? After their death, according to this Bill, their property can only be sold to Coloureds. What will those properties realise? We must admit that the purchasing power of the Coloured is not nearly as high as that of the European. I hope that the Minister will consider every case and make provision for compensation to be paid in those cases where property has to be sold. Otherwise I would like the Minister to visit those areas himself and tell the Europeans personally that no compensation will be paid to them. This applies to Bethelsdorp as well. Originally, 150 years ago, the London Missionary Society gave a farm of 8,000 morgen to the Coloured community. Twenty-five years ago a proclamation was issued to the effect that Natives as well as Coloureds could own property there. What is the position of the Europeans who live there? There are quite a number of Europeans, and I repeat my request to the Minister, that he should go and visit the owners of property there.

*The MINISTER OF FINANCE: But surely we are not now dealing with the practical application of the law.

*Mr. HAYWARD: I am only seeking information so that the people may know what losses to expect. Hundreds of families fled from the platteland during the difficult year of 1932 and in the subsequent years of depression, and I do not think there is any area in the whole of the Union which attracted more poor people than the peri-urban areas of Port Elizabeth. Where must these people go if no provision is made for them? I want to ask the Minister to follow the example of what was done for the Angola farmers. Before they were taken to South-West Africa proper facilities were provided as far as housing, etc. was concerned and they were assisted so that they could start their farming operations. This Bill will become law, but I want to beg the

Minister to set about it very carefully. I take it that some areas will be declared European areas, some as Coloured areas and some as Native areas, and that the racial groups will gradually be separated. But where the Bill provides that upon the death of the owner of a property that property can be sold to someone who is a member of the racial group for which that area has been set aside, I hope the Minister will amend that and let evolution take its course. I do not think that will take a long time and by so doing you will eliminate friction and a feeling of injustice and the danger of financial loss will be minimised. As far as tenants in such areas are concerned, if they are forced to leave their homes, alternative homes should be provided for them, otherwise it will result in chaos and hardship as far as these people are concerned. It will aggravate the housing problem, especially in Port Elizabeth.

Well, I assume hon. members on the other side will gain a few votes with this measure, but I doubt whether in the long run the Government will gain any advantage. For the past two years they have been preparing a chain to hang themselves and this Bill constitutes one of the strong links in that chain.

*Mr. LABUSCHAGNE: I have listened attentively to this debate, to the very able exposition by the hon. the Minister of this complicated Bill, and I have also listened attentively to the speeches made by members of the Opposition. I realise that we are here dealing with legislation which is of the utmost importance to all sections of the population. I unfortunately came to the conclusion that the speaker who has just sat down, and also other members opposite, are of the opinion, as the hon. member who has just sat down, has admitted, that this matter should be left to evolution. I think it is only necessary to look round in the world and to trace past history in order to see where a policy of evolution leads to, and unless we do our duty and take matters in our own hands, there is no doubt as to what will happen to us in South Africa. But I do not want to go into that. I would like to put my point of view as somebody who is greatly interested in this legislation. I represent a constituency where we are struggling with these problems, and as such I have a lot of interest in this legislation; I am very glad that we can now ultimately move a step forward. I want to congratulate the hon. the Minister on the fact that he laid such a comprehensive measure before the House, a measure which will not solve all our Colour problems, but which will be a step in the direction of bringing finality in the future and a step which will facilitate the solution of these problems. I have said that I represent a constituency where we are struggling with these problems, a constituency where the problem is perhaps just as difficult and complicated as in the constituency of any other Natal member.

*Mr. DU TOIT: Is the 1946 legislation not adequate?

*Mr. LABUSCHAGNE: No, I do not agree with the hon. member. The party opposite passed an Act in 1946 to put a stop to certain evils of the mixed residential areas and the intermingling of races. Unfortunately — I concede that it was on account of pressure on the part of the ultra liberals on their side — that legislation was not effective, and when I arrived in Natal and learned about the conditions there, I was approached, not only by people in my own constituency, but also by people in Durban to go and see what the local conditions were; and there I was asked by responsible people to assisst them in solving these problems of Natal — at that time they did not even know that there would be a Nationalist Party Government. I regard this struggle which we are experiencing in this House today as only a continuation of the struggle which was started in South Africa centuries ago. We have again arrived at the standpoint of the Afrikaner colonist in the olden days when he had to fight for the survival of the European race against the liberals, the van der Kemps and the Philips, who said that one may not introduce restrictive measures or legislation. As the hon. member for Bethlehem (Dr. van Rhyn) said last night, they wanted to let things slide. We have now arrived at a stage where we are trying to take a definite step. We also know today that if the Voortrekker had not taken his courage in both his hands and trekked into the interior to carry out his policy, then we in South Africa would in all probability today have been a Coloured population. In this connection I also want to pay tribute to the British colonists. The 1820 Settler and the Voortrekker realised that that policy of the van der Kemps and the Philips would inevitably result in the death of the white man in South Africa; the 1820 Settler supported the Voortrekker; they were good friends and neighbours. And I want to tell hon. members that in Natal, where I have the honour to represent a constituency, the English-speaking and the Afrikaans-speaking people are in full agreement on this question.

*Mr. MENTZ: What does the hon. member for Berea (Mr. Sullivan) say?

*Mr. LABUSCHAGNE: The hon. member for Berea agrees. He knows it is true. We do not fight about this question today. We have made tremendous progress. We have made at least that much progress that the English-speaking person who has made South Africa his home, now also acknow-

ledges the traditional policy of the Afrikaans-speaking person. They realise that they must stand together to protect that policy in the future. That is exactly my view that we are here fighting against a windmill. There is not any real difference between us as far as the principle is concerned. It has already been said in the amendment of the Acting Leader that it is the traditional policy of South Africa to keep the different racial groups apart, to have separate residential areas. We now come to the point that the whole House is in favour of the introduction of this legislation.

*An HON. MEMBER: Except the liberals.

*Mr. LABUSCHAGNE: The hon. member is correcting me there. We have people here who are heart and soul against any legislation. But I shall say this: the majority of the members on that side of the House agree with us that the various racial groups should live apart, and in view of that we have made a lot of progress. We shall get further in the Committee stage. I do not agree with the hon. member for Berea. He said that we can accept the existing legislation in Natal for Natal; according to the hon. member that legislation is adequate for Natal, but what about the rest of the Union? Must we leave things as they are? He says we do not know what the condition in the Cape Province is. I just want to remind the hon. member of the fact that the hon. member for Castle (Mr. Bloomberg) has said here that the Cape Province is an example of almost 300 years' segregation. I agree. If one climbs on to the roof of this building and looks over the city, one can see what awful conditions developed here as a result of that policy of allowing things to take their course and allowing each racial group to go its own way. That also constitutes my reply to the hon. member for South Peninsula (Mr. Gay). No, a responsible Government can no longer adopt that attitude. I assume that we must proceed with this legislation, and in a few years' time hon. members opposite will feel just as strongly as we do that this legislation should not be tampered with. The opposition against the Bill which has come from that side is only superficial opposition. An hon. member on that side asked: What about your segregation policy in connection with the Indians; why do we not see it in this Bill? If you will permit me to reply to it, I just want to say this: I am glad that hon. members opposite have put this question, because it gives us the opportunity to tell them that that policy of segregation naturally does not apply to this Bill; it does not enter into this picture, but we are still whole-heartedly in favour of it. I preached it during the election, and at that time already I said that it surprised me very much that an international statesman like the then Prime Minister, the present Leader of the Opposition—in connection with whose illness I would like to express my sympathy—I say I was surprised that a man of his calibre did not, when the war ended in 1945-'46, and when India wanted to get rid of all the English-speaking people in India and told them they were undesirable immigrants in India and that the sooner they go, the better, did not make them a business proposition and tell them: We shall take the English-speaking people in India who are undesirable immigrants in exchange for the Indians who are undesirable immigrants here in our country. I do not want to go any further into this matter, Mr. Speaker, because you will tell me that it has nothing to do with this Bill, but all this arose from this discussion. The hon. member for Newcastle (Mr. Maree) gave us a clear picture here of the history of the Indian in Natal since the day when he landed there up to the present with all its problems with which we are faced today. He showed how Indian labour was forced on to the Natal Government and how the colonists of Natal resisted it. The English colonist in Natal and the Transvaal Republican resisted it, but there was a ruling power which vetoed their decisions every time. That is the position as it has been since those days and today it is our duty to solve that problem. I want to give you the assurance, Mr. Speaker, that, as far as Natal is concerned, I am convinced that this measure will enjoy the fullest support and that it will be accepted by the European population of Natal, both the Afrikaans-speaking and the English-speaking people, with gratitude.

*The MINISTER OF THE INTERIOR: But not Berea.

*Mr. LABUSCHAGNE: We now come to the practical application of the provisions of the Bill, and I assume that we might get differences of opinion there. I myself can see that there may be circumstances where we shall have to show the greatest measure of caution. But it has been said by almost every speaker on this side of the House, and the hon. the Minister has said that he will not take anybody by the scruff of the neck and throw him out. The hon. member who spoke just before me, asked a little while ago what is going to happen where there are cases of hardship, as hon. members call it. The hon. the Minister has already given this assurance, and if it is necessary I want to appeal to him to see that, where circumstances are such that a person is not in a position immediately to move from the one area to the other, the necessary extension of time is granted, and that a permit is issued to such a person allowing him to remain in that area for a certain period. We know the Bill makes provision for the issue of

permits, and I am quite convinced that the Government does not intend to do an injustice to any person. I see in this Bill that the utmost justice will be done to all sections of the population, because there is no discrimination here, because nobody has been left out, and provision has been made for everyone. I am glad about it because, although we firmly believe that the Indian must eventually be repatriated to India, we know that as long as he is in South Africa, it is our duty to see that he can make a living here worthy of a human being, and when he is repatriated, it will be our duty to compensate him in the most civilised and in the most equitable way, for the possessions which he may have in this country. I would not like people to get the idea that when we think of repatriation we have in mind simply kicking the people out, as happened recently in Europe where millions of people were removed from one part of the Continent to another part, people with nothing but a bundle on the head and a child under the arm, and driven on by troops.

Mr. SULLIVAN: Where do you want to put the Asiatics?

*Mr. LABUSCHAGNE: The hon. member is asking me where we want to put the Indians. We want to send them to India. When one talks about repatriation then one does so with the idea of securing India's co-operation. I think India has recently shown us that she takes a great interest in the Indian in South Africa, and in view of that she is likely to be prepared to come to an arrangement, provided, of course, that we act reasonably.

Capt. HENWOOD: Tell us how you are going to bring it about.

*Mr. LABUSCHAGNE: We are not discussing that now. I only hope that the hon. the Minister will display the utmost reasonableness in the application of this Bill when it is on the Statute Book. I know that is the spirit of the Bill, and I know he will do it, but hon. members opposite feel worried about it. I hope that when he replies to the debate, he will finally give them the assurance that he does not aim at depriving them of anything.

There is only one more point raised here in connection with which I want to say a few words, and that is the question of the property market. I am aware of all the difficulties in connection with this matter and I would also like to express my views on it.

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

Afternoon Sitting.

*Mr. LABUSCHAGNE: When business was suspended I was referring to the speech made here yesterday by the hon. member for Cape Town (Castle), and I want to qualify my words by saying it was an agressive speech. In that speech the real enemies of the Group Areas Bill came to light. I have already said that the great majority of the members opposite fully agree with us. They are dissatisfied only because it is this Government which introduced the Bill and because it is this Minister who is responsible for it, but in the hon. member for Castle we saw one of the real enemies of this Bill. He boasted about it. He said that Cape Town is an outstanding example of separate living as the people want it. I fully agree with him. As I have just said, if one climbs on to the roof of this building, one can see on all sides the decay that has set in, and the evils of mixed residential areas. Everyone who has observed that should be fully convinced of the necessity of this Bill. The hon. member said that the real estate market will be ruined by this Government and that this Government will be the cause of great losses to property owners. May I show the House another side of the picture from my experience in my own constituency. In this process of encircling and penetration it is the practice of certain unscrupulous Indians to buy up property here and there in order to cut off and encircle the European community and then to cause that area within the circle to depreciate in value and to become valueless to the owners, but that does not worry the hon. member. I now just want to confine myself to the statement of the hon. member for Castle that the real estate market will be ruined as a result of this Bill, and I want to deal with it by showing that the suffering which might be caused, the losses which might be suffered as a result of the fact that here and there a property might depreciate in value, can in no way whatsoever be compared with the encircling and penetration which today is the normal process. The hon. member probably spoke on behalf of a group of people who have recently been doing a roaring business here in the Cape Peninsula and in other parts, by acquiring properties in the slum areas and letting them to Coloured and other less-privileged people at an exorbitant rent, and by exploiting these people in that way. [Interjection.] The hon. member can go to District Six to find out who the owners are of these properties which are let to the Coloured people and other non-Europeans at such exorbitant rents. I have much more sympathy with those people who are today being encircled systematically and whose properties consequently depreciate in value, than with that type of man for whom the hon. member is pleading.

Moreover, if the hon. the Minister had not clearly stated that this is legislation for the future, there might still have been something in his argument, but there actually are areas which might not be cleared in the next 25 years.

But I want to come to the general points contained in this Bill, and may I express the idea that if this Bill has been in force for a number of years, it might still serve—and I hope it will—as a guide and an example to our neighbours, to the other European territories north of our borders. I trust that this Bill of the Minister of the Interior will in the future assist the smaller countries north of our borders, and who have had less experience than we have had, and who are faced with similar problems, in the solving of their problems in connection with mixed residential areas in their cities and towns. And if I may go so far, I want to express the hope that, perhaps in many years' time, this Group Areas Act will become the basis of a Pan-Africa policy under which all the interested states in Africa can exchange territories with a view to setting separate areas apart for the Natives and the Europeans respectively because that will, in my humble opinion, be the solution of the racial problem on the Continent of Africa. I trust that we shall in the future secure the wholehearted co-operation of all those who are interested in it.

I want to conclude by saying this. All the time that I have been sitting here and listening there has only been one serious discordant note, and that is that hon. members opposite have been getting up to accuse this side of the House of not having the slightest sympathy with the non-European and of always depriving him of something.

*Mr. BARLOW: Who said that?

*Mr. LABUSCHAGNE: It has been said here by many members opposite. I can mention their names. They have accused us of constantly hurting the feelings of the Natives, the Indians and the Coloureds. I want to assure them that that is the biggest mistake which they can make.

*An HON. MEMBER: The hon. member for Langlaagte (Mr. Robinson) said it.

*Mr. LABUSCHAGNE: I also want to tell hon. members opposite that for the survival of those racial groups in South Africa, their best friend is the Government which is in power today. We do not use that cheap medicine, which, as the saying goes, makes stinking wounds. We come with a sound, real policy, a policy which has withstood the test of all the years. This Government will assist in obtaining those things for the Native, the Coloured person and the Indian, which will place them on a footing worthy of a human being, which will satisfy them. With this I conclude. I just want to make this appeal to hon. members opposite: Let us not reprove and accuse each other like this otherwise I shall accuse the Opposition of harming South Africa in respect of the outside world, by speaking of a Nazi-minded Government, of a Government that wants to rule with a knobkierie, of a Government who curtails the powers of Parliament step by step and who wants to govern the country by means of regulation. I cannot think of anything calculated to do South Africa more harm than this kind of propaganda at this stage, and I want to tell them in all kindness that we should not ascribe motives of that nature to each other, otherwise we shall never attain our object, which on both sides should be to build up our country.

*The PRIME MINISTER: Before proceeding I should like, on my own behalf, and on behalf of this side of the House — and I know that all hon. members, whatever party they belong to, will heartily agree with me — express my sympathy at the illness of the Rt. Hon. the Leader of the Opposition. We hope that his indisposition, however painful it may be, will be of a temporary nature only, and that he will speedily regain his full health and powers.

The Group Areas Bill which is under discussion, at the moment, is undoubtedly in itself a measure of the utmost importance. But it is a measure which is proposed by this side of the House to carry out its policy of apartheid, and in that respect it undoubtedly is the most important of all. It was said yesterday in speeches on this side of the House that the Bill, when it comes on to the Statute Book, will mean a fresh start for South Africa, because it heralds a new period. I merely wish to emphasise that that definitely is the position. I do not think there is any other Bill, affecting the relationships between the difference races, the non-Europeans and the Europeans in this country, which determines the future of South Africa and of all population groups as much as this Bill does.

If hon. members will allow me I should like to call to mind a personal reminiscence here today. This Bill is one to which I have personally looked forward for many years. It embodies a conception, a conviction and an aim which I have held for years, and I am sure you will forgive me, Mr. Speaker, therefore, if I say that it gives me personally, apart from my Government and my party, the greatest satisfaction to realise that we have progressed as far as we have done. It is now about 37 years ago — I was in the service of the Church at Graaff-Reinet in those days — when my duties made it necessary for me to visit every home in that congregation, and to acquaint myself with the conditions in which families were

living. It was my custom to make notes of those matters, so that I could, afterwards, refer to them. I found that there was a certain section in the town of Graaff-Reinet which was known by the immoral name of "the Black Horde". I am glad to be able to say that the Town Council of Graaff-Reinet, in the course of time, has cleaned up that residential area. It was an act of charity. But in that area a number of white families had been domiciled. I got into touch with each of them personally and I visited them, and if ever there was a thing which depressed me, and made a painful impression upon me, it was the conditions I found there. There were European homes there of people belonging to the best families in the country. I have in mind one family which was related to one of the richest and most prosperous farmers in one of the Provinces of the Union. There was another man who told me that his grandfather had been the founder of one of our principal towns in the Cape. On inquiring into those homes I found that although the parents had lived as Europeans or had striven to live on that standard and to keep their heads above water, the children, who had grown up there and had played in the streets of that area with other races, namely the Coloured people, had fallen to the level of the Coloured people, and that some of them had married among the Coloured community, with the result that they had vanished from the European community and had joined the Mission Church. This had such a painful and depressing effect upon me that I was not prepared to leave matters where they were. I had consultations with prominent people in the town, and particularly with one man, a man of high repute in the English-speaking community of Graaff-Reinet, Mr. Archer. I think that he was a member of the Town Council of Graaff-Reinet. I told him exactly what the position was and he agreed that we could not allow this state of affairs to continue. We thereupon called upon the whole of the European community of Graaff-Reinet to attend a big meeting in the Town Hall — he and I did so. The Town Hall was crowded and I well remember that the thought which I expressed there was that this state of affairs must be ended, and the only way to do so was by gradually getting it remedied by proclaiming the area as a non-European area, and to set it aside for Coloured people. Europeans would not be allowed to live there, or to possess property there, or to occupy it, and if a European did possess property there, or occupied it, then after him only Coloured people would be allowed to own such property or to live there, and the Europeans had to move to the European area. The reverse process also had to take place, as far as the European area was concerned, so that gradually there would be a separation between the two. The whole meeting was in thorough agreement with us. We made representations, and the reply we received was that the Town Council would very much like to do what we asked for, but that it did not have the power to do it; and to go to the Central Government and ask for a change to be made in those conditions would, in any event, in those days, have been useless.

Well I am glad that we are today in a position where we are able to pass legislation, as I hope this legislation will be passed by Parliament, so that it will come on the Statute Book, and we shall reach that stage to which I have looked forward for so many years. I am also glad that I have the honour of being a member of a Government which is trying to get this Bill placed on the Statute Book.

I need not say that legislation of this character which aims at bringing about a separation of residential areas between Europeans and non-Europeans is at the root of any of the other legislation which we are trying to place on the Statute Book in regard to apartheid. We have passed legislation on the subject of mixed marriages. What is the use of having a law to deal with mixed marriages if we have conditions such as those which I have described, conditions of a kind which still exist in urban areas in this country, where Europeans and non-Europeans live alongside each other, and associate with each other, where the children play together in the streets and where the colour feelings of the Europeans are becoming dulled, and where the colour sense, which is the white man's protection, disappears completely. What is the use in such circumstances to try to prevent mixed marriages? We have passed an Immorality Act for the protection of the Europeans, and I hope also for the protection of the non-Europeans, and for the purpose of developing their self-respect and their colour sense; what is the use of passing such a law against mal-conditions unless we pass a Bill like the one which we are now discussing here? At the root of these mal-conditions which we are trying to cope with by these two laws, lie social conditions connected with mixed residential areas of the kind I have described, and of a kind which prevail in many parts of the country.

So much emphasis has already been placed by this side of the House, and also on platforms outside, on the other aspects of this Bill, that there is no need for me to go into them any further. I must, however, emphasise that it is only on the basis of apartheid in regard to residential areas that we shall be able to achieve sound relationships between the one race and the other. Only on that basis will we be able to secure justice for both sides. What justice is there for the non-European if he is in the position

in which he is today? He will always have a sense of inferiority. He is unable to do justice to himself. On the basis of apartheid, however, with his own residential area, he will be in a position to do justice to himself. There he will be able to live his own life — there he can develop what is his own, and only by the maintenance and the development of what is your own can you uplift yourself and uplift your people. Only on that basis is it possible to give him a career in which he can serve, not only in the lower ranks, and the lower classes of public service, but he will be able to render a service higher up to his own section of the population. He will have the right to rule himself. That is one of the principles of this Bill, but he will have the right, as far as municipal affairs are concerned and other matters which may be entrusted to him, to enjoy a greater degree of self-government.

*Dr. JONKER: The Bill does not say that.

*The PRIME MINISTER: On the basis of apartheid we can remove the friction between the races and we can have racial peace in South Africa. By such a healthy condition between race and race, we shall create the opportunity for every race group to live its own life, and that is the basis of apartheid.

I have now spoken of what has been in my mind, and what has been my aim for many years. Since taking part in the activities of this House, especially as leader of the Opposition, I have, time after time, made proposals in this House, in which I have urged social apartheid — which, to all members of this House, practically speaks for itself — in which I have urged residential apartheid, except still political apartheid, and as far as possible, industrial apartheid too, but not in all respects industrial apartheid. In those proposals unfortunately I did not get much assistance from my political opponents. Hon. members can consult Hansard and they will find that, time after time, when I made those proposals, they were turned down by the party in power. In the meantime the position has not improved. In the meantime the position has become worse and worse. It must necessarily become worse, commensurate with the influx of whites as well as of non-Europeans to the towns, an influx of people who have not yet adapted themselves to the conditions of the big towns and who largely, at least in the beginning, have to live in a state of poverty in the towns. If they want to live cheaply they have to go to the slums — otherwise they cannot live. That is why we find that there still is a deterioration in the position which commenced to manifest itself in some places as long as 37 years ago. That position is aggravated by the fact that today we still find that the non-European population is more and more adopting the civilisation of the European, in some instances in its entirety, and in some instances partly, and in some cases not at all. Gradually, however, the non-European advances, he gets more and more education. In other words, the gulf which, naturally, existed and which served as a protection for the Europeans, that gulf between the different races has, as a result of education, and civilisation on the part of the non-European, been made narrower and narrower, and it is becoming more and more difficult when so many people are living in mixed communities, for the white man to maintain himself as a white man.

I should now like to say a few words about the attitude of our political opponents in this House. Let me first emphasise that in this respect the Bill shows that progress has been made. I want to compliment the Opposition on the progress they have made. I welcome it as far as it goes. The first thing is that our friends opposite have now at last found out what apartheid means. In spite of everything we have said at two different general elections, one for the House of Parliament and one for the Provincial Councils, on political platforms, in spite of the fact that we have made the apartheid policy perfectly clear in writing and otherwise, they have never understood what apartheid really is. I think they know now what apartheid is. This cry "What is apartheid?" has found an echo throughout the country. They have also said that this side of the House does not know what it is. Fortunately that cry has now died down. If it has not disappeared then all I can say is that it is the acme of nonsense. What we have in this Bill before us, is apartheid. It is the essence of the apartheid policy which is embodied in this Bill.

Now this cry of "What is apartheid?" was started merely to hide the fact that the other side of the House did not have a clearly formulated colour policy; the cry was started to cover up the fact that they were divided among themselves about the colour problem; they tried to hide that fact by stating that we probably did not know what apartheid was and that we do not know what our policy is. In other words, that we have no policy either. They know now what apartheid is and to that extent progress has been made and important progress.

Secondly, they have progressed, and I am glad it is so, in this respect that they accept the principle of this Bill, at least those who are in agreement with the speech of the Acting Leader of the Opposition do so. But there is no certainty at all yet whether they accept his views or whether they do not. In any case that is the lead which he has given his party opposite. We have a front on the other side of the House consisting of a conglomeration of bits and pieces and although there are some hon. members

there who are not prepared to follow his lead, there is a section, at any rate, who do follow the lead of the Acting Leader of the Opposition and who do accept the principle of this Bill. There are others who are not going to follow his lead and who will vote against the principle of the Bill. That has become perfectly clear from speeches on the Opposition side, because we have had hardly anything but opposition to the Bill in the speeches from hon. members over there.

When we were discussing the guillotine motion, the Acting Leader of the Opposition said that he did not know what attitude he should adopt in regard to this Bill. He did not know whether he was going to oppose the principle because he had not got the Bill before him yet. Now I feel that after having listened to the speeches from the Opposition benches, the Acting Leader of the Opposition does not yet know whether his party is in favour or whether it is opposed to the principle embodied in the Bill.

In any case the lead which the Acting Leader of the Opposition has given is that his party accepts the principle of the Bill and that is a sign that his party has got closer to the attitude taken up in this Bill, and that it has got closer to the general apartheid policy advocated by the Government. There is another approach as well, and that is that that side of the House today is also advocating co-operation between the various sections of the House on this colour problem.

*Mr. STRAUSS: Without conditions.

*The PRIME MINISTER: How I could have wished a few years ago, when we invited them not once, but three times, in a proposal to refer the colour problem in its entirety, as affecting Europeans, Coloureds, Natives and Asiatics, to a joint committee of both Houses of Parliament, so that we might, as we had done in 1936, investigate the whole question on the basis of apartheid and see how far we were separated from each other and whether we could not arrive at an agreement as a white population and stand together as far as possible in tackling this whole problem. We proposed that because we took up the attitude that both sides wanted to do justice to the non-European races in the country. Unfortunately this proposal of mine, which I made three times, was turned down three times. I am glad that the wisdom of this policy of ours has at last also penetrated that side of the House and that they have at last got to the stage of asking us for co-operation.

*Mr. STRAUSS: Are you prepared to postpone this matter then?

*The PRIME MINISTER: I am coming to my attitude on the question of co-operation, and I shall express my views on it. Before we can come to the question of co-operation, it is essential for us to know exactly what the Opposition's attitude is so that we may be able to analyse it. What really is the attitude of that side of the House? Arising out of that, I want to ask the hon. member opposite to tell me clearly what is embodied in the one word by which they indicate their policy, namely, what is embodied in the word "afsondering" (segregation)? Are hon. members opposite able to tell us exactly what it means. That really is the attitude of that side of the House, and arising out of that, I want to ask them, as this contains their idea of what they want for the basis of their policy, namely, the word "afsondering" (segregation), to tell me clearly what it means. We use the word "apartheid" they use the word "afsondering." What is the difference?

*Mr. ROBINSON: The one is in the dictionary.

*The PRIME MINISTER: I hope that the hon. member for Gardens (Dr. Jonker), who is a linguistic expert, will explain to us later what the difference is.

*Mr. ROBINSON: The one is in the dictionary.

*Dr. JONKER: The difference is that "apartheid" is not an Afrikaans word. "Afsondering" is Afrikaans.

*The PRIME MINISTER: Let me tell hon. members what the difference is. The difference — except for one point — is nil. And that one point on which the two of us differ is this, that apartheid means that each is on his own territory ("terrein") and in that territory he can live his own life freely, and he can develop freely, the one does not interfere with the other, and if they, separate from each other, live their own lives, then co-operation and good relations of the one with the other, are not excluded. On the contrary such good relations will be facilitated, and that is apartheid. What is "afsondering"?

*Maj. PIETERSE: The opposite.

*The PRIME MINISTER: "Afsondering" means "afhokking" (segregating in separate cages). It is the same word which the Rt. Hon. the Leader of the Opposition used several years ago in this House about the policy of apartheid which we had laid down and which he said he did not want because it meant "afhokking". He made those remarks with reference to the very question of separate residential areas. "Afsondering" (segregation) contains the idea not of equality, not that every man will have justice done to him and can live his own life

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in freedom but it has the implication of "afhokking". It creates the idea of "afhokking". Now is that the difference between the one principle and the other one? Is that all? Hon. members opposite stand for "afsondering" which goes further, which more by implication, allows the non-Europeans less than apartheid. Do hon. members now want the country to believe that that is the alternative, that that is what they stand for and for that reason they want to reject apartheid because they have something better? — I should now like to analyse the real attitude of that side of the House, of the United Party over the course of a long number of years. That party's policy in actual fact is that they are playing fast and loose with the colour question and also with this question of residential apartheid. They are playing fast and loose with it. In other words they have no set course in this respect.

*Dr. STEENKAMP: We have heard that so often.

*The PRIME MINISTER: They are trying to sit on two stools at the same time, and if a man tries to sit on two chairs at the same time, he does not sit comfortably, just as they are now sitting uncomfortably on that side of the House, and the upshot of it all will be that in the end they will fall in between the two stools.

*Mr. STRAUSS: That is what you are hoping, but it is not going to happen.

*The PRIME MINISTER: They are playing fast and loose with this important and very serious matter, and why do they do so? Have they not got the ability to work out a policy? No, they have. Have they not got, let me call it that "Afrikaansgesindheid" — sentiment for their own country, or a feeling for the white race? Have they not got enough of that sentiment to enable them to do so? No, I don't want to say that. I take it that the overwhelming majority of members opposite in their heart of hearts, are really at one with us and are convinced just as we are convinced that the policy of apartheid is the right policy. Then why this playing fast and loose? Let me tell you, Mr. Speaker, they realise on the one hand that they are dependent on the white population of this country, and they know that the overwhelming majority of the white people of this country — I am not talking of one section of the white population, I am talking of all sections of the white section of the population, Afrikaans-speaking and English-speaking — are in favour of apartheid. They want that separation of residential areas. I don't know whether hon. members opposite adequately appreciate how strongly English-speaking people feel on this matter, and how convinced they are on this subject and how they want a policy such as the one I have outlined here. Several years ago, when this side was in Opposition, we had a congress on this very colour question and on this question alone. Our policy was explained there and it was decided to draft a petition for the purpose of obtaining apartheid on the basis on which it is embodied in this Bill today, and that petition was to be circulated and to be presented to Parliament. It was eventually presented and it is the biggest petition ever presented in this House. No fewer than 250,000 people signed it. And one who took that petition through Sea Point, a suburb which is overwhelmingly English, came to me and said, "Look at the names of the people who have signed this petition." He said to me: "I did not go to a single house of English-speaking people where they did not say that they wanted apartheid between European and non-European as set out in the petition." They said that that was what they wanted, and he said that his answer in every case had been this: "But do you know that this is the policy of the Nationalist Party, this is the petition which the Nationalist Party is presenting to Parliament." Their reply was that it made no difference, they were convinced on that point. He said that he had not approached anyone who had declared himself unwilling to sign it. Take another area in Cape Town, perhaps the most English-speaking area, Rondebosch. Petitions were circulated there. An English-speaking person, a prominent individual, who took charge of those petitions, came to me a short while ago and said to me: "I have not been to any English-speaking people, not to speak of Afrikaans-speaking people, who have not been willing to sign this." It is specifically stated in this petition that we do not want infiltration of Indians. But we do not want Europeans and Coloured people to intermingle in their homes in the towns; we must have apartheid in that respect. He told me that the petition had been signed everywhere. He showed me the petition and I was astonished at some of the names, the names of prominent people, on that petition. I do not know if hon. members appreciate adequately to what extent the European population agree with us on this principle and how they approve of this principle of the Bill. I say that hon. members may realise it but they do not realise it sufficiently. [Time limit.]

*Mr. SERFONTEIN: I beg to move —

That an extension of time be granted.

Mr. KAHN: I object.

*Dr. STEENKAMP: I sincerely regret the fact that the hon. Prime Minister was not granted an extension of time.

*The MINISTER OF TRANSPORT: Because of your ally.

*Dr. STEENKAMP: Personally I would have liked very much to hear more of that important, very interesting and very instructive exposition which he gave here and with which he wanted to continue. In the second place I would also like to express, on behalf of this side of the House, our sincere appreciation of his words in connection with the Rt. Hon. the Leader of the Opposition who is at present indisposed. We also want to express the hope that he will be with us again soon and that he will soon be well again, and at the same time, if you will allow me, we also wish to express the hope that the health of the Prime Minister is good and will remain so for many years.

I think this afternoon the hon. Prime Minister delivered one of the most important speeches he has made for a long time. He put certain questions to us and he made certain statements to which he would like a reply from this side. Let me say at once that I am very glad that he asked us the question: What is, in fact, the difference between apartheid and separation (afsondering)? I want to say at once that to me there is no difference in the meanings of those words. There is no difference in principle between the word "segregation", or the word "separation" (afsondering) or "separateness" (afgesonderdheid) and the word "apartheid". Perhaps the one sounds more Afrikaans than the other but in actual fact there is no difference.

*Mr. VAN DEN BERG: Then why do you not accept it?

*Dr. STEENKAMP: I shall come to that if my hon. friend will just have some patience. Let us now take the practical application of those two ideas. The Prime Minister says that his side of the House stands by and follows the policy of apartheid and my hon. friend over there wants to know why we do not agree. Now when dealing with this matter I want to deal with this desire of ours for co-operation with the Government in respect of the colour question in this country at the same time. When one talks about apartheid or separation or segregation—call it what you will— then you have merely used a word; then you have not yet explained the full meaning to the public or this House because as soon as I think of apartheid or segregation or separation, then of course I must immediately think of the fact that this matter has various aspects: that there is social apartheid, religious apartheid, economic apartheid, rural apartheid and political apartheid and you will agree with me, Mr. Speaker, that each of those aspects of apartheid concerns certain great problems. Therefore, when we want to talk of apartheid or separation it is so easy to say that one is against apartheid or that one is in favour of apartheid, but then we have not yet used the word in its true sense and all its implications. That is where the uncertainty arises between the separation policy of this Party, if you want to call it that, and the Government's policy of apartheid. Let me say at once that, as I have always said and as I have said for many years and as my Rt. Hon. Leader of this Party has so often said, this side of the House fully supports the principle of apartheid or separation or segregation or whatever you wish to call it. That is as far as the principle of apartheid or separation is concerned. But now you must immediately call to mind those aspects which I tried to explain here. And that is precisely where we find the difference between that side and this side of the House. This side of the House is in favour of residential apartheid.

*Mr. OLIVIER: Voluntary?

*Dr. STEENKAMP: I shall come to that.

*Mr. OLIVIER: No, you will not.

*Mr. SCHOLTZ: They all promised that they would come to it and so far nobody has come there yet.

*Dr. STEENKAMP: We are in favour of social apartheid. That is not because it is this Party, but because th members of this Party are also members of the people of South Africa who have known that principle for 300 years. That is why we raise objections against that side of the House when they accuse us of being kafferboeties, because we know that it is an insult, not only to this side of the House, but that it is an insult to the people and the mothers of South Africa. We are in favour of economic apartheid or separation as you are in favour of it as far as it is practically possible. That is what it says in the exposition of the policy of the Nationalist Party—as far as it is practically possible. But we disagree with you, just as the Afrikaner Party disagrees with you, or at least some of them—I notice that some of them have become entirely Nationalistic—on this point that according to us the political rights of those people, which they received in 1936 and which others received as early as 1909 and since 1854, that those rights shall only be touched when a two-thirds majority of both Houses asks for it, and not just a mere majority. That is the cause of uncertainty as far as I can see it in all honesty and sincerity.

*The MINISTER OF THE INTERIOR: Is the two-thirds majority the difficulty?

*Dr. STEENKAMP: We say that when there is an amendment concerning those

rights contained in the entrenched clauses of our Constitution, when those rights are affected, then it should only be done on the basis put forward by the late Gen. Hertzog in 1936.

*The MINISTER OF THE INTERIOR: Will you help us to get the two-thirds majority?

*Dr. STEENKAMP: When it comes to that I shall show you by my actions whether I shall help you or not. But at this moment I am just explaining the difference between our policy and your policy.

*An HON. MEMBER: That was a nice poser for you.

*Dr. STEENKAMP: I am not going into details now.

*An HON. MEMBER: If Kahn gives his consent, will you vote for it?

*Dr. STEENKAMP: Do not worry about the hon. member for Cape Western (Mr. Kahn) now. He will not be in this House much longer, poor fellow, if certain legislation is passed. Why worry him now? Leave him alone. He fights his own battles and is quite capable of defending himself.

*The MINISTER OF TRANSPORT: That is right, defend him.

*Dr. STEENKAMP: Therefore I think the hon. Prime Minister will be satisfied that now he knows exactly where we stand in connection with apartheid or separation.

*The MINISTER OF THE INTERIOR: We do not know yet whether you will support us to obtain the two-thirds majority.

*Dr. STEENKAMP: That has nothing to do with the matter.

*Mr. SUTTER: Ask your ally.

*Dr. STEENKAMP: That has nothing whatever to do with the matter. I say that if you ask for co-operation in connection with the colour question on the basis as laid down by the late Gen. Hertzog, if you ask for a combined committee of both Houses sitting together, this House will be prepared to co-operate with you to-morrow; this side will co-operate with you today if you come and ask us to co-operate on that basis in respect of the Bill now before the House.

*Mr. OLIVIER: On the principle accepted by you and by us?

*Dr. STEENKAMP: That is the basis on which we are prepared to co-operate with you.

*Mr. POTGIETER: Will Bloomberg also come?

*Dr. STEENKAMP: You will remember that in 1946 the Leader of the Opposition came with an amendment asking us to deal with the whole colour question on a national basis and not on a political basis provided that it was done on the principle of apartheid.

*An HON. MEMBER: But you do not accept it.

*Dr. STEENKAMP: You will therefore understand now, Mr. Speaker, and I hope the hon. Minister will also understand why we could not accept that amendment of his on the basis of his apartheid which meant at that time and which still means today that the right of representation of the Coloured people and the Natives will be taken away by a simple majority of one and not a two-thirds majority.

*The MINISTER OF FINANCE: No, that is not true. You know where I stand and I was prepared to co-operate with him.

*Dr. STEENKAMP: It is precisely the basis of the apartheid policy as expounded from one platform after the other by the Nationalist Party that the entrenched clauses, as a result of the Status Laws of 1934, are something old-fashioned and therefore we can change those things without a two-thirds majority. The Prime Minister himself said that legal opinion agreed with him that we can take away those entrenched clauses by a simple majority in this House, and this side of the House says that we support the legislation of the late General Hertzog and the statement made by the Minister of Finance in 1934 and the statement of the Minister of Health and the statement of the Minister of Justice, that the entrenchment still stands and that it is not necessary to add a clause to ensure that it will remain. That is the principle by which we stand and when the hon. Minister of Native Affairs was Speaker of the House he made a point of taking the opportunity to make his statement and to say that it would remain. Admit that fact and come to us this afternoon one minute after I have sat down and we shall co-operate with you.

*Mr. SUTTER: Swallow that!

*Mr. OLIVIER: Do you honestly mean that?

*Dr. STEENKAMP: Now how can I argue with you if you ask me whether I honestly mean it? How can I speak to my hon. friend if he wants to pretend that I am dishonest in my views regarding this matter? If he takes that attitude we are not on common ground.

*Mr. SERFONTEIN: Do you want to have this Bill passed with a two-thirds majority as well?

*Dr. STEENKAMP: No, I am not talking about this Bill.

*Mr. STRAUSS: He is dealing with lions now, not with little mongrels.

*Dr. STEENKAMP: My hon. friend said that we on this side of the House are not consistent. Allow me to put this question to my hon. friend for whom I have a great deal of respect as any young man should have for the Prime Minister of his country. He has explainesd to us this afternoon that 37 years ago he held certain views and came to certain conclusions as a result of what he had seen. Now I wonder why years later, when he was Minister of the Interior, he did not put into effect what he felt 37 years ago.

*Maj. VAN DER BYL: What did he say in 1926?

*Dr. STEENKAMP: And may I then ask him why 25 years ago, 12 years after that, he told the Malays at the Cape that he would never separate them as he intended to do with the Asiatics. Then why does he want to do it today?

*The PRIME MINISTER: Did I say that?

*Dr. STEENKAMP: You said it to the Malays in Cape Town in June.

*The PRIME MINISTER: Where do you get that information from?

*Dr. STEENKAMP: I get my information from Hansard. This is the report of the joint session.

*Mr. J. H. CONRADIE: Read it.

*Dr. STEENKAMP: Very well, I shall read it out—

> When the hon. member . . .

Referring to the Prime Minister —

> . . . met the Malays in the City Hall in June, 1925, he was Minister of the Interior.

*The PRIME MINISTER: Whose speech are you reading?

*Dr. STEENKAMP: I am reading from a speech by Mr. Alexander. This is what he said and it was never denied. Give me a chance. He went on to say—

> As far as the Government is concerned . . .

My hon. friends must give me a chance. My intentions are perfectly honest.

Mr. SUTTER: Allow me to rise on a point of order and to ask for a little courtesy from that side.

*The DEPUTY SPEAKER: Order, order!

*Dr. STEENKAMP: What Mr. Alexander said at the time was never denied by the Prime Minister. He said—

> As far as the Government is concerned, I can give you the assurance in connection with the Malays that we shall never classify you as Asiatics.

*The MINISTER OF TRANSPORT: He is reading it from Hansard.

*Mr. STRAUSS: Why was it not denied?

*Mr. SERFONTEIN: What column is it?

*Dr. STEENKAMP: Now I want to proceed. If indeed the Prime Minister had such a strong feeling 37 years ago, then why did he refuse to allow the word "European" to be retained in the proposal when the question of the women's franchise was discussed in the Cape in 1927? Then why did he vote in favour of removing the word "European" from the proposal of Millenieux in 1927.

*Mr. STRAUSS: Now you have him.

*Dr. STEENKAMP: Why does his name appear among the names of these people who voted that the word European should be removed?

*An HON. MEMBER: Where do you get that?

*Dr. STEENKAMP: It is on pages 27 and 28 of Hansard, of the English Hansard. I am not blaming the Prime Minister because he did so. You did it because at the time you were convinced, just as you were convinced at the time that the Coloured people should not receive the same treatment as the Natives, that segregation was not necessary in their case.

*Mr. SERFONTEIN: You are presenting it in a distorted way.

*Dr. STEENKAMP: I accept the fact that you acted honestly. I am quite prepared to accept it, but I am just putting the question: If indeed you felt as you did 37 years ago, then why did you do that in 1927? Do you want me to come to the conclusion that it was for party-political purposes, to obtain the votes of the Coloured people and to retain those which the Nationalist Party had at the time? Is that correct? If it is correct then it is perfectly clear to me.

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*The PRIME MINISTER: You are putting a false complexion on the whole matter. If I can give you an explanation I shall show you how wrong your impression is.

*Dr. STEENKAMP: I can only refer you to Hansard; there you will find what I have just read out. And I can also refer you to what you said in the book, "Die Groot Vlug," which you wrote. I have it here before me. I can read from that too if you like. I am not doing this in order to prove that the hon. Prime Minister was not sincere at that time. All I want to ask is this: Why the change, why the difference between that time and the present, seeing that in 1927-'28 and afterwards he said that the Coloured people could not be treated in the same way as the Natives, that the Coloured people . . .

*The PRIME MINISTER: We still say that.

*Dr. STEENKAMP: But he said that they formed part of our white civilisation, that they attended the same schools as we did.

*The PRIME MINISTER: No.

*Dr. STEENKAMP: I mean the same kind of schools.

*The PRIME MINISTER: May I just ask the hon. member whether he is accusing me of having said that the Europeans and the non-Europeans should be in the same schools?

*Dr. STEENKAMP: No, if I made a slip o the tongue I am sorry. I mean that they go to school just like we do. I have here "Die Groot Vlug" written by the hon. Prime Minister and in which he says this—

> Segregation concerns the Natives and the Natives alone. For the Coloured people segregation is not only impossible but also unnecessary. In view of the measure of civilisation already accepted by the Coloured people they are not a source of danger to the Europeans.

*The PRIME MINISTER: Is that with reference to segregation of residential areas?

*Dr. STEENKAMP: It does not matter. What is the difference? Why, is the hon. Prime Minister today . . .

*The PRIME MINISTER: You must now stop with those distorted representations.

*Dr. STEENKAMP: Mr. Speaker, I take very strong exception to those words and I ask for your protection.

*The PRIME MINISTER: Will you again allow me to say what was meant there?

*Mr. SUTTER: Withdraw.

*Dr. STEENKAMP: I have never insulted the hon. Prime Minister in my whole life and I trust I shall never do so either and I am asking for your protection, Mr. Speaker.

*The DEPUTY SPEAKER: What is the hon. member objecting to?

*Dr. STEENKAMP: That the hon. Prime Minister said that I was giving distorted representations.

*The MINISTER OF LANDS: We all say so.

*Mr. STRAUSS: Mr. Speaker, we would like to have your ruling. The hon. Prime Minister says that the hon. member here made distorted representations. He read out certain quotations.

*Mr. POTGIETER: Out of their context.

*Mr. STRAUSS: Certain quotations were read out. Thereupon the hon. Prime Minister said that the hon. member was making distorted representations.

*Dr. VAN NIEROP: It is true.

*Mr. STRAUSS: I think one Speaker is sufficient for this purpose. I think it is an unparliamentary expression to use to say that a member is making a distorted representation, because it assumes the idea that he is doing it on purpose.

*The MINISTER OF TRANSPORT: No.

*Mr. STRAUSS: It is not an untruthful representation or an incorrect representation, but it is said that the representation is distorted. At any rate, Mr. Speaker, we want to know from you whether the hon. Prime Minister or any member of this House is allowed to accuse another member of making a distorted representation.

*The PRIME MINISTER: If I may say something on a point of order then I shall say this: It is a distorted representation but it need not necessarily be a deliberate distorted representation made by the hon. member. It is a distorted representation which forms part of the distorted United Party propaganda.

*The MINISTER OF LANDS: Mr. Speaker, before you give your ruling, allow me to put it like this: What is the meaning of the statement that something is a distorted representation? It means that the interpretation of what is written there, is wrong. In English one says "to draw a false conclusion". That does not mean that you are accusing another man of dishonesty, but you

mean that his conclusion, his interpretation, is wrong or is false. The expression is quite parliamentary.

*The DEPUTY SPEAKER: The point of order is, it seems, whether something wrong or unparliamentary was said here by the hon. Prime Minister.

*Mr. STRAUSS: Whether it is unparliamentary to use the expression that somebody is making a distorted representation.

*The DEPUTY SPEAKER: If someone in the House quotes the words of another member or what he believes to be the words of another member and then gives an interpretation of those words, then I think the other member whose words were quoted has the right to say that it is a wrong, a distorted interpretation. Under the present circumstances the Prime Minister said that it was a distorted representation of what the hon. member claims to be his words, and I cannot see anything wrong with that because it is something that is constantly being said and it is permissible. To make sure that someone quotes the words of somebody else correctly. It does not mean that it is a deliberate distortion of a person's words, but that it is a representation which is not a correct rendering of what was meant by those words.

*The PRIME MINISTER: Give me a chance to give the correct interpretation. Then there will be an end to the difficulty.

*Dr. STEENKAMP: Yes, certainly.

*The PRIME MINISTER: It is a personal explanation. Look, what I have stated here in that document is that the Natives are territorially segregated, at least to a very large extent. They have their reserves. There they can live their own lives. There is no such segregation in the case of the Coloured people. The Coloured people have no separate area allocated to them. So they have not got such segregation. That is all that is meant by those words.

*Dr. STEENKAMP: I accept the hon. Prime Minister's explanation that he did not say that I made a false statement. I also accept the explanation given by him since it concerns the fact that at the time when he wrote "Die Groot Vlug," it was a lecture given by him to the Congress on poor whites and that he was dealing with economic matters and that he pointed out how the infiltration of the Natives was not merely forcing out the poor whites but also the poor Coloured people, and in that connection he used this expression . . .

*An HON MEMBER: But it is a fact.

*Dr. STEENKAMP: The hon. Prime Minister pointed out that we had a poor white problem and that we would soon also have the problem of poor Coloured people, and as a result of that you said . . .

*The MINISTER OF TRANSPORT: The hon. member must address the Chair.

*Dr. STEENKAMP: I shall be glad if the hon. Minister would not interrupt me so often unless he wants to be insulted. We know how easily he can hit out hard. I have respect for him but he should also show us a little respect. At that time the hon. Prime Minister referred to the fact that we have to segregate these Natives, otherwise the Coloured people would also suffer, but he said that the Coloured people need not be segregated because their way of living is like ours, because they go to church as we do, because they go to school as we do and because they wear clothes like we do and live in houses as we do. Therefore, he said, segregation was not necessary in their case.

But I have to hurry. I just want to refer to what the hon. member for Lydenburg (Mr. Liebenberg) said yesterday when he quoted from Gen. Hertzog's statement of 1939 and when he tried by means of his interpretation of that statement to give out that it was the national idea. What do you mean by the "national idea"? Do you mean Nationalistic idea? That is why I say it is necessary for me to take another look at what the late Gen. Hertzog said in connection with this matter in order to know exactly where our friends of the Afrikaner Party are standing in connection with this matter. You will pardon me if I again quote from it. It has been done already, but I want to do so once more to explain what I mean. The late Gen. Hertzog said this (Hansard, Vol. 33, Col. 2273)—

> Where it is found that there are social or economic conditions which are in conflict with this policy of social separation, the Government will do its best in a way that will avoid any bad feeling or feeling of injustice to . . .

Now I ask you: Is this Bill which is now before the House such that it will avoid injustice to the Coloured people?

*Mr. LIEBENBERG: Yes.

*Dr. STEENKAMP: Let me read on—

> . . . and which does not result in more discrimination than the circumstances of the case require. The most effective step in this direction is the provision of sufficient housing . . .

Where does it say in this Bill that there will be sufficient housing for these people before they will be removed under this

clause of this Bill, so that it will not be necessary for Europeans and non-Europeans to be forced together in slum conditions?—

> This step has already been taken on a large scale and with general approval.

Has, for instance, the approval of our Coloured population been obtained in this case, these Coloured people who are the subject of this part of the Bill? We cannot get away from the fact that this Bill has been introduced with an eye to the Coloured people and Asiatics in the Cape. We already have the protection in other provinces and therefore we need not take any notice of it. Let us be honest. The purpose of this Bill is to deal with the Coloured people and Asiatics at the Cape.

*The MINISTER OF LANDS: May I say something? Can you tell us what protection we have in the Transvaal against the infiltration of the Coloured people apart from the proclaimed areas under the Gold Act?

*Dr. STEENKAMP: Unless I am mistaken there is the legislation of 1885 or thereabouts which already deals with this matter. As a matter of fact, you know as well as I do that even if there is no legislation in the Transvaal or in the Free State, it has become law through usage.

*The MINISTER OF LANDS: May I put another question?

*Dr. STEENKAMP: Just give me a chance. At the time the late Gen. Hertzog said—

> It is the intention of the Government to continue with this policy. Legislation will, however, be necessary to put it into effect.

But what sort of legislation?—

> Local governing bodies are not at present vested with proper powers . . .

What is this Bill doing? The Bill deprives the local governing bodies of those powers and you say we have the national idea in this Bill, the idea of your Leader.

*Mr. LIEBENBERG: Read the other part.

*Dr. STEENKAMP: —

> Then there is still the difficult case of residential areas which are already occupied by Europeans as well as non-Europeans. While it is the intention to encroach as little as possible upon existing property or residential rights, provision will be made for preventing the expansion of these mixed areas in the future.

Perfectly correct. We agree.—

> In most cases mixed areas occupied by both races exist only to a small extent and it is possible to think of measures by which these difficulties can be gradually and without unnecessary trouble . . .

Do you want to tell me there is no trouble in connection with this Bill? Is it not true that in this Bill there are more troubles than in any other Bill while in this Bill provision is not even made for compensation to people who will have to shoulder those troubles? Let me proceed—

> Or to take away even with their consent . . .

Where is the consent in this Bill? Where is the consent of the people concerned here at the Cape? Where is, for instance, the consent of the European population at the Cape?

*Mr. POTGIETER: Did you ask for the consent of the Indians?

*Dr. STEENKAMP: I am not talking about the Indians; I am talking about the Coloured people. Where, for instance, is the consent of the Coloured people? And that is precisely what we are asking for in our amendment. It is precisely the difference between your Bill and the things we are asking for. There is no difference between our ideas regarding residential and social separation, no difference whatever.

*Mr. S. M. LOUBSER: Ask Bloomberg.

*Dr. STEENKAMP: We are talking about policy, not about opinions. But allow me also to point out to the hon. Minister of the Interior that as far as the policy is concerned we are in agreement, but when we are dealing with a policy, then we are also dealing with a principle and that principle includes an aim which we intend to put into effect. We are not quite certain about your purpose because your Chief Whip said it was a political purpose. We are prepared to accept the fact that the purpose is to obtain residential apartheid.

*Mr. SERFONTEIN: On a point of personal explanation.

*Dr. STEENKAMP: The hon. member may speak later on.

*Mr. OLIVIER: You know that what you are saying is not the case.

*Dr. STEENKAMP: I am not prepared to accept that the purpose is as the hon. member over there says, separate residential areas, group separation for the people. But I say that I am not so certain about it and I repeat once more than the hon. member

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for Fauresmith (Mr. Serfontein) said the other day by way of an interjection that it was a political purpose.

*Mr. SERFONTEIN: I did not say so.

*Dr. STEENKAMP: Very well, then you deny it. In the third place, when you are dealing with such a policy of principle and its purpose then you also have the means of putting it into effect and it is against that method of putting this purpose into effect that this side of the House is opposed, and it is against those measures which you put into operation to implement your principle that this side is going to vote at the second reading.

*Dr. VAN NIEROP: You are now fighting for the S.A. Party.

*Dr. STEENKAMP: I thought the S.A. Party died years ago just as the Nationalist Party has died. Surely the hon. member does not want to tell us that he is an ex-Nationalist. I am. But no more about that. Let us understand each other very clearly in connection with this matter. Before sitting down I repeat: We are in favour of residential and social apartheid or separation, if you wish to call it that.

*The MINISTER OF THE INTERIOR: Compulsory or voluntary?

*Dr. STEENKAMP: We firmly support the policy of the late General Hertzog. We still firmly support that policy which says that these things will happen on a voluntary basis as they have been happening during the past ten years, during which nine or ten years — which included six years of war — we already saw the building of 4,000 houses under that wise policy of General Hertzog here in Cape Town and 20,000 Coloured people are living there today. But we say this, that if this Government will appoint a judicial commission and although it is the policy of this party to have it done voluntary — I refer to the Coloured people, not the Asiatics — if this judicial commission finds that compulsion is necessary, then we say that after the report of that commission working on that basis has been submitted, we shall co-operate with the Government to put the recommendations of that commission into effect.

Mrs. BALLINGER: I have listened to as much as I could hear of the speech of the hon. member for Drakensberg (Dr. Steenkamp) for the last 40 minutes and I am glad that the hon. member has at least made his position clear in regard to this Bill. I think I can side with the Government to this extent that many Opposition speakers have not made their position very clear. I appreciate the point that the member for Drakensberg has made that as far as he is concerned, the United Party stands for the policy of General Hertzog, which he claims is compulsory segregation for everybody except the Coloureds so far, but that he himself is prepared to accept compulsory segregation for the Coloureds should a commission in terms of the United Party's amendment report to that effect. Well, I have only one ground on which to commend myself on this issue and that is that nobody need be in doubt as to where I stand. I am absolutely opposed to the principle of compulsory segregation. I am opposed therefore both to the amendments and to the Bill. I am opposed to the whole of this legislation. I have always been and shall continue to be opposed to this type of legislation. I opposed it when it was originally adumbrated by General Hertzog and I did what I could to prevent it reaching the Statute Book. I do not need to remind the House that I opposed it most bitterly when it was introduced by the United Party in respect of Indians in Natal. I am not any more opposed now that it is proposed to apply it to the Coloured people because that would be impossible. I am opposed to the whole principle of compulsory separation of the racial groups in this country. I was originally opposed to it in general principle. I am now opposed to it in principle based on experience; and I am opposed to it because I regard it as dangerous to the peace, the progress and the security of this country. I repeat, I regard it as dangerous to the peace, to the progress and to the security of this country. Now, as I say, I do not take my stand simply on general principles any longer. I take my stand in this regard on experience. This legislation has been in operation in respect of our Native population for nearly 50 years. It has also been in operation in respect of the Indian population in the Transvaal for a considerable time and in Natal for the last few years. I consider that the result of its application in both of those fields, has justified everything that I have said in this regard and the stand I have taken. I may say that this legislation was commended to the House in its early days, when it first was introduced, or rather when it first took its final form — it was commended to this House in exactly the terms in which the hon. Minister of the Interior has commended this Bill to the House, that is that it would provide a basis of racial harmony. The hon. the Minister repeated that at regular intervals right through his speech, that this Bill would be a basis of racial harmony. It would reduce the points of contact between the non-Europeans and the Europeans and then bring about racial harmony in this country. Sir, we have reduced points of contact between the African people and the European people in terms of the legislation which was begun in 1913 and which found its progressive form, not its final form, in 1936. We have reduced the points of contacts between the African

people and the European people in terms of that legislation. And what are the relations between the African people and the Europeans today?

Mr. BOLTMAN: That is on account of the Communists and their satellites.

Mrs. BALLINGER: What are the relations between the Europeans and the Africans today? There is a racial tension between our African population and our European population that is worse than anything we have had before in this country.

Mr. BOLTMAN: The white kaffirs are the cause.

Mrs. BALLINGER: I would remind the House that I drew attention to this development when the present Leader of the Opposition introduced his legislation in regard to Natal. What I am saying to the present Prime Minister, I said to the last Prime Minister in 1946. He came forward then with the claim that what his party were doing for the Indians was to set them into a pattern which South Africa had invented for its own particular purposes and which he said was working very well. I took the opportunity to say to the ex-Prime Minister, "That is not so, this legislation is not working very well; it could scarcely work less well, and the people whom it is supposed to bring together on an emotional level by separating them on a material level, are further apart than they have ever been." Today the relations between the Indian community and the European community in this country are worse than they have ever been before. And those relations deteriorated from the time when the Pegging Act was introduced, and reached a new crisis in 1946 with the Asiatic Land Tenure Act. My contention is that these strained relations between our two non-European groups and the Europeans are almost entirely due to this type of legislation, and I venture to predict, without any pleasure, that within the next few years, if this legislation goes on the Statute Book, the relations between our Coloured people and our European population will deteriorate to the same extent. I do not see how it could be otherwise. It seems to me the most obvious explanation of the relationships that subsist between the non-European groups and the Government, for the simple reason that in spite of all the window-dressing which the hon. the Minister of the Interior has been very anxious to elaborate, this legislation cuts at the essential human rights of the groups that are not represented in the House but are being legislated for here. This legislation cuts at the roots of the human rights and liberties of the non-European groups in the country, and anyone who tries to bluff himself that it is otherwise, is merely in fact bluffing himself. All this story that we are all making an equal sacrifice for separation, is not even the merest eye-wash.

Now Sir, the history of the African's position in this respect is the basis of my thesis. The pattern is complete there and we are just seeing the extension and the further extension of it to other groups. It begins just after the Union with an agitation about the penetration of Africans into European areas, Africans buying land among the Europeans, Africans coming to live among Europeans. The result of that agitation was the 1913 Land Act which pegged the position and which did exactly for the African what was done in Natal in 1941 and 1943, and what is going to be done by this Bill for the Coloureds in this area. It pegged the position, and we would not allow any change in the position until we had had time to see what areas should be put aside and established for the African population, where they might live according to their own way of life and tradition, develop along their own lines, in peace, happiness and security, free from the anxieties, the pressure of European fears.

That was 1913. It was 1936 before any of the areas were set aside, other than those areas actually in occupation, in the scheduled areas, the actual Native reserves of that period — 1936 — 23 years before any areas were set aside, for the occupation and ownership, the independent territorial basis for the African people. And then what?

Less land put aside in 1936 than had been suggested by the first commission that was appointed after the passage of the 1913 Land Act — and the estimate of that commission was based on the land that was actually in the ownership and occupation of the Native population at that time — in 1914, 1915 and 1916; less land released for the whole African inheritance in 1936 than was proposed in 1916 by the Beaumont Commission; and even that amount was not fully defined and delimited in the schedule to the Act. A great deal has still to be found and actually released. And what has happened in all these years? The people who were prepared to take away the property rights of the African people have never been prepared to implement the meagre promise of what should be the territorial foundation of their policy. And the hon. the Minister of Native Affairs has told us, since he came into office, that he cannot drive them into fulfilling that promise and he was not going to try. He says he cannot add to the released areas without consuling the farmers, and we know what consulting the farmers means. I am not blaming this Government only. I am blaming both Governments. I know that Nationalist Party members and United Party members have both had to face the same opposition in general elections

where they had any conscience in the matter and were prepared to strive for the fulfilment of promises made by their Governments to the Native people. I know that our present Speaker had to fight an election in which the United Party challenged him for having been party to the purchase of land for Native occupation. This is not a matter of party, but of people, of the South African tradition. We have to face it.

In 1937 the rights the Native people had retained to acquire land in urban areas were taken away altogether. They had had no right to occupy since 1913, but they had retained the right to buy, because it had been overlooked. I must add that while Africans had the vote in the Cape they could buy land in this province. But in 1936 all that was changed and this will happen again. You take away the political rights of people and then you take away their property rights as well. In 1937 they lost their right to buy land in urban areas, and a provision in the Urban Areas Act that land may be set aside for purchase by Natives, so that they may own their own homes, has never been implemented. You cannot get any municipal area to agree to what areas should be put aside for that purpose.

So we take away these human rights with the greatest facility but we find it terribly difficult in this country, where only white people sit in Parliament and where practically only the white man has the vote, to implement the other side of the bargain. What is the result? Our Native population has been crowded into the narrowest limits. It is being made impossible for them to make their contribution to their own progress and to that of the country as well. Their rural areas are hopelessly overcrowded so that people are forced out without any bargaining power into a market where they still earn "kaffir" wages. In the urban areas we have a situation of insecurity, where people have no right to their homes, and therefore lose any bargaining power they might have built up in those areas. The result is progressive poverty among great sections of the African people, progressive poverty which is one of the greatest problems of our time. It cuts into our capacity to live and faces us with a burden of ill-health and other evils with which we simply cannot cope.

But that is not the end. People talk as if this Bill affects only the Coloured people in the Cape; not that that is not sufficient reason to condemn it — and I am glad that the United Party has determined to make a stand on that. But this Bill makes a new attack on what rights are left to the African population. Under this Bill, it is perfectly true, there are safeguards at the present time in respect of Native areas defined under certain Acts; but there are certain meagre portions of land open to African ownership which are not covered by those declarations and those portions of land will at once be in jeopardy. In any case, it is a situation that can easily be changed by the Government.

It was suggested here yesterday that Alexandra Township in Johannesburg may be in jeopardy. That was greeted with howls of empty laughter from the other side. But it happens to be perfectly true; and it is not only true that it is in jeopardy in a general academic sense, but it is in jeopardy in a practical sense Alexandra Township happens to be in an area outside Johannesburg which is steadily and increasingly becoming a European area, and there has been continual pressure to get that township removed. The same applies to the Western Areas of Johannesburg. I repeat what I said before in this House, that when I first went to Johannesburg in 1920, the Western Areas were Native areas. No Europeans were living there. They were Native areas. The Western Native township was settled there simply because of that. Today Europeans have crowded in on those areas. They have no objection to living there. The hon. the Prime Minister is quite wrong in his approach to the matter, in my opinion. The Europeans do not mind living among Natives. They crowd in on them on every occasion when it suits them without worrying. They have surrounded the Native townships in Western Areas, and now they are shouting to have the Native townships removed.

That applies to the townships. The same thing applies to land that I spoke about a moment ago. Areas released for Native purchase were subsequently found suitable for European occupation, and what happened? They were simply removed from the schedule and other areas substituted in their place — if such could be found. What I am saying here is there for everybody to know who has taken the slightest trouble to follow the progress of the situation. The facts I have mentioned here are incontrovertible. This is what has happened to the Native population under the policy of segregation. They have been dammed up in the minimum space regardless of their human needs. In those areas they have been deprived of the right to develop their bargaining power and to raise their standards of living. And they have not even the security of those areas. At a whim of the Minister and under the pressure of European electors these areas can be changed at any moment.

And what has been given to the people in exchange for separation? Now the promise is — and the Minister has made a lot of play with it — that they will be given self-government, and the Prime Minister has promised cultural self-sufficiency. Here again, we can only judge according to what we see.

The amount of self-government the Native population has had since this system began can be judged according to the position of the Location Advisory Boards; and even they are much too advanced for the present Minister of Native Affairs. In regard to self-sufficiency, well, I have never yet discovered how any racial group can develop any cultural self-sufficiency in a country like this, where they spend their working days in one society and their miserable nights—in cells or huts. Self-sufficiency on the financial basis, yes. That is a point about which the hon. member for Benoni (Mr. Lovell) spoke. He has seen that in operation in the town councils, namely a self-balancing Native revenue account which makes it impossible for any Native area to maintain even the most meagre standards which we as a European society have established for decent living in an urban area. That is what they have, financial self-sufficiency. As if when the hon. the Minister comes and says, "Ah, but . . . when my Bill comes into operation, there is power to force the municipalities to bring these services to the people placed in the various areas." My reply is, that that power is already there in the Native Urban Areas Act. Under that Act, the provincial authorities have the power to force a municipality to provide amenities and housing for the Native population. They can even go to the length of providing the housing themselves and making the municipalities pay for it. But has that ever been done? In 1936, just about the time I first came to this House, a commission of this Government condemned the location in East London. It should have been condemned years before that. It condemned the location to this extent that it said the Government ought to use these powers to force the local authority to rehouse its Natives. I commend to the Minister's attention a little report from East London of another commission that has this year reminded the country that in 1936 the location had been condemned, and which has recommended that the Government should use its powers to replace it if the municipality were not prepared to do it. And the situation is just the same as it was. That is what happens. Now the Government might say: That was then, but now we are in office. Well, Sir, the history I am giving covers a whole series of governments, and in the whole history of all those governments there is one thing that stands out most clearly in my mind. I have said it in this House before, and I shall say it on many other occasions, that in the whole history of the present Government when it was in opposition, they never made one single constructive proposal on behalf of any non-European group in this country. They not only did not make one constructive proposal, they never made an effort to deal with the position of the non-Europeans, and they fought tooth and nail against everything that was done by anybody else. That is their record. Some of them can escape a little bit, because they did sit for a couple of years in my time, with the old United Party, when something was being done to implement the promises of the 1936 Act. But apart from that they are tarred with the same stick as all the rest.

I have said what has happened to the Native population. Now the Native population has made some progress, a good many of them, in spite of the conditions under which they have been controlled and not because of them. But the progress they have made has been far less than they should have made in the last twenty years during which the country has undergone an industrial expansion in which the whole energy of the people of this country could have been used to its maximum; but instead of that we have had a proportionate extension of poverty, disease and crime, and everything else, including a serious lag in housing.

An HON. MEMBER: What has that got to do with this Bill?

Mrs. BALLINGER: It has everything to do with this Bill. It shows us exactly what will happen under this Bill to the Coloured population. But things are going to be worse for the other groups than they have been for the Africans. I want to put this to the House. The situation will be worse under this Bill for any other non-European group. The African group at least had some territorial basis for this separation that was imposed on them. And, in fact, if we are going to have this parcelling out into separate areas, the African population has some basis for building up a separate society out of it. They have the numbers. They are, as a matter of fact, our great labour force and our great market in South Africa today. When they learn, as they will very soon, to keep their labour and their purchasing power among themselves, as I have often advocated, they will be in a position to get a benefit out of the situation that is being forced on them, but it will be a benefit at the expense of everybody else in the country. But I ought to modify that statement and say this. The moment they show the capacity and organisation to keep their labour and purchasing power among themselves, there will be new laws to prevent that. This group of the Native population can be a menace to the economic set-up of the country because they have the numbers and they only need the organisation. But when they have that, things will change. But the Indian community and the Coloured community are not in a position to maintain themselves on the basis the Native population can. They are entirely without territorial basis, exactly the point the hon. the Prime Minister was discussing

a moment ago in relation to his earlier promises in respect of the Coloured population. They have no territorial basis on which to be segregated. The Indian has none at all. The result is that as far as these groups are concerned they have no future under this system at all, except one of repression and poverty. All the Coloured population can hope for if this Bill goes forward, is that they may swell still further the ranks of cheap labour in South Africa.

As far as the Indians are concerned, we need have no illusions at all about the intentions of this Bill. They number only the small total of a quarter of a million, but it is quite clear that the intention of this Bill is economic strangulation as far as they are concerned. The whole purpose of this Bill is to kill the Indian community. That is inevitably what it must do. The Indian community are a community of traders or market gardeners. Their trading and market gardening alike depend on markets. It is utterly impossible for them to survive on a market of a quarter of a million people who are among the poorest in this country, and that is saying something. But I have no doubt in my mind that that is the intention of this Bill. When this Bill is applied, it will simply turn on the screw in regard to everything done under the 1946 Act, and that merely means that the Indians will be wiped out in the European trading community. It destroys the very basis of their existence. That is what will happen. What hope can they have, isolated in a community of their own, and what foundations are there for such a community? Now consider the position of the Coloured people. The Minister seems to think of them only as those living in Cape Town. We do not seem to have any conception of the Coloured community as a non-homogeneous economic group covering all levels of society whose whole existence hitherto has been entirely dependent on the European society in which they live.

I come to my next point. My second point is this matter of progress. We ourselves cannot survive and the country cannot progress if we are going to put this repressive control on the necks of all our non-European groups. Our whole economic system must begin to crumble under the impact of the growing poverty that this type of organisation will produce. But I think there may not even be time for that. The much more immediate result will be the hopeless antagonism of all our non-European peoples. We are going to surround ourselves with groups of people who are passionately hostile to us, because they know that under our control there will be no progress or advancement for them. We have given them a series of empty promises, told them that they should build up communities of their own, which we know ourselves is entirely impossible. And in the meantime, while our economic system is being undermined and we are ourselves becoming the objects of hate in our own land, we are leaving ourselves friendless in the outside world. These things are not unknown in the outside world; they are not confined to our shores. We cannot isolate ourselves; we have no choice in the matter. We are part of a greater world which impinges on us at every turn and at every moment. And the sympathy of that greater world, I can assure this House, is not with the European population of the country as reflected in this type of legislation. I wish the members of the Government would travel and get some impression of how we are viewed by the rest of the world. It has been an eye-opener to some of us, even those of us who had some grounds for expecting it. What it would be for them I really cannot imagine. But I feel they ought to wake up to the circumstances surrounding us. At the present moment I do not think we have anybody who will stand by us at any point at which there comes a clash between us and a non-European country.

Now, Sir, I know it is useless, utterly useless, to make an appeal to this Government. They will not listen. But, Sir, I do hope that the best tradition this country has ever had, which has been rather obscured for the last forty years, is now going to face this straight-on challenge. I refer to the tradition of the Cape. The tradition of the Cape has been largely in eclipse since 1910. It has been suffering a progressive invasion from the North.

An HON. MEMBER: The Voortrekker tradition.

Mrs. BALLINGER: Yes, the Voortrekker tradition is coming back. Well, Sir, I am proud to have been brought up in the Cape Province. I am proud to have been brought up in the Cape Province in a tradition of peace and amity, a tradition which has helped us to meet our problems in the reasonable and intelligent fashion which was set out by the hon. member for Castle (Mr. Bloomberg) last night. The Cape has not been afraid of the problems it has had to face. They have been many, and accumulative in range, thanks to the general policy of the country. We have developed our needs, the demands of poverty, ill-health and the rest of it, because we have manufactured poverty by laws which have not been in our tradition, much more rapidly than we have been able to cope with it. But what could be done has been done, and a peaceful relationship has been maintained between the Europeans and the non-Europeans in this province.

Now so far the Cape Province, in my opinion, has conceded far too much to the tradition of the North. It has allowed the

invasion to get too far. It has constantly felt this thing would never happen here. Again I take no pleasure in recalling that from the very moment this type of legislation began to come in this country, we who fought it then warned the country of what would happen. It is impossible to deprive any group of its rights without opening the door to progressive invasion of the rights of other groups. It was clear to us in 1927 and 1928 that the proposals for Native segregation would result in proposals for Coloured segregation, as that the sun would rise. It has happened. Now that it has happened I hope the Cape tradition will come to life and say: Thus far and no further; we are not going to have this thing in our midst. Then, Sir, we may be able to stem the tide. We may even begin to roll it back. If we can do that, we may yet save South Africa. If we can't, then we must resign ourselves to sharing the Nemesis which must inevitably flow from this sort of legislation.

*Mr. MENTZ: I think all Nationalist-minded Afrikanerdom is grateful that the Prime Minister can today at last see the realisation of that ideal which he has been striving to attain for 37 years. We can congratulate him on those years of struggle and on the fact that he has at last managed to get the people to allow that great ideal of his to be realised. To judge by the speeches made by the hon. members on the other side, like the hon. member for Green Point (Maj. van der Byl) and that hon. member—I do not know which constituency he represents—the Father of Egypt, then I must really say that these assertions of theirs that they are in favour of the principle of this Bill, are to my mind nothing but pretence, and I think that is the opinion of everybody in this House. They do not mean it. Actually I want to say something about the hon. member for Drakensberg (Dr. Steenkamp) and I want to tell him that I never thought he would do what he did in this House this afternoon, namely to go so far as to come here with misrepresentations as he did.

*Mr. S. E. WARREN: He did it outside as well.

*Mr. MENTZ: As far as I know he also did it outside. I do not feel inclined to let these matters pass like that. The hon. member read out extracts from certain minutes according to which the Prime Minister is supposed to have advocated the deletion of the word "European". Can he give me the date of those minutes?

*Dr. STEENKAMP: If you will just sit down for a moment I shall give it to you. The date is February 1, 1927. It appears in Hansard, volume 8, on page 27.

*Mr. MENTZ: The hon. member got up here and said that during the discussion of the Women's Franchise Bill the Prime Minister was in favour of deleting the word "European".

*Dr. STEENKAMP: It says so here in Hansard.

*Mr. MENTZ: I shall come to that Hansard and I hope the hon. member will follow me. On February 17 . . .

*Dr. STEENKAMP: February 1.

*Mr. MENTZ: . . . On February 17, 1928, in column 1301, Smuts said this—

> I am going to vote for the Bill in its present form, in spite of the Coloured votes granted in it. Where a man gets the right to vote, the woman gets it, and where a Native gets the right to vote, the woman also gets it. Why not?

Here Gen. Smuts went so far as to become an advocate of the franchise for Native women.

*Dr. STEENKAMP: You are quite wrong.

*Mr. MENTZ: Let me go a little further. After this Mr. E. P. van Heerden moved on February 17, 1928 (column 1298)—

> To insert the word "European" before the word "female" in line 13.

That is where the struggle began. And then what was the reaction? What was the reaction of the present Prime Minister? I hope the hon member for South Coast (Mr. Mitchell) will not divert the attention of the hon. member. We can see that he is in trouble and now they are pretending to divert his attention so that he cannot listen. How did the present Prime Minister react to that? Here are his words. He said—

> The horns of the dilemma are that if we support a motion to leave out the word "European" from the Bill, the result will be that we shall be giving the Native woman as well as the Coloured woman the opportunity of becoming a voter.

This is what the Prime Minister said at the time—

> It is in direct conflict with the policy which I, at any rate, have thus far advocated and still advocate. Therefore it is impossible for me to vote for this motion from which the word "European" entirely disappears.

*Dr. STEENKAMP: Read on.

*Mr. MENTZ: I shall go still further. The motion of Mr. E. P. van Heerden was

put to the vote (Hansard, February 17, 1928, column 1324) and the Prime Minister voted for the word "European" and the Rt. Hon. Leader of the Opposition voted against it. Why is the hon. member now trying to rouse the suspicion that the Prime Minister wanted to delete the word "European"? It is a shame.

*Dr. STEENKAMP: Then this Hansard is wrong.

*Mr. MENTZ: It is malevolent misrepresentation.

*Dr. STEENKAMP: On a point of explanation, my hon. friend says it is malevolent misrepresentation. I quoted from Hansard. If he wants to see it, here it is, and it is no malevolent misrepresentation.

*Mr. S. E. WARREN: Then what sort of a Hansard have you got?

*Dr. STEENKAMP: It is No. 8 of 1927.

*The DEPUTY SPEAKER: The hon. member must withdraw the word "malevolently."

*Mr. MENTZ: I withdraw it.

*The MINISTER OF TRANSPORT: It is still misrepresentation.

*Mr. MENTZ: Here I have the Hansard before me. Here the motion of E. P. van Heerden to insert the word "European" is put to the vote. The Leader of the Opposition opposed it and when they voted the Prime Minister voted for the word "European" and he expressed himself strongly on the matter. He said that he would not vote for any Bill if the word "European" was omitted. I say it is misleading and the hon. member ought to know it.

*Mr. OLIVIER: He ought to be ashamed of himself.

*Mr. MENTZ: I do not believe it is worthy of him to make that sort of misrepresentation. He ought to be ashamed of himself. He went further. He got up there and read out what the Prime Minister is supposed to have said in connection with the Malays. He got up very piously and brought us under the impression that he was quoting from Hansard. When we asked him whose speech he was quoting, he said that he was quoting from the speech of Mr. Morris Alexander.

*Dr. STEENKAMP: From Hansard.

*Mr. MENTZ: Yes, but he said that was what the Prime Minister said and he knows it was not.

*Dr. STEENKAMP: You are distorting my words.

*Mr. MENTZ: Then he said that the Prime Minister had said that he would never classify the Malays as Asiatics. I think the hon. member ought to be ashamed of himself; he made a fool of himself. Now the hon. member gets up there and wants to know whether we have obtained the consent of the elected people in the Cape Province in connection with this matter yet.

*Dr. STEENKAMP: I asked whether you had investigated it.

*Mr. MENTZ: It was not only investigated; the consent was obtained and do you know where? I am now reading from the United Party policy in respect of the Natives and the Coloured people, issued by Mr. Oosthuizen on behalf of the United Party. It is the 1948 re-exposition of the policy as published at the time by the Rt. Hon. the Leader of the Opposition. Under the heading, "The United Party and the Coloured People of the Cape" he says this—

> As regards social status the United Party is aware that both the Coloured people and the Europeans desire social apartheid.

What next? Now they act as though the Coloured people do not want apartheid at all. They tell us here in their policy of 1948 that they are aware of the fact that the Coloured people want apartheid. Well, what are they objecting against then?

*Maj. VAN DER BYL: I also said so.

*Mr. MENTZ: Then their objection falls away completely. Here they issue a re-exposition of their policy in 1948 and in this policy they saw that both the Coloured people and the Europeans desire apartheid. Then why do they ask us today whether we know if the Coloured people want apartheid or not? They know it. But now they go further——

> In such a way that the development of areas occupied by Coloured people will be stimulated on a voluntary basis.

On a voluntary basis. While the hon. member for Green Point was speaking and while all the other members on that side were speaking, we kept on asking: Do you stand for compulsory separation or for voluntary separation in your policy of separation?

*Maj. VAN DER BYL: Immediately after the investigation has been instituted we shall tell you.

*Mr. MENTZ: But then those members on the other side have no policy yet. The hon.

member now tells us that they will tell us after we have instituted an investigation, but before the investigation is instituted their policy says, according to the way it is formulated here, that they stand for separation on a voluntary basis alone. Now I want to ask: Can the people take any notice of a party like the party on the other side when they come here with such wild talk? Are you ever going to attain apartheid in that way? You will never get it as long as you live. The hon. Minister of the Interior rightly referred to various reports brought out in 1930, 1936, 1937 and the Durban Report in 1943. All those reports ask for separate residential areas in this country. Still they come here today and tell us that it must be done on a voluntary basis. I say that if we have to do things in that way then we must rather leave matters exactly as they are. The great trouble is that the other side of the House has been brooding over this matter for years but not one of them, not even their Leader, has ever shown the courage to take this positive step which is today being taken by the Nationalist Party Government. This reminds me of the Provincial Council by-election. I remember what happened recently. They ran around from one platform to the other and said: "The Nationalist Party have only the cry of apartheid; it is just a hollow cry; you will never see anything materialise; they have misled you; it is all negative. Here we come before the House today with a positive measure and we ask them: What have you got to say now? Now there is lock-jaw on the other side. These jackals will not now have two holes to crawl into any more. We shall now close up one of the holes.

*Maj. VAN DER BYL: It is good work for you; it is all you can do.

*Mr. MENTZ: Now the hon. member for Drakensburg goes on and says: "Look, we do not want you to meddle with the political rights of the non-Europeans. We shall help you with a two-thirds majority; we stand by the entrenched clauses. Now I want to put this question to the United Party: If you sincerely want this situation in South Africa saved, if you want the position changed and if we must have a two-thirds majority, are you going to give us your support? We can have it this afternoon. This is a pertinent question. There they all sit, but they have lock-jaw. They were a rotten Government and they are a worse Opposition. The only strong man on the other side (Maj. van der Byl) is now running out of the House. No, I must admit there is another strong man; he is still here and I am coming to him now. I refer to the hon. member for Johannesburg (West) (Mr. Tighy).

*Mr. TIGHY: What have I done to you?

*Mr. MENTZ: The attitude of that hon. member is this. The hon. member must pardon me, but somebody said incidentally yesterday that when this man delivers a speech it looks as if his intelligence has been put into neutral while he idles with his tongue. When I read that speech of his it certainly seems to be the case. He got up here and said: Look, we are also in favour of apartheid, but tell us what you are going to do with that Malay camp in Vrededorp? How on earth can we take it away there? Let the hon. member come to Vrededorp and tell that story there.

*Mr. TIGHY: Are you going to take it away?

*Mr. MENTZ: We are going to take it away. Let me proceed. That is a man whose constituency also borders on the Western Areas where we have the black spots. What did he say here yesterday? Did he plead for the removal of those black spots? No, he says he is also in favour of separate group areas but he wants to know how we can save the situation there. His policy is to let matters take their course. It was a godsend that the Nationalist Party got the reins into their hands to save South Africa.

*Mr. TIGHY: I am afraid . . .

*Mr. MENTZ: The hon. member will be afraid of many things. I want to tell the hon. member for Johannesburg (West) this. We are near each other and I challenge him now to meet me in his own constituency on the same platform in connection with this matter. He can arrange the meeting and the two of us will just address it.

*Mr. TIGHY: May I ask you a question? When will you take away the Malay location there?

*Mr. MENTZ: All of them come here and ask: When are you going to take away this place and when are you going to take away that place while they know that this Bill is only creating the machinery. It does not lay down the delimitation of the areas. The hon. member knows that. That is not the matter under discussion now.

*Mr. TIGHY: I shall bet you . . .

*The DEPUTY SPEAKER: Order, order!

*Mr. MENTZ: I want to tell him this, that never as long as he lives will he win his seat again if he takes up this attitude. If one thing was needed to remove racial conflict in South Africa then it was to do what Gen. Smuts said in 1947; he said that the question could not be solved by the old methods; it has to be done by means of

apartheid to keep the various groups separated. That is what he said then, and afterwards he asked what apartheid was.

*Mr. TIGHY: Resign your seat . . .

*The DEPUTY SPEAKER: Order, order! I must ask the hon. member for Johannesburg (West) not to be so noisy.

*Mr. MENTZ: There is just one thing to be done and that is to keep the various races apart, and this Bill creates the machinery. In spite of what is said on the other side, to my mind this Bill again gives us the opportunity to get the Natives back to their own tribal customs whereas today they have been severed from their tribal connections and whereas people are making imitation Europeans of them, as the hon. member for Wonderboom (Mr. Nel) said. Racial clashes can only be avoided in one way: Keep those people apart, and here we have the machinery to do so although the delimitation is not under discussion here.

But I want to come to the hon. member for Germiston (District) (Mr. Strauss). He said here that they were in favour of the Bill as far as the principle was concerned and that it has always been their policy, but then he added—

> A measure with such wide ramifications should not be rushed through Parliament.

I want to ask him how much time he wants to get this Bill through the House. Here we get 52 hours for one Bill, three days just for the second reading. I hope that I shall now get the attention of the hon. member for Germiston (District).

*Mr. STRAUSS: I am listening.

*Mr. MENTZ: I want to ask the hon. member how much time he wants to pilot this Bill through the House. That was his argument. That was his reason why he is going to vote against the Bill. Then he goes on and he says—

> It needed careful consideration, and there should have been preparatory consultation with representatives of all the interests it affected.

What further consultation did the hon. member want? Let him come now and tell us which groups, with whom he wants consultations, are affected. He continued—

> The Minister has not given any reasons for the urgency of the Bill.

Do you see, Mr. Speaker, the Minister gave no reasons why this Bill is urgent. Cannot the hon. member who is today acting as leader of that party see what is going on? Let him cast back his mind to what happened in Johannesburg on May 1 and to what happened in Durban. And that is happening everywhere in South Africa today. How can he say it is not an urgent matter? That is one of his reasons. The Minister said here what the reason was. The hon. member goes further. He says this—

> This desperate hurry has nothing to do with the welfare of the country.

While the hon. member sees these racial clashes in South Africa and while he says that he believes that the different racial groups should be kept apart, he nevertheless tells us: "This desperate hurry has nothing to do with the welfare of the country." He goes still further and adds—

> We consider it as a grave menace.

When a member talks like the hon. member for Germiston (District) how can we accept the fact that they are in favour of the principle of this Group Areas Bill which we are trying to pass? Nobody can accept it. Now his amendment asks for a judicial committee. Why does he not ask for a Select Committee? I shall tell you why he does not ask for a Select Committee. He does not do so for the following reason: On January 21, 1947, the present Prime Minister introduced the following motion—

> That a combined committee of both Houses of Parliament be appointed to draft a comprehensive policy for the Union in respect of the colour question in general, and more particularly in respect of the Native, Coloured and Asiatic sections of the population . . .

That is what we have here now—

> . . . in their relation to the European race as well as their mutual relations to one another and that such a policy be based on the principle of apartheid between Europeans and non-Europeans in the political, residential and as far as possible also in the industrial sphere and that it be constructive and just in respect of the specific interests of each separate section of the population.

He as well as his whole Party, voted against this. That is why the hon. member does not come here today with a motion that the Bill should be referred to a Select Committee. They have obstructed us from the beginning in our efforts to solve this colour question. And when we ask them why, they reply that it is because we have laid down that the investigation should be made on the basis of apartheid. Then they get up here and say that they are also in favour of apartheid. I want to put this question

to the hon. member for Germiston (District): If such a proposal is put forward today, will he accept it? No, he is not listening. If this motion of 1947 were to come now, now that he knows what apartheid is, would he be in favour of it?

*Mr. TIGHY: You cannot expect lions to take notice of pups.

*Mr. MENTZ: He does not say a word. They have done nothing to solve this colour question as a whole and the possibility of solving it is now contained in this Bill.

After him came the hon. member for Natal South Coast (Mr. Mitchell), who seconded his motion. He says that this Bill is being rushed through the House, that there was no time to make a study of it. He says—

> This Bill will affect the Coloured population for eternity without ever having consulted these people.

In this connection I have shown that as far as the Coloured people are concerned, the United Party itself said that they wanted it. They will be affected for ever, but to their advantage. Now I want to ask, on the other hand, what the United Party have done up to the present to uplift the Coloured population here in the Cape Province. Nothing. They were just after their votes. Have they done anything to uplift the Natives? In spite of the fact that the hon. member for Green Point yesterday became almost hysterical in connection with the educated Natives who, according to him, have no place where they can go to make a living. Here we come with a positive policy today and we give that Native the opportunity to prepare himself and to train himself in his own area and this educated man can render his services to his own people and help to uplift them. Then they will not loaf around in the streets. We give them certain powers of self-government, but what has the United Party done up to the present? As far as the Coloured people are concerned they have just used them as a political football through the years. They did nothing for them. The hon. member for South Coast goes further and against the background of these arguments we should see how sincere they are. He says—

> The honour and integrity of the white man in South Africa is at stake.

"And so say all of us." We all say that the position of the white man here in South Africa is desperate, but our question to them is: What are you going to do to save the situation? Here we come with this positive proposal and they say that they are in favour of it but, as the hon. member for Drakensberg said, we cannot solve those other aspects of apartheid. There is always a "but". The hon. member goes on to say—

> This Government has unfairly and without any warning sprung this legislation on the Coloured people.

I say that is untrue. I refer the United Party to the Nationalist Party's programme of principles which they will find in the official programme of principles and the constitution on page 10. There they will see that we as a party have stood for this policy for the last ten years. But we went much further than that; throughout the elections we said that we were going to introduce such a Bill. The country knew that it was going to come; we did not spring it on them unexpectedly. But the trouble with the other side is that they have no formulated policy and when I say this I would like to quote from the late Mr. Hofmeyr's own journal of something more than two years ago. On August 2nd, 1947, this appeared in "The Forum"—

> The United Party, in the main a defender of democracy, though it fumbles somehow, democracy is ultimately to be extended to the non-Europeans. The party fumbles because it has no clear Native policy. The voter who is looking for a clear lead from the United Party on how the non-European is going to be integrated into the economic structure, on a basis of willing co-operation, does not get it.

Has one of them ever repudiated this? They went much further. What is their further policy? In the same issue of "The Forum" we find this—

> On the Native question it would be enough only to repudiate the Hertzog policy, to accept urbanisation and undertake to further it by enlightened means, to promise to abolish the wholly unnecessary pass laws.

Are they still in favour of that today? We do not know—

> . . . to undertake to review the application of the colour bar in industry, and in the political sphere to end the present half-hearted attempt at segregation and return to the old Cape system of common electoral rolls . . .

I am reading from the journal of the late Mr. Hofmeyr, who up to 1947, took the lead and dictated the policy of the United Party. Now let them deny it.

*Mr. BOWKER: Which journal was it?

*Mr. MENTZ: Is the hon. member so ignorant now that he does not know which journal that is? He himself was a worshipper of "The Forum". That is the trouble with the other side of the House; they have no policy. We have a definitely formulated policy and if there is one thing

that this party will do it is this: It will carry out the promise it made to the people during the election. I regard this Bill as the foundation of the whole apartheid policy which is to follow. We can go on building on this foundation and in this I see a new future for South Africa. Among all the storms of life and all the troubles here in this country and overseas, this Bill for the first time gives a clear lead in South Africa, pointing the way to be followed to build up a happy country here in South Africa, to obtain good co-operation between our races and eventually to avoid all racial conflicts in South Africa. Once again I wish to congratulate the Minister of the Interior on this step which he has taken and we all rejoice with the Prime Minister, who has at last reached this great goal of his in this step which is of the greatest importance for the welfare and survival of a happy white South Africa.

Mr. TROLLIP: I wish, as far as I am able, to clarify the question of procedure, about which there seems to have been some confusion of thought. The hon. the Minister, in the debate so far, seems to be confused himself about what the procedure is and what the amendment of the Opposition means. I judge that from his frequent interjections, such as: "Are you in favour of the principle of the Bill?" He repeated that on several occasions. "Are you voting for the second reading?" And that interjection came from several members on the Government benches. I think it is necessary, Mr. Speaker, in order to dispel any uncertainty or confusion that may exist in the mind of the hon. the Minister, or in the minds of hon. members on the Government side, to say at the outset that this party which I have the honour to belong to, will vote against the second reading of the Bill.

Mr. POTGIETER: Against the principle.

Mr. TROLLIP: Mr. Speaker, I wish briefly to state the reasons of this party for doing so, and when I say this party, I include the Labour Party, which is sitting with us in Opposition.

The amendment which was moved by the hon. the acting Leader of the Opposition was to this effect, and I think I ought to read it to refresh the minds of hon. members—

> This House, in view of
>
> (a) the general acceptance in South Africa of the principle of residential and social separation; and
>
> (b) the absence of any public inquiry at which interested parties have been enabled to make representations or adduce evidence,
>
> declines to pass the second reading of the Bill until a commission, presided over by a judge of the Supreme Court, has inquired and reported upon the subject thereof including the necessity or otherwise of such legislation, with due regard to the financial implications involved and the practicability of giving effect to such legislation.

Now, let me for a moment examine the purport and the object of this amendment, and in doing so I would like to quote shortly from Kilpin's book on "Parliamentary Procedure". Ons page 8, the learned author, in dealing with amendments which may be moved at the second reading of the Bill, says this—

> The second form of amendment gives reasons why the Bill should not now be read a second time. It is a convenient way of temporarily disposing of a Bill without exposing the mover of the amendment and those who vote for it to the criticism that they opposed the Bill without adequate reason.

Then a reference is made to May—

> . . . who has broadly divided "reasoned negatives" into three categories, namely,

This is the first category—

> Amendments declaratory of some principle adverse to, or differing from, the principles, policy or provisions of the Bill.

That is where there is a difference of policy; secondly—

> Amendments expressing opinions as to any circumstances connected with the introduction or prosecution of the Bill or otherwise opposed to its progress; and, thirdly,

This is the provision under which our amendment falls—

> Amendments seeking further information in relation to the Bill by committees, commissions, the production of papers or other evidence.

The PRIME MINISTER: Against the Bill, but playing for safety.

Mr. TROLLIP: I will take that point of the Prime Minister just in a moment, when I refer to his own action on the Apprenticeship Bill which was passed in 1944. [Interruptions.]

The object of our amendment, Mr. Speaker, is clearly, therefore, moved with the object of defeating the second reading of this

Bill for reasons which we give, and in this amendment we categorically give our reasons why the Bill should now be read a second time. The emphasis is on the word "now". I say that because . . . [Interruptions.] Yes, if the hon. Minister will listen to me I will try to make my point as clearly as I can.

An HON. MEMBER: He is getting nervous.

Mr. TROLLIP: Had we wished to oppose and kill the underlying principle of this Bill we would have chosen and moved a different type of amendment, the well-known amendment "that this Bill be read a second time in six months". That is the amendment we would have moved if we had been opposed to the principle of the Bill, and we know, Mr. Speaker, that this is a recognised way of killing a Bill if you are opposed to the principle. If we have an opportunity — I doubt whether we will — but if we have an opportunity of voting on our amendment before the guillotine falls, this party will, of course, vote for its amendment with the object it has in view, namely, to defeat the second reading of the Bill; and if we do vote in favour of the amendment it follows logically — I think it is logical — that it is a vote against the second reading of the Bill. I think, Sir, this is crystal clear and it can admit of no argument. I think hon. members will agree with me that this party, by moving its amendment, makes it perfectly clear that it is voting against the second reading, and we are giving our reasons for doing so.

Mr. ABRAHAM: And not against the Bill.

Mr. TROLLIP: The amendment, as explained, takes the form of a reasoned negative, and says expressly that we do not want the second reading. May I refer to the case of the Apprenticeship Bill as a precedent, the case I referred to a few moments ago when the hon. the Prime Minister asked me a question. In 1944 the government of the day moved an Apprenticeship Bill. The Opposition, through my hon. friend the member for Westdene (Mr. Mentz) moved an amendment to the effect that prior inquiry should be held, although his party, the Nationalist Opposition, was in favour of the broad principle of the Bill. The amendment was defeated, and the Opposition then voted against the second reading although they were in favour of the principle of the Bill. That is the incident.

Mr. SUTTER: And we did not guillotine you.

Mr. TROLLIP: Take the case of the South West Africa Affairs Amendment Bill. There the Opposition moved a reasoned negative which in effect was that although we were in favour of the principle of the Bill of giving representation to South West Africa in this House we were of opinion that a commission or a committee of inquiry should be set up to inquire into and report upon the financial implications relating to the Union and South West Africa. So, Sir, the point I want to make is this. It is a simple and logical ground that although we are in favour of a policy of residential and social segregation we are nevertheless not satisfied with the information which we have at our disposal, and we want further evidence.

May I just refer shortly to the speech of the hon. member for Germiston (District) (Mr. Strauss), in which he made the attitude of the Opposition quite clear, although it has been attempted during the debate to obscure what my hon. friend said. I think if I refer for a moment to what he did say it will be quite clear what the attitude and policy is of this party. The hon. member said—

> I want to stress first and foremost in the clearest possible terms that we on this side of the House stand for the policy of social and residential separation and there is no secret about it. That was the policy of this party at the time when the hon. the Minister of Finance was a member of this party, in the days when the late Gen. Hertzog was a member; that policy was very clearly stated.

And later he said—

> I say therefore right at the outset that we have no difficulty whatever in facing fairly and squarely this issue that has been placed before us as far as the principle of this legislation is concerned.

That is precisely the attitude of the Opposition. We are in agreement with the policy of residential and social separation which the Bill seeks to implement as one of its main objects, but we say that an inquiry is essential to give us information and facts which will enable us to deal with the manner of its application and the setting up of machinery to achieve its purpose.

The MINISTER OF THE INTERIOR: Compulsory or voluntary segregation?

Mr. TROLLIP: Might I reply to the hon. the Minister by saying this, that we agree in our Act of 1946 to compulsory segregation where there have been fifteen or sixteen commissions which had sat on the question and in its recommendations it appeared that where it was impossible to obtain any voluntary segregation that we would then impose compulsory segregation. In this case we say . . .

The PRIME MINISTER: Only as far as the Indians were concerned.

Mr. TROLLIP: Yes, as far as the Indians were concerned. Sir, in this case we say that we are in broad agreement with the principle of residential and social segregation, but we have not sufficient information — we have had no inquiry in the Cape, we have had no information, and therefore we are not able at this stage to say whether the terms of the Bill are acceptable or not. Surely that seems to me to be quite a logical attitude. In this far-reaching and complicated piece of legislation, the provisions of which have not been known to the public or to us for more than a few weeks, we say that we and the country are entitled to have a preliminary commission of inquiry, and the Minister himself has readily admitted that the procedure laid down in his Bill is of a most complicated nature. He has admitted that. I am reminded that the hon. the Minister actually said there would be hardships under the Bill, and I think I am right in saying that it is a Bill which may have very far-reaching effects. Steps may be taken if this Bill becomes law, and actions may be enforced which we may not be able to retrace and irreparable damage may be done to innocent and unsuspecting persons.

Mr. Speaker, I therefore conclude my remarks by saying that I make an urgent appeal to the Prime Minister in this matter. What we are asking for is not an unreasonable request. We are simply asking him to give this subject matter the same investigation and inquiry that previous Governments gave in the other provinces, particularly in Natal and the Transvaal, where, over a period of years, investigations were made, commissions and inquiries sat, and as a result of those the 1946 legislation was passed. All we ask is this, that in regard to the Cape Province, which has never been the subject of an investigation, where it affects so many people and so many areas, surely it is a reasonable request from this side of the House. Have a commission of inquiry presided over by a judge; let us have the facts; and when we have got the facts we can decide how we are going to apply a policy of social and residential segregation, for which both parties stand.

*Mr. S. M. LOUBSER: The hon. member for Brakpan (Mr. Trollip) has informed us that the Opposition are going to vote with the Labour Party against the second reading of this Bill. I want to tell him that it is no news to us on this side. We have been expecting it from the beginning. They are only remaining true to themselves. That is the attitude which they have always adopted in the past, but what he carefully avoided was to tell us whether, while they say that they are in favour of the principle of apartheid, they are in favour of compulsion by legislation or not. The hon. member tried to steer clear of that point. Also the hon. member for Drakensberg (Dr. Steenkamp) was beating about the bush here this afternoon in a way such as we have not witnessed in the House for a long time, and it was not long before he came to the end of his tether; then, in order to get out of his trouble, he resorted to putting words into the Rt. Hon. the Prime Minister's mouth and misrepresenting things, instead of defending his own standpoint. He pretended to be speaking on behalf of the party opposite.

*Mr. BOWKER: He did speak on behalf of this party.

*Mr. S. M. LOUBSER: He said that, in his opinion, there is no difference between segregation, apartheid and separation.

*Mr. BOWKER: The Prime Minister was asking him a question.

*Mr. S. M. LOUBSER: Yes, and that was his reply; but he did not tell us why his own leader said that apartheid is nonsense and a curse. If separation then is the same ...

*Mr. BOWKER: The way you people interpret it.

*Mr. S. M. LOUBSER: That is typical of the United Party. They always try to steer clear of the real issue in order to conceal their own political nakedness. He says they are in agreement with the Government as far as the apartheid policy is concerned, but they do not agree with the Government on political apartheid. They adhere to that entrenched clause of the two-thirds majority. But if they really want to co-operate with us that should not prove to be any stumbling block. If they really are in favour of political apartheid and their only condition is that they want a two-thirds majority for it, let them then tell the people that they are prepared to co-operate with this side in order to attain political apartheid. No, they have always consistently refused to take the hand proffered by this side for the implementation of the policy of apartheid, because they are not prepared to put into practice the policy which they sometimes preach in this House as their policy. One thing which we have observed very clearly in this House is that the Opposition are tragically divided on this question. They are experiencing this difficulty that a large section of them, perhaps the majority, are actually in favour of apartheid. It is their inner conviction, but because of party considerations they may not uphold that point of view. By this time we know the United Party well. They have always placed party interests above national interests. They rejected the policy of apartheid at the general election. They opposed us. They even said that they are opposed to separate residential areas if it cannot

be brought about on a voluntary basis. Now they are even no longer in favour of the policy which they advocated in 1948. That is how they are switching. But the acting leader of the United Party could not answer a very simple question by the hon. the Minister of the Interior. He had to leave it to one of his back-benchers to find some sort of way out. When the hon. the Minister asked him whether he is in favour of compulsory or voluntary separate residential areas, he said that he would come to it. He never got to it. He left it to back-benchers, in respect of whom the party does not assume any responsibility. Actually they are at heart opposed to the policy of apartheid. They dare not carry it out for fear of harming the party. But, on the 26th May, 1948, they were taught the lesson that the electorate of the country no longer wants to put up with their policy and, what is more, even Natal no longer wants to have anything to do with the policy of the United Party. That is why the Natal members look as if they are sitting on a hot potato. They do not know what to do, and we have seen what even the hon. member for Berea (Mr. Sullivan) had to resort to. No, they dare not openly oppose this policy and this legislation any longer. That is why they as the Opposition are committing political fraud. They know just as well that there is as big a difference between the views of the hon. member for Drakensberg (Dr. Steenkamp) and the hon. member for Cape Town (Castle) (Mr. Bloomberg), respectively, as the distance between Cape Town Castle and Drakensberg. They are divided and that is why they cannot take a definite stand. They tell us that they are in favour of apartheid. The Rt. Hon. the Prime Minister rightly said this afternoon that a little while ago they did not even know or pretended that they did not know what apartheid is. When it suits them, they do not know what apartheid is, and we do not know how we can make them understand. But now this side of the House is showing them by deeds what apartheid really means.

*Mr. BOWKER: The people will not understand it either.

*Mr. S. M. LOUBSER: We know that the members of the Labour Party actually are full-blooded liberals. We know that the stand they take on the non-European question is of such a nature that even the late Mr. Madeley could no longer remain with them. As an appendix of the United Party they are now acting in the same way as that party.

I now want to deal with the so-called objections to the Bill which were raised in this debate. They said: "You are now coming with such an important Bill at the end of the parliamentary Session." But when the Session started it was announced in the Speech from the Throne that legislation of this nature would be introduced, and if they are not prepared and if they do not consider the matter of so much importance, to spend another week or more on this legislation, then it is their own fault. But this side of the House knows what the people want and we are, therefore, prepared to sit for another week or more in order to place this legislation on the Statute Book.

*Mr. BOWKER: We are asking for an inquiry.

*Mr. S. M. LOUBSER: Yes, that is another one of their objections; they say that the matter has not been adequately investigated, in spite of the fact that this matter has been receiving attention for years and years, and that more than one Select Committee presented reports on apartheid. Yet they say that there is not sufficient data. I am convinced that they are just attempting to put off indefinitely legislation of this nature. They are living in the hope that something might happen meanwhile to help them out of their difficulty. But they need not ask what the people think about this matter. We know what they think and that is why we are prepared to put this legislation through. Another objection is that we shall be committing an injustice to some property owners, but in spite of all the possible and impossible objections which they raise, we can tell them that this side and this Minister are going to put this legislation through. We know the Minister and we know he is capable of carrying it out in such a tactful way that it will not cause any injustice and inconvenience to any section. It is said that it will be very difficult to carry it out. That is another one of their objections. Well, we know that in the case of every piece of legislation in connection with apartheid introduced by this side, they raised the same objection, namely, that it will produce difficulties. Fortunately, we are not made of the same stuff as that side of the House. They have always endeavoured to evade any difficult and complicated matter. We realise that we have a duty to the people; that is why we introduce legislation of this nature. What is more, this legislation, as the Minister has said, only creates the machinery with the aid of which the policy of apartheid can be implemented. It will not be done in twelve months or in two years, but, as circumstances permit, it will be done step by step; furthermore, this legislation will prevent the extension of this mixed business. Another objection that was raised, was that the Coloured people of the Cape Province do not want it. All that I can tell members opposite is that there are thousands of educated Coloured people who want apartheid. This is not an invented story. When the hon. member for Green Point (Maj. van der Byl) was Minister of Native Affairs, he, in conjuction with the local bodies, wanted to start a Native location adjacent to a

Coloured community, and that Coloured community delegated a deputation to implore him not to establish the Native location next to them. They did not want a Native location next to them. If the Coloured people do not even want a Native location next to them, how would they like to live among and with the Natives in a residential area? I want to go still further and tell him that he can go to any Coloured village like Mamre or Genadendal and he will find that those Coloureds do not desire to live there with Natives or Europeans. They are happy in their own village and they do not want any penetration on the part of Natives or other groups.

Not only this side of the House is in favour of it. There are also United Party supporters in the constituency which I represent who are in favour of separate residential areas. Only recently there was a request from the inhabitants of Blaauwbergstrand asking the Minister to introduce legislation during the present Session to put a stop to it. That request came from the Ratepayers' Association of Blaauwbergstrand, representing members of both the United Party and the Nationalist Party. They approached me and did not ask for an inquiry, but they asked me to urge the hon. the Minister to introduce legislation to stop further penetration. When there was the danger a little while ago that a Coloured village would be established at Melkboschstrand, a deputation consisting of Nationalists and United Party supporters approached the Cape Divisional Council; they implored the Council not to permit it. No, we cannot get away from the fact that the European population, in general, desire separate residential areas. Furthermore, this side of the House received a mandate from the people on the 26th May, 1948, to provide separate residential areas.

I just want to say one thing more. The hon. member for Brakpan (Mr. Trollip) got up here this afternoon and after having made all sorts of excuses, he said that he was going to vote against the Bill. I just want to say that one thing is certain and that is that the person voting against the policy of apartheid is, in spite of all the nice words used, a person who opposes the survival of the European civilisation of the country; the person who votes against it, is disloyal to himself and he is, moreover, disloyal in respect of the mandate given so explicitly to this House by the electors during the last election. And we definitely know that when the electors again get the opportunity to vote on this question they will again settle accounts with the United Party just like they did in 1948.

Mr. CHRISTIE: A few of the members on the Government side have referred to the position of the members of the Opposition and the members on the cross-benches, who propose to support certain amendments. They say they were not told whether we are going to vote against the second reading, and if we do vote against the second reading we are unfaithful to the white race and that we will not be carrying out the wishes of the electors. Well, I want to say this, that I am one of those who will vote against the second reading of the Bill, and for very good reasons — the reasons which are contained in our amendment. I will develop that in a moment. I wanted to make that quite clear.

I was rather interested to hear from the hon. the Prime Minister that this Bill is of vital importance in regard to the apartheid policy. He mentioned the Mixed Marriages Bill, the Immorality Bill. He said nothing about the Population Registration Bill, but I take it that is also part of the apartheid policy. My point in connection with this is that when you bring in a Bill to give effect to a policy, call it apartheid or whatever you will, surely the Minister concerned in setting about the drafting of the Bill, would see to it that effect could be given to what he has in mind, taking into consideration all the effects and implications of the Bill when it becomes an Act on our Statute Book. In other words, how will it effect the various groups concerned? The Minister himself admitted in his speech that this Bill would create hardships. I think he said that all groups should be prepared to make sacrifices.

An HON. MEMBER: Here and there.

Mr. CHRISTIE: Well, wherever it is. If that is so, then I think in the drafting of the Bill provision could have beeen made that there need not have been any hardships in that direction, and that could have been done if consideration had been given by the Minister and by the Government to the total cost this Bill would entail in order to make provision for the carrying out of the provisions of the Bill, and that would have been done in conjunction with a statement that the Bill would not be given effect to instantly but that it would be put into operation gradually until ultimately the provisions are fully carried out, whenever that "ultimately" would be. But if they had taken that into consideration — it is difficult to make a calculation — but I do not think it will be any exaggeration to say that it would have cost £100,000,000. I would say they should first have taken into consideration the State's position with regard to the responsibilities under this Bill. Then you have the individuals who are the evictees from the various group areas. They are property owners there, many of them small property owners, and we know their property will depreciate in value. Some people may gain by it. I admit that. But the point is this, that a Bill such as this

should be so framed as to secure equity and justice. The Minister himself said he would administer the Bill in an equitable and just manner. But if the Bill itself is not equitable and just, then it is a very difficult matter to administer it equitably and justly if the basis is inequitable and unjust.

After all, Mr. Speaker, it is only reasonable for members to realise — well, at least some of them — that there is more behind the Bill than in the Bill. That has been said repeatedly, but we must say it again because if we examine the various Acts we have on the Statute Book dealing with separate residential areas, then we have the Class Areas Act which made a start in that direction in 1922. That was not a very good Act, but it was a start in any case. Then they had the Urban Areas Act in 1923, which was amended in 1937. Under that more progress was made. In actual fact the provinces had the power to compel the municipalities to carry out the responsibility of establishing separate housing areas for Natives in the municipal areas. It was their responsibility. Well, we know what happened. A certain amount of progress was made in various towns, but this Act has fallen down badly on the financial side, with the result that we are told that even in a place like Johannesburg they are still short of some 40,000 houses, and that in the very near future the shortage will be 50 per cent. more. But whatever the figure is, the fact is that we are not keeping pace today with the housing requirements. Now the Minister may tell us that this Act will remedy that position and that the Minister and the Government will go ahead and see to it that the work is done. How is he going to do it? I hope he will tell us in his reply how he is going to do it, as far as the financial commitments are concerned. After all, it is a very serious thing, Mr. Speaker, to see that certain people are evicted. I am thinking particularly of areas declared as Coloured areas. The Europeans will have to get out of such an area. Perhaps they are property owners and they will, as I say, suffer a loss in regard to the value of their property. They will have to suffer financial loss and experience difficulties in moving to another area. On the other hand, when an area is declared a European area, the Coloured people will have to get out of that area. Although those people are occupiers, they will still be faced with the expenses of getting out and finding another place. And then we have this difficulty that there may be no other accommodation available for them. We cannot agree with that, and that is why we say in our amendment that we cannot support this Bill until provision is made—

> To impose financial responsibility on public bodies (including the State) for providing alternative accommodation and residential amenities for persons evicted as occupants from any area; and to make provision for the compensation of persons as owners of property who are adversely affected by such demarcation.

Surely that is a very fair and a very wide provision to make in regard to the second reading of a Bill of this nature. Otherwise, what can we do? No doubt there are some hon. members on the other side who will say this is a part of the apartheid policy, and therefore it must be accepted, no matter what difficulties are caused by it; or that it can remain on the statute book this year, next year, and so on, until ultimately the Act is implemented. We can only come to the conclusion that unless we make provision such as we suggest in our amendment, you are not sincere in giving immediate effect to the Bill. How can we have any other view in regard to it? The Minister knows as well as any member of this House that without the necessary finances to cover these responsibilities he cannot give effect to this Bill.

Mr. ERLANK: We cannot live by bread alone.

Mr. CHRISTIE: The hon. member may be quite right, but we also cannot live on Acts of Parliament alone. We have to see to it that an Act of Parliament is passed in such a way that it can be applied without injury and harm to the people concerned, those who have to be moved or have to give up their property. There is a provision that they can retain a property for their lifetime, but that will still mean a loss in the value of a property. And before any Bill is passed provision should be made for all these things and they should not be left for future consideration.

I know this, and I am speaking with a great deal of experience in regard to legislation in this House, that the Minister of Finance, if this has to be put into effect immediately, will have to say something about it with regard to how it will be financed. We have not heard a word from the Minister of Finance, which clearly demonstrates that there is no immediate intention of putting this Bill into effect. But we have this consideration, of course, that some immediate attempt may be made and that Parliament will have to decide before any demarcation of an area is made. The areas will be demarcated for three groups, white, Coloured and Native. It is very interesting, in connection with that, that we are speaking of three groups and we are getting back to our old friend we met in the Population Registration Bill, namely the ethnic, cultural and other groups. When we speak in connection with the Coloured group of ethnic, cultural and edu-

cational and other features, I am afraid we are just getting to a lot of verbiage that will mean very little. The hon. the Minister instanced the case of the Cape Malays who do not wish to be classed with the Coloured people or the Indians. I believe he also mentioned Coloured people in Johannesburg who said they did not want to be linked up with the Indians. And so it goes on.

As far as we are concerned, we have always taken up the line that we are in favour of residential and social separation. Before ever the Prime Minister evolved the blessed word "apartheid" we had brought out our non-European policy. We had it printed in a circular which was sent to the Nationalist Party as well as to the United Party. That was in 1946. The Prime Minister will remember that we asked that there should be an all-party conference to consider our non-European policy in order to see whether we could take the whole non-European problem out of the party arena and bring it on the basis of an agreement between all the various parties in Parliament. We had a letter from the Nationalist Party to the effect that they thought no good purpose could be served by such a conference. Probably they had already decided on this policy of apartheid to serve as a platform for a general election so that they could use it as an election cry. That is what happened. It was placed before the country with the result we all know.

Dr. VAN NIEROP: May I put you a question? What was the reaction of the United Party?

Mr. CHRISTIE: I am glad the hon. member reminds me of that. The United Party treated us with still less courtesy. We are still waiting for their answer. Anyhow, Mr. Speaker, no matter how we approached it, the Prime Minister said he had tried on various occasions to get the co-operation of the parties in the House. That is true. After the new Government was formed he made a proposal to that effect and I think on each occasion the Labour Party accepted the invitation to join such a committee or meeting of all parties. I think that correspondence is in the Prime Minister's office.

The PRIME MINISTER: I appreciate that.

Mr. CHRISTIE: That is correct?

The PRIME MINISTER: Yes, that is so.

Mr. CHRISTIE: Thank you. That shows where we stand in regard to that matter. We are entirely and completely convinced in regard to the necessity for residential and social separation for the various races in the country. We believe that is the only thing that is going to make for harmony and peace. But the demarcations . . .

An HON. MEMBER: But!

Mr. CHRISTIE: Yes, it is a very big "but". But the demarcation must be such that each section can be happy and have amenities in the various areas. We want to see that whether it is a white area, a Native area, or a Coloured area, there shall be no slums in any one of those areas, and particularly for the lowest economic groups who can never be in a position to find their own homes. There the responsibility must be assumed entirely by the State in order to secure for the Native decent, suitable housing with decent amenities. The same thing goes for the Coloured community and it also must go for the slums that are very often occupied by the poor white people in our towns. We want to face up to these difficulties. We want to see to it that there is fairness and equity, using the words the Minister used when he introduced the Bill.

When we come to examine the Bill itself, there are some parts that are not very nice to read. Once again we have this provision in regard to the right of entry by any authorised officer who has reason to suspect that a property is occupied by persons who are not entitled to be there; the right of entry into a house at any time during the day or night. Mr. Speaker, we think that is one of the big blunders the Minister has included in this Bill. We know how much trouble has been caused by this entry into premises during the middle of the night or in the early morning. It has already caused much trouble among people. Surely the fact that people might be in an area during the night where they should not be, does not justify us to include a provision of this nature. It is an irregular form of trying to find out whether people are breaking the law.

Then I come to the appointment of the board. That is another thing which makes me feel that there is very little likelihood of this Bill being applied shortly, because the Minister proposes to add only two more members to the existing board under the Asiatic Land Tenure Act. This board will have a most responsible job. It is evidently going to be a very powerful board in regard to what is set out for it to do. It will have the right of deciding over permits. It will be another weakness if the Act is not applied within reasonable time, that permits will have to be granted for the time being, and it will be an enormous amount of work for the board. The Minister said, in connection with the Asiatic Land Tenure Act, when he mentioned the safeguard of permits, that many thousands of these permits were issued. If there are thousands under that Act in Natal alone, what is going to be the position

under an Act such as this which affects the whole of South Africa? It means that the position is just going to be impossible. It will require much more than a board of this nature to handle a position like that. It will require the co-operation of other public bodies, or the bringing in of public bodies in South Africa. It will require the co-operation of the municipalities. I know certain provisions are included in that direction. But I do submit that as this Bill reads, it will have one effect and one effect only, as far as I can see, and that is that it will add another instalment to apartheid on the statute book of the country, but not in practice. It will be a law on the statute book, but not a practical application as far as apartheid is concerned.

However, I want to conclude with this. I want to ask the Minister to be more explicit with regard to what he means when he speaks about dividing up the Coloureds into separate groups. It means that there will be certain sub-groups. We have all the various Bills in regard to apartheid: the Mixed Marriages Act, the Immorality Act, the regulations in regard to apartheid on the trains and in the Post Office. We have the Population Registration Bill, and now we have the Group Areas Bill. We have all that, and now we find in this Bill that we will have sub-groups and many more. It will come to something like this, that instead of having a sensible design, you will have something like a chemical formula, that you do not know where it starts and where it is going to end. I am hoping that the Minister will answer our amendment. He has studied it. We want to know whether there will be no hardships, that the Bill itself will be so set up that it can be made equitable and just. We want the Minister to tell us that. It is absolutely essential that we should know. We are told that as a result of not being able to get agreement between the parties there is a possibility that our amendment as such may not be voted upon tonight. Following upon what the hon. member for Brakpan (Mr. Trollip) said I want to suggest that if the will is there, that you should vote on the various amendments, then it can be very easily arranged by finalising the debate under the guillotine twenty mintes before the guillotine is due to fall. That would mean that the Minister would gain twenty minutes, and at the end of his speech we should then be able to vote on our amendment. Furthermore, it is quite in order, according to the resolution adopted by the House, that a vote can be taken without considering the amendments if the members continue to speak until the last minute when the guillotine falls. We realise that, but at the same time we do not want to think that any section of the House or any party in the House has taken advantage of that position, and is determined to speak until the last second before the guillotine falls. It is a pity that we did not see to it at the time the hon. the Prime Minister moved his motion last Friday morning that some provision was made for the amendments to be put.

The MINISTER OF THE INTERIOR: That is the usual formula.

Mr. CHRISTIE: I can recollect cases where the guillotine has been applied in a Committee of Supply for instance; I know that in those cases all the amendments have been dropped. That I can understand, but when we come to an important Bill like this I do not think that the procedure which is applied to the guillotine in Committee of Supply should be applied here. I do not think that we should shelter ourselves behind that in voting on the second reading of an important Bill such as this. That is why I want to suggest that arrangements should be made in that way in order that the country may see exactly what the various parties are voting for. We in the Labour Party want the country to know where we stand. We want the country to know that in this Bill we want provision to be made for the financial and other responsibilities of the State, of local bodies, and also to secure the minimum amount of hardship and injustice to any member falling in the various groups. We want that on record, and we want the country to know it, and I put it to the Government side that the Bill as it reads now will be another instalment on the Statute Book, an instalment which is unworkable unless our amendment is agreed to.

*Mr. P. M. K. LE ROUX: I think all possible arguments and sometimes even impossible arguments for and against this Bill have already been advanced and even at this stage of the debate I must honestly say that to me it is not yet clear where the Opposition stands, because never before have we experienced more hedging in this House. Even the last speaker, the hon. member for Brakpan (Mr. Trollip) found it necessary, because he knows that the people outside will judge them by their deeds, to try and hide behind the procedure of the House, to hold it up as a fig leaf behind which they will be able to hide when they are judged by the people outside. All of them are in favour of the principle contained in this Bill and when you come to ask them which principle, then it is a principle of social and residential apartheid. But even the acting leader of the Opposition, when moving his amendment, very cleverly avoided saying in that connection that they are in favour of the whole principle contained in this Bill, namely, not only apartheid in those spheres but compulsory apartheid. There is a big difference between the principle of apartheid and the principle of compulsory apartheid, because that principle of voluntary apartheid which they advocate is of no use to us . . .

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

*Dr. VAN NIEROP: That is how we are living now.

*Mr. P. M. K. LE ROUX: . . . because nominally it says in their constitution that they are also in favour of apartheid. The hon. member for Green Point (Maj. van der Byl) made a lot of this point. He held up the pamphlet and said: "Here is our constitution; we also stand for apartheid." But a party is not judged by what its constitution says. A party is judged by the people outside according to the way in which it carries out its policy, to what extent it carries out its constitution and puts it into effect. And now I want to ask how the Opposition, when they were in power, carried out that policy of theirs. Did they ever take any steps to put that apartheid into effect in the social sphere? One proposal after the other coming from the then Opposition, from this side of the House, was turned down by them. No, it just says so in their constitution to mislead the people, to blindfold the people outside, and I shall tell you why they cannot put it into effect. It is because they are so divided among themselves and because they consist of so many groups. We have two main groups. Fortunately there is still a conservative group, but the liberalists are in the majority on that side. They dare not do it. That is why it is in their constitution but in practice one cannot get them to do anything whatever. If they are sincere with their policy of social and residential separation, then why is it that some of their front-benchers opposed this application of apartheid on the trains; why is it that they gave the lead at protest meetings held in connection with it? This afternoon I listened to the hon member for Cape Eastern (Mrs. Ballinger). This is what came to my mind when I listened to her. I thought that one might just as well be listening to Michael Scott, because she was speaking his language. There is no difference between the language spoken by her and the language spoken by the communists and by Kahn. When listening to some of the hon. members on the other side I must say that I do not notice much difference between the language spoken by many of them and the language used by the communists in this country either.

*Mr. MITCHELL: Come, come!

*Mr. P. M. K. LE ROUX: Yes, we have come.

*Mr. POTGIETER: And we have come to stay.

*Mr. P. M. K. LE ROUX: We have come to stay but the other side will just go. After referring to the procedure the hon. member for Drankensberg (Dr. Steenkamp) said that the policy of his party is also to maintain the principle of apartheid in the spheres concerned and he added that it was also the policy of the United Party when the late Gen. Hertzog was a member of that party, and when our Minister of Finance was a member of that party. But are there still any members on the United Party side who want us to believe and who want the people outside to believe that the United Party of today, without the Hertzog element and the Nationalist element in it, is the same as it was in those days? The United Party, as it was after 1939, had no room for the Hertzogs and the Havengas and for the Nationalist elements; they kicked them out. There is no room for them in that party. The United Party of today is again the old S.A. Party against which the hon. member for Drakensberg raised objections because their policy in respect of the colour question is not only the policy of the late Minister Hofmeyr, but that of their chief Leader, Gen. Smuts, where he said here in Cape Town, at a meeting of The Society of South African People, that his policy was the policy of Cecil Rhodes. What was the policy of Cecil Rhodes? It was a policy of equality between all the civilised people in this country irrespective of race or colour, as soon as they were able to pass the test of civilasation. And what was that test? His own words practically amount to this: An elementary knowledge, such as is needed for Std. VI, the possession of a house, corresponding more or less to what is laid down in our Electoral Act, and then they must not be vagrants. That was the expressed opinion of the United Party, as given also by their present Leader, and that is still the policy that calls the tune in that party. That is why we knew from the beginning that in spite of their pious talk that they were in favour of the principle, they would not vote for this Bill. They are like that: we saw the same attitude in connection with the Immorality Act; we had it in connection with the Mixed Marriages Law and we had it in connection with the Population Registration Law, all of them measures aiming at the solution of the colour problem in South Africa. And now we see it again in connection with this Bill. The hon. member for Drankensberg wanted to analyse this same attitude of theirs a little further. One can almost say that at first he inclined more than half-way over to our side, and that he was rather moving away from the attitude of the hon. member for Cape Town (Castle) (Mr. Bloomberg) and the attitude of the hon. member for Langlaagte (Mr. Robinson). But now he comes and says social apartheid, residential apartheid and economic apartheid are right, but not political apartheid. But when we want to apply these apartheid measures and entrench them in legislation, then we find that he votes against it together with the rest of his party. This afternoon he came

here and said that the big difference between their policy of separation and our apartheid policy was the question of the two-thirds majority. It seems to me the hon. member wants us to pass every measure concerning the colour question with a two-thirds majority. He wants to give out that we are trying to trample upon the entrenched clauses in our Constitution, that we want to ignore them and that this is the difference between the two parties. That is not the difference. They are the people who violated the Constitution when they granted the Indians parliamentary representation in 1946. The differences between the two parties in respect of our colour problems are, generally speaking, the following: The basis of the policy of the Nationalist Party is not only the perpetuation of white civilisation but also the maintenance of the white man's supremacy in South Africa. That is the basis of our apartheid policy, and in their apartheid which they advocate, as well as in the so-called holy entrenched clauses, it does not form the basis. As proof of this we can take this remark which came from the hon. member for Green Point when he condemned the Bill. He said they are against it because by means of this legislation now before the House we are placing educated non-Europeans in the same category as uneducated non-Europeans. I want to ask the hon. member this: He was a Minister in the previous Cabinet; he is a front-bencher of his party; if he does not want to place the educated non-European in the same category as the less educated non-European, then what other position must we create for him? Do you then want to place the educated non-European in the same category as the European? Then there is only one place where you can make room for him and that is among the Europeans. That fits in with their policy because they gradually want to grant them equal rights as they become more civilised. Hence the objection that by this law we want to place all members of the same race in the same residential area. No, they are not satisfied with delimiting certain areas for Coloured people, for Europeans and for Natives, so that they can be pushed aside by their own people in those areas. That is the natural thing; that is what will happen. Your better educated Coloured man will not go and live among the less educated Coloured people. You will find the better residential areas within that area and the poorer residential areas within that area, just as is the case among Europeans. But this is the effect of the remark made by the hon. member: He refuses the non-European the privilege enjoyed by the European and which the educated European likes to enjoy, namely, to dedicate his powers and his talents as an educated man who has some feeling for his people and his nation to the uplifting and education of his own people. If we have to give effect to the objection raised by the hon. member for Green Point, namely, that we must not place the educated non-European in the same area as the non-European who is not educated then we are refusing to the non-Europeans the privilege of obtaining the services of their own people who are more privileged and who are in a position to give them the necessary guidance and to render the necessary services. Those are the people who are so concerned about the interests of the non-Europeans. It only happened in very exceptional cases that any objections were raised by the Opposition in respect of this Bill as far as inconvenience or financial loss to Europeans is concerned. Their whole objection against the Bill is that it will be detrimental to the interests of the non-European. Ever since the Nationalist Party came into power the Opposition have consistently and deliberately launched a campaign to throw suspicion on the Nationalist Party Government, namely, this side of the House, in season and out of season, in the eyes of the non-European sections. In that way they have at the same time incited the feelings of those Europeans who have a sense of right and justice. If they did not know from experience that this sort of thing no longer fools the people, that that old horse has been ridden to a standstill, they would have misused this Bill in the same way in which they misused previous legislation piloted through this House. But it has no effect any more; it is too transparent. We are dealing here with a measure which has the approval of the nation, as the hon. the Prime Minister said. Constantly the other side of the House is referring to this side and when we are dealing with apartheid such as apartheid in the post offices or on the trains then it is said, even by their leader, that these are just pin-pricks, just irritating pricks, just things causing dissatisfaction, small, meaningless things, that they are just a nuisance. That is how they look at it. Now that we come with a Bill which is no mere irritation, which is not just a nuisance, but which is, as admitted by their side of the House, one of the most contentious, one of the most drastic and one of the most important legislative measures ever to have been introduced in this House, now there is opposition nonetheless. So it is not the pettiness or the importance of the measure applied that is irritating, it is the fact that we are treading on the toes of the liberalists in the United Party; that is the cause of the irritation. They must be taking an attitude of: "We are not hot and we are not cold; we want to be both," and they end up by being neither. That negative plus-positive attitude which is an impossibility, that lukewarm attitude of the United Party is the reason why the people are now rejecting them with contempt.

*Mr. V. G. F. SOLOMON: Not the majority of the people.

*Mr. P. M. K. LE ROUX: And as long as they remain lukewarm, neither hot nor cold,

as long as they take up that attitude, so long will they remain sitting there on the other side. That is what I predict. Yes, they will eventually disappear because there are younger members there and other people who will not be satisfied to sit there in slavish docility for ever.

*An HON. MEMBER: There are only seven.

*Mr. P. M. K. LE ROUX: I am firmly convinced that of all the problems in South Africa the colour problem is the greatest and most important because the colour question is the crucial question as far as the survival of the white man is concerned. There we have the crux of the matter. For that reason it is, to my mind, more important than all our other problems and nobody has the right to approach this question for purposes of personal gain or party-political advantage. To appeal to the United Party and to ask them to take an objective view of themselves and their Party for once, to take a subjective view for once — just once — of the interests of South Africa, of the interests of our nation and our fatherland, of the interests of the white man in South Africa, because one must take a subjective attitude towards these things, to ask them to do that, is like casting pearls before swine. I have not got the courage to do so any more because in the past it was always done in vain but I want to ask it nevertheless, not of the members in the House because here inside the House the thoughts of the United Party are not national thoughts, even though they may still have some national sentiments — their thinking is liberalistic and they are concerned with party-political advantage — but I want to ask it here so that people belonging to the United Party may ask themselves outside: Is my attitude subjective towards my people or is it subjective towards my Party. I know that there are a sufficient number of good supporters of the United Party outside who want this Bill not only in principle, as the United Party supports the principle of apartheid, but who are definitely in favour of compulsory apartheid because voluntary apartheid has proved to be a failure. I have not the slightest doubt that we can count on the greatest measure of support from the public outside. The reason why I feel so glad and grateful that we have come forward with this Bill, the most important thus far in connection with our colour question, and that we are now discussing this Bill, is that without delimited residential areas for the various racial groups in this country there must necessarily be intermixing and mixed residential areas and as long as we have these so long shall we have a perpetual blunting of the white man's colour consciousness, and the blunting of the white man's consciousness is the greatest and most dangerous cancer gnawing at the roots of the survival of our European civilization. This legislation aims at curing a disease, the outbreak of which we do not fear but a disease that already has a hold on our people, a situation that already exists; it aims at changing that state of affairs, at cutting out that cancer. It is only on the basis of apartheid that the white man can keep his colour consciousness and his national pride. Since that is the case, I ask you how we must explain the fact that we have Europeans on that side of the House today who delude themselves into believing and who expect me to accept and believe that they are sincerely acting in the best interests of South Africa when they vote against this Bill purely because of a stupid attitude supposed to be based on the fact that there has not been sufficient investigation. It is not necessary for us still to go and find out whether it is necessary or not. Everybody knows that the danger exists. All of us are also aware of the measure of that danger. But this amendment which has been moved, also from the side of the Labour Party, is nothing but a fig-leaf behind which they can conceal their unwillingness. The people will be eternally grateful to the Nationalist Party Government because they had the courage, because they showed the daring to tackle that which was in the interests of South Africa, without asking before they acted what was in the interests of the Nationalist Party, but who placed the interests of South Africa before their own and before those of their Party.

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

Evening Sitting.

Mr. WATERSON: Throughout this debate in which I shall not have the opportunity of taking the full part which I should have wished, being a victim of the limited time available for it, the Minister of the Interior continually interrupted hon. members on this side of the House with a kind of game or oranges and lemons. He has kept on interjecting whenever an hon. member on this side has repeated that we are in favour of the principle of residential and social separation, he has interjected with the phrase "voluntary or compulsory?". It is quite clear, Sir, that he thinks that he has got rather a bull-point there. He has been followed by other members on that side of the House. The hon. member for Brakpan (Mr. Trollip) dealt with that this afternoon, but I would like to reinforce what he said, because there should surely be no doubt in the minds of members opposite as to what the views of this side of the House are on this principle. We have said that we are in favour of residential and social separation for the races. Now don't ask me again . . .

The MINISTER OF JUSTICE: Voluntary or compulsory?

Mr. WATERSON: The hon. member for Brakpan put a very pertinent question to the Minister. He asked him who put the 1946 Act upon the books. In other words, this side of the House has shown by their actions, provided they are satisfied that it is necessary, they are fully prepared to enforce separation by compulsory measures, and our case, our whole case during this debate has been that if after inquiry in respect of the Cape Province a measure of compulsion is necessary, if it can be shown by the inquiry that a measure of compulsion is necessary, we would be prepared to support it.

Mr. KAHN: Shame.

Mr. WATERSON: But of course as to who should exercise that authority, whether it should be the Minister or the provincial authorities, whether it should be the local authorities as has been the position in the past, is a matter for consideration and decision at a later stage. But let there be no shadow of doubt that provided it can be shown that it is necessary to exercise some measure of authority to bring that state of affairs about, we on this side of the House will be prepared to agree to it. But our experience in the Cape to date, without legislation, has been that by voluntary measures we have achieved a considerable measure of residential separation, as the hon. member for Cape Town (Castle) (Mr. Bloomberg) explained yesterday. The extent to which we have been able to go, Sir, has been limited simply by financial considerations. It has been limited by the amount of housing we have been able to provide for the Coloured people who have been displaced by some areas being declared, and, Mr. Speaker, exactly the same position will obtain under this Bill if it becomes an Act, because in our view this Bill which makes no provision for any kind of compensation, which makes no provision for any kind of alternative housing for people who are to be displaced and which makes no provision whatever for consultation, which surely the people who are to be displaced are entitled to have, except by way of appeal, this Bill brings us no further to a solution of the problem that we have tackled here on a voluntary basis, and unless the Minister is satisfied that his colleague from the Treasury will make available to him, or through him very much larger sums of money than is being made available to local authorities who are proceeding with their voluntary schemes, then, Sir, any forcible measure of displacement of the Coloured people can only lead to untold hardship and misery and injustice to that part of the population. Therefore I hope that the Minister is clear now in his mind as to our views in regard to the principle of social and residential separation.

The MINISTER OF LABOUR: As clear as mud.

Mr. WATERSON: Well, Mr. Speaker, I hope the Minister of Labour's eyes will be shortly recovered. Now I want to refer to another point, I want to refer to the speech made by my colleague, the hon. member for Drakensberg (Dr. Steenkamp) this afternoon, a very able speech which made a great impression on the members opposite judging by the noice they made. Sir, the hon. member for Drankenberg, in the course of his speech, referred to what he regareded as certain inconsistancies in the views of the present Prime Minister on this question of the status of the Coloured people in past years and he quoted from Hansard — in quoting from Hansard, he was quoting passages which were themselves quotations, and apparently from the wealth of laughter on the other side, they did not accept the accuracy of those statements which were quoted from Hansard. I have delved a little further into the question and I would like to quote a passage, which I think makes quite clear what the attitude of the Prime Minister was in the days when he was Minister of the Interior and had to deal in his capacity as Minister with the Coloured people of the Cape. I quote from a report of a Malay Congress, which was held in the Cape in 1925. It was headed: "Groot Slamse Kongres in Kaapstad" and it contains a statement made by the Minister of the Interior on behalf of this Government to that congress and it reads like this—

> Die politiek van die Regering met betrekking tot die Slamse is dat hulle hul altyd sal beskou as Suid-Afrikaners en hulle nooit sal beskou as Asiate nie. Die wette wat Asiate raak sal die Slamse altyd uitsluit omdat hulle Afrikaners is.
>
> Die Regering sal altyd probeer om aan die Slamse 'n hoër status te gee as wat hulle besit en dit is gelyke regte met die blanke man.
>
> Die kleurslagboom het die Slamse voorheen, byvoorbeeld, uit die myne gehou, maar sorg die teenswoordige Regering dat daar vir die Kleurling en vir die Slamse geen Kleurslagboom is nie.

I quote from "Die Burger" of the 25th June, 1925.

Mr. SUTTER: Deny that.

Mr. WATERSON: The present Prime Minister in June, 1925, told the Malay community of the Cape that his Government stood for equal rights with the Europeans. In view of that statement, can the Prime

Minister be surprised that when this Bill is brought forward at a moment's notice and attempted to be put upon the Statute Book in a few days, without any inquiry, without any consideration, can he be surprised that the Coloured community in the Cape lose all faith whatever in any undertaking on the part of his Government? And is it unreasonable to say that in view of the past assurances which the Coloured community of the Cape has received personally from the Prime Minister that if he found it incumbent upon him in the light of what has happened since to pursue an entirely opposite policy to what he promised them years ago, the least he could have done was to consult them and he should have enlisted their co-operation in a policy which he now thinks is in the interests of the country. I suggest that there could be no more cogent reason for asking the Government in the name of fair play and dency and justice and in the hope of carrying with them, as they should do the non-European people of the Cape, there can be no stronger argument for asking to hold up this Bill until they get an opportunity of discussing it with them and endeavouring to secure their co-operation.

There is one more point which I want to refer to. I share in the regret that the hon. the Prime Minister was not able to complete his speech this afternoon and I hope he will be able to complete it at a later stage, but there was one question which was raised by the hon. member for Langlaagte (Mr. Robinson) yesterday which seems to me of prime importance and which I have no doubt the Prime Minister had intended to reply to had he been able to continue, and that is the question of the inquiry or request which was received from the Indian Government to hold this Bill over pending the proposed conference which it is hoped to hold between our Government and the Indian Government. I consider this one of the most important points which have been raised in this debate and I hope that the Prime Minister may find it possible to allow the Minister of the Interior to reply to that question on his behalf, because that question and the reply thereto has the widest implications. The policy of the present Government, as declared, in regard to the Asiatics is to secure the repatriation of as large a number as possible to India in co-operation with the Government of India. Now, Mr. Speaker, if we have refused to comply with the request of the Indian Government to hold this Bill over, I am afraid that it is very likely indeed that that conference will not be held. I am not speaking lightly.

The MINISTER OF JUSTICE: It is very irresponsible.

Mr. WATERSON: The hon. the Minister of Justice says that I am speaking in an irresponsible manner. I consider that the Government, in not making known its reply to that request from the Indian Government, has acted in a highly irresponsible manner and without any understanding of what it may result in.

The MINISTER OF JUSTICE: Championing the cause of the Indian Government.

Mr. WATERSON: I am not championing the Indian Government at all. I say this, the only hope of our achieving any success in the Government's policy of repatriation of Indians lies in having the co-operation of the Governments of India and Pakistan. I fully endorse that.

The MINISTER OF THE INTERIOR: At any price?

Mr. WATERSON: I did not say at any price, and I hope the hon. the Minister will not put such words in my mouth.

The MINISTER OF THE INTERIOR: I only asked.

Mr. WATERSON: It was entirely unnecessary for the hon. the Minister to ask me a question of that sort.

The MINISTER OF THE INTERIOR: Why?

Mr. WATERSON: Because he is suggesting that I am not a good South African, and I resent it coming from him. I am just as jealous of the honour and welfare of my country as the Minister of the Interior. The position is this: If we are to have any hope of succeeding in the policy of repatriating Indians, it is essential that we should have the co-operation of the Government of India and the first step in order to get that co-operation is to restore relations, and as a result of the conference which the Minister had with the Indian representatives, a step was taken which seemed possibly to lead to the first round-table conference we have had for many years. Now my point is this, that if, as a result of not holding up this Bill, the Government of India does not agree to holding that conference, this Government will have of its own accord torpedoed and destroyed any hope of carrying out a repatriation scheme.

An HON. MEMBER: Shame on you.

Mr. WATERSON: I make no suggestions whatever, Mr. Speaker.

The MINISTER OF JUSTICE: Of course you are. Taking sides.

Mr. WATERSON: I am hoping that the Minister of the Interior will be able to give us the reply which the hon. member for Langlaagte asked the Prime Minister to give us yesterday because, in my opinion, it is

a reply upon which hangs a very great deal for the future of this country. I am asking this also because I believe that it is one of the implications of this Bill which the Government has failed to consider.

Now, the object of this Bill, as declared by the Minister and the Prime Minister, is not primarily political; it is a social and an economic Bill. It is intended to shape the pattern of our people, for ever, as the Minister said, I think. Now in dealing with a Bill like this which essentially deals with race relations, surely the Minister will agree that if any Bill dealing with race relations on a fundamental matter like this is to be successful, it is not only desirable but it is essential that there should be the greatest possible measure of agreement on the policy which is to be adopted for the country, agreement not only between Europeans, but agreement between the Europeans and the non-Europeans as well. We are dealing with a human problem here, Sir, an enormous human problem affecting every person in this country of all colours and all races, and, Mr. Speaker, if the non-Europeans are to be dealt with as if they were grains of sand to be shovelled about wherever the Government wants to shovel them, without any kind of co-operation, then Sir, the prospects of this policy being successful seem to me to be poor indeed. Mr. Speaker, why did the Government appoint a Select Committee on the Unlawful Organisations Bill? They appointed it with the idea and in the hope that there might be the greatest possible measure of agreement on that Bill. Well, now, surely, Mr. Speaker, this Bill which in its ultimate effect on this country is shaping the life of the country for years to come, is far more important in its implications than the Unlawful Organisations Bill. Surely the case for sending that to an enquiry by a commission as suggested by us and getting the consultation of all concerned and endeavouring to hammer out an agreed policy, is far more important even than the case for a Select Committee on the other Bill, and I cannot for the life of me understand why the Government having adopted the very sensible procedure in respect of the other Bill, why in respect of this Bill which is far more important in its long-run implications than the previous one, why the Government has not seen that a little delay is far more likely what the Prime Minister honestly, I know, wants to see as his life work, as the coping stone of his public life, far more likely to see it established as an agreed policy which everybody, non-European as well as European will help to make a success, than by taking the line they are doing at the present moment.

The PRIME MINISTER: You have had your chance.

Mr. WATERSON: We are dealing with a Bill affecting the interests of every individual in the country. We are dealing with a Bill which the Minister himself said is complicated and highly involved. We are dealing with a brand new scheme to give effect to a principle with which this House is almost entirely in agreement. We have been given no reason whatever by any member on the other side of the House for the desparate hurry for putting this Bill through. We have on this side of the House for the past two days, every speaker who has spoken has put forward a good sound reason for delaying this Bill and we had nothing from the other side to pursuade us that we were wrong. Hon. members on the other side say that they believe in the policy of apartheid and therefore automatically any Bill which is brought forward and in which the magic word "apartheid" is used in introducing it, is automatically right, proper and perfect. Nothing could be more unstatesmanlike than dealing in this way with a measure of this sort and I just want to say in conclusion that in the name of common sense, in the name of the interests of this country and in the name of the most elementary statesmanship, I think we on this side of the House have made out an overwhelming case for delaying this Bill, for the giving of a reasonable time for discussion and reviewing the implications of it, for trying to get the support and the co-operation not only of the whole European population, but also of the non-European population who are involved equally, if not more, in this Bill. All those considerations demand that the Government if it retains any sanity, should accept the amendment and delay this Bill.

*Mr. J. H. CONRADIE: I can well understand hon. members opposite becoming nervous. They have always wanted to know what apartheid is. We are now embodying apartheid in legislation and now they are beginning to realise that the ground is disappearing from underneath them and that they will no longer get any suuport in the country. Before coming to the hon. member for Claremont (Mr. Waterson), I just want to say as a friend of the hon. member for Salt River (Mr. Lawrence) that I am very sorry that he cannot be here to participate in this debate. I regret it very much, because he has had a lot to do in the past with legislation of a similar nature, as I shall show, and he also contributed his share in the past in connection with similar legislation. I am very sorry that he cannot be here today, and I hope that he will recover soon. I am certain that if he were here tonight, he would not agree with the hon. member for Claremont and the interpretation which that member has just given of his party's policy. The hon. member for Claremont has now attempted to incite the whole world against South Africa — and that when we

introduce legislation which we deem in the interests of South Africa. I know of no other country in the world where foreign influences interfere when such a country is trying to put its domestic affairs in order. But here in South Africa, we must take our instructions from the Governments of India and Pakistan. No, Mr. Speaker, hon. members opposite are committing sabotage against South Africa, and it surprises me that the hon. member for Claremont should be a party to it. We now come to the question of principle.

*Maj. VAN DER BYL: But what about the principle of keeping a promise?

*Mr. J. H. CONRADIE: The hon. member for Germiston (District) (Mr. Strauss) said that there is no difference in principle in connection with this matter. The previous Prime Minister, the present Leader of the Opposition, has been quoted here as having said in 1946 that it was unnecessary to refer an Asiatic Bill to a Select Committee because there was a difference of principle; it was, therefore, not necessary to fight that difference of principle out in a Select Committee. It had to be done here in the House. Now the hon. member for Germiston (District) says that there is no difference of principle in connection with this matter and that at least a commission must therefore be appointed with a judge as chairman. But is it true that there is no difference of principle between us? In checking up on the members opposite and in ascertaining what they really feel at heart, we find that there are three differences amongst them. There are members who are definitely opposed to the Bill in principle, like the hon. member for Cape Town (Castle) (Mr. Bloomberg) and the member for Cape Flats (Mr. du Toit). Then there are members who agree with us on the principle, like the hon. member for Musgrave (Mr. A. H. J. Eaton); and then there are members who are performing an egg dance. They do not yet know which side to support. Amongst them we find the hon. member for Green Point (Maj. van der Byl). But we shall shortly hear whether there is a difference of principle.

*Mr. MITCHELL: [Inaudible.]

*Mr. J. H. CONRADIE: I have the political document here which deals with the hon. member and the recommendations he made and for what purpose when he was chairman of a committee in 1943. I shall still come to it. The question here is this. Our attitude is that separate residential areas should be brought about by making it compulsory through legislation. That side of the House does not believe in that principle. They want to bring it about on a voluntary basis, in spite of what they have said here. I have here in my hand the "Native and Colour Policy of the United Party". It is classified as follows—

(a) Exposition of policy.

(b) Explanation of policy.

(c) The constitutional position.

That is the preamble. Then we get the Native and colour policy of the United Party—

> Gen. Smuts, as leader of the United Party, with the approval of the Union Executive Council of the party and after consultation with the other party leaders, handed the following statement to the Press in connection with the Native and colour policy of the United Party.

Then it says—

> This announcement represents the officially declared policy of the party on this matter.

Then we come to paragraph (4)—

> As far as the social status is concerned, the United Party acknowledges the fact that both the Coloured and the European community desire apartheid for the provision of improved and more housing, educational, health and social facilities for the Coloured population; it should be accomplished in such a way that the development of Coloured residential areas should be stimulated on a voluntary basis.
>
> The party is in favour of complete self-government in such residential areas, and the provision of various minor civic and other services by the Coloured people themselves.

These are the principles laid down and proclaimed to the whole world, and now they come here and say that there is no difference in principle between them and this side of the House. We maintain that there is a wide difference in principle between this side and that side, and whatever the hon. member for South Coast (Mr. Mitchell) might say, he knows that it is true. He was filled with fear about the position in Natal, and under his chairmanship a report was presented in 1943; what do we find in that report? It was presented by a commission appointed in connection with post-war reconstruction. That commission's terms of reference appeared in the "Natal Provincial Gazette", and one of these terms of reference (5) was—

> In general any other revelant matter in connection with the inquiry, which might result in the full development of all possible farmworks in connection with this object.

As a result of this general term of reference they make the following recommendation in par. 10 of the second part of their report. I shall read it out in English—

> In a desire to face facts subject to minor modifications to meet individual views your commission suggests that the following broad generalisations are a fair summary of the majority views of Europeans in the province.

Then it goes on to say—

> (a) The African is controlled by special laws as to his employment and place of residence, and it is well that it should be so. He is in the position of the minor to the European as his trustee, who knows what is best for him and who, for an indefinite period will continue to know that. Definitely on most of the other questions arising the European seems undecided as to the period of time during which the discriminatory laws are to be maintained.

It has dealt with the Native and is now coming to the Coloured person—

> The Coloured man, no doubt, has a place in the scheme of things. His numbers are not very great and in time he will approximate to European standards or tend to live more in accordance with European habits.

It is the Native, therefore, who has to be separated. That is the general principle on which the recommendations are based. Then we come to the Indians—

> The Indian of the labouring, peasant and employee class is serving a useful purpose. But the Indian of the more affluent class is a menace to the European civilisation in Natal and large racial zones should be set aside in which such Indians should live and carry on their business and occupations and pursue all the daily activities and avocations of the normal human life.

And that is what we are doing now.

Mr. MITCHELL: Have you ever heard of the Asiatic Tenure Act?

*Mr. J. H. CONRADIE: Yes, we know everything about it. But we are now making it compulsory throughout South Africa. Why should it be compulsory only in Natal and not in the Cape Province? Why should the Indian be permitted to buy up property in East London as he is doing now; why should the Indian be allowed to buy up property in Port Elizabeth as he is doing now; why should he be allowed to buy up property in Aliwal North, Dordrecht and Vryburg and such places, as he is doing now? In his introductory speech the hon. the Minister stressed the fact that he has evidence to the effect that they are doing it. And they are doing it here in Cape Town. On going to Kloof Street and Tamboerskloof, respectable residential areas of Cape Town, one finds that numerous houses have been acquired by Indians, with the result that the value of houses in that area is dropping. We want to prevent that. If it could be done in Natal, why not also in the rest of South Africa? The Natal members have always been saved by this side of the House. That side of the House has done nothing for Natal. If they had listened to us in 1946 there would have been a much better Act on the Statute Book. But they refused to listen. That member, who was the big shot in Natal, knows that he wanted to give the Indians of Natal the municipal franchise.

Mr. MITCHELL: That is not true.

*Mr. J. H. CONRADIE: It has already been read out to him in this House and that hon. member knows it.

Mr. MITCHELL: Mr. Speaker, on a point of personal explanation . . .

Mr. SPEAKER: The hon. member can only make a personal explanation if the hon. member addressing the House is agreeable to his doing so.

*Mr. J. H. CONRADIE: Yes, I will give way.

Mr. MITCHELL: The point of explanation . . .

Mr. A. STEYN: No explanation; sit down.

Mr. MITCHELL: The statement is not true.

The MINISTER OF THE INTERIOR: It appeared in the "Natal Mercury" of the 13th February, 1947.

Mr. MITCHELL: The only proof which was ever suggested was the "Natal Mercury" to which the hon. the Minister referred. It was an undated and anonymous letter to the paper and I say it is not true, Sir.

*Mr. J. H. CONRADIE: When he was Administrator of Natal, the hon. member made certain recommendations to the Municipal Association, and this was one of those recommendations. Does he want to deny it? At that time he was repudiated by the Municipal Association of Natal. We know what has happened in Natal. He should be ashamed, and it was no more than right that the Europeans of Natal repudiated him, because he wanted to throw them into the

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hands of the Indians. And then he is the man who wants to prevent us from doing something to stop it where we are faced with the same difficulties here in Cape Town. No, let us do it, because we are faced with exactly the same danger as they are faced with in Natal. We saved that member, too, in Natal and he should not stop us here.

*Mr. S. J. M. STEYN: And tonight you are again going to sleep with a communist.

*Mr. J. H. CONRADIE: I shall at least not be sleeping with Eva. Let us put this matter on a sound basis. It is a matter of principle, and in their official policy published after the general election — in their October policy of 1948 — that side of the House told the country that it did not want to make separate residential areas compulsory. It had to be voluntary. Let those members get up and confess here that they have changed their opinion. If they have changed their views we are prepared to co-operate with them. But we cannot co-operate with a party that blows hot and cold. We cannot co-operate with a party that has a member like the hon. member for Cape Town (Castle) who says that he detests this Bill from A to Z, who says he is opposed to it in principle and will therefore vote against it. And then their is the Acting Leader of the Opposition who calls this Bill pernicious legislation.

Now he wants an inquiry and that inquiry should take place under the chairmanship of a judge. As far as Transvaal is concerned we have all the particulars as a result of the inquiry of the Feetham Commission — a commission that was presided over by a judge. We have all the information supplied by the Lange Commission — also under the chairmanship of a judge. A man who was a member of this House, Mr. Justice Broome — he became a judge afterwards — was specially appointed to inquire into the penetration of Indians in European areas in Durban, and as a result of his findings in 1943, the then Government introduced the Pegging Act and a committee was appointed to arrange the matter on a voluntary basis.

*Maj. VAN DER BYL: But what about the Coloureds?

*Mr. J. H. CONRADIE: If that hon. member would only listen a bit, he will get something into his head. Before the Broome Commission had its sittings, the Government appointed a committee to arrange the whole matter. The hon. member for Green Point will probably remember that it was the Lawrence Committee. The committee was composed of three representatives of the Indians in Durban and three city councillors of Durban. They had to arrange the matter. They entered into a sort of gentleman's agreement to the effect that any acquisition of property in an area where, in terms of the agreement no property should be bought, would be referred to the committee. They tried to arrange the matter on a voluntary basis. But what happened? While that committee was still deliberating on the basis of that gentlemen's agreement, the Indians were buying more and more properties in the European areas. Then Natal's eyes were opened and they realised that they could not negotiate with the Indians. It was mostly the rich Indians who, in their desire to invest money in the best part of Durban, bought up land there. The result was that on the 14th April, 1943, Mr. Lawrence announced in this House that the Lawrence Committee was no longer effective and that he was compelled to introduce a Pegging Act. That Act was passed. I must add that it was done at the instigation of the then Dominion Party. Col. Stallard, especially, insisted on it. But what happned then? After the passing of the Pegging Act Mr. Lawrence thought that he should proceed with the Lawrence Committee. But in 1946 they again had to come to this House to introduce legislation because the Indians had, in spite of the gentlemen's agreement, in spite of the Pegging Act and in spite of all the voluntary measures, violated all those agreements.

We on this side now say that there is absolutely sufficient proof to show that this question cannot be solved on a voluntary basis. That is why we regard it as a matter of principle. We maintain that a sufficient number of commissions and committees have been appointed to inquire into this question in the various parts of the country, and that we have sufficient evidence in connection with this matter.

*Mr. HUGHES: [Inaudible.]

*Mr. J. H. CONRADIE: It is easy for the hon. member for Transkeian Territories (Mr. Hughes) to talk. He lives in Umtata, which is a Native area. He knows that that area has been set aside for Natives, and he should not come and poke his nose into what is happening here in the Western Province and other parts. If they want to live with those people, let them do so. Do members know what is happening in Cape Town? I also had a house here, and it was stated on my title deed that the property concerned may not be acquired or occupied by a non-European. In that way large areas in the Cape Peninsula, where the Coloureds were excluded, were kept "white". But in other parts, the largest areas where the less-privileged people live, one does not find such conditions on the title deeds. The member for Cape Flats (Mr. du Toit), for instance, lives in Pinelands. It is pre-eminently the garden suburb of Cape Town, and a non-European may not own property or open a business there. There is a wonderful community in Pinelands; there is a wonderful opportunity for business, and for a Coloured person it

would be wonderful to live there, and also for the Indians and other non-Europeans. It will be wonderful for them to be able to make a living there. But they are not allowed there. I have never heard the hon. member object to the non-Europeans not being allowed there. But that is what we get from those hon. members. They isolate themselves. They first see to it that they are on an island, that they are separated; and then they come to this House to oppose apartheid. If the gentlemen opposite want Europeans and non-Europeans to live together in the same areas, let them then experience what our less-privileged people have to suffer, and let them go and live amongst the non-Europeans for a change.

No, the time has arrived when we should have separate residential areas here in Cape Town and in the Peninsula. An Administrator of the Cape Province, whose name I have the honour to bear, once had to deal in the Provincial Council with a motion for the demarcation of areas for Europeans and non-Europeans. The supporters of the opposite side of the House strenuously opposed it, and the Administrator then issued this warning that if the present policy in the Cape Peninsula was pursued, the day would come when the Europeans from other parts of the country would no longer come here. He said that the position in Cape Town was becoming so bad that Europeans from other parts of the country no longer felt at home in Cape Town. Shortly after that I travelled by train to Pretoria. Opposite me sat a lady and two gentlemen, who, according to their conversation, were prominent inhabitants of Parktown, Johannesburg. They had come to Cape Town on a month's holiday, but the lady told the one gentleman that she found it impossible to spend an enjoyable holiday in Cape Town, because every day she found herself thrown together with people who do not belong to her race. She said that she had found it unpleasant and that she would not come to Cape Town again for a holiday. We find the same thing on the buses. At that time we had the same thing on the trains, and that is why those people did not want to come back to Cape Town.

In this Bill we have the positive side of apartheid, and I find it strange that members opposite should oppose it. They said again and again that this side failed to produce the positive side of apartheid. They have always been saying: If you come with the positive side of apartheid, we shall support you. Here we have it. In this Bill provision is made for separate residential areas for Europeans, Natives, Coloureds, Asiatics and Malays, for the various ethnical groups. That is what the Rt. Hon. the Prime Minister meant at that time in his speech, which the hon. member for Drakensberg (Dr. Steenkamp) referred to when he tried to quote here from Hansard what he could not find in it. We are giving those people their own areas and we are giving them the opportunity to develop, to have their own chemists there, their own shopkeepers, their own doctors, their own businessmen, etc.

*Mr. S. J. M. STEYN: Everything but the vote.

*Mr. J. H. CONRADIE: Let them then, when they have reached that stage of development, manage their own municipal affairs. That is what apartheid means. When I was a young boy at the university, I read a speech on this subject by the late Gen. Hertzog. It was a speech on segregation which he delivered at Smithfield, and in that speech he said that it was his aim that the various sections of the population should develop into full-fledged citizens in their own areas. That is what we are busy doing at the moment. It is that side of the question about which hon. members opposite are remaining completely silent. One is really beginning to think that the Opposition has only one idea and that is to oppose this Bill for political purposes, because they now think that they have a weapon in their hands which they can use to incite the Coloured people against us. But we, who represent country constituencies, and especially I, know that there are Coloured people, and particularly in my constituency, who fully support the Government's policy in connection with separate residential areas. I know there are some of them who would like to start their own business concerns in their own areas, and where they have attempted to do so in the past, they were not thwarted by members on this side of the House, but by supporters of that side of the House. I remember how Coloured people approached me and said: "Mr. Conradie, if this is our area, we shall be able to start our own bioscope here", but they could not get permission to do so, and we know that a supporter of the Party opposite, who sat in this House in the previous parliament during the war, opened a bioscope for Coloureds in Kimberley. No, we shall afford the Coloured person and the Indian, and the Native, an opportunity of developing in their own areas, and of living their own free lives as full-grown people, not people who are influenced by a political party that only knows them when there is an election. The hon. member for Green Point is looking at me as if I were saying something which is not true, but B. K. Long told us in his book how that side of the House deals with the Coloureds. In times of election they know the Coloured people and they exploit them, and after the election they forget about them. That is the difference between this side of the House and that side, and that is why we, particularly those of us who represent the Cape Province, are very grateful to the Government for having

introduced such legislation. There are parts of the country that are expanding as a result of new industries which are arising there. As a result of the ensuing expansion, the towns concerned are growing, and there is penetration on the part of the Indians, who are pouring into the Cape Province; we want to prevent that penetration before it becomes an abscess as in Natal; that is why we are asking that side of the House to assist us in placing this Bill on the Statute Book. There are various aspects of the matter in connection with properties which I would like to stress. The hon. member for Germiston (District) said that it would be possible under this Bill to proclaim Alexandra a European area.

*Mr. TIGHY: I hope you make it a European area.

*Mr. J. H. CONRADIE: What will become of the poor Natives in those parts? No, he may then just as well say that the Government will, under this Bill, proclaim Langa or the Transkei European areas. No, that is an area which is a predominantly Native area, and under the provisions of this Bill it will remain a predominantly Native area. That is the position. Mention has been made of economic difficulties in connection with this Bill. No immediate action is required. It is a long process which will adapt itself over a period of years to the circumstances of the country, and after a number of years the position will stabilise itself and throughout the country Europeans will be living in certain areas, Coloureds will be living in certain areas, Natives will be living in certain areas and Indians will be living in certain areas. This is happening in America, especially in the southern states of America, and this Government is solving the question in accordance with the mandate given by the European population of the country, and the majority of the Europeans in this country, who are supporting the Government, are in Natal. We had already started with legislation in connection with Natal, and there is the hon. member for Durban (Berea) (Mr. Sullivan) who is also worried by the Coloureds and the Indians in the Cape, and who is only too grateful that the Government had the courage of its convictions to save the position for the European in Natal. We are looking forward with more optimism to the future when this Bill will be on the Staute Bock; then we shall have a country in which the descendants of our people will be happy.

Mr. HOPEWELL: I have very little time left, but since this debate started I have had an opportunity of going back to Durban and to make some inquiries as to what has been happening in connection with this Bill and I am satisfied that the people of Durban, whatever they may feel about the necessity or the advisability of separate social and residential areas, are absolutely convinced that they are not prepared to jeopardise every principle for the sake of getting this Bill through. I am satisfied on making further inquiries that the Durban Town Council has been given to understand by the Minister, or by someone on behalf of the Minister, that the intention of this Bill so far as Durban is concerned, is only concerned with the Indians.

The MINISTER OF THE INTERIOR: What.

Mr. HOPEWELL: That so far as Durban is concerned, the Bill is not concerned with the Coloured people.

The MINISTER OF THE INTERIOR: Where do you get hold of that?

Mr. HOPEWELL: That is the general impression that was given to the Durban Town Council.

The MINISTER OF THE INTERIOR: Read the Bill.

The MINISTER OF JUSTICE: That is wrong.

Mr. HOPEWELL: They have been given to understand that there is no need for the people in Durban to worry about this, that this is being done specifically to help Durban with the Indian question.

The MINISTER OF THE INTERIOR: They asked for all four areas.

Mr. HOPEWELL: The Durban Town Council considered this and they realised that the financial implications are not their responsibility. They realise that so far as anything outside Durban is concerned, it is not their responsibility. They are not concerned with the political aspect and they dealt with the matter solely from the point of view of how it affects the Indians and the Europeans. Furthermore, the Minister asked the Durban Town Council to keep their amendment secret.

The MINISTER OF THE INTERIOR: Where do you get hold of that?

Mr. HOPEWELL: The Minister has the recommendations and the general views of the Durban Town Council. He knows them and they have not been conveyed to a single member of Parliament for Durban or for the Durban areas. The Minister has specially requested that they be made known to him and to him only.

The MINISTER OF THE INTERIOR: That is not so. They gave an interview to the papers.

Mr. STRAUSS: Give him a chance to proceed; he has very little time.

The MINISTER OF JUSTICE: He is making incorrect statements surely we should be able to point out that they are not correct?

Mr. HOPEWELL: The general impression has been given throughout the country that Durban is solidly behind this Bill and that Durban will swallow this Bill holus-bolus. The Minister has given that impression . . .

The MINISTER OF THE INTERIOR: I have not given that impression.

Mr. HOPEWELL: . . . and if the Minister has not given that impression members on the other side who speak for him have given that impression.

At 9.9 p.m., on the conclusion of the period of twenty-two hours allotted for the second reading of the Bill, the business under consideration was interrupted by Mr. Speaker in accordance with the resolution adopted by the House on the 26th May, and the amendments proposed by Mr. Strauss and Mr. Lovell dropped.

*The MINISTER OF THE INTERIOR: This debate has dragged on now for three days and if one looks at the variety of subjects which hon. members opposite have started to grasp at, one realises that three days have been too much for a discussion of this Bill.

*Mr. S. J. M. STEYN: Too much for you.

*The MINISTER OF THE INTERIOR: But on the other hand it has been too little for the Opposition to explain what their attitude on this Bill actually is. Three days have still been too little for that purpose. Hon. members opposite have tried the difficult job, as the hon. the Prime Minister has said, of sitting on two chairs. They have tried to cover up the wide split in their political party, to plaster it up and they have come here with an amendment which aimed at proving the unanimity and the agreement prevailing on the other side. They have come here with magnificent phrases to tell us that they are prepared to accept the principle; but this is the thing which strikes one at once — it struck me immediately — that it is a peculiar phenomenon that the United Party should now be disloyal to its whole past, and I have been wondering whether that could be really true. I have had my difficulties. Firstly, it seemed peculiar to me that people while accepting a principle, can attack a Bill embodying that principle as vehemently as they have done. I have never yet seen an accepted principle opposed so vehemently as the principle embodied in this Bill. A second point which appeared strange to me was this. If those hon. members are in agreement with the principle and are only concerned about its application, why then have they not asked for an investigation or an inquiry after the second reading? Why don't they want to accept the second reading? I know that the hon. member for Brakpan (Mr. Trollip) has been trying very hard to shuffle away from the specific position in which this amendment places them. But let us look at the amendment itself for a bit. It is a long time ago since I last came across such a contrast, such a contradictio in terminis as contained in this amendment. The amendment reads as follows—

> To omit all the words after "that" and to substitute "This House" in view of (a) the general acceptence in South Africa of the principle of residential, and social separation, declines to pass the second reading of the Bill . . .

So because that principle is generally accepted they refuse to accept the second reading of this Bill. If one did not know what the Bill contained and if one only looked at their amendment, one would imagine this Bill to be a violation of a principle which is generally accepted, namely, residential and social separation. That is what hon. members opposite have been driven to. They have made an attack here on the "absence of any public inquiry" preceding this Bill. But is it not strange, if that is the adopted policy of the United Party? One would have assumed that they themselves would have instituted such an inquiry; that it would not have been necessary for them to ask this House, first of all, to investigate this principle, this principle which, as they say, they have already adopted. But there is a further very strange phenomenon which has entered here and that is that they pretend, the one member after the other, the hon. member for South Coast Natal (Mr. Mitchell), in particular that separate residential areas are an injustice, are unfair, to the non-European population of South Africa. I ask again if that then is their accepted policy then it means, if the hon. member for South Coast Natal is right, that their adopted policy constitutes an injustice and an unfairness towards the non-European population. As I say I have never yet seen an adopted policy of a party attacked to such an extent as this so-called adopted policy of theirs was attacked by them.

But let us go a little further. Those facts are cogent enough, but I have asked here on several occasions "voluntary or compulsory?" You say that you stand for the principle of separate residential areas — voluntary or compulsory?" You know, Mr. Speaker, the course which the Opposition has

followed in regard to this question. On the first day they systematically refused to answer. I tried to get the hon. member for Germiston (District) (Mr. Strauss) to reply to that question. I spoke courteously to him and he said: "I shall come to it in a moment.

*Mr. SERFONTEIN: And he is still coming to it.

*The MINISTER OF THE INTERIOR: At that stage it was still quite uncertain whether they would have to vote for compulsory or voluntary separation. But they went a little further and now they have come along with a fresh point. The hon. member for Claremont (Mr. Waterson) says: "Have you still got any doubt — surely we applied compulsory segregation in the 1946 Act." This is what he boldly stated.

*Mr. RUSSELL: He did not stick out his chest like that.

*The MINISTER OF THE INTERIOR: The hon. member has apparently not read the 1946 Act because the 1946 Act does not provide for segregation. There is no area in Natal which is an exclusively European area; there is no area which is an exclusively Indian area. You only get two classes of areas there, the one where you have the status quo, i.e., where the existing intermingling is being perpetuated and the other is the international area where people are free to buy and hold land as they please. I just want to remind the hon. member that when the Rt. Hon. the Leader of the Opposition was asked a question during the discussion of the 1946 Act, he said this—

> No, we did not adopt the principle of having separate areas where only Indians can live.

That is the compulsory segregation of the hon. member for Claremont. I could have adduced a further reason if this were segregation. If it were segregation I could still have understood it if people had said: "Yes, the United Party was prepared to do it in Natal for the Indians because there they have not got the franchise, but not in the Cape for the Coloured people who do have the franchise here." I think it will be difficult to evade this conclusion, because the Rt. Hon. the Leader of the Opposition in 1946 held out the prospect that this law and its regulations, whatever they may be, would be extended to the Cape, that is to say, for Indians. That is what the then Prime Minister said in introducing the 1946 Act.

But let us further see what the position is. These are a few indications of lack of knowledge of their own principles on the other side. Let us go a little further, and my doubts whether this is seriously intended were strengthened when I noticed that, for instance, in 1943 the Coloured Advisory Board, shortly after it had been established, issued a statement because it was being criticised in various quarters. That statement was handed to the Press and appeared in the newspapers and this is what appeared in that statement—

> The board is convinced that compulsory segregation in respect of residential areas will not be applied and the community can rest assured that any attempt to deviate from the Government's solemn assurance will be actively resisted by us.

*Dr. STEENKAMP: This is compulsory segregation.

*The MINISTER OF THE INTERIOR: In other words, this is a clear statement that they only favour voluntary residential segregation. It is for that reason that I asked — I was anxious to know — whether there had been a change in their policy. This was in 1943 and in 1943 the then Minister of the Interior made an official statement of the Government's policy in regard to the Coloured population. This was on the 27th of March, 1943. It has already been quoted here and it is on that statement that the statement of the Advisory Council was apparently based—

> The Government does not propose to take any legislative or other steps to enforce compulsory segregation in respect of residential areas.

*Dr. STEENKAMP: That is Gen. Hertzog's policy.

*The MINISTER OF THE INTERIOR: This is the policy as put by them to the Coloured people. They went further and after the general election some members of the United Party said: "We do not know what our own colour policy is."

*HON. MEMBERS: That is untrue.

*Mr. A. STEYN: Only Eva knew.

*The MINISTER OF THE INTERIOR: In October, 1948, a special scribe was appointed to draft it and I think the hon. member for Germiston (District) was appointed and this is what he said . . .

*Mr. ROBINSON: That is also untrue.

*The MINISTER OF THE INTERIOR: The hon. member for Langlaagte (Mr. Robinson) is young but he should not pose as being even younger than he is.

*Mr. S. J. M. STEYN: He could not be as childish as you are.

*The MINISTER OF JUSTICE: You are cornered. It is no use talking now.

GOVERNMENT PRINTER FOR THE REPUBLIC OF SOUTH AFRICA

*The MINISTER OF THE INTERIOR: I am now quoting from a statement—

> This announcement interprets the officially declared policy of the United Party in regard to this matter.

Are hon. members prepared to deny that this is no longer their policy? Let us hear now what they say. This has also been quoted here by the hon. member for Gordonia (Mr. J. H. Conradie) and I want to quote it again—

> As regards social status the United Party know that the Coloured people and the Europeans want social apartheid.

Not segregation, but apartheid. In the first part it is segregation, but now they forgot themselves and they also talk about apartheid and the interesting point is that they say that they do not know what apartheid is. But this is their official policy. And then they say that they will render better services—

> . . . in such a way that the development of Coloured residential areas will be stimulated on a voluntary basis.

*HON. MEMBERS: Hear, hear.

*The MINISTER OF THE INTERIOR: Now they say: "Hear, hear." Am I to assume that they stand for voluntary segregation and not for compulsory segregation?

*Mr. S. J. M. STEYN: Gen. Hertzog's policy.

*The MINISTER OF THE INTERIOR: Am I to assume now that they are not in favour of compulsory segregation because the principle of this Bill is compulsory segregation and this means that if they are not in favour of compulsory segregation then they are opposed to the principle of this Bill, and all these statements they have made here are nothing but attempts to mislead the public. Their statements are not genuine. If what they are now telling me is correct, then this is a deliberate misstatement of their policy.

*An HON. MEMBER: Look at them now!

*The MINISTER OF JUSTICE: What does the hon. member for Claremont say now?

*The MINISTER OF THE INTERIOR: We are going to find that this is really their policy because when they talk about the Natives they talk quite differently. There they say this—

> Consequently the party is not in favour of a policy of equality or assimilation and it stands for the maintenance of a policy of social segregation, separate residential areas and also the avoidance of miscegenation.

That is as far as the Natives are concerned. There is nothing here about a voluntary basis. For the Natives therefore, their policy was one of compulsory segregation or apartheid, for the Coloured people voluntary. And now I want to ask the Acting Leader of the Opposition whether it is still his party's policy that as far as the Coloured people are concerned they stand for voluntary segregation, for voluntary separate residential areas?

*Mr. STRAUSS: We shall answer you.

*The MINISTER OF THE INTERIOR: No, we are asking you now.

*Mr. STRAUSS: No, I cannot get up now.

*Mr. ROBINSON: We first want an enquiry.

*The MINISTER OF THE INTERIOR: Where does one get a better manifestation of the hollowness of the other side's policy. Here we have a simple question, a question I have repeated ad nauseam throughout this debate, and now the hon. member for Langlaagte says that they first of all want an enquiry by a judicial commission and if the commission says that it must be compulsory, they will also say so.

*Maj. VAN DER BYL: Who is getting hysterical now?

*The MINISTER OF THE INTERIOR: Have we ever had a party so bankrupt in leadership, so bankrupt in policy, that it has to get a judicial commission, to determine what its policy is going to be?

*Mr. ROBINSON: Nonsense.

*The MINISTER OF THE INTERIOR: If any of the front benchers opposite will tell me whether this is still their policy . . .

*Mr. STRAUSS: We have already answered that.

*The MINISTER OF THE INTERIOR: No, it has not yet been replied to. We are still waiting for a reply. The answer is easy, yes or no. Is this policy of October 1948 and of March 1943 still the policy of the United Party?

*Mr. STRAUSS: Of course it is.

*The MINISTER OF THE INTERIOR: Then we are quite clear now. At last we have some clarity. We know now that they

stand only for voluntary residential apartheid, and for that reason they are not in favour of this Bill because this Bill provides for compulsory residential apartheid.

*Mr. STRAUSS: You have been asleep all the time.

*The MINISTER OF THE INTERIOR: Now to come and say that they are in favour of the principle of this Bill as the Acting Leader of the Opposition has said: "It is the traditional policy of the country", is simply ridiculous, and then he goes on—

> This wide and general concensus, as far as the principle of this matter is concerned.

And then he says—

> But as far as the principle of this Bill is concerned there is complete unanimity.

Where are we now? I do not know whether ever before in the history of this House an Acting Leader has got up and said "As far as the principle of this Bill is concerned there is complete unanimity.

Mr. STRAUSS: Social and residential area segregation.

*The MINISTER OF THE INTERIOR: . . . and where the principle of the Bill is compulsory segregation, and where he now says that that is not the policy of his Party.

Sir DE VILLIERS GRAAFF: May I ask you a question?

*The MINISTER OF THE INTERIOR: Mr. Speaker . . .

Mr. MITCHELL: You are afraid to answer.

Hon. MEMBERS: Be a man now.

*The MINISTER OF THE INTERIOR: If any of the front-benchers want to ask me a question I shall answer. Hon. members at the back there consider themselves the leaders of the party, but I want to hear the views of the front-benchers. It is the tail which is wagging the dog.

*Mr. STRAUSS: If you cannot even answer a back-bencher why should a front-bencher get up?

*The MINISTER OF THE INTERIOR: We have the hon. the member for Castle (Mr. Bloomberg) over there. He is the only one who has come out frankly with his views. I appreciate it, he has come forward frankly and he said "I detest the principle of this Bill, because it embodies the principle of compulsory segregation". That is what he said; what am I to say then about his Leader who said "On the principle of this Bill there is complete unanimity". Who is the Leader of that Party now?

Mr. WATERSON: May I ask you a question?

*The MINISTER OF THE INTERIOR: Yes. Another leader.

Mr. WATERSON: Will the Minister be kind enough to read us the long title of the Bill?

*The MINISTER OF THE INTERIOR: Yes, certainly. I should have thought that the hon. member could have read it himself. The long title of the Bill is—

> To provide for the institution of group areas . . .

Sir DE VILLIERS GRAAFF: Where is the compulsion?

*The MINISTER OF THE INTERIOR: If I courteously reply to a question I shall be glad if the back-benchers on that side do not interrupt me. I shall read further—

> To provide for the establishment of group areas, for the control of the acquisition of immovable property and the occupation of land and premises and for matters incidental thereto.

What is it now? The hon. member for South Coast (Mr. Mitchell) said that there was not a word about compulsion in the title. May I ask him how the Town Council of Cape Town has carried out voluntary segregation all these years? Naturally, without a law. You do not need a law to establish voluntary segregation. You only need a law if you introduce compulsory segregation.

But we must not be too hard on the Opposition. When we started with this Bill they did not know what to do about it. They wanted to do what in English is called "squaring the circle". They simply could not reconcile that which is irreconcilable. In their party, in their ranks, there are irreconcilable elements today. You can never reconcile a Delport with a Bloomberg — you cannot do it. You cannot reconcile an Eaton with an R. J. du Toit. The hon. member for Cape Flats (Mr. du Toit) has unfortunately not had a chance to speak. I have a slight suspicion that he has been told to keep silent. In any case we know that the elements are there and here they have tried to create an impression of unity. They came here and made the public believe that they supported the principle of this Bill, and from all I have said here and, more than that, con-

firmed by the hon. member for Cape Town (Castle), followed by the hon. member for Drakensberg (Dr. Steenkamp) they have clearly shown that they are opposed to compulsory segregation; in other words, they are opposed to legislation in regard to separate residential areas.

*Mr. STRAUSS: We have made our position perfectly clear.

*The MINISTER OF THE INTERIOR: Yes, they say that they support the principle of this Bill; now their own members come here and say that they do not support it, that they detest it. Now I ask you, Mr. Speaker, and it is a good thing that the country should know that this deception is being practised on the public when they try to make it appear that they support this principle while it is perfectly clear from their own declaration of policy in the past, and from what has been confirmed in this debate by hon. members opposite, that this amendment of theirs is a farce which does not deserve to be in the Minutes of this House.

There are a few points of criticism which I must answer, however. First of all, it has been put to me — the question has been put to me in connection with the position in the Cape, by the hon. member for Cape Town (Castle) — he asked me what the figures were in regard to Indian penetration in the Cape. I have obtained the figures for him, but I think it would be as well if I were to repeat the information here. The Department which made inquiries to obtain the facts found that in a little less than four years, from June, 1946, to March, 1950, Indians in the Cape had bought property to a value of £1,513,178. That is what Asiatics have bought from non-Asiatics, to a value of a little more than £1,500,000; and the opposite process, namely, the value of what non-Asiatics have bought from Asiatics has been £23,000. This is a net increase of nearly £1½ million in less than four years, in the Cape, and these figures are only for the Deeds Office here and they do not include Kimberley. For the Cape Town office alone there is an increase of practically £1,500,000 in less than four years. These are facts which the hon. member has asked for. I have got the details, but I am merely giving the totals. In almost every town where there is an Asiatic population that process has occurred.

*Mr. ROBINSON: What, more or less, is the total number of properties involved?

*The MINISTER OF THE INTERIOR: 1,346 on the one side, and 15 on the other hand.

Mr. BLOOMBERG: Have you got any information in regard to Coloured people — this only refers to Indians.

*The MINISTER OF THE INTERIOR: I have not got the figures in regard to the others — this only refers to Indians.

Now I ask hon. members, who speak about the international aspect of this matter, whether they want us to discriminate against Asiatics in the Cape. Is it not just that discrimination of 1946 which caused most of the trouble? And if we want to avoid criticism from elsewhere then, whatever we do, let us pass a Bill which does not discriminate against one section or another, against one race or another in our country, but let us have a measure which applies equally to all. That is the first point I want to mention.

In 1939, let me repeat this, the Municipal Congress of the Cape passed a resolution in favour of compulsory separate residential areas. That principle was adopted by the Cape Congress by 127 votes to 33. It was not restricted to the Indians, but it was applicable to all. The congress was held at Oudtshoorn. I have given the details before. Now I just want to say that as regards the Cape we must also remember that there must have been some reason why the October Colour policy of the United Party says that the United Party stands for social apartheid, knowing that the Coloured people as well as the Europeans desire social apartheid." In other words, if they are right here, it means that they drafted this policy knowing that it had the approval of the non-Europeans in the Cape.

*Mr. STRAUSS: But this is not a Bill — this is a totally different thing.

*The MINISTER OF THE INTERIOR: In 1948, when the hon. member for Germiston (District) drafted this, this Bill was not there yet to be approved or disapproved. I cannot say what he would have done if it had been before him. I think that he would have been quite capable of approving of it. In any case, I just want to say that the principle of that Ordinance — and I say this particularly for the benefit of the hon. member for South Peninsula (Mr. Gay) — that the principle of that ordinance which they approved of, was compulsory segregation, compulsory residential apartheid, and the only difference from this Bill was that it would be carried out by the town councils themselves.

*Mr. ROBINSON: Hear, hear. That is something entirely different.

*The MINISTER OF THE INTERIOR: No, the principle is still compulsory, but let me say this to hon. members: if this had been left to the town councils, and if they look at the minority of 33, who voted for it, they will see that nothing would have come of it in a town like Cape Town and nothing would have come of it in a town like Port Elizabeth, or in a town like Kimberley.

*Mr. ROBINSON: Why?

*The MINISTER OF THE INTERIOR: Because the town councils were not prepared to do it there, and how can one, on a matter of this kind, leave it to individual town councils, knowing that some will carry it out and some will not. In that event instead of getting uniformity, we would get chaos in the country. Hon. members themselves have agreed that there must be unity of control on this question, and that is what this Bill seeks to establish. The town councils will still get their opportunities to make their representations, and those representations, as in the case of the Town Council of Durban, are considered in all their importance, and in all seriousness by the Board. They are people who know what they talk about, and notice is taken of what they say. That has been done in regard to Durban. They still have their say, but we want to have a national policy here. Hon. members complain that powers are given here to decide over the fate of large numbers of people. They do not want to give those powers to the Government, but if I have to judge from what they have said, then, I must conclude that they are willing to give those powers to municipalities. If we want to see this carried out as an effective policy, we must see to it that there is a controlling body which will ensure that in co-operation and in consultation with local authorities, such a scheme will be established. That is the position in regard to the Cape, and I just want to tell hon. members that the pentration has been such that many petitions have in the past been presented. I have one here which was sent in and it has 230,000 signatures on it. This is a petition which was presented to this House. I am quite convinced that some of those who signed this are members of Parliament on the Opposition benches, and let me just tell hon. members what this document which they have signed is. I shall read it to the House—

> . . . adult European inhabitants humbly state that they regard the domination of the European race in the spirit of guardianship as of vital importance to the future of the Union of South Africa. They therefore respectfully pray that legislation shall be passed without delay . . .

Legislation—

(1) To prohibit all mixed marriages between Europeans and non-Europeans;

That has been done—

(2) to make punishable as an offence all miscegenation between Europeans and non-Europeans;

That has been done—

(3) to put a stop to European and non-European living together in the same residential areas;

That has been done now—

(4) to carry out economic as well as political segregation between Europeans and non-Europeans;

This must still be done.

This petition was signed by over 230,000 people.

*The MINISTER OF JUSTICE: I wish I had known about that when I introduced my Bill.

*The MINISTER OF THE INTERIOR: This can be studied by hon. members opposite. There are eight volumes like this — they are in the possession of the Clerk of the Papers. This has been signed by very many English-speaking people. I happened to open this book at a page showing a list of the constituency of the hon. member for Green Point (Maj. van der Byl) — practically all English names, and I am quite sure that there are members sitting on the Opposition benches today whose names appear in one of these eight volumes. This is what they ask for, English-speaking and Afrikaans-speaking people, not on a political basis. This is what the people of South Africa want, and this is what this Government is giving the people in carrying out the will of the people. May I just say this on the question of Indian penetration; protests have been made against such penetration by Cape Indians, because often Indians from Natal and from the Transvaal come here to buy properties, and in this file I have found petitions addressed to my predecessor from the Cape, from the suburbs of Cape Town, from Port Elizabeth, from the Eastern Province, from various places to ask for this residential areas segregation to come into force, and some members of Parliament opposite who had been entrusted with such petitions have presented them to the Department of the Interior. I therefore say that if it is voluntary then there is no need to have petitions, there is no need to have legislation. But it is only if the question is systematically approached, and if a certain degree of compulsion can be applied if necessary, only then is legislation necessary and legislation is what this petition asks for.

Now let us, for a moment, take another argument, and this brings me to the Labour Party's amendment. Another argument deals with interference with vested rights under this Bill. One would say when listening to the arguments used here that this Bill proposes arbitrary expropriation of immovable properties of private individuals. Let me say in passing that expropriation is a

recognised legislative means of obtaining reasonableness for the general benefit at the expense of the individual. We have expropriation provisions in several of our laws for the purpose of demolishing our slums, to obtain proper town planning, for the sake of Municial purposes — for all these things there is legislation which provides for interference with vested rights in the sense that those rights can be expropriated, in some cases with compensation, in other cases without compensation. This is a recognised means. But I want to say to hon. members of the Labour Party, and also to other hon. members that this Bill does not contemplate any expropriation. It is not a question of expropriation of property. The point is this, that an individual has to sell his property and he is given time to do so if he resides in a wrong area, but there is no expropriation. He can keep his property as long as he is alive, and if it is a company, that company has ten years to dispose of the property and there is always provision that in hard cases an extension of time can be granted. Now hon. members appear to have forgotten that one of the great advantages of this Bill is its elasticity to meet those special cases. Hon. members judge this Bill as though those areas have already been set aside, as though the injustice as they regard it has actually been perpetrated, and now they ask "Where is the remedy?" This Bill only creates the machinery and it will depend on the kind of control that will be set up in the areas. Many of the instances quoted by hon. members will depend on the form of control. I shall come to the objection raised by the hon. member for Green Point later, an objection which he apparently raised on behalf of a big company. The objections of the hon. member for Cape Town (Castle) in this respect all rest on false premises. He assumes that the Act has already been applied to its full extent, he assumes that the whole of South Africa is a group area for Europeans, both for ownership and occupation. That is not so. It is an imaginary application of the law which he has criticised here. I just want to say that we have deliberately not introduced a system of expropriation with compensation, because we realise that this would provide an opening to speculators and vultures. If we accepted a system of that kind, it would have led to speculation and opportunities would have been created for vultures to batten on the less-privileged classes. We had that in connection with the Native Trust Lands. Hon. members will recollect the amount of speculation that took place there and we do not want a repetition. We have had evidence over many years showing that a fixed time must be laid down to enable a man to get rid of this property and we prefer that to methods of expropriation.

*Mr. KAHN: And if he loses?

*The MINISTER OF THE INTERIOR: He can also lose under the 1946 Act. It is possible under that Act, too, that that Act had no provision for compensation, and the members of the Labour Party did not have that objection those days. But that is what they voted for. In those cases there was no provision for compensation. There may be instances, let me say that there is hardly any law under which some person or other may not suffer damage. But that does not mean that compensation must be paid in every case.

Now let me deal with another argument, and that is the danger to the property market. We are now told that the whole market will collapse, that a man's property will become valueless. That argument is based on a complete misconception of the nature of this Bill, and it looks at the question from a totally wrong perspective. Let me first of all tell hon. members that 70 or 80 per cent. of urban properties clearly already are predominantly European or non-European. A formal proclamation of such an area which obviously is European or non-European, is a pure formality. It cannot cause any dislocation. If we take one of the picked suburbs, for instance, that where the hon. member for Claremont lives, if we proclaimed those surrounding areas where he lives, as a group area for Europeans, there could be no objection and no difficulty nor would there be a collapse of the property market, and even now 70 or 80 per cent. of the urban properties are preponderantly European or preponderantly non-European. As regards those there will be no difficulty. As regards the other 20 per cent. where there is a lesser or greater degree of racial intermingling in ownership or occupation there, hon. members should bear in mind that the following considerations prevail. First of all the existing race pattern of the area would be a very important factor for the fixing of the particular type of group area it is going to be. In other words, anyone who now goes to buy land, or to invest money in land in an area where there is a good deal of intermingling, does so with his eyes open. He has done it in the past with his eyes open, and that eventually will largely determine what kind of a group area that part is going to be made. But, secondly, the deterioration which occurs in an area is an ordinary business risk for anyone who has invested money there. One finds it every day that the character of an area where one has invested money deteriorates as the result of entirely normal and ordinary conditions.

*Mr. WARING: That is an ordinary risk.

*The MINISTER OF THE INTERIOR: Yes, it is an ordinary risk. And this is the

third point I want to make; where money is invested in that kind of area, which even now is a mixed area, there the man who has advanced the money has already taken into account the fact that the area is such that his security will be worth less. Naturally. If the hon. member gives the same bond, for a house in the Middle of District Six as for a house in Kenilworth, then he is not a business man. He has already discounted because he knows that the area is such that he will not get the same security there as he will in Kenilworth.

Another point which the hon. member has also forgotten is this, that in non-European areas it is not necessary to proclaim them as non-European group areas both for the purposes of occupation and ownership. There an area will be proclaimed only for occupational purposes as a non-European area, because the non-European group, for whom it is proclaimed, has not got sufficient capital to buy it. That is why I said that in such cases we should have this method under which there will be group areas for non-Europeans but only for occupational purposes, and there will be no necessity for the people holding that land, or that property to sell out. They will be allowed to remain the owners. Let me take an area like District Six. That possibly may be proclaimed as a group area for non-Europeans only in regard to occupation. In that case the present owners of those houses in District Six, who are Europeans, can continue to own the properties, and their tenants will continue to be the same tenants as today. Hon. members have apparently not taken into account the elasticity of this Bill, nor have they taken account of the fact that there is another side to the picture as well, namely, that there may be an increase in value, an increase in security value if non-European premises are now in an area which may be declared a European group area. Hon. members know what happens today. This is what the Cape Congress of 1948 complained about. They said that a non-European would come along and buy property in a European area, with the result that the value of the surrounding properties immediately dropped. Now if non-European premises are proclaimed as coming in a European area, not only would the value of that non-European property go up, but all the European properties in that vicinity would also go up in value. Do hon. members want us to tell those people that they must now pay us compensation, that they must now pay us for betterment? Surely that would not be reasonable.

I think the principal thing which hon. members, who argue like that, have lost sight of is the certainty which this Bill creates for the future. Today it is an ordinary business risk. One buys a house today or one gives a bond on a house in an ordinary European area, say in Mountain Road, Woodstock, and in ten years time one finds that one's security has gone down by 30, 40 or 50 per cent. Why? Because today we have no law like this. Henceforth, people will know: here is a European area, and it will remain a European area; and over there there is a non-European area, and I know now how much money I can advance, how much my bond can be to be properly covered by the property standing there. I am replying to these points in detail because I know that there is a great deal of ignorance on this subject, ignorance which is not abated by statements from the other side of the House.

I now come to the hon. member for Green Point. He also argued for the protection of the bond holder. He mentioned the instance of a farm with a Coloured owner, where a European had given a bond. That is the case he mentioned.

*Maj. VAN DER BYL: That is one of the cases.

*The MINISTER OF THE INTERIOR: I think that was his most important one. Now he says: Today he can sell and he may get a permit, but before he gets his permit the house must be sold to him at an auction sale. The bond holder cannot buy the property because the area has been declared a non-European area. The European bond holder cannot buy the property because he first has to get a permit, and he has to buy the property before he can get a permit. That was the hon. member's complaint. Now let me tell the hon. member in terms of an Appeal Court judgment, a sale of that nature can be made subject to the buyer obtaining a permit. The bond holder can thus buy it subject to his getting a permit. A man often buys a property subject to the Master's consent, that is, where a property is sold subject to the Master's consent. In a case of this kind, too, the sale will be subject to a permit being obtained. That is one way. But the other way is that in a case of that kind, which would be really a hard case, it is not the purchaser who has to apply for the permit, but the seller, there is only one permit — it is not a case of ten permits for ten possible purchasers, as the hon. member presented the case. There is only one. I understand that that is the position in Natal today, that the permit is given to the seller. He applies for it, and if it is found that there is a good case for a European to be allowed to buy, the seller can get a permit and he can sell to anyone, a European or a non-European. You don't want to limit the market unnecessarily, and even if it should be a non-European area, in cases of the kind I have outlined, the European should be allowed to buy. I cannot deal with every particular case. I have just taken a few at random, to show that the nervousness of hon. members opposite is unfounded,

and that their fears arise more from unfamiliarity with the provisions of this Bill, or from attempts to rouse people's feelings against this Bill for political purposes.

Now I come to another complaint. Objections have been raised in regard to the composition of the Board. The argument was, yes, the Board is appointed by the Minister. What about it? Who appoints the judges in this country? Are we to leave it to the Opposition to appoint these people? Under the 1946 Act which, to a certain extent has been the model for this Bill in regard to its administration and mechanism, under the 1946 Act members of the Board are also appointed by the Minister. Were any objections raised in 1946 to the Minister's powers? No, it is the common thing. I asked hon. members to suggest a different way. No, hon. members really should not indulge in that kind of criticism — it is unworthy of the Opposition.

I now come to the argument which I shall call the international aspects. First of all I want to say very clearly that this Bill concerns a subject which is exclusively a question of local interest. This is what one can call domestic jurisdiction. No race element, outside South Africa, is concerned in this. This Bill only affects elements here in South Africa, and all are treated alike. This is not a matter into which any other country is entitled to poke its nose, and I would also say that we would not tolerate it. This Parliament in South Africa is the only body competent to judge whether a Bill of this kind should be placed on the Statute Book — yes or no. And I just want to say this to the hon. member for Claremont, that this is not the first time, apparently, in history that a Government has been threatened with international complications over domestic legislation, and his leader said this in 1946—

> There is a movement abroad to exploit the international implications of this Bill, to magnify its consequences from that point of view, and I am afraid that an attempt is being made to frighten and stampede the public of this country in regard to this measure.

This is exactly what the hon. member for Langlaate (Mr. Robinson) and the hon. member for Claremont have done here, and this is his Leader's reply—

> I am the last person to minimise the importance from the international point of view of this measure, but essentially it is an internal measure. Essentially it is an attempt to provide social peace and the good order of our society here in South Africa and we are not going to be frightened by any movement, any propaganda which may be intended to frighten the people of this country.

Do hon. members agree with that?

*Mr. ROBINSON: You are not replying to the question put to you, namely whether representations have been made.

*The MINISTER OF THE INTERIOR: I shall settle with the hon. member just now. First let me continue to quote what his Leader said—

> The Bill has been represented as an insult to India, as a challenge to Asia, almost as a challenge to world opinion. It is nothing of the kind. It deals with an internal question which affects the peace and the good order of our society in South Africa. It is essential whatever may be the implications in other directions, a domestic question for us to solve and if we were not to tackle this question which has drifted for many years and it is allowed to drift further, we may drift on the rocks.

I hope the hon. member will also say hear, hear.

*Mr. ROBINSON: Certainly.

*The MINISTER OF THE INTERIOR: Well I think I should say that it does not surprise me. The hon. member in his youthful impetuosity—

*Mr. WATERSON: Don't be personal.

*The MINISTER OF THE INTERIOR: No, that is not personal. The hon. member, in his youthful inexperience, has ventured on the slippery surface of international relations, and I may say that perhaps there are people outside South Africa who will thank him for his intervention, for poking his nose into these affairs which he knows very little about, but no South African will thank him for it. Further let me say this, that although one could perhaps expect this from someone who is experienced in these affairs, it surprises me that such a remark and such an approach to the subject should have come from a responsible front-bencher. I deplore it, and I predict that the remarks of the hon. member for Claremont will be quoted tomorrow in the Press of the people who, at the moment, are engaged in attacking us at the Hague; it will be quoted by them in support of their case. I am really sorry that the hon. member allowed these words to pass his lips.

But let me go on. I do not like comparisons, but let me compare this with the 1946 Act which was introduced and passed when the hon. member for Claremont was the Minister in charge. This is a law entitled The Asiatic Land Tenure Act. According to its title, it aims at one section of the population of South Africa. It is not a general thing — it aims at one section of

South Africa. Here we have an attempt to avoid those mistakes of the past. We are trying here to act responsibly in the international sphere, and I want to tell hon. members that India and Pakistan have much less reason, I contend that they have no reason to feel concerned about the restrictive provisions of this Bill, because these restrictive provisions apply to all. I also want to tell hon. members of this House that I explained the principle of this Bill to the chiefs of the legation from India and Pakistan when, in March of this year, they had preliminary discussions with me. This is not an unexpected thing. I explained to them what it is. They said that it meant the extension of restriction to the Indians in the Cape, and I said "Yes, that is perfectly correct, but it is also an extension of the restrictions on Europeans in the Cape, an imposition of restrictions or an extension of restrictions on Europeans in the whole of South Africa." That is the attitude which we have adopted and I trust that hon. members will not render the task, which lies ahead, a difficult task — I trust that they will not render it more difficult by irresponsible speeches such as those made here. I feel that I am entitled, in all seriousness, to appeal to hon. members not to confuse this issue, which is so delicate and so difficult for the people who will have to act here, not for their party, but for the whole of South Africa. Let us show one front to the world, a united front. I am very glad that the Rt. Hon. the Leader of the Opposition stated the other day that the only solution, the best solution for South Africa was mass-repatriation. There is our object. But if we are not sure of that, we have to take other measures. If we get that assurance, then this Bill, as far as the Indian in South Africa is concerned, falls away, because, in that event, there will be no more Indians here. But it will still be necessary to have separate residential areas between the other elements, and therefore this Bill does not mean any confusion in regard to the relationships existing today. I do not want to go into that aspect any further. I could have said other things, but in view of the delicate nature of this subject, I prefer not to go into the matter any further.

Now I want to touch on a few points of particular criticism. The first I want to mention is the hon. member for Germiston (District). The hon. member expressed himself very concerned about the contents of Clause 7. He said this was an unheard of clause, interference in the affairs of Municipalities, which was unheard of, and he expressed himself very strongly there. But let me just tell the hon. member that Clause 7 has been almost word for word taken over from an existing clause, namely, Clause 17, of Act 30, of 1936. In other words, this clause, which they are so concerned about, has been taken over from a law placed on the Statute Book by the party of which the hon. member for Germiston (District) was a member at the time, in 1936. You know, Mr. Speaker, that this is the clause which provides that if a Municipality fails in its duty to non-European groups, the Administrator can conduct an enquiry and instruct that Municipality to carry out certain services there. The hon. member says that this goes too far. Hon. members of the Labour Party say it does not go far enough; Clause 7 does not go far enough. Some hon. members opposite say: But what alternative housing is now provided, what alternative housing is being made available for the people who are ejected? They consider that this Clause 7 does not go far enough, but the hon. member for Germiston (District) objects to it. I just want to say that this Clause 7 is necessary for the purpose of carrying out the policy of positive apartheid. We want justice done to the non-European groups and for that reason we must have Clause 7 in the form in which it is now, if not in a more drastic form. We want it in that form, subject only to the amendment which I held out in prospect when I introduced the Bill, but it must be there as a guarantee for the non-European groups to ensure that they are not neglected by some local authority or other. For that reason I cannot accept his objection, and I think that the hon. member will realise that, as this has been the law of this country for 14 years, he should not now raise objections to it.

Dr. GLUCKMAN: May I ask a question? How does this clause stand in relation to a provision in the Constitution that these are matters which must be left to the care of local government and to the provinces?

*The MINISTER OF THE INTERIOR: That is a perfectly reasonable question. It is true that the South Africa Act does say that. But the South Africa Act also makes the Union Parliament the supreme legislative body in South Africa, and any legislation of the Union Parliament has force and effect, even though it is in conflict with a provincial ordinance, and that also applies in this specific instance. This Parliament is the supreme legislative authority. But I pointed out to the hon. member that this provision already appears in the 1936 Act. If he looks at Clause No. 17 of Act No. 30, of 1936, he will see that this provision has been copied almost word for word from that Act, and no Municipality has, as yet, made any objection, and no Court of Law has, as yet, cast any doubt upon it.

The other point on which the hon. member for Germiston (District) had difficulty was Clause 31, dealing with inspectors. I just want to tell him that this is also in the existing law. The 1946 Act provides that

the inspectors will only have right of access during the day. But the experience of the inspectors of the board has been such that they have found that it is of no use to them only to have that power during the day, because the individual who contravenes the Act by being in such a residential area, where he is not allowed to be, commits his offence during the night. He has to be found there during the night. I came to Parliament with this question last year, and I said that we should extend the powers of the inspectors. Hon. members opposite agreed to this without saying a word, or raising their voices. I am sure that the hon. member for South Coast will not take it amiss if I do this because I have a draft ordinance here which he assisted to draft in 1944, and in connection with inspection we find the words there, "At any time which is convenient." I am sure the hon. member will therefore not agree with the hon. member for Germiston (District) as far as this point is concerned.

Then there is another point on which the hon. member for Germiston (District) felt somewhat concerned. He referred to the provision of five years and the issuing of permits and he said that the Minister had the power to act in the first five years, either in connection with permits, or to declare contracts to be invalid and make determinations. May I remind the hon. member that all these four points are in the existing law? We have the five-year provision in the law, as far as Natal is concerned. The Minister's powers in respect of permits for occupation also appear in the existing law. The Minister's powers to declare contracts invalid appear in the existing law, and if he looks at Clause 2 (3) of the 1946 Act he will find it there. In regard to the determinations, that power is also given to the Minister today, both in Natal and in the Transvaal. I assume that the hon. member will agree that those laws were passed in the United Party days, but I think he should be very much more prepared, in the circumstances, to agree that those powers are proper powers to grant this Government.

The hon. member for Benoni (Mr. Lovell) said that there was no need to aply this Bill in Natal and in the Transvaal. He said that it might only be necessary in the Cape, and from that he deduced that this Bill only aimed at the Coloured people in the Cape. The hon. member's premises however, were wrong. The position is that Coloured people in the Transvaal can buy property where they want to. The Indians cannot do so but the Coloured people can.

*Mr. TIGHY: In certain parts they cannot.

*The MINISTER OF THE INTERIOR: No, they can buy except where there is a condition laid down in the title deeds.

*Mr. TIGHY: The title deeds prevents them from purchasing land in certain parts.

*The MINISTER OF THE INTERIOR: They can buy except where there are servitudes. It is true that there can be servitudes on title deeds to prevent this, but there is no law to stop them. Any owner can endorse a servitude on his title deed, but there are large parts of the Transvaal where there is nothing of that kind, and that is why an Act of this kind is also needed there. The argument of the hon. member based on these four premises therefore falls away.

I am sorry that the hon. member for Kimberley (City) (Mr. Oppenheimer) is not here. He made an interesting speech and he referred to me as a benevolent dictator. I appreciate the compliment which he paid me. I can understand his anxiety if a United Party Minister were to take my place. He said that he was concerned about my successor. Well, I can understand his anxiety, but I can assure him that that is something which is not going to happen for many years.

The hon. members also spoke about my powers in connection with permits. I have already replied to that. He further said that in Clause 5 provision was not made for the election of members where a certain amount of local government was granted to a non-European. Let me refer him to Clause 36 (1) (b). He will notice there that the idea of some of the members being elected members has been kept in mind, and that I therefore had the right to say that to a certain extent provision had been made for a democratic procedure to be followed, as far as this degree of self-government was concerned.

The hon. member for Berea (Mr. Sullivan) made a speech in which he said two things in particular, which are of importance. He said that the Asiatics in Natal had been segregated. That is not so. I feel that the hon. member has not read the 1946 Act. There is no area in Durban or Natal which the Indian alone can occupy. I have quoted the words of the leader of his party, "There is no area where the Indian can live alone."

Mr. SULLIVAN: Nor will there be such an area under this Bill.

*The MINISTER OF THE INTERIOR: The hon. member does not understand the 1946 Act, and he should therefore try to understand this one. The hon. member said that he was satisfied with the 1946 Act in which provision is made for two areas: One area named the Scheduled Area, where the object was to perpetuate matters, and to peg them down; and the other was the International Area. He said that he was satisfied with that. If I were convinced that the views of the hon. member for Berea,

and also of the hon. member for Pinetown (Mr. Hopewell) really were the views of the public of Durban, I would have given attention to the possibility of excluding Durban from this Act.

*The MINISTER OF ECONOMIC AFFAIRS: Let them stew in their own juice.

*The MINISTER OF THE INTERIOR: I am sure, however, that they do not interpret the public opinion of Durban. I want to go further and say that I am much more prepared to rely on the opinion of the Durban City Council, than on their opinion. I also want to say that if I have to rely on the view of a member of Parliament about public opinion in Durban, I would be more disposed to accept the view of the hon. member for Musgrave (Mr. A. H. J. Eaton); that is the position. It is not a question of my opinion, it is the City Council of Durban itself which has expressed that opinion. I also want to tell the hon. member for Pinetown that there has been no question of any suggestion on my part that the discussions between me and the City Council should be kept secret. To tell the truth, the mayor himself gave an interview on the subject—I did not give an interview. The Press men did come to ask me for an interview, and I told them to go and talk to the mayor himself, and he then gave them the interview. We did not suggest that the Durban City Council was in favour of the Bill. That is what the Mayor of Durban said when he got out of the aeroplane here even before I had seen them.

*Mr. WATERSON: The ex-mayor?

*The MINISTER OF THE INTERIOR: Yes, Mr. Boyd, the ex-mayor. The mayor himself was unable to come. I believe he had a personal bereavement which prevented him from coming himself. The deputation came here on behalf of the City Council of Durban and Mr. Boyd gave that interview before he had even seen me, and could say that the Durban City Council supported the Bill! I also know that the Joint Wards' Association of Durban sent a telegram to all the Natal members asking them to support the Bill.

The hon. member for Cape Eastern (Mrs. Ballinger) lately has been presuming that she is the only one here who "has a lien on honesty." She has the habit of casting doubt on other people's motives, and she pretends that she is a paragon of right and justice. Let me tell her that anyone whose courage and intellect are so spoilt by suspicion, anyone like she, who is practically living under an obsession, and whose intelligence and mind are therefore clouded by these factors, cannot be accepted as a judge in a matter of this kind. I have a great deal of respect for the hon. member's intellectual ability, but I do think that she should apply it in a different manner, and she should not come here all day long to tell us stories of which we, in this House, are getting rather tired.

The hon. member for Drakensberg (Dr. Steenkamp) has strayed rather far from the subject, but I just want to tell him that a man who wants to delve into history, should be a little more sure of his facts than the hon. member was. He should know that the first object of a scientific research worker is not to read anything out of its context, and that one should not judge a debate in the light of some particular remarks taken out of their context. I think that a scientific investigator in a case of that kind should place more reliance on the question where an individual had voted. I am grateful to him for having thrown a little light, as the hon. member for Cape Town (Castle) has done, on the attitude of the Opposition, and that he has made it clear in any case that they do not want anything but voluntary segregation.

I want to conclude because I have dealt with quite a number of points and I cannot deal with them all. These are matters which we can leave over to the Committee stage. I just want to say here that I strongly object to the statements and representations by some hon. members opposite that separate residential areas are to the detriment of the non-Europeans. I do not think that that is putting the position correctly. I think it is a dangerous proposition, and I just want to remind hon. members of this, and I particularly want to direct my words to the non-European population of South Africa. I want to point out to them that separate residential areas are also a means of protection for some of them against other groups. The hon. member for Bethlehem (Dr. Van Rhyn) has pointed out that it is always the higher civilisation which is menaced by the lower civilisation. That being so it is important for the Coloured people and for the Malays to have a system to protect them against the penetration of a lower culture than theirs. It is just as much in their interest. The 1938 Coloured Commission which has been referred to by the hon. member for Brits (Mr. Potgieter recommended separation between the Natives and the Coloureds. If there has to be separation between the Coloureds and the Europeans then there is no reason why there should not also be separation between the Coloureds and the Natives. It is this lack of separation between the Natives and the Indians which was one of the causes of the Durban riots. We want to cut out that sort of thing, and we, therefore, say that it is also in the interests of the non-European population that this should be done.

I also want to say to the non-Europeans that it is in their interests in particular that race tension in this country should finish.

I notice considerable excitement in the House at the moment, and I understand that a report has just been received that a South African has won a world championship. Well I can only express the hope that with the acceptance of this Bill this evening we shall also produce a championship achievement.

The hon. member for Bethlehem, and the hon. member for Wonderboom (Mr. Nel) also have made very earnest speeches on this subject. They have pointed out that for the development and welfare of the non-Europeans it is essential for them to have their own environment where they can live their own national life and uplift the soul of their own people, and fully be themselves. Hon. members will realise what it must mean to those groups, always to have to adopt an inferior attitude, an attitude of inferiority towards the Europeans, to stand back for the Europeans, where they live alongside the Europeans, but if we place them in separate residential areas, they will be able to give expression to their full cultural life and soul life, and that is why we say that separate residential areas must be established. Material advantages as well are attached to such matters and I have already pointed out that it will be possible for spheres of work to be developed for them which at present are not open to them. It is their false friends who want to induce them to refuse these material and spiritual advantages which are embodied in this Bill. I want to say to the non-Europeans and especially to the Coloured people that they must not mistake the false light, the wil-o-the-wisp for a star, they must not take the false light, which is being spread by people who want to exploit them, and who therefore urge them not to accept this Bill. I want to ask them to look at the matter from the point of view of their own interests, and not allow themselves to be led by the nose by people who are ready to exploit them today and to cast them aside tomorrow.

The hon. member for Green Point has said here that we want to cast prominent non-Europeans among their own people in their residential areas. Of course we want to do so because they are there to take the lead among their own people and to train their own less-privileged people and to uplift them. They have not got a duty among the European population. If there are doctors among them let them improve their own people's health. If there are teachers, financiers, advocates, lawyers, etc. among them, let them devote their efforts to the uplifting of their own people. That is the duty which rests upon them. It is their task to use their talents in the service of their own population group and not of another group. I hope that they will carry out that duty and not evade it. There is always a temptation among a subordinate and conquered people for their leaders to elect to join the other part of the population. The Afrikaner people were also subjected in that temptation, to become third-class members of another race or to stand on their own feet and to work ahead. Our leaders did not give way to that temptation. I hope that the leaders of the non-Europeans will not give way to that temptation either.

Now I come to the other part of the Labour Party's amendment. They say that there is no provision for alternative accommodation. I want to point out to them that this Bill does not do any delimitation. This Bill lays down how the delimitation will take place, and when the Group Areas are constituted that is an aspect which will have to receive attention. It is not a question which is before us now. It would not fit in this Bill. This Bill is not a social welfare Bill nor has it anything to do with housing. That would be unbecoming in this Bill. Mention has been made here, for instance, of what the Town Councils of Cape Town and Simonstown are doing. Well there is nothing in the Bill to prevent Cape Town to continue its efforts to establish residential areas for non-Europeans. If Group Areas are proclaimed the City Council can carry on just the same and it can do even more. Simonstown can go on just the same — there is nothing to prevent them. On the contrary there is a great deal that will help them. Their work will not be interfered with in any way, in fact it will be fostered and helped. If they take the people out of District Six and place them in another area, then, if this Bill is passed, the result will be that after these people have been removed from District Six, their places will not be taken again by others who will create the same conditions there. We shall be able then to clean up that area, for one or other group, and that is the object of this Bill. The object is not only to make provision for the future, but also to clean existing areas, either on the one side or the other side. That is the object and that they will be able to do so. As regards the Government, it will continue to do what it is doing now, namely to make funds available to the Town Councils for sub-economic housing, etc. The hon. the Minister of Social Welfare has already made a statement that the Government's policy in regard to housing is aimed at rendering as much help as possible to less-privileged groups by means of sub-economic housing, instead of economic housing. To that degree the Government, under this Bill, will be able to do just as much as under the existing legislation. This Bill will make no difference in that respect as far as the Government or the Town Councils are concerned.

It appears to me that the Labour Party by its amendement is putting the cart before

the horse. Rather let us tackle the matter systematically and let them encourage the Town Councils and the Government to make those essential services available when the time arrives. When the group areas are delimited we have to ensure that the necessary housing schemes are provided. That cannot be done in this Bill, and that is why the Labour Party must not now come forward with a delaying amendment. It means that at this stage already they want to provide for conditions which will only arise after group areas have been proclaimed.

I want to conclude, and I just want to say this, I cannot help feeling that it is a great pity that we have been unable to go to the country with this Bill with the full support of the Opposition as well as of the Government party. We know that the Opposition is in a difficult position. We know that we could only expect their support if they should be prepared to say goodbye to their policy of 1943 and their policy of 1948, but we had hoped that in the circumstances in which we find ourselves now, they would have been prepared in the interests of the country to forego party advantages, to forget party prestige and to act in the interests of the people and the country. I regret that the occasion was too big for hon. members opposite. I think that the country will suffer as a result.

As regards the carrying out of this Bill I just want to say that it will be based on justice. I also want to say this, that no policy, which is not based on justice, has any prospect of success.

*Mr. TIGHY: And that from you.

*The MINISTER OF THE INTERIOR: There is another hon. member who thinks that he is the only one who knows the meaning of justice. I am sorry but I cannot accept him as my instructor there. I want to say that no policy which does not rest on the basis of justice can achieve any possible success in South Africa. I also want to say to the House that it is our intention to base the execution of the Bill on that foundation, but then every group in the country must accept its responsibility and then we must put an end to the suspicion which is being fostered. That is not the basis on which such a cause can be tackled.

There are difficulties in the way. I do not propose underestimating them. Hon. members opposite say that we must have a Bill which will not impose any hardships. How can we have a Bill dealing with a matter of this kind without imposing any hardships? We must find living room for the non-Europeans, the Europeans will have to make sacrifices, and I hope that the Europeans will not adopt the narrow attitude which was adopted here by the hon. member for Umlazi (Mr. N. G. Eaton). He spoke about all the Indian pockets in his constituency which must be removed, but he added that no Indian Group Area must be settled in his constituency. The Indians must be removed there, but if they are to be placed in a group area, they must be placed in another constituency and not in his. Those are the difficulties with which we shall have to contend, and that is the reason why I say that sacrifices must be made. I hope that those hon. members who have spoken here and who have spoken here so strongly on behalf of the non-Europeans will not take part in the agitation which emanates from this point of view: put the non-Europeans in any other constituency, but not in mine.

I say that there are many difficulties connected with this Bill, but the sands of time are running out. Every day we delay tackling this problem is a day lost and causes our difficulties to increase. I therefore say let us tackle this matter while there is still time, while the opportunity is still there. It is with the assurance that the feeling and the will of the people of South Africa are behind this Bill that I move the Second Reading.

Original motion put,

Upon which the House divided:

Ayes — 69.

Abraham, J. H.	Louw, E. H.
Bekker, G. F. H.	Ludick, A. I.
Bekker, H. T. van G.	Luttig, H. G.
Bezuidenhout, J. T.	Luttig, P. J. H.
Boltman, F. H.	Malan, A. I.
Brink, W. D.	Malan, D. F.
Brits, G. P.	Maree, W. A.
Conradie, D. G.	Mentz, F. E.
Conradie, J. H.	Mostert, D. J. J.
Deysel, A. J. B.	Nel, M. D. C. de W.
Diederichs, N.	Olivier, P. J.
Döhne, J. L. B.	Oost, H.
Dönges, T. E.	Papenfus, S. F.
Du Pisanie, J.	Pieterse, P. W. A.
Du Plessis, P. J. C.	Potgieter, J. E.
Erasmus, F. C.	Sauer, P. O.
Erasmus, H. S.	Schoeman, B. J.
Erlank, A. E.	Scholtz, D. J.
Faurie, W. H.	Stals, A. J.
Fouché, J. H.	Steyn, A.
Fouché, J. J.	Steyn, G. P.
Frates, T. J.	Steyn, J. H.
Grobler, D. C. S.	Strydom, G. H. F.
Havenga, N. C.	Strydom, J. G.
Klopper, H. J.	Swart, C. R.
Labuschagne, J. S.	Uys, D. C. H.
Le Roux, P. M. K.	Van den Berg, M. J.
Le Roux, S. P.	V. d. Heever, D. J. G.
Liebenberg, J. L. V.	Van Heerden, D. P.
Loubser, J. A.	Van Niekerk, J. G. W.
Loubser, S. M.	Van Rhyn, A. J. R.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Viljoen, J. H.
Visser, de V.
Warren, S. E.
Wilkens, Jacob.
Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

Noes — 61.

Abbott, C. B. M.
Allen, F. B.
Ballinger, V. M. L.
Bell, R. E.
Benson, E. A.
Bloomberg, A.
Bowker, T. B.
Brooke, R. S.
Butters, W. R.
Christie, J.
Cull, J. A.
Davidoff, H.
Davis, A.
Delport, G. S. P.
Du Toit, R. J.
Eaton, N. G.
Friedman, B.
Frielinghaus, H. O.
Gale, D. J.
Gay, L. C.
Gluckman, H.
Graaff, de Villiers.
Hayward, G. N.
Henwood, B. H.
Hepple, A.
Higgerty, J. W.
Hopewell, A.
Hughes, T. G.
Jonker, A. H.
Jordan, R. D. P.
Kahn, S.
Lewis, J.
Lovell, L.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Oosthuizen, O. J.
Pocock, P. V.
Robinson, A. E. P.
Russell, J. H.
Shearer, V. L.
Smit, D. L.
Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Steyn, C. F.
Steyn, S. J. M.
Strauss, J. G. N.
Stuart, W. H.
Sturrock, F. C.
Sullivan, J. R.
Tighy, S. J.
Tothill, H. A.
Trollip, A. E.
Van Coller, C. M.
Van der Byl, P.
Waring, F. W.
Waterson, S. F.
Williams, H. J.

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

Motion accordingly agreed to.

Bill read a second time.

House to go into Committee on the Bill on 5th June.

Mr. SPEAKER adjourned the House at 10.51 p.m.

THURSDAY, 1st JUNE, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

NATAL NATIVE HIGH COURT AMENDMENT BILL.

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

That Order of the Day No. XIX for today — second reading — Natal Native High Court Amendment Bill — be discharged and the Bill withdrawn.

Dr. VAN NIEROP: I second.

Agreed to.

MARKETING AMENDMENT BILL.

Leave was granted to the Minister of Agriculture to introduce the Marketing Amendment Bill.

Bill brought and read a first time; second reading on 5th June.

ADDITION TO FIFTH SCHEDULE OF THE MEDICAL, DENTAL AND PHARMACY ACT, 1928.

*The MINISTER OF HEALTH: I move—

That in terms of section 67 of the Medical, Dental and Pharmacy Act, 1928 (Act No. 13 of 1928) this House approves of the addition to the Fifth Schedule to the said Act of the following substances:

"Phenadoxone (6 - morpholino - 4 : 4 - diphenylheptan - 3 - one hydrochloride) under whatever name it may be described or sold.

"Amidone (dl-2-dimethylamino-4 : 4-diphenylheptan-5-one), its salts and any preparation, admixture, extract or other substance containing any proportion of amidone."

A little while ago I informed this House that our legislation contains provisions for the protection of the public against certain drugs that are being marketed. Our Medical, Dental and Pharmacy Act contains two Schedules, Schedule 4 which contains two sections, and Schedule 5 for habit-forming drugs. About a month ago we made use of Schedule 4 to place certain substances in the second section. There have been new developments since that time and two new products —actually Phenadoxone is not a new product — have been placed in Schedule 4, Section 1. But the substance is also a habit-forming drug. As a result of representations from a committee of experts of the World Health Organisation which reached my Department, we are being requested to bring these two substances, which are used as habit-forming drugs, under the ordinary provisions of our Act. The procedure that is usually followed when such a request is made to us or after a malpractice has been brought to light, is that the Department as well as the Medical Council and the Pharmacy Board are consulted in connection with the placing of such substances under the protective Schedules. These are two new products — both of which are synthetical — which are regarded as dangerous by the committee of experts.

to come from? If the Minister considers it is necessary to tax the diamond mines specially, and this House agrees with that, then my submission is that it should be done by way of the ordinary normal tax, and not by way of a dual tax at present levied on the profits of the diamond mines. In the first place the normal tax on diamond mines is higher than on ordinary companies. In the case of ordinary companies it is 4s. in the £ and in the case of diamond mines it is 4s. 6d.; and then there is still two-thirds of this war-time contribution as a tax on their ordinary profits, ranking virtually as a tax additional to the normal tax. I do not think the Income Tax Committee can help us in this respect. It is a question of the fundamental rights of the diamond mines to be relieved from this war-time taxation in the same way as every other taxpayer in the country has been relieved of it. It was emergency taxation. The emergency has long since passed. It was a tax to support the burdens of the war. That time has passed, and in fairness to the diamond-mining companies they should be relieved of this taxation. I say again and I repeat, that if the Minister considers that the diamond mines should make an additional contribution, then I think the correct procedure is to do it by means of the rate of normal taxation on the diamond mines. In that way the administration will be simplified. This tax stands out alone in that particular Act, the special taxation section. The excess profits duty has been repealed; the gold mines special contribution has been repealed; the wartime surcharge on transfer duty has been repealed; and alone remains this tax I have referred to. I appeal to the Minister to consider this appeal I have made to him to repeal this tax entirely and to treat the diamond mines under the ordinary income tax of the country which is applicable to Union taxpayers.

Mr. Speaker, I now come to a matter which falls under the normal tax and affects the taxation on farming operations. This is also a matter that has been discussed here from time to time, but special representations have been made to me to raise the matter this year as a point of special emphasis. In connection with farming, Sir, it has been the practice for some years in the past to allow the farmer to deduct as expenses expenditure in certain directions, which may be classified as capital expenditure designed to improve and conserve the farm. The expenses I am referring to are particularly in regard to dipping tanks, dams, water furrows, boreholes, pumping plants, fences, eradication of noxious weeds, prevention of soil erosion, which is a very important matter, erection of buildings for farming operations other than domestic purposes, establishing of orchards and vineyards.

Mr. DU TOIT: What about veterinary services?

Mr. BELL: That does not apply to this argument. It was the practice to allow that as expenditure to be deducted. But a practice grew up during the war years to which exception was taken by Parliament and limits were imposed to the amounts which could be deducted in any one year under the headings I have just mentioned. The limitation took an extraordinary form. The amount allowed for reduction in any one year of assessment "shall not exceed an amount equal to 30 per cent of the gross amount derived by him from farming operations during the year of assessment". The idea was to limit the amount that could be claimed in any one year. In the normal process of income tax that formula is not followed. In the case of amortisation the percentage is in relation to the actual expenditure and not to an item unrelated to the expenditure. I want to make this clear. The amount is 30 per cent. of the gross income derived and not 30 per cent. of the expenditure. The two things are entirely unrelated. In principle I consider that in regard to income tax that is entirely wrong. It was expediency and bad expediency at the time in order to attain a certain purpose, and that purpose has long since passed.

An HON. MEMBER: Do you object to the 30 per cent?

Mr. BELL: I have a complete solution to which I will come in a moment. In the case of livestock a limit was also imposed on the expenditure for the purchase of livestock as ranking for deduction. The limit was 100 per cent. of the gross income. It was also a percentage attached to an irrelevant item, but with this important additional provision that if any amount was paid in excess of 100 per cent of the gross income, it could be carried over by a farmer to a subsequent year and recovered under the income of that year. Now, that is reasonable, that is fair, that is equitable. There is at least some sense of sanity in that arrangement. For example, a farmer has an income of £1,000 and he buys £2,000 worth of stock in a year. Then he is at liberty to set off £1,000 against his income for that year and he can carry over the other £1,000 to be set off the following year. But in the case of expenditure on improvements on the farm, and I want particularly to point out that that includes soil erosion, he can only set off 30 per cent. in any one year. The balance of the expenditure incurred simply goes. He cannot carry it over to a subsequent year. It is easy to appreciate the farmer's dilemma and to see what inequity can arise. You and I, Sir, have adjoining farms. We have the same expenditure on soil erosion. A hailstorm strikes my farm; I lose my crop and I have no revenue for that particular year. I can deduct nothing in respect of my expenditure. You on the other hand are immune from that hailstorm and you recover a good revenue.

You are in a position to deduct your expenditure up to 30 per cent. of your gross income.

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

Evening Sitting.

Mr. BELL: I understand that the intention is to go over to another Order of the Day and at the wish of the hon. the Minister of Finance I now move —

That the debate be now adjourned.

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

Agreed to.

Debate adjourned; to be resumed on 7th June.

GROUP AREAS BILL.

Third Order read: House to go into Committee on Group Areas Bill.

House in Committee:

On Clause 1,

The MINISTER OF THE INTERICR: I move—

That the consideration of this clause stand over.

Agreed to.

On Clause 2,

The MINISTER OF THE INTERIOR: I move—

That the consideration of this clause stand over.

Mr. MITCHELL: I am sorry, but we have to object to Clause 2 standing over.

The MINISTER OF THE INTERIOR: It is a definition clause.

Mr. MITCHELL: We have amendments on the Order Paper to Clause 2 and following Clause 2. Here again we have a reflection of the difficulties in which we find ourselves. The hon. the Minister during the second reading debate explained how simple the Bill was, how straightforward the measure was. But the Minister has now some 23 or 24 amendments himself on the Order Paper, and we have our amendments on the Order Paper to Clause 2 and we are proposing clauses to follow Clause 2. The hon. the Minister wants Clause 2 to stand over and I have been given to understand that to some extent he is prepared to accept the principle of some of our amendments. I do not know whether that is right or not, but I understand that that is so. That the Minister has given to understand that he is to some extent prepared to accept the substance of our amendments.

The MINISTER OF THE INTERIOR: Those amendments to follow Clause 2 can be debated.

Mr. MITCHELL: But we have an amendment to Clause 2 and it is a very vital amendment.

The MINISTER OF THE INTERIOR: I, too, have an amendment to Clause 2. This is a definition Clause.

Mr. MITCHELL: I do not know what the Minister's amendment to Clause 2 is.

Mr. RUSSELL: Under the guillotine these amendments may never come on.

Mr. MITCHELL: We are limited by the guillotine, but the Minister can put his amendments. When the guillotine is applied, his amendments will be put, whatever happens, including any amendment to Clause 2, but our amendments fall away without any discussion. They are not even put to this Committee. Even today we went to the Minister and explained the difficulty we were in, because the Minister put some 15 or 16 amendments on the Order Paper for the first time this morning. That is a very grave disability in which to place the Opposition. And now he says that he has got a further amendment which he wishes to produce tomorrow and I think it is quite wrong, Sir. The Minister should have come prepared. He is the man who has had the time all this while. He has told us that there is no need for any further inquiry and he is not yet ready with his amendments and informs us that in the course of this debate he will come along with further amendments. We have got our amendments here and we are ready to debate them, and I suggest to the hon. the Minister that he should be reasonable in this matter and allow the debate on Clause 2 to proceed and that the hon. members in whose names the amendments are standing be given an opportunity to move their amendment and let the Minister declare his policy towards those amendments. Let him plainly say in regard to those amendments whether he favours them or not. If he is prepared to accept the principle of those amendments . . .

Mr. LUDICK: You are wasting your time.

Mr. MITCHELL: That, unfortunately, is true. We are perfectly well aware that in

making this stand, we are losing part of our very precious time in the Committee Stage of this Bill, but nevertheless we must make the very strongest protest at the attitude the Minister is adopting in regard to this Clause. And I hope that the House will not agree and I appeal to the hon. the Minister to let the debate on Clause 2 proceed and to indicate his attitude towards the amendments which we have on the Order Paper.

Mr. STUART: I hope the suggestion by the hon. the Minister will be fought on this side of the House. It is about the limit, because the guts of this Bill are in Clause 2 and the Minister knows it and has got a guillotine operating and he knows that we may never get to Clause 2. I have never in my life heard a more insolent and preposterous suggestion than that the consideration of this clause should stand over. I do not feel particularly strongly on certain passages of this Bill, but I am going to say this that I cannot imagine anything —I must say it is very difficult not to use the word impertinent, but it surely is the limit. If the trouble is that the Minister himself is not ready, then it is perfectly easy for him to adjourn the debate and then we know that we can raise our genuine objections. We now hear from the other side that we are wasting time. Time is the thing. We are rationed, we are tied, our hands are tied behind us — time. Of course time is necessary for this thing. But it does matter a bit whether many of the amendments will never be reached, as long as the main amendments to Clause 2 are discussed, and the hon. the Minister knows that just as well as I do. And I therefore trust that this House is not going to agree to the proposal of the hon. the Minister and I am perfectly certain that that ought to go to the vote. It is an abominable suggestion. It is not even clever, because it is so very obvious. Why not cut it down altogether and prevent any debate? It is the greatest nonsense I have ever seen. Fancy putting this seriously to a responsible House. It is ridiculous, and the most ridiculous thing is the enthusiasm with which my objection is apparently received by hon. members on the other side of the House. They all say: "Oh, oh. Oh, oh. I sincerely hope that others will express an opinion and that this will go to the vote.

Dr. V. L. SHEARER: I rise in order to get some clarity in respect of this suggestion emanating from the hon. the Minister. Now in the first place I have an amendment on the Order Paper in respect of Clause 2 (1) (a). Now I can fully appreciate, if I may say so, the objection of the Opposition if the procedure is that when a Clause is allowed to stand over, that Clause will automatically be treated as a Clause at the end of this Bill.

Mr. SUTTER: That is the position.

Dr. V. L. SHEARER: I am not yet prepared to jump to that conclusion and therefore I first of all would like to have clarity from you Mr. Chairman, in regard to the procedure. In other words I would like to know whether if this Clause stands over, it has to stand over to the end. I am prepared to believe that possibly the hon. the Minister is finding himself in some difficulty in regard to one or two Clauses, or rather in respect of one or two definitions contained in this Clause, but if that is the position and in order to meet the contention on this side of the House, in view of the fact that the Guillotine has been moved, I would like to know whether on a point of procedure it would be permissable if the Minister is in a position, to either bring up this amendment which he has at the back of his mind, and if he does, can we for example consider Clause 2 to-morrow at a particular stage in the Bill when we are starting a debate on this matter? Or is the procedure that if we agree to Clause 2 to stand over to-night, then it must ipso facto be the last Clause in the debate in the Committee Stage? If that is the position, then I think one can appreciate the grave disquiet of hon. members on this side of the House because this Clause 2 is linked up with important principle which are germane to this Bill and in certain respects this Clause will give members some guidance in respect of their amendments and in respect of what attitude they should take up in respect of subsequent Clauses. Therefore I ask you Mr. Chairman to clarify the point of procedure.

The CHAIRMAN: The ordinary procedure always adopted is this that when a Clause is standing over, it stands over till the end, that is till all the other Clauses have been disposed of. That is the ordinary procedure, unless the Committee passes another resolution to consider a particular Clause at another stage.

The MINISTER OF THE INTERIOR: I cannot understand hon. members getting so hot under the collar in regard to what is a very usual procedure and that is to let a definition Clause stand over until the end. I do not know whether hon. members have read Clause 2.

Hon. MEMBERS: Oh, yes, we have.

The MINISTER OF THE INTERIOR: If they have, they will realise that it is substantially a definition Clause and if it is a definition Clause, then certainly the ordinary procedure is to let it stand over. But I am

prepared to meet any idea that there is a sinister motive . . .

Hon. MEMBERS: Oh!

The MINISTER OF THE INTERIOR: I regret that some minds are so sodden with suspicion. The difficulty is that hon. members judge others by themselves. I am quite prepared to move that Clause 2 stand over until Clause 14 has been disposed of.

Mr. MITCHELL: Why?

The MINISTER OF THE INTERIOR: To meet you. If that does not meet with the approval of the hon. members, I will have to stand by my suggestion that this Clause being a definition Clause stand over until the end. But in order to meet the point raised by the hon. member for Durban (Point) (Dr. V. L. Shearer) I am prepared to let this stand over until the Clauses with which the definitions are mainly concerned, have been disposed of, and that is why I am suggesting Clause 14.

Mr. MITCHELL: And if Clause 14 is not reached?

The MINISTER OF THE INTERIOR: If hon. members do not get to Clause 14 in 24 hours, then I am afraid they will be doing what the Speaker said the other day they were doing in respect of another Bill. If it is permissible I am prepared to move that.

The CHAIRMAN: I am afraid that cannot be moved.

Mr. STRAUSS: I think the hon. the Minister is merely stultifying himself now. He just does not know where he is, Sir. He was the Minister in charge of the second reading of this Bill and in his introductory speech he said that this was a simple Bill, that there was no difficulty about this Bill, this Bill had been inquired into and everything was simple and plain sailing and he did not know what the trouble was about from the Opposition side. Why did we want a Select Committee? There was nothing to inquire into. When I twitted him with already having foreshadowed in that introductory speech the moving of certain important amendments, the moving of no less than three amendments, he reacted very severely to my even referring to that. Now, Sir, what do we find? That the Minister comes forward with scores of amendments, a large proportion of which have only appeared on the Order Paper today, he is completely "in the middle" with this Bill, that was such a simple and straightforward measure. He does not know where he is. I think that this is an outrage on Parliament to come forward and to ask us to legislate in this way, and this Minister does not know where he is. He tells us solemnly that this is a definition clause and that it has to stand over until the end. But when we indicate the consequences of that, then he suddenly finds that it is not a definition clause and he suggests that it should stand over until Clause 14 has been disposed of.

Dr. VAN NIEROP: To meet you.

Mr. STRAUSS: No, that is not the way to meet us. If the hon. the Minister wants to meet the House and meet the country and act in a dignified way, as Parliament deserves to be dealt with, then he must not rush legislation of this nature. He should not come forward in the Committee Stage with a Bill in such an ill-digested and half-baked condition. He has not got a clear idea about the amendments which he is going to move, what amendments he will accept from this side of the House. He just does not know where he is. One moment the clause is a definition clause and has to stand over until the end of the Bill, the next moment he only asks that it should stand over until Clause 14 has been disposed of. I think it is a shocking way for a responsible Minister to act and I think the only decent way for the Minister to extricate himself from the difficulty in which he has landed, is to get up and move to report progress and ask leave to sit again, until the Minister knows where he is in regard to this Bill.

Mr. SULLIVAN: I am quite certain that the attitude of the Minister and many of the members on the Government benches towards the attitude of the Opposition in refusing to be stampeded into accepting docilely the Minister's wishes, indicates that the Government itself is very, very nervous of this Bill. This, surely, is not a definition clause. It is a clause laying down the fundamental principle of this Bill. Now it lays down as to what are groups, around which the whole fabric of this Bill is built up. How is it possible for us to go on to Clause 3 and the subsequent clauses and be logical and reasonable in our approach to the Bill and Clause 3 — the Minister being afraid that our logic will be too much for his liking — how is it possible for us to approach this Bill in the proper spirit if we have not got a clear understanding in this House as to what are the groups we are dealing with. Take the Durban position. This Bill has a clear and definite, and probably a major, intention, of dealing with the Indian population. Now the Indian population under this Bill will be a group. Is Clause 2 going to be amended to effect that classification? We do not know.

We cannot possibly go on to consider the full implications of this Bill while we remain entirely in the dark, as we are now, not only as to what the Minister understands by this

clause, but also as to what he has in mind to modify the Bill. It is his duty to this House to postpone this debate until such time as he is ready and prepared, as he ought to be, to lay all his cards on the table face up — it is his duty to do that, before we are asked to enter into a full discussion at the Committee Stage.

*Mr. MENTZ: The hon. member who sat down now said that this side of the House, and particularly the Minister, was very nervous about this matter. It is his conscience that is troubling him. If he goes back a little to the speech he made during the second-reading debate, I think he will feel very nervous because of what he said and I do not think Durban will welcome him after what he said. He should rather stay away from this Bill as far as possible. He accuses the Minister of not knowing what is in the Bill and he says that the Minister should first get the opportunity of going through the Bill now. Let me say this to the hon. member, and I think the whole House will agree with me when I say that this Minister has never yet piloted a Bill through this House without having it absolutely at his finger-ends. The Minister of the Interior is quite prepared to meet the United Party across the floor of the House in connection with any provision of this Bill. The hon. member for Germiston (District) (Mr. Strauss) got up here and I almost want to say that I was surprised that he did not once again ask for the Speaker to be called in. The Minister of the Interior made it quite clear here that it is just a matter of definitions and then the hon. member for Germiston (District) again came here and asked: How can we rush this legislation through this House by steam-roller tactics? Probably more time has been allowed for this Bill than for any other legislation during the past few years. How much more time does the hon. member for Germiston (District) want? He does not want this Bill as such, but in my opinion they are just attempting to stage a demonstration here. That is all there is behind their arguments. At the beginning they said they were going to oppose this Bill step by step and today I see that messages have already gone out from Irene to the Trades and Labour Council and we know what the position of that council is today. They have received messages in which they are practically being encouraged in their protests tonight against the Anti-Communist Bill. In that way they are trying to use all their allies.

*Mr. STRAUSS: What are you talking about?

*Mr. MENTZ: The message to the Trades and Labour Council. That is all they are trying to do here today, namely, to stage a demonstration in order to enjoy a little publicity. That is all. The hon. Minister got up here very courteously this evening and he said he wished to move that the first two clauses should stand over because they simply deal with definitions. The hon. member for Natal South Coast (Mr. Mitchell) was the first to protest. Already during the second-reading debate he had put his foot into it and how can he now take this attitude after that decision taken by the Municipal Society in Natal in connection with this matter? He is just trying to soothe his conscience and therefore I am glad that the Minister is now going to stand firm in connection with his proposal after having done everything to meet their difficulties. The hon. member for Germiston (District) now blames the Minister because he said that he was prepared to have this clause considered after Clause 14. It is not the hon. Minister's fault that this is not in order, but he was trying to meet them. But this is just a sham demonstration which we are having here tonight, a demonstration to try and save their own skins and to soothe their own consciences and I hope the hon. the Minister will stand firm and persevere.

Mr. BLOOMBERG: I would like to have some clarification from the hon. the Minister himself or from you, Mr. Chairman, in regard to the procedure in this matter, because there is an amendment on the agenda standing in the name of the hon. member for Rondebosch (Col. Jordan) which I propose to move, an amendment which is of vital and paramount importance to every finance corporation, to every trust company, to every building society and to every bona fide investor in this country, relating to their rights under mortgage bonds on immovable property.

The CHAIRMAN: The hon. member cannot now discuss the merits of Clause 2, he can only speak on the motion that this clause should stand over.

Mr. BLOOMBERG: I would like to know this from you or the Minister, Sir, whether under this proposal of the Minister, we will be permitted to move new clauses following Clause 2 at an early stage of the debate. I mention it at this stage, because if we are deprived of that opportunity we may never get an opportunity of raising this matter by reason of the guillotine and before voting on the Minister's proposal, I would like to know whether we will have an opportunity forthwith of moving the new clauses following Clause 2.

The CHAIRMAN: The new clauses following Clause 2 can be moved, even if Clause 2 stands over.

Mr. BLOOMBERG: That is all right then, because that is the crux of the matter.

Capt. HENWOOD: Does the hon. the Minister really think that this House con-

siders that he is giving us fair and due attention and that we are to believe him when he says that we have ample time to discuss all the amendments of this Bill as well as the provisions of the Bill within 24 hours. In the past three weeks in this House we have had Minister after Minister repeating himself continuously in reply to the debate and wasting time, so that the actual period for discussion has been cut down by some six or seven hours.

The CHAIRMAN: Order, order! The hon. member must not reflect on the decision of the Chair.

Capt. HENWOOD: I am not reflecting on the decision of the Chair, Sir. Surely I am entitled to say, with all due respect, that certain Ministers have wasted the time of the House in discussion. That has been so obvious, in the way in which Ministers have treated the House in dealing with their votes. Here we have 24 hours to discuss a Bill of this magnitude, with all its wide implications, plus 19 amendments of which we on this side gave notice on Friday, plus 16 amendments of which the Minister gave notice today, plus 7 amendments of which the Labour Party gave notice, and this House is to go into Committee to see how these amendments can be fitted into this Bill. In the second reading debate the hon. the Minister implied that he had the backing of the major municipalities in South Africa, particularly Durban, for this Bill, and when we get down to it, we find that Durban did no more than the United Party did.

An HON. MEMBER: Order, order!

Capt. HENWOOD: Is the hon. member over there the Chairman? Let him mind his own business. This is how we have our time wasted by the Government. They do not want a full discussion on this Bill and on the amendments.

The MINISTER OF THE INTERIOR: Are you speaking to any amendment now?

Capt. HENWOOD: No, I am putting it to the Minister that we have not got ample time, as he suggests, to discuss this Bill. He knows that it is impossible for us and for this House to consider this Bill and all these amendments within the time that he has allowed.

*Prof. A. I. MALAN: It is surprising . . .

*Mr. TIGHY: You are always surprised.

*Prof. A. I. MALAN: . . . that the protests from the side of the Opposition are not only misleading but also without substance. If you take into account the fact that they do not want Clause 2 to stand over till later, it is clear that there must surely be a good reason why they do not want it to stand over. If it had something to do with the principle of the Bill one would have expected the Opposition to move amendments to Clause 2. Actually there are really no amendments. There is one but it is really an appendix. It is not an amendment of the clause itself. If, then, no amendments have been placed before us, I do not know how the argument that it is an important clause and that it must necessarily be dealt with at this stage can hold water.

Mr. WATERSON: The Minister says he has an amendment.

*Prof. A. I. MALAN: We are talking about the Opposition now. Their argument is that the clause is of the greatest importance and that this matter involves a principle. They do not want to accept the Minister's statement that it consists of definitions; they do not want to accept the fact that it is the normal procedure to leave the definitions of a Bill until the end, and if they do not want the clause to stand over they should at least show us how important Clause 2 is in their opinion. I say that if Clause 2 is so important and if it involves differences of principle one would surely have expected amendments from the side of the Opposition.

*Mr. CULL: There are four amendments.

*Prof. A. I. MALAN: They are only amendments following on Clause 2 and you, Mr. Chairman, have already said that they can be immediately dealt with even if Clause 2 is to stand over. The only thing that stands over is the appendix clause moved by the hon. member for Hottentots Holland (Sir de Villiers Graaff) and he was prepared to let the clause stand over. I say the hollowness of their protests is proved by things like that and they cannot get away from the fact. Actually it is a shame because it is pathetic to see them making such a noise here about something which they cannot substantiate with arguments. I am glad to see that the hon. Minister is firm in his attitude.

*Mr. STRAUSS: Firm?

*Prof. A. I. MALAN: One would expect a little more sense of responsibility from an hon. member who calls himself the Acting Leader of the Opposition.

*Mr. TIGHY: I cannot understand the arguments of the hon. member for Gezina (Prof. A. I. Malan).

*The MINISTER OF JUSTICE: Of course not.

*Mr. TIGHY: In the first place he gave no reason why we should agree with the

attitude of the Minister in letting those clauses stand over — no reasons whatever — and I do not think the Minister gave any sound reasons. What is the reason? Why must these clauses stand over? I shall sit down if the hon. Minister will give his reasons.

*Prof. A. I. MALAN: Read your Order Paper.

*Mr. TIGHY: After our experience with this Minister, particularly during this Session, the House cannot blame the Opposition if we do not trust this Minister. I am very sorry to say this but we cannot trust him. Here we have the guillotine. What guarantee have we received from the Government that they will give us an opportunity to come back to this important clause?

*Mr. POTGIETER: There is Clause 14.

*Mr. TIGHY: In connection with this clause I intend to prove to the Minister what a political smokescreen this whole Bill is. After what happened in Johannesburg over the weekend and after what appeared in the Johannesburg newspapers I say it is a political smokescreen and now he wants to evade it. He is running away before we have quite started with the Committee Stage. When the Whips of this Party tried to negotiate with the Whips of the Government Party in connection with the guillotine, did we get any support from the Whips? Were they at all prepared to compromise?

*The MINISTER OF THE INTERIOR: What!

*Mr. TIGHY: The hon. Minister says "What!" Without a doubt one would think he came from Jerusalem.

*The CHAIRMAN: Order, order! The hon. member cannot discuss that matter now. He must confine himself to the question, namely, whether the clause should stand over.

*Mr. TIGHY: You know, Mr. Chairman, that I always bow to your ruling, but with all due honour and respect, I must say that I object most strongly to the fact that hon. members on the other side are trying to act as Chairman here. I think you must give me credit for the fact that I am one of the members who are always prepared to co-operate with you.

*The CHAIRMAN: Order, order! The hon. member must keep to the question, the question is whether the clause should stand over.

*Mr. TIGHY: My argument is that the hon. Minister expects us to let this clause stand over in good faith, trusting that we shall get an opportunity within the period stipulated by the guillotine to return to this clause. My reply to that is that we cannot trust him. When we negotiated with their Whips during the second-reading debate so that he could reply within the period laid down by the guillotine, what was their attitude? No, then there was a little mouse-trap and they wanted to catch the United Party with it. We are not going to allow ourselves to be caught in a mouse-trap again. I am very sorry but tonight I say to this House and to this country that the Minister of the Interior cannot be trusted; he is a dangerous man.

*Mr. SUTTER: Rather support Strydom.

*Mr. TIGHY: The hon. member talks about the Minister of Lands. I have much more respect for the hon. Minister of Lands. He is honest and upright and that man is not.

*The MINISTER OF TRANSPORT: On a point of order, there should really . . .

*Mr. TIGHY: Are you the chief Whip again? I thought you were Minister of Transport.

*The MINISTER OF TRANSPORT: The hon. member for Johannesburg (West) (Mr. Tighy) said the Minister was a dishonest man.

*HON. MEMBERS: He did not.

*The MINISTER OF TRANSPORT: Those were his words.

*Mr. TIGHY: No.

*The MINISTER OF TRANSPORT: He said the Minister of Lands was honest and upright and the Minister of the Interior was not. Those were his words.

Mr. RUSSELL: Then they are both wrong.

*The MINISTER OF TRANSPORT: I now want to ask you, Mr. Chairman, if a member is allowed to use those words in the House?

*Mr. TIGHY: I would like to ask the Minister . . .

*The CHAIRMAN: Order, order!

Mr. SUTTER: Look how you are wasting our time under the guillotine.

*The MINISTER OF TRANSPORT: That is what I wish to ask you, and then I want to ask this, whether a member is allowed to make such an accusation without apologising to the Minister as well as to the Committee?

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

*The CHAIRMAN: Order, order! I want to hear from the hon. member for Johannesburg (West) what he said.

*Mr. TIGHY: I did not say the hon. Minister was dishonest.

*The CHAIRMAN: What did the hon. member say?

*Mr. TIGHY: I said that as far as this Bill was concerned we could not trust the hon. Minister and my argument was based on his treatment of this side of the House during the second reading debate on this Bill.

*The CHAIRMAN: Order, order! I just want to hear from the hon. member what he said, because there was such a noise here that I could not hear.

*Mr. TIGHY: I must honestly admit that I cannot say that I said he was dishonest, but if the hon. the Minister says I did indeed say so, then I am prepared to withdraw it at once.

*The CHAIRMAN: Order, order! If any member says something like that about another member he must not only withdraw the remark but he must apologise as well.

*Mr. SUTTER: But he did not say it.

HON. MEMBERS: Apologise.

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

*The MINISTER OF TRANSPORT: On a point of order, you said the hon. member had to apologise. I did not hear him do so.

*Mr. SUTTER: He did not say so.

*The CHAIRMAN: Order, order! The hon. member denies having used those words.

*The MINISTER OF TRANSPORT: He may deny it but I want to testify that there are at least a dozen members on this side who heard him say so.

*The CHAIRMAN: Order, order! The ruling I gave was that if a member says that of any other member then he must withdraw and apologise as well, and then the hon. member for Johannesburg (West) said that he had not used those words, but that if the hon. the Minister said he had said so, he withdrew the remark. It is not clear to me whether he admits or denies having said so, and under the circumstances I took the attitude that I would take his word for it and that he could proceed.

*Mr. TIGHY: I am sorry this trouble arose, but . . .

*The CHAIRMAN: Order, order! Then I want to add that there is quite too much shouting here from one side to the other, and from now on I want order to be strictly maintained here in the House if we have to proceed, otherwise I shall take firm steps against any member who shouts across the floor.

*Mr. TIGHY: I am terribly sorry if there has been a misunderstanding. I want to give the hon. the Minister the assurance once more that I did not say such a thing about him. My argument was that as a result of the treatment we received from his Whips during the second reading debate he cannot blame us for objecting to the motion that this clause should stand over till a later stage of the Committee Stage, and that we therefore look upon his motion with distrust. We have no assurance that we shall get the opportunity to return to it. [Time limit.]

Mr. SUTTER: I would like to make a very genuine appeal to the hon. the Minister of the Interior this evening. The situation that has arisen here has not started this evening. If one goes back into the history of this Group Areas Bill, it started with the guillotine, and perhaps the Minister will forgive me if I remind him that we on this side of the House made an earnest appeal to him that this was a very, very serious measure that required considerably more time . . .

An HON. MEMBER: And study.

Mr. SUTTER: . . . in order that we may investigate it, than he was prepared to give us. Perhaps I won't be regarded as unfair if I remind the Minister that he told this House that this was a simple, straightforward Bill. I think that is a fair statement. I want to be fair to the Minister; he is a friend of mine. [Laughter.] What are you laughing at? That is quite true. The Minister won't deny it. But having been told that this is a simple, straightforward Bill, with a clear issue, having denied by reasons of the vote on the guillotine, what we alleged, does the Minister realise that he comes this morning and puts no less than 15 amendments on the Order Paper? I would like to ask my hon. friend, the Minister, how he reconciles his allegation that this is a simple, straightforward Bill, with his action in putting 15 amendments on the Order Paper this morning. I want to say that the Minister was fair enough when we approached him this morning to postpone the consideration of this Bill from 11 a.m. to 8 p.m. in order to give us a chance. Having declared that it is a simple, straightforward Bill, why does he come along and ask for clause after clause to stand over? But the big point is this. I do not ask for interruptions; I do not ask for cheers; I

want to be perfectly fair. Having put 15 amendments on the Order Paper, what are we to feel in all sincerity in the fulfilment of our duty to this country when the Minister asks that this clause which is vital in this Bill should stand over, in view of the fact that there is a guillotine which might exclude any discussion of this clause? That is the point, and I appeal to fairminded members on the other side and to the Minister to tell me whether that is not true. If the Minister is prepared to stand up and persuade his supporters to tell this side of the House that if the guillotine falls before this clause is considered, he will guarantee an extension of time, so that we can discuss this clause which he wants to stand over. That is the position. If the Minister wants it to stand over — I speak for my side — we will agree if he will stand up and guarantee that if the guillotine falls before this clause can be discussed, he will give us time to discuss it. If not, he must not, in the name of everything that is decent, that we stand for, come and ask us to agree that this clause should stand over.

Dr. VAN NIEROP: You know he cannot do that.

Mr. SUTTER: If he is not prepared to do that, then I must tell South Africa that he wants this clause to stand over, because he does not want to face discussion. We will agree to let this clause stand over . . . [Laughter.] Don't laugh! You can't bluff South Africa with your giggles. If the Minister is sincere in asking that this clause should stand over, we will agree provided he gives us a guarantee that guillotine or no guillotine we will have a chance to discuss it. He has the floor to answer.

The MINISTER OF ECONOMIC AFFAIRS: Very amusing.

*Dr. J. H. STEYN: I do not wish to participate in the gesticulations and shouting of the hon. member who has just sat down. But he is the assistant Chief Whip of that Party and we have to take notice of what he says.

Mr. SUTTER: Carry on with your speech.

*Mr. BEZUIDENHOUT: On a point of order, allow me to point out to you that a moment ago you ruled that hon. members may not shout across the floor of the House. Here the hon. member for Springs (Mr. Sutter) is again doing so now.

*Dr. J. H. STEYN: The hon. member is the assistant Chief Whip of the Opposition and we have to take note of what he says. He has let the cat out of the bag now. He gave the Minister the assurance that the position which arose here in the Assembly tonight was not caused by what happened here. He gave that assurance, and before he spoke I had the suspicion that what we are dealing with here has nothing to do with clause 2. Clause 2 just names the groups. Clause 2 does not state what happens to those groups at all. In other words it does not refer to the substance of the Bill. What we are dealing with here is an attempt by the Opposition to prevent a discussion of the Bill. As old parliamentarians they know that their time is limited and they are now wasting their own time so that no discussion of the Bill can take place here. It is not for nothing that this hymn was struck up by the hon. member for South Coast (Mr. Mitchell). He knows why he has to do it. He is in hot water and he wants to do everything in his power to save himself from getting deeper into hot water. Here we have the reason for the ridiculous debate now taking place here. As an Opposition who have complained here against the enforcing of the guillotine they are wasting their own time under the guillotine . . .

*Mr. SUTTER: Nonsense!

*Dr. J. H. STEYN: . . . with the one and only purpose of not allowing the country to see how they expose themselves in connection with this Bill; they do not want any discussion. They are going to do everything in their power to prevent a discussion. That is why they are now up to this sort of thing which, as the assistant Chief Whip has assured us, has nothing to do with the Minister's motion tonight.

Mr. MITCHELL: The position is this, that Clause 2 to which the hon. member is referring, is the clause which deals with group areas. It is the whole kernel and the substance of the Bill. How are we going to discuss all the succeeding clauses before we have determined what the group areas are?

The MINISTER OF LABOUR: Clause 2 does not deal with group areas. It deals with groups.

Mr. MITCHELL: I am sorry; I meant groups. The Minister himself has said that he proposes to move an amendment to this clause. I ask any reasonable man, what is to be the position of members in this Parliament when the Minister says: "This clause is to stand over and is to be the last clause to be debated; I am going to move an amendment of which I have given no notice"? He is going to move an amendment but no one knows what that amendment is.

Dr. VAN NIEROP: The hon. member for Hottentots Holland (Sir de Villiers Graaff) knows.

Mr. MITCHELL: The Whip on that side should stop interrupting, too. This clause

deals with the groups. It is the kingpin of the whole Bill. The Minister says that he is going to move an amendment to this clause, of which we have had no notice, and we are to discuss the whole Bill without knowing what amendment the Minister is going to move on this clause, which is the kingpin of the whole Bill. How can he do that? We must know what the groups are and we must know what the Minister's amendment to that clause is, if we are going to debate logically and in an intelligent manner the succeeding clauses of this Bill. Hon. members on the other side may be able intelligently to discuss the succeeding clauses without knowing what the groups are or without knowing what amendment the Minister is going to move. He may have informed them what amendment he is going to move, but we do not know what it is. We say it is impossible for us to debate the subsequent clauses of the Bill without knowing what the amendment is which the Minister is going to move on this clause.

*Mr. MENTZ: If the hon. member who has just sat down had read this Bill he would not have come forward with this ridiculous argument. He now tells us that this clause deals with group areas. There is no such thing.

*Dr. STEENKAMP: He did not say so. He spoke about groups.

*Mr. MENTZ: The hon. member used the term "group areas".

*Dr. STEENKAMP: He corrected himself.

*Mr. MENTZ: I say this clause has nothing to do with group areas.

*Dr. STEENKAMP: He said "groups".

*Mr. MENTZ: The clause simply deals with the groups. The hon. member for Springs (Mr. Sutter) now comes here and says that their attack is directed against the guillotine. They are now angry because of the guillotine.

Mr. SUTTER: No, not at all.

*Mr. MENTZ: Is it not that very side of the Assembly which introduced the guillotine?

*The CHAIRMAN: Order, order! The hon. member must not now talk about the question of the guillotine; he must confine himself to the subject under discussion.

*Mr. MENTZ: I do not want to go into the matter, but since the hon. member for Springs bases his whole argument on it I just wanted to say in passing that they should not blame this side of the Assembly for the guillotine. It is an institution of that side. I just want to say that if no other argument comes from the other side, then the Opposition are simply making themselves ridiculous in the eyes of the world.

*The MINISTER OF THE INTERIOR: It seems to me that I should now explain a few matters, because hon. members opposite apparently do not understand the position. First I want to reply to the hon. member for Springs (Mr. Sutter) that if this clause, under the guillotine, is not reached in the Committee Stage, it can be discussed at the Report Stage. There is nothing to prevent the hon. member or any hon. member from doing it there.

Mr. SUTTER: The guillotine also applies there.

*The MINISTER OF THE INTERIOR: There are three hours for the Report Stage. May I now refer the hon. member, who is so astounded at those three hours, to the time they used to give to Committee Stages in the past, and may I point out to him that last year, when the guillotine was also applied to the Citizenship Bill, and when certain clauses had not been disposed of in Committee, the Opposition, in the Report Stage, again took up the same clauses which had been fully discussed in Committee, instead of discussing new clauses. I therefore now say to the hon. member for Springs that if this Clause cannot be dealt with in the Committee Stage in the 24-hour period, that is to say, three days laid down for the Committee Stage, then they can, if the matter is so important, give it first priority in the Report Stage. That is my reply to that part. Then I just want to say this. The only hon. member who has moved an amendment to Clause 2 is the hon. member for Hottentots Holland (Sir de Villiers Graaff).

*Mr. STUART: That is not correct. The hon. member for Point (Dr. V. L. Shearer) has also moved an amendment.

*The MINISTER OF THE INTERIOR: Yes, that is so, the hon. member for Point also has an amendment. Those two hon. members both have amendments, and I have discussed them with both and I have told them both what my amendment is going to be in so far as it affects their amendments. I told the hon. member for Hottentots Holland that I intended moving that the clause stand over until the end, and there was no objection to that. Hon. members opposite, therefore, cannot say that I have caught them off their guard by moving that Clauses 1 and 2 stand over.

*Dr. STEENKAMP: Why did you not inform the Whips?

*The MINISTER OF THE INTERIOR: I informed the hon. member who was dealing with those clauses. I considered he was the man who was interested — he knows the nature of my amendment and the hon. member for Point also knows in how far his amendment conforms to mine. These two hon. members did not get up to criticise this point. I want to say this in all fairness . . .

*Mr. RUSSELL: The one did get up.

*The MINISTER OF THE INTERIOR: Yes, the one did get up but not to attack me on this point, he only said that there would be no opportunity to discuss the clause. The hon. member for Point knows what the character of the amendment is which I intend moving, and also in the concurrent Bill and he knows that this will, to a large extent, meet his difficulty.

*Dr. STEENKAMP: Why did you not inform us about it?

*The MINISTER OF THE INTERIOR: I shall do so at the right time. I told the hon. member for Hottentots Holland that I would let the clause stand over, but that I would notify him so that he need not unnecessarily prepare himself on this point.

*Capt. HENWOOD: Why not the House?

*The MINISTER OF THE INTERIOR: Now I just want to say this, in regard to the amendments on the Order Paper, that they were drafted to appear on Saturday morning, with the exception of the two clauses which deal with the definitions, and those amendments go up to Clause 13, because I thought that on Tuesday we would not get beyond Clause 13. It seems to me that I was over optimistic. I was busy in this House yesterday with another Bill, but I saw to it that the amendments were prepared for the rest of the clauses and that they were on the Order Paper this morning, so that hon. members could study them before tomorrow.

Quite a few members, who have put amendments on the Order Paper, have enabled me to go into the underlying ideas of their amendments, and where I have been able to accept them I have had discussions with them. I was prepared, instead of letting the Bill come on this morning, to postpone it until after 8 o'clock tonight. I did so because I wanted to give hon. members a reasonable opportunity to consider the amendments. I also offered, if the Rules of the House allowed me to do so, to let Clause 2 stand over until after Clause 14. But the only reply I received to this offer were statements by hon. members opposite that they did not trust me, and things of that kind of which we on this side, are getting very tired. It does not make one very anxious to try to show hon. members opposite the ordinary courtesies and to try and meet them if that is the treatment one receives from them. I hope we are not going to waste the time allowed for the consideration of the merits of this clause by having a debate which, in any case, cannot be important in view of what I have just said to the Committee.

Mr. STUART: I am not going to call the Minister anything. I am merely going to state facts. The Minister had the nerve to say that members on this side had not read the Bill. Then he had the nerve to say that we must let things go on till Clause 14, and then he would be prepared to let us come back to Clause 2. He said Clause 2 dealt with the definition. The first clause of the Bill purports to be the definition clause. The Minister lets that stand over. The second clause may have some definition in it in the same sense that every clause in a Bill has some relation to that Bill. But Clause 2 is marked here "Groups for the purposes of the Act". That is to say, it is an essential clause and not a definition clause. I do not think the Minister has read the Bill. I know he has not read it, because he says we must let Clause 2 stand over until Clause 14 has been disposed of. Now, what is Clause 14? it is this: "Permits and determinations" In other words, until we pass the exceptions to the Act we are not allowed to discuss the principle of the Act. The Minister could not have known what Clause 14 was when he said that. I do not believe he has read the Bill. If he has read the Bill then I cannot express myself in parliamentary language about his suggestion.

*Dr. LOOCK: The United Party Opposition is putting up the biggest smokescreen they have ever put up in this House. We discussed this matter at a congress which was held in the Transvaal, and where all parties and all sections were represented. It was in connection with the Indian traders and their position in trade, and at that congress great displeasure was expressed at the weak attitude of the Opposition, and that displeasure came from their own people.

*The CHAIRMAN: The hon. member must confine himself to the motion now before the Committee.

*Dr. LOOCK: There is only one reason why those members object to this clause standing over, and that is because the word "Indian" is not specifically mentioned in Clause 1. There we have the propagandists of the big Indian merchants. There is only one group in this country which is opposed to this Bill, and that is the group to whom those members opposite wanted to give the franchise.

*The CHAIRMAN: Order, order! The hon. member must confine himself to the motion.

*Dr. LOOCK: I just want to say this, that they pretend that the Minister is a great dictator, and a great Nazi, that he is a big imposter, and a dishonest man, like the hon. member for Johannesburg (West) (Mr. Tighy), who did not know what he had said. They did not know whether they should support the Bill, nor did they know whether they should oppose it, and now they are trying to cover their position in that way. I want to ask the Minister not to take any notice. He has the whole country behind him as far as this Bill is concerned, and the only people who are not behind him are these big Indian merchants and their United Party propagandists opposite.

Mr. SUTTER: Since I have taken part in the debate four members on the Government side have spoken. Two of them, the hon. member for Westdene (Mr. Mentz) and the hon. member for Vereeniging (Dr. Loock) have never yet said anything outside this House or inside this House worthy of being taken notice of, and I leave it at that. The hon. member for Potchefstroom (Dr. J. H. Steyn) made the allegation that we were not keen on discussing Clause 2. May I ask him whether he will be prepared to move—I suppose he will have the support of the Minister of Finance and the Afrikaner Party—that we report progress so that we can come back and discuss Clause 2. Let him move that, and I can assure him that we will support him.

Dr. J. H. STEYN: You cannot wriggle out of it in that way.

Mr. SUTTER: I make that challenge. Let him move that. Now the Minister gets up and comes forward with a wonderful solution. He will pour oil on the troubled waters; he will apply balm to the wounds. Why are we kicking up all this fuss? There is the Report Stage to discuss this clause if it stands over now and is not reached. We are getting used to that sort of tactic on this side. We know all about it. We warned the Minister that this is a more complicated and a more far-reaching measure in its effects, than most matters that have come before this House. The Minister called it simple and straightforward. The denial of that came from his own lips and from his own actions — fifteen amendments without notice. But referring to his own invitation, he never was fair enough to this House, to the thousands of people, commerce and industry, accountants, the legal profession, the thousands of people who are perturbed about this Bill . . .

The CHAIRMAN: The hon. member must confine himself to the motion before the House.

Mr. SUTTER: The Minister was not fair enough to tell the country that this "Verslagstadium" is only three hours; and do not forget that he will take at least ninety minutes of the 180 minutes. That is the palliative he offered us. We are too old in Parliamentary procedure to fall for that sort of thing. The point is this fairly and squarely — I do not want to be political, I want to be honest. [Laughter.] So unused are my friends opposite to hear about political honesty that I am not surprised that they are shocked at the word. The point is this, and the Minister never replied to it. We on this side of the House are not satisfied that if we agree that this clause should stand over, we would get a reasonable opportunity of discussing it under this guillotine motion. The Report Stage is out of the question. It will only be a few minutes. He cannot come with that; he cannot expect us to swallow it. I sincerely trust that the very very important interests, quite apart from politics, throughout the country across which the principles of this Bill cut, will realise that that silver-tongued, smooth-mouthed Minister is trying to put another one across us. Three hours is all he is giving us for the Report Stage, and for all the clauses that are left over in the Committee Stage.

If the Minister is in the least sincere with his remarks, he would realise that his own action in placing fifteen amendments —whatever he said about Saturday and Monday and everything else—on the Order Paper without any notice to us as an Opposition, without any notice to interested parties to make representations, is not fair. There are many people throughout the country who are apprehensive about this Bill. They have had no notice whatsoever; the Press has had no notice; no organisation has had notice; and on this so-called straightforward Bill the Minister comes with fifteen amendments without notice. Let the Minister remove the guillotine and we will be fair. Let us then carry on and deal with all the dangerous clauses in detail, in such a way as those interested in the country expect us to do.

Sir DE VILLIERS GRAAFF: Mr. Chairman, my name has been drawn into this debate, and I think it is correct that I should inform the House what happened between the Minister and myself. I placed amendments on the Order Paper, on Clause 2, amendments which I thought of some importance. This afternoon at approximately half-past five I received a summons from the Minister to see him in his office. I saw him in his office. A very friendly discussion took place in which the Minister indicated that he proposed moving amendments which would cover the principles of the amendments I proposed to move to Clause 2. There was no request from the

hon. the Minister that I convey that to my Party or to anybody in particular on this side of the House. It was merely a discussion, and as I understood it, an exploratory discussion to inquire whether or not I agreed with the Minister that his proposed amendments would cover the principle of the amendments put up by me. Subsequently the Minister said that he suggested that Clauses 1 and 2 should stand over as they were definition clauses. I offered no objection. It was not my place to offer objections or, for that matter, to agree. I am in this position, that without having seen the actual amendments which the Minister wishes to move, I have his word for it that they will take a certain form, and I believe they will cover the principle of the amendments I intended moving. I never imagined for a moment that I was expected to convey that information to the responsible members of my party, or that I had to act as a conduit for the Minister for negotiations with this party. I was very pleased to find, if I may say so, that the Minister had seen reason in this respect, that he had seen the light. But it was not possible for me, between half-past five and this time, to inform every member on this side of the House of the purport of the Minister's amendment. If the Minister had come to this House and not simply moved that Clauses 1 and 2 stand over, but if he had also indicated that he intended introducing amendments which would cover the principles of the amendments set down on the Order Paper, I feel there would have been very little objection. It seems to me, Sir, that objections have been lodged by members on this side of the House because they did not know, and still do not know, what particular form the Minister's amendments will take. I may say that my discussion with the Minister ranged not only over Clauses 1 and 2, but also over consequential amendments and at least one other clause of the Bill. I feel convinced that if the Minister is prepared to stand up and indicate . . .

An HON. MEMBER: He is not listening.

Sir DE VILLIERS GRAAFF: It does not matter whether he is listening or not. It is of interest to members on the other side and on this side to know exactly what happened. I feel that if the Minister were to give an assurance that he will introduce amendments covering the essential principles of the amendments proposed by me — after all, this House consists of 153 members and not only of the hon. the Minister and the member for Hottentots-Holland — if he does that, I think he will have very little difficulty. I would ask the hon. the Minister to be good enough to act in the spirit of my suggestion.

Capt. HENWOOD: The hon. the Minister pretends to be very surprised that we do not accept his invitation to allow Clause 2 to stand over. At the same time he says that he thought we would get only to Clause 13 or Clause 14 during the course of the evening and that the 16 amendments Tabled this morning would receive attention during the debate on the Bill taking place here. As an Opposition we have certain rights, and those rights are that we should get sufficient time to deal properly with all legislation. And if the Minister suggests that the Opposition can sit here and debate this very complicated Bill, a Bill with these very wide implications which can lead to racial difficulties and racial strife, which cuts right across the rights of individuals and which may move hundreds of people from their homes — if the Minister thinks that we can deal here with such a complicated Bill in that way, he is quite mistaken. We have not had the time to consider the amendments Tabled by the Minister, and our difficulty is that we do not know how many further amendments the Minister is going to Table.

The CHAIRMAN: I must point out to the hon. member that he can only discuss this motion in reference to Clause 2 and that he should not now refer to amendments to other clauses.

Capt. HENWOOD: But that is of very vital importance in connection with the motion that this clause should stand over. If all these amendments are moved on other clauses, then we will be unable to find time to discuss Clause 2 in Committee. If this clause stands over now there will be no opportunity to discuss it later in Committee. I submit that it does not show any reasonable regard for the rights of the Opposition to discuss legislation placed before them. A bad Bill has been drafted, and the Opposition should have the opportunity to improve that Bill as far as it is possible to do so. The way the Minister has placed this Bill before us gives us very little opportunity to improve it to any great extent and to turn out a Bill that can be reasonably applied in the country.

The MINISTER OF THE INTERIOR: I would like to indicate merely what I indicated to the hon. member for Hottentots-Holland (Sir De Villiers Graaff) this afternoon.

Mr. SUTTER: Why only now?

The MINISTER OF THE INTERIOR: I have no objection to it. I already informed the Committee that they would get it in the ordinary way on the Order Paper when we came to those clauses in the Bill. The hon. member has asked me to repeat to the House what I told him, and I am quite prepared to accede to that request, although it is a somewhat unusual procedure. I said to him that in sub-Clause (1), paragraphs (a), (b) and

(c) all of them start with the basic definition of the three groups in the population register. In that basic definition no change will be made, except that as far as the definition of the white group in the English version is concerned, it will be amended to bring it more into agreement with the Afrikaans text. In the Afrikaans text the words used are "of wat gewoonlik vir 'n blanke deurgaan." I propose to insert "or who is generally accepted as a white person" instead of the words "by general acceptance and repute is a white person." To a large extent that covers the amendment proposed by the hon. member for Point (Dr. V. L. Shearer). I think it is quite a fair suggestion, and that amendment will also be introduced in Another Place to bring the English into line with the Afrikaans version of the Population Registration Bill. But as far as the basic definitions of the three groups are concerned, there will be no change.

Then, in (b) (ii) and (c) (ii), hon. members will see that tnere are provisions providing for persons who, although they belong in terms of the basic definition to one group, yet associate with another group, and who would, if they were living in an area set aside for the second group, be disqualified persons in that area. The first idea was to treat them as members of the second group to which they did not belong, because they were now associating and living there regularly, although not part of the members of that group. On further consideration it was considered that that type of case could just as adequately be dealt with by way of permits. If they want to live in a group area where they would be disqualified persons, we could allow them to live there by issuing permits. This is the proposed change that sub-paragraphs (b) (ii) and (c) (ii) will be taken out. Hon. members will see that this change is merely a limited change. It is a change in definition and therefore I said this must stand over until the end, not that I in any stage propose to make fundamental changes in the various groups, but I think this change will be better for the carrying out of the Bill and I accepted it in that way.

Sir DE VILLIERS GRAAFF: Will the hon. Minister also deal with his amendment to Clause 20?

The MINISTER OF THE INTERIOR: That is not a definition. I am only dealing with the amendments to Clause 2 at the moment.

Sir DE VILLIERS GRAAFF: The point is that Clause 20 in its present form led to the introduction of this amendment in Clause 2.

The MINISTER OF THE INTERIOR: But it has nothing to do with the definition clause.

Motion put and agreed to.

On New Clause to follow Clause 2,

Mr. BLOOMBERG: I wish to move the amendment standing on the Order Paper in the name of the hon. member for Rondebosch (Col. Jordan).

HON. MEMBERS: But he is here.

Mr. BLOOMBERG: May I explain that the hon. member put this amenddment on the Order Paper at my request. I move it in the following terms—

That the following be a New Clause to follow Clause Two:

3. For the purpose of protecting his security at a sale in execution or a sale by the executor of the estate which is being administered as an insolvent estate in terms of the Administration of Estates Act, 1913 (Act No. 24 of 1913) a liquidator appointed in terms of the Companies Act, 1926 (Act No. 46 of 1926) a liquidator or trustee acting in terms of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935) or a trustee under the Insolvency Act, 1936 (Act No. 24 of 1936 a mortgagee holding a mortgage bond over such property shall be deemed to have been granted a permit by the Minister entitling him to acquire the said property notwithstanding anything to the contrary contained in this Act but in the event of such mortgagee purchasing such property he shall not hold the property for a period exceeding five years without a permit issued by the Minister.

Mr. Chairman, this amendment is designed to give some measure of protection to an innocent mortgagee where the mortgaged property is to be sold in execution, or where the property is administered in a deceased estate and has to be sold as an insolvent estate, or a sale by a liquidator when a company is in liquidation or a sale by a liquidator or a trustee, in terms of the Farmers' Assistance Act or by a trustee under the Insolvencies Act—to give to an innocent mortgagee some measure of protection to preserve his rights under his mortgage bond.

In other words, Mr. Chairman, this new clause seeks to protect the mortgagee in all cases of forced realisation of mortgaged property. This amendment is of paramount importance to every finance corporation, to every trust company, building society, and every bona fide investor in this country, because nowhere in this Bill is any provision made to protect the interests of bona fide investors in mortgage bonds where a forced sale of the mortgaged property takes place,

and I desire to give the mortgagee some measure of protection.

Until the advent of this Bill our system of hypothecation as far as immovable property is concerned could hold its place with any system in any part of the world. Indeed, it was a model for many land registries in other parts of the world. Our system has been adopted throughout the Commonwealth. Our system gives every mortgagee, in respect of landed property, complete security in relation to the landed property covered by the mortgage. It confers, I think the Minister will agree, a real right to the mortgagee over the property of the mortgagor, for full payment and fulfilment of the debt of the mortgage bond. This right remains, whether the mortgagee takes action himself to secure the amount of the bond, or whether the property is sold in execution at the instance of any other creditor. Until this Bill came along, the mortgagee could take the necessary steps, whenever he liked, to protect his security under his bond by buying in the mortgaged property, at any sale in execution, if the amount realised at that sale did not cover the amount of the mortgage bond. What is the position under this Bill if mortgaged property is sold in execution? Mr. Chairman, even the most vigilant mortgagee would not be able to buy in the property to protect his rights up to the amount of the mortgage bond, if the defaulting mortgagor belongs to a different group to that of the mortgagee, without his first having to obtain from the hon. the Minister a permit to acquire that property. May I also point out that in another section of the Bill it will be seen that the granting or otherwise of that permit will be in the sole discretion of the hon. Minister. I point this out because it is important to note that however vigilant a mortgagee may be it will not be possible for him under this Bill as it stands at the moment, unless the amendment is accepted, to protect his rights under his mortgage bond by buying in the property without a permit from the hon. the Minister. Under Clause 14, which we will discuss at a later stage, sales by members of one group to another group are prohibited without a permit from the hon. the Minister. The hon. Minister may say to me that a vigilant mortgagee should apply for a permit before the sale in execution. This may be all right and it may be possible where the sale takes place at the instance of the mortgagee, but there are many instances, and the hon. Minister knows it only too well, where a sale takes place at the instance of an intervening creditor and not the mortgagee. There have been cases where the mortgagee has only heard of the sale in execution of the mortgaged property on the very morning of the sale and therefore how is it possible for him, in those circumstances, to do anything to protect his rights under the mortgage bond unless you give him this protection which I envisage in this new clause? In those circumstances the mortgagee, however vigilant he may be, would be helpless to do anything to protect his interests.

Mr. Chairman, in the Cape, where this Bill is particularly going to apply, an amendment of this nature to the clause is going to save a great deal of unnecessary hardship. There is not a finance corporation, there is not a trust company, there is not a bona fide investor in the Cape that somehow or other has not given a loan on mortgage bond to members of the coloured community. There is every prospect of mortgaged properties in respect of these loans given to the coloured community falling into a non-European group area. This amendment seeks to give some protection to these bona fide investors. Under this amendment I ask that the hon. the Minister provide in this Bill that a bona fide mortgagee, under the circumstances which I have outlined, should be deemed to have a permit entitling him to acquire the property mortgaged in order to protect his rights under his bond. But I go further in this amendment, Sir, so that this should not be a subterfuge whereby mortgagees could acquire property in the prohibited areas, and I provide that if a mortgagee purchased a mortgaged property in the protection of his investment, he shall not be entitled to hold it for more than five years without having to obtain a defnite permit from the hon. Minister. I mention that because I want to indicate to the hon. the Minister that I have taken every precaution to prevent an unscrupulous mortgagee obtaining property in an area to which he is not entitled. I provided five years, because under the Building Societies Act of 1934, a similar period has been provided. I refer the hon. Minister to Section 22 (1) (b) of Act 62 of 1934 of the Building Societies Act as amended by Section 5 (a) of Act 24 of 1942, which provides as follows—

> A registered society shall have the following powers that is to say, power—
>
> to buy in immovable property mortgaged to the society. . . .

I leave out the intervening words, Sir—

> . . . in security for debt; Provided that all such immovable property . . . shall be sold within five years from the date of its acquisition except where the registrar authorises in writing its retention for a longer period.

I have drawn the hon. Minister's attention to that provision in the law of the 1934 Act as amended in 1942, which entitles building societies to acquire, to buy in, immovable property mortgaged to societies on the understanding that that property shall be sold

within five years from the date of its acquisition.

Mr. Chairman, I have endeavoured to make a similar provision in this Bill. The reasons which confer the rights upon building societies to buy in property which has been specifically mortgaged to them in protection of their rights under a mortgage bond is adequate reason why a similar provision should be incorporated in this Bill to give bona fide investors a similar right, that is in cases of forced realisation of the mortgaged property, they should have the right to buy in that property in protection of their rights under the mortgage bond, and, as is provided for in the case of building societies, that they should not be entitled to hold that property for more than five years unless they obtain from the hon. the Minister a permit envisaged in a later section of the Act.

Mr. Chairman, I want to say this, that if it is necessary to give protection to the building soceties in the circumstances which I have pointed out here, how much more necessary it is to give protection to bona fide investors who have given bona fide investments to people at a time when they never contemplated an Act of this sort coming onto our statute book. I seriously put it to the hon. Minister that there has not been advanced up to now in the course of our previous discussions, any reason at all why this safeguard, this protection for bona fide investors should not be perpetuated as it was perpetuated under the provisions of the Building Societies Act.

Mr. Chairman, this is a very important and a very necessary amendment, and I urge it upon the hon. the Minister. It affords a measure of protection to bona fide investors, to people who have innocently and without any prior knowledge of the provisions of a Bill of this nature, given money on mortgage bonds in respect of properties which may fall into non-European areas, or European areas as the case may be, areas which will be affected under the provisions of this Bill. Without a provision of this sort—I want to emphasise this aspect—the hon. the Minister is absolutely closing the door to any Coloured person obtaining any loan from any trust company or finance corporation or bona fide investor in respect of his property because—and I ask the hon. Minister quite seriously—why should any investor take the unnecessary risk of granting a loan to a coloured person in respect of property which may fall into a non-European area if he is not afforded the protection that I suggest he should get? [Time limit.]

Mr. V. G. F. SOLOMON: Mr. Chairman, I rise to support the amendment. I do not want to repeat the very cogent reasons which have been advanced by the hon. member why this particular amendment should be accepted. But I do feel that it certainly will be the means of affording protection to an innocent investor. One can visualise that an investor might even be a widow, and if she is precluded from buying in the property mortgaged, what will be the position? I do feel that protection should be given to an innocent investor, and that the hon. Minister should give further consideration to that request. Otherwise a serious injustice might be done to such an innocent investor.

For these reasons I do feel that this amendment should be accepted.

The MINISTER OF THE INTERIOR: Mr. Chairman, I think I should deal with this amendment at once. I shall first point out to the House what the effect of that amendment will be, and it is my submission that its effect will be to make this whole Bill completely unworkable. It would be opening a door to abuse of such a nature that one might as well scrap the whole Bill.

HON. MEMBERS: Surely not.

The MINISTER OF THE INTERIOR: I will point out to hon. members why I make that statement. I say that if this clause is allowed to go in, a person who wants to evade the provisions of this law will be able to drive a wagon and a span of oxen through it.

An HON. MEMBER: How?

The MINISTER OF THE INTERIOR: I will show how. The hon. member pleads for an automatic permit to a mortgagee to buy in, and then for five years protection—he can then retain it for five years. Assuming for a moment an unscrupulous European bondholder buys in property in a non-European area, from a Coloured owner; he calls up the bond, the property is put up for sale, he purchases it—he is entitled automatically to purchase it in terms of the hon. member's amendment. Then for five years he has the right to own and use it, and if it is a controlled area he has the right to occupy it. Then in the fifth year, just before the end of the five years, he sells it again to a non-Coloured person, but subject to a mortgage, takes a bond on it. The next year, the sixth year, he forecloses that bond and he retains the ownership of the property—he can go and occupy it again for the next five years; and by a process of foreclosing and buying in and giving a new bond he can go on living as a disqualified person in an area where he is not allowed to live. [Interruptions.] If he who wants to live there, I am talking of the man who want to evade the law.

Dr. FRIEDMAN: Who is likely to do such a thing. [Interruptions.].

The MINISTER OF THE INTERIOR: If the hon. member will go to any Durban member and ask him if that is not the kind of loophole of which they are very much afraid, then I will be very much surprised.

An HON. MEMBER: In other words, an Indian might want to do it in a European area.

The MINISTER OF THE INTERIOR: That is one case.

An HON. MEMBER: Cannot you prevent an Indian from occupying that property?

The MINISTER OF THE INTERIOR: No, not if it is in a controlled area, because in a controlled area the occupation takes the colour of the ownership. So hon. members will see — I first want to put the negative side — that I cannot accept this. On the other hand, I want to point out what is being done to protect the bona fide mortgagee. At the second reading the hon. member for Green Point (Maj. van der Byl) raised this point and I mentioned two ways in which we could meet the bona fide mortgagee in such a position. Since then I have had discussions with representatives of insurance companies, of trust companies, of building societies, and we have put to them frankly what the position is under a clause similar to this. They understood the position. Then we told them how we are prepared to help. There are two ways. Take the European mortgagee of a property in a non-European area. That is the case that the hon. member has mentioned. We can protect him in two ways. In the first instance, instead of having automatically in every case a permit, a permit can be given on application before the sale in execution takes place. The permit will be a permit to sell to anybody of a specified group, say for instance, in the case that the hon. member has mentioned, a permit to sell this property to a European. That is provided in my amendment to Clause 14, which provides—

> (5) A permit authorising the acquisition of immovable property may also be issued to the person who disposes of the property, and may in such a case authorise the acquisition of the property by any person who is a member of a group specified in the permit, or by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of any such person.

That sub-clause is wider than merely for a mortgagee, as hon. members will see, and it may be that hon. members can fairly say that the owner of the property may not be so enamoured of the mortgagee as to give him this protection. But in that case there is another way in which this can be done and that is to provide, as we have provided, that firstly, if there is any sale under Clause 20, that notice of that sale, notice of that intended action by the Minister under Clause 20, must be given to the mortgagee as well as the owner. That is an amendment standing in my name to Clause 20. We have further provided in that amendment that as regards the sale out of hand, it is not only the owner who has to be consulted but also the mortgagee as to the manner of disposing of that property out of hand. It was represented to us by these finance houses that they may be able in such a case, where the owner is bankrupt and the property has to be sold, that they may be able to finance it themselves, to finance the purchase out of hand instead of having a sale by public auction. They would like then, before the Minister, in terms of Section 20, sells this property belonging to a disqualified person, they would like to put up a scheme for financing the purchase by somebody whom they have confidence in, if they do not purchase it themselves. We said all right, we will give you the notice, we will allow you to state what you consider a proper way of financing that transaction.

Dr. FRIEDMAN: Are the building societies satisfied?

The MINISTER OF THE INTERIOR: I am coming to the building societies, because there is another provision for them too. At the meeting all the representatives understood our difficulties under a proposal of this nature, as proposed by the hon. member, and they accepted our assurances that we would meet them and we suggested a way in which we could meet them. They went away with that. After that the representative of the building societies indicated to me that he is not quite happy about it, and he has made some other suggestion which does not free the proposal of the hon. member from the defects which cling to it at the moment. At any rate, I only wanted to point out what else we are doing for the mortgagee. We said that the sale can take place in execution subject to a permit being obtained, just as in the ordinary way a sale takes place subject to the master's consent. It need not be that you must first get the permit. You do not know who the purchaser is going to be, but the purchase can be made subject to the obtaining of a permit and we have then said: This is where we can help these finance houses, and that is to expedite the acquisition of a permit by such a house. We do not want a long delay to intervene, and if the ordinary procedure of the Bill is followed, that there has to be publication of notice and all that, then the case may take a very long time before the mortgagee gets his permit. Therefore in order to expedite it we have introduced an amendment to Clause 27 which reads—

> Provided that the Minister may direct the board . . . (b) in the case of an application for a permit authorising the acquisition of mortgaged immovable property in a group area by a disqualified person or a disqualified company from a disqualified person, or a disqualified company of the same group, to dispense with the publication of any such notice.

In such a case the application for a permit still goes to the board. The board would be able to expedite its recommendation to the Minister and the Minister would then also be in the position to dispose of that application within a much shorter time than would otherwise be the case. So hon. members will see that the mortgagee is not unprotected. He has his remedy. Hon. members will remember that a mortgage is not included in the definition of "fixed property" in this Bill, and there are amendments on the Order Paper by the hon. member for East London (North) (Mr. Gale) which I have indicated I am prepared to accept in a modified form. That amongst other things includes these provisions, viz., that the title of the disqualified person to the property is not destroyed. His title is good. The agreement on which the transfer took place, is not null and void either. The transaction is valid, the title is valid. The only thing is that if a disqualified person holds that property or acquires that property, he is subject (a) to the penalties provided under this Bill, and (b) to the provisions of Clause 20 of this Bill. Now that the title of the owner is a valid title, and the bond itself is not included in the definition of "fixed property" in terms of the definition clause, I think the protection for the mortgagee is ample, and for those reasons I am not prepared to accept the amendment moved by the hon. member for Cape Town (Castle).

Mrs. BERTHA SOLOMON: The Minister in his statement has been very lucid on certain points, but there is one point which was raised by the hon. member for Cape Town (Castle) which the Minister has not dealt with and that is how is a mortgagee going to cope with the situation which he suddenly may find himself in on the day of the sale when his property is being sold?

The MINISTER OF THE INTERIOR: He gets notice now in terms of the amendment.

Mrs. BERTHA SOLOMON: Is that compulsory?

Mr. BLOOMBERG: I have listened attentively to the hon. the Minister and it seems to me that in his desire to prevent a fraudulent bond-holder from acting in the way he has indicated, he has not afforded any real protection to a bona fide bond-holder and it is that aspect of the matter that I want to stress, Sir. I agree with the hon. the Minister that in the case, for instance, of a man who wants to act fraudulently, he can go along, buy in the property for the amount of his mortgage bond, retain it for five years, obtain a permit, then sell it again and buy it again, and so carry on. But surely the answer is this, that the hon. the Minister has the remedy in his own hands, because under the clause the Minister is given the right to refuse to give a permit, and he cannot own that property for more than five years without a permit from the Minister, and the Minister or the board could impose any conditions and naturally could turn down an application . . .

The MINISTER OF THE INTERIOR: But after five years he can sell again.

Mr. BLOOMBERG: It must be remembered that he cannot buy in again without competing in the open market.

The MINISTER OF THE INTERIOR: That was also the case in the first instance. He only buys if he finds that the purchase price is not sufficient to cover his bond.

Mr. BLOOMBERG: Then if he applies again, he will again have to test the position in the open market and he again can only buy if the amount of his bond is not reached.

The MINISTER OF THE INTERIOR: If he wants to live there, he can pay a higher price for that privilege.

Mr. BLOOMBERG: But then he cannot come to you for a permit.

The MINISTER OF THE INTERIOR: He does not need to come to me. In terms of your definition, he will have automatically a permit again.

Mr. BLOOMBERG: For five years. May I say that if the hon. the Minister is afraid of the fraudulent bond-holder, let him reduce the period, let him lay down that he shall not be entitled to own for more than twelve months without obtaining a permit, and then he has to go again to the open market and test the market and he can only buy in if he does not realise the amount of his bond. I do not know whether the hon. the Minister realises the importance of this aspect in the Cape. If the Bill goes through in its present form, without any protection for the bona-fide investor — I am not concerned with the fraudulent bond-holder, I am not concerned with the suspicious minds of the Durban Municipality in regard to Indian landlords or companies — I am concerned about the position in the Cape, and I want to emphasise this aspect, because I am sure the hon. the Minister will pay some heed to what I am saying here, that in so far as the Cape is

concerned, if we do not give a measure of protection to genuine bona fide bond-holders, no Coloured man will be able to raise a bond in future.

An HON. MEMBER: Why not?

Mr. BLOOMBERG: Because there is no protection given to the bond-holder. The hon. the Minister says that in cases of sale in execution, the bond-holder can come along and apply for a permit before the sale in execution. But I am not so much concerned about a sale which takes place at the instance of a mortgagee. I am concerned about the case where a Coloured man's property is being sold in execution at the instance of an intervening creditor. Then it may never come to the knowledge of the bond-holder. The first thing that he may know about it is that the registrar informs him that his property has been sold in execution.

The MINISTER OF THE INTERIOR: That happens today.

Mr. BLOOMBERG: That is the man I want to protect, the man whose mortgaged property is going to be sold without his knowledge.

The MINISTER OF THE INTERIOR: That is happening at the moment in Natal. But it is subject to a permit being obtained.

Mr. BLOOMBERG: I am talking about the position here. I gave an analysis of what the position is in Cape Town during the second reading debate. I stated that of about 20,000 property owners paying £49 a year by way of rates, 40 per cent. represent Coloured property owners. That is the type of man who has put his life's savings into a home. He has borrowed from the building society and has obtained a bond. Those are the people that I want to protect, bona fide investors, because if the protection I suggest is not given to them, no Coloured man in future is going to get a bond. I want to go further and show my bona fides in the matter. If the hon. the Minister is afraid that this may be put to fraudulent purposes by some fraudulent bond-holders in other provinces, let him apply these provisions to the Cape, if he wants to. On the other hand, if he wants to make this a national measure, then I say to the Minister that he can reduce the period and instead of making it five years in which a permit has to be obtained, make it twelve months, but you must give these people some protection. That is in the interests not only of the bona fide bond-holder, but also of the poor Coloured man who will otherwise in future not be able to get a bond in this province, unless a measure of protection is given to the bond-holder. And I want to make a further suggestion. If the hon. the Minister feels that this paves the way to fraudulent approach on the part of certain bond-holders, then I say to the hon. the Minister: Limit the protection to bonds registered by a date prior to the promulgation of this Act or prior to any date he wants to fix, say today, so that a man who has in fact given a genuine bond will have some protection. It is affecting the whole position of bonds for these Coloured people and this is one of the most crucial points in the whole Bill. I do appeal to the hon. the Minister not to turn a deaf ear to these representations, because I speak now not only on behalf of the bona fide investor, not only on behalf of these numerous building societies which invest in houses right through the Cape, but on behalf of thousands, for tens of thousands of Coloured people who still live for the day when they may own their own property in the Cape. They will not be able to do so without financial help, and they will not be able to get such help unless you give a measure of protection to the bona fide investor. I hope that the hon. the Minister will not allow his outlook to be clouded by the fear that he has of some fraudulent approach on the part of some dishonest bond-holders. I appeal to the hon. the Minister to pay some heed to our representations.

Dr. FRIEDMAN: The hon. member for Cape Town (Castle) (Mr. Bloomberg) has been dealing here with a crucial point, and I wish the Minister would give it his earnest consideration. I am not surprised that the representatives of the building societies were not satisfied with the Minister's assurances. I can tell the hon. the Minister that building societies who handle trust funds, will only operate under the rule of law; they will not operate under the rule of permit. I can assure the hon. the Minister that if this Bill becomes law in its present form, no building society will operate in a non-European area, and his housing problem is going to become immensely more complicated than it is at the present time. I am not theorising. I speak with some knowledge and experience in the matter, because I am chairman of a building society myself. Let us take Alexandra Township as an example. Alexandra Township is an old Kruger concession; it is one of the very few places where Natives can acquire their own stand. Now at the present time no reputable building society or financial concern will advance money on mortgage to any standholders in Alexandra Township, because in the event of a sale in execution, the building society cannot buy in the property and protect its security without the permission of the Minister of Native Affairs. That is the very thing that you want to create under this Bill. The result has been that no reputable financial institution will lend money on property in Alexandra Township, except, of course, some less reputable concerns who advance money

at exorbitant rates of interest, 10 per cent. and even 12 per cent., to protect themselves in case the property is foreclosed. That is the position which will extend to other parts of South Africa if this Bill becomes law in its present form. Take the Cape Coloureds for example. At the present time, as the hon. member for Castle has pointed out, any respectable Coloured person can obtain a substantial loan from a building society in order to build his own home. Let us take the case of a new area to be created for the Coloured people, say the Cape Flats. At the present time the Coloured people would be able to get a substantial loan from a building society to build houses there. But who will do so in future? The hon. the Minister is taking powers under this measure, but he has not taken on any obligations. He is under no obligation to build houses to re-house people who are displaced from other areas. Who is going to build the houses?

An HON. MEMBER: And no compensation.

Dr. FRIEDMAN: And no compensation. It is in the Minister's interest to accept the amendment of the hon. member for Cape Town (Castle) otherwise he is going to complicate the housing problem. He is going to create group areas, and people in those group areas will not be in a position to finance the building of their homes; instead of creating a group area, you will be creating a new slum from the word go. I hope the Minister will give the amendment of the hon. member for Castle very earnest and very deep consideration. Why penalise the whole country for the sake of one or two fraudulent people who might try to get around the Act by dubious means? The Minister seems to be following the same pattern of legislation throughout. In order to deal with a few people who might get passports and do harm to South Africa, he penalises the whole country. In order to get hold of a handful of possible aliens, he penalises all flat-dwellers in South Africa. In order to get hold of a few fraudulent people who might obtain a dwelling in areas where they have no right to be, he wants to vitiate the whole measure and make it impossible to establish non-European group areas, for the simple reason that the people in those areas haven't the available money to build their own homes.

Mr. DAVIS: I do not think the Minister realises the tremendous harm that the mere publication of this Bill in its present form has already done to people who own property in what may be described as intervening areas, areas which may in the future be thrown into the Coloured or Native areas. Even in Cape Town I am informed that the drop is something like 40 per cent. already and the chief people — the Minister must know — who advance money for building purposes or for the purchase of houses are Europeans and European building societies. There are no Coloured building societies doing that sort of thing, but European building societies, and almost all the money which is advanced for building purposes is supplied in this country by Europeans. The effect therefore is that you are going to stultify the acquisition of homes by Coloured people and unless the Minister is prepared to go so far as to say that the Government will undertake that duty of supplying money for building, he is doing irreparable injury to the Coloured people of this country. Therefore it seems to me that it is essential for the Minister to allow a clause of this nature, which in the event of a mortgage having to be foreclosed, will presume that a permit has been granted. That is an essential qualification, because if the issue of that permit is to depend upon the goodwill of an official, you can see at once that there is going to be a great deal of trouble. As the hon. member for Hillbrow (Dr. Friedman) has already pointed out, the position will be comparable to that in Alexandra Township, where money cannot be obtained on first mortgage, because foreclosure and lying-in by Europeans can only take place with the consent of the Minister of Native Affairs.

Now, the point the Minister has made about the possibility of continued remortgages and repurchases on sales in execution seems to me rather a fantastic point. It is possible, of course, that that sort of thing may happen, but the hon. member for Cape Town (Castle) has already suggested that the hon. the Minister should limit the period of five years to one year and then grant the permit, and surely under circumstances which amount to an abuse of the right to that permit, the Minister might be entitled to refuse. But in any event the Minister is not going to do an injury to a vast section of the population in the Cape and throughout the Cape Province because he is afraid that a certain amount of trouble might be created by persons abusing the powers which they have. And the last point I want to make is that the amendment of the hon. member for Cape Town (Castle) deals with existing mortgages, not with new mortgages, but with existing mortgages, and I would go so far as to say that even if the conditions were to remain for perhaps a generation, that would not be a terrible hardship. These conditions have existed in the Cape for 300 years and supposing they were to exist for one more generation, rather than impoverish a large section of the people of the Cape Province because it is mainly the Cape Province that will be affected, I suggest that the Minister should regard himself as the protector of those people rather than as the destroyer of what they have accumulated during their lives. He should go out of his way to secure and help them to retain what they have built up.

Mr. KAHN: I think a solution presents itself for the hon. the Minister's difficulties, which will prevent the abuse about which he has expressed such concern and apprehension. The Minister has postulated the case of the person who wishes like a recurrent decimal point to keep on buying property in by registering mortgage bonds from time to time against the properties of people of the other race. It can be limited in the first instance to mortage bonds which are registered prior to the proclamation of the area as being a group area or a controlled area. Therefore it can only be done once namely in respect of mortgage bonds already registered before the area becomes proclaimed. So the case which the Minister has instanced cannot occur. It can only be done, if his limitations is needed by the Minister, in respect of a bond which has been registered prior to the date of the area being proclaimed. Some members have suggested that it should be in respect of mortgage bonds already registered, but it should be the intention of the Minister to facilitate the ownership and erection of homes by Coloured people in the areas which are intended to be set aside for them, and if between now and a future date of proclamation, there is no protection for the person lending money on mortgage bonds, then the Coloured people will not be enabled to raise money at all. Let us face the facts. There is a very strict form of financial segregation already in operation, viz., the fact that Coloured people have very little money and that most of the money has been segregated into the hands of Europeans and trust companies and building societies. Coloured people very seldom provide money on bonds, as the hon. the Minister knows, having practised law in the Cape for so many years. There are very few bonds registered in favour of Coloured people. Where the money is advanced to Coloured people in 99 per cent. of the cases the money is borrowed from European investors, and mostly from building societies. In the past building societies have been very fair with the Coloured people. They have dealt with the lending of the money on mortgage as an investment and they have not concerned themselves with the colour of the person. They have merely satisfied themselves that there is adequate security. Now I want to put this to the hon. the Minister. The example of Alexandra township has been instanced, and what has been the result? I do not agree with the hon. member for Hillbrow (Dr. Friedman) that those who lend money for Alexandra Township are disreputable companies. But they are companies that take a tremendous risk and they make the African borrower pay a higher rate of interest, taking advantage of his difficulties. The Minister should not want to visit that penalty upon the Coloured people that they will have to pay a higher rate of interest when they want to borrow money. If so, let the Minister bear this in mind. What has been the result of that policy in Alexandra Township? People build hovels not homes, because they cannot raise sufficient money to build decent homes in accordance with municipal regulations, and they simply throw the place together, using all kinds of materials, second hand, defective materials.

The DEPUTY CHAIRMAN: Order, order. I do not think that has anything to do with the clause.

Mr. KAHN: I am trying to indicate to the Committee what the consequences are of not meeting the difficulties arising out of the new clause proposed by the hon. member for Cape Town (Castle) (Mr. Bloomberg) and I am illustrating the point by saying that unless you facilitate the advance of money to Coloured borrowers they will not be in a position to erect decent houses. If one wants in respect of this clause, to avoid impoverishing and pauperising the Coloured people, the people who are going to be mainly affected in the Cape, then a way out can be found. The hon. the Minister has spoken of his negotiations with the building societies — very hurried and very rushed negotiations. That is the price which you are paying for rushed legislation. There has been no previous commission of enquiry into this matter, and the result is that there has been no opportunity for the interests concerned, for the parties affected by the Bill, to get together with the Minister and to discuss this matter, this problem, and so the Minister must go forward with obnoxious legislation which is operating unfairly both to the Europeans and non-Europeans. The Minister has not been prepared and the Government has not been prepared to give a fair opportunity of consideration of this matter. But the Minister can prevent abuse by limiting this process in the first place to bonds registered prior to the proclamation of the area concerned as a group area or a controlled area and secondly he can have a further safeguard by reducing the period from five years to, say, two years. But Sir, I am putting this to the Minister not from the point of view of the moneylender but from the point of view of the borrower, and the borrower is affected; he is left helpless and financially defenceless if he cannot find a lender of money. It makes all the difference between his being able to acquire his own home and not being able to acquire it. If the Minister is not prepared to accept this very moderate suggestion, it is proof positive, if proof is needed, that behind the Minister's mind is the determination to crush and strangulate the Coloured people, to make

it impossible for them to acquire their own homes, and his purpose becomes revealed nakedly as being a further measure of oppression against the Coloured people and not an attempt at all, as the Minister has indicated, to set up equal areas on a non-discriminatory basis. The Minister is now put to the test. If he genuinely wishes to assist the Coloured people to overcome this difficulty of borrowing money from Europeans, — it can only affect Coloureds or Africans wishing to borrow from Europeans — then the Minister will accede to the very modest request which has been made from more than one side of the House that he should find some way out and not a way out that leaves it to the whim of the Minister. No mortgagee will feel safe and content and secure if he has ultimately to depend on what the Minister may do. He must know that he will at least be able to recover sufficient for the purpose of recompensing himself for the amount of the bond his interest and his costs, and that nessitates an amendment on the lines suggested by the hon. member for Cape Town (Castle) (Mr. Bloomberg) with the modifications which have been verbally uttered here in the course of the debate.

Mr. MITCHELL: This amendment moved by the hon. member for Castle (Mr. Bloomberg) shows again the difficulty of framing legislation which is going to cover the situation in Natal, with a similar measure purporting to deal with the situation in the Cape. The hon. the Minister in reply to the hon. member for Castle said that he hoped that the hon. member would talk to some member from Durban who would explain to him that this was one of the loopholes which in Durban they sought to close. I am inclined to agree with the hon. the Minister that probably where an Asiatic is concerned in Durban they do want to close the loophole. That is probably quite true, but then in the case of Durban we must remember that you have very strong Asiatic financial corporations which are able to deal with the housing of their own people, but here we have a legal enactment which is quite unsuitable for application to the Cape, and it has clearly and obviously on the Minister's own showing, been designed to deal with the Asiatics in Durban. I also want to say to the Minister that surely he should accept the amendment of the hon. member for Castle and put in a lesser period than the five years provided for in that amendment. One cannot readily conceive of an evasion in the form which the hon. the Minister has stated, i.e., the foreclosing of the bond if the period is, say, 12 months, so that the person concerned has annually to buy back his bond, becoming owner again and so on. I think that is straining imagination too far, but we have a very old saying that it is better that a 100 per cent. guilty person should escape rather than one innocent person should be convicted. Here we are surely enacting legislation which will operate in the contrary direction. In trying to get at one guilty person we are going to hamstring 100 innocent persons.

Dr. FRIEDMAN: It is typical of their legislation.

Mr. TROLLIP: In order to kill the fly on the elephant he shoots the elephant.

Mr. MITCHELL: As my hon. friend says, in his desire to kill the fly on the elephant he shoots the elephant. I feel that the Minister has not given due consideration to the representations which either have been made or could be made by the Cape Province, and that the type of legislation which was necessary in Durban to deal with the evasion there which has been found possible on a very small scale under the Asiatic Land Tenure Act, is a totally unsuitable type of legislation to deal with the position in the Cape. We have said, Sir, that as far as Natal is concerned a slight amendment to the Asiatic Land Tenure Act would have given Durban all the security which it sought.

Mr. S. E. WARREN: We have to look after the whole of the Union.

Mr. MITCHELL: In this particular case you may try to look after the Cape, but when all is said and done we have nearly 1,000,000 Coloured people in the Cape. Is it not the duty, the bounden Christian duty of this House to try and protect those people?

Mr. J. H. CONRADIE: What about your Christian duty to Natal?

Mr. MITCHELL: I am not going to make any excuses for dealing with the interests of the Coloured people in the Cape.

An HON. MEMBER: Why do you worry about the Cape?

Mr. MITCHELL: I feel that it is just as much my duty to protect these people as it it the duty of hon. members opposite to protect the interests of Indians in Durban. That may be a strange policy to adumbrate in this House, but nevertheless I say it and I say it sincerely. But in regard to this matter, I do appeal to the Minister because he says that the building societies in their negotiations with him were happy.

At 10.25 p.m. the Chairman stated that, in accordance with the Sessional Order adopted on the 1st February, 1950, he would report progress and ask leave to sit again.

House Resumed:

The CHAIRMAN reported progress and asked leave to sit again; House to resume in Committee on 7th June.

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

WEDNESDAY, 7th JUNE, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

GROUP AREAS BILL.

First Order read: House to resume in Committee on Group Areas Bill.

House in Committee:

[Progress reported on 6th June, when Clauses 1 and 2 were standing over and a new Clause to follow Clause 2 had been proposed by Mr. Bloomberg.]

Col. JORDAN: I want to support the amendment moved by the hon. member for Cape Town (Castle) (Mr. Bloomberg) and I want to put a further point of view to the hon. the Minister. The publication of this Bill, apart from its enactment, has created a considerable disturbance in the property market, particularly in the Cape Peninsula, and it may well be found that the ripples of that disturbance will spread more widely throughout the Cape Province than merely in the Cape Peninsula. The suggestion in the amendment is that the mortgagee, who has to buy in a property in order to protect his interests, should be entitled to retain that property for a period of five years. I think all of us appreciate that the hon. Minister's objections to the proposed clause in its present form are objections the validity of which must in a large measure be conceded. But I want to point out to him that it is not sound legislation that in order to hit the scoundrel you cause incalculable harm to honest men. I would like to put it to the Minister, if it is in my power to command his attention for the moment, that in view of the disturbance of the property market, and that disturbance is very real, is it unfair to afford the mortgagee in the protection of his security the right to hold that property for a sufficient period to enable the market to recover? Is it unfair to enable him in that way to get his money back? Now, five years is not an unduly prolonged period for the process of recovery of the property market here, which has been so severely upset. My suggestion is this, that the hon. the Minister has examined many of the amendments put forward from this side of the House, and it not only appeared in the course of the debate yesterday that the Minister had consulted certain hon. members on this side in whose names amendments appeared on the Order Paper, but it was also quite clear from the framing of certain amendments put on the Order Paper by the hon. Minister himself, that he had been influenced by the amendments already on the Order Paper in the names of members of the Opposition. I think he will concede that he has examined the amendments placed on the Order Paper by members on this side, perfectly fairly, with a view to determine whether he could accept any of them in order to improve the Bill and make it more workable. I think that was his approach to the amendments put forward from this side. That being so, I am going to ask the hon. the Minister to examine this amendment put forward by the hon. member for Cape Town (Castle) with the same sympathetic eye he has cast on other amendments emanating from this side. The purpose of the amendment is to assist the stabilisation of the property market. When I say there has been a disturbance of the property market, it can be accepted as a fact. And those hon. members who have something to do with property market transactions cannot see the restoration of stability for, perhaps, some years to come. As the hon. Minister will be aware, there are some of us on this side of the House who have a close connection with institutions, financial institutions, trust companies, building societies, and so on, who may perhaps be credited with some knowledge of the effect the publication of this Bill had on the property market.

If the hon. Minister will look at the amendment that was moved by the hon. member for Castle, and examine it from the angle as to whether it is not possible to design some safeguard, some proviso, which will hit the dishonest mortgagee and yet preserve the rights of the bona fide mortgagee, I think he will make a considerable contribution to the restoration of the stability of the property market in the Cape Peninsula and in the Cape Province.

In the course of the second-reading debate the hon. member for Kimberley (City) (Mr. Oppenheimer) commented upon the ability with which the hon. Minister handled the matter in the second-reading debate. He admitted quite frankly, or has admitted now, that this measure is not really a simple matter. And may I remind the hon. Minister of one fact that there was something in the nature of a miscalculation yesterday in regard to the number of amendments he had placed on the Order Paper. In point of actual fact, if we include consequential amendments, the hon. the Minister will find that the number of amendments on the Order Paper, entirely apart from any further amendments he may find necessary, already number no less than

54; and that the large number of amendments moved from this side of the House, including consequential amendments, runs into something well over 60 amendments. Therefore, the Bill is not a simple Bill. The Bill has displayed a great deal of ingenuity in draftsmanship and it should not be beyond the ingenuity of the hon. the Minister or his advisers to frame safeguards to the new clause proposed by the hon. member for Cape Town (Castle) in such terms as will have the effect he seeks to bring about in relation to this matter. The hon. the Minister has had representations made to him, I understand, by these financial institutions, which particularly in the Cape Peninsula and also in the Cape Province in general have been very hard hit. It is impossible, let me tell the hon. the Minister, for these financial institutions today to calculate the extent to which financially their securities have deteriorated since this Bill first became public property. It is quite impossible. That is as far as existing securities are concerned. When it comes to embarking upon the task of finding what the future policy is to be in regard to effecting first mortgage bonds on property, the task is even more difficult. So that I do hope the hon. the Minister will deal with this amendment, as he has been compelled, if I may be allowed to put it that way, to deal with the many amendments placed on the Order Paper by this side of the House, as a constructive contribution to this measure, and not just turn a deaf ear to the representations we make; and realise that we are earnestly interested in continuing the prosperity of this country. [Time limit.]

Mr. BLOOMBERG: I really cannot understand the unnecessary fears the Minister has in regard to the proposal I have submitted. I pointed out last night that this amendment will give a measure of protection to bona fide investors and I went further and said that the effect of the omission of a provision of this kind from the Bill would be to spell the death-knell to the hopes of any Coloured man of obtaining a bond in a mixed area. This moring I had two telephone messages from the heads of two of the largest financial institutions in the Cape Province, and they went even further. Not only did they support the attitude I adopted last night most vigorously, but they went even further and stated that not only would a Coloured man have no hope of obtaining a bond in such an area, but they could give me the assurance that no white man would be likely to obtain a bond in an area which is likely to be a mixed area. Because these institutions feel: Why should they take the risk in regard to bonds on properties in areas that may become mixed areas under this Bill, and why shoud they take the risk of not being able to execute on their mortgage bonds if there is a declaration in favour of the one or other racial group contemplated under this Bill? I mention this again as an indication to the Minister of how things are going, and I want to impress on the Minister that the repercussions, if he maintains his adamant attitude in regard to the clause, in the Cape Province, are really frightening. I suppose there are about 30,000 homes in this area likely to fall in one or other of the categories mentioned in the Bill — the mixed areas. The people who have to dispose of these properties will be entirely precluded from obtaining financial assistance if the hon. the Minister does not yield in some respects to the provisions I have set out in my amendment.

What are the hon. the Minister's objections to the proposal I have made? The only objections are those he indicated last night. He wants to protect himself against the dishonest bond-holder who might avail himself of the rights under his bond to acquire a property in an area where he is not entitled to be. I agree with the Minister wholeheartedly that if we can make some provision in this Bill to prevent a situation of that sort arising, I would be 100 per cent. with him in that endeavour. But surely that is no reason at all why the hon. the Minister should not also go out of his way to protect and give a measure of protection to the honest and bona fide investors. By all means do everything to prevent the dishonest and fraudulent bondholder from transgressing the law and riding through the provisions of the Bill with cart and horses, as the hon. the Minister has put it. But I do suggest this to the hon. the Minister, that he must give the same measure of thought to the honest and bona fide bond-holders, whose rights are affected under this provision, and also in regard to the thousands of individuals who will be affected because they will not be able to obtain financial assitance if this protection is not given.

I have given much thought to this proposal in order to see whether I cannot meet to some extent the objections raised by the hon. the Minister. I am going to make two suggestions to the Minister in regard to the amendment, and I think they will meet the situation. If the Minister indicates that he is prepared to accept these proposals, I would be prepared with the leave of the Committee to amend my new clause in accordance with the two proposals I am now going to submit. My suggestion is this. In the first place we can impose a condition under this clause whereby any bona fide mortgagee who is compelled to buy in a property, sold in the circumstances outlined in the clause, should not be entitled to hold that property for a period exceeding six months without obtaining a permit from the Minister. I want to go further to meet the point raised by the hon. the Minister in regard to the dishonest and fraudulent

mortgagee who uses his mortgage bond in order to obtain property and to occupy property in an area where he is not entitled to be, by incorporating in my amendment a further provision, viz., provided always that such mortgagee shall not be entitled to occupy such property if he is a disqualified person in respect thereof.

I do suggest to the hon. the Minister in all seriousness that these two further provisos I have indicated this morning are more than a safeguard against the danger the Minister fears from the amendment put forward. In other words, the amendment will read as follows—

> For the purpose of protecting his security at a sale execution or a sale under Section 20, if the mortgagee is compelled to buy in the property for the purposes of securing his investment, he shall not hold the property for a period exceeding six months without a permit issued by the Minister, and further provided always that the mortgagee shall not be entitled to occupy such a property if he is a disqualified person in respect thereof.

I invite the hon. the Minister to offer his comments on these proposals. If the Minister is prepared to accept them on the lines I have suggested, then I am prepared, with the permission of the Committee, to amend my proposed new clause to that effect. I do earnestly suggest to the Minister that this is a compromise that meets the situation he envisaged last night. The bona fide mortgagee who is forced to buy in his property in circumstances outside his control, will now be compelled to obtain a permit from the Minister within a period of six months, and further he will be prevented from occupying that property if he is a disqualified person in respect thereof. Now I am going to resume my seat in order to give the Minister an opportunity of replying to this suggestion because I repeat that this will protect in a measure the bona fide investor. I do earnestly ask the hon. the Minister to consider this suggestion, because otherwise the repercussions of this Bill will be frightening.

I do appeal to the hon. the Minister to accept this proposal as an honest attempt from this side to protect the honest investor and to give financial facilities to those poor unfortunate people who will be precluded from receiving financial facilities if the Minister does not deal sympathetically with them on the lines I have suggested.

The MINISTER OF THE INTERIOR: There are a few general remarks I would like to make before I deal with the specific suggestions now made by the hon. member for Castle (Mr. Bloomberg). It has been remarked that there is a large number of amendments standing in my name on the Order Paper. I think that is a matter that should be accounted as a virtue unto me. [Interruptions.] I shall never be able to satisfy hon. members opposite. If I refuse any amendment they say I am stubborn and unreasonable. If I accept amendments suggested, not only from them, but also from institutions which can speak with a certain amount of responsibility, then they say the Bill is half-baked. The House will see that it is not so much a genuine desire to improve the Bill, as a desire to embarrass the Minister in charge of the Bill, that is behind this rather contradictory argument on the part of hon. members opposite.

Mr. MITCHELL: Let us get above Std. IV.

The MINISTER OF THE INTERIOR: Let me say at once what I have already indicated in my second-reading speech that this Bill in its scheme and in its principle is a simple Bill, and that is what I said in my second-reading speech. But in the effort to make the transition from the existing state of affairs to the new state of affairs work as smoothly as possible, a lot of complications are introduced. I have never denied that that effort to make the transition as smooth as possible, has entailed and must entail a number of complicated positions.

Mr. MUSHET: The guillotine, for instance.

The MINISTER OF THE INTERIOR: For that reason I have welcomed discussion with responsible bodies who come forward and who know what they are talking about. As far as I know I have met all those bodies who made specific representations. I have seen how far I can meet them, and let me say at once that my attitude is still to accept all reasonable amendments, whether they come from responsible associations or whether they come from the Opposition.

Mr. MITCHELL: Have you met the Associated Chamber of Industries?

The MINISTER OF THE INTERIOR: I shall deal with the Associated Chamber of Industries at the appropriate moment, but what I am saying now is that the majority of the amendments standing in my name are the direct result of representations made to me by responsible bodies. That is what they asked me to do and I have met them as far as they were able to make out a good case.

Dr. STEENKAMP: Why did you not wait for those representations before you came with the Bill?

Mr. BARLOW: Why not send this Bill to a Select Committee then?

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

The MINISTER OF THE INTERIOR: I have already dealt with that in my second-reading speech. This is not a matter for a Select Committee. I want to repeat that it is very easy for members to disparage the attempt of people in the lower income groups to obtain residential apartheid. I know that there are select spots in Cape Town where you can buy your apartheid, but at a price. If you want to be secure in your residential neighbourhood you can, for instance, go to the Southern Cross Estates, but you have to buy your residential apartheid at something like £1,700 an acre. If you want to have residential apartheid you can go to the Marine Estates in Camps Bay, but you have to pay a price for it, and what we are trying to do in this Bill is to put the man who has not got the means to buy his property at the Southern Cross Estates or at the Marine Estates in a position also to get what he could get at other localities if he had sufficient money.

Mr. TIGHY: But surely you can achieve that object by other means.

The MINISTER OF THE INTERIOR: I think I can now pass on to the more specific points, having dealt with the general points.

Mr. MITCHELL: And be less facetious.

The MINISTER OF THE INTERIOR: The argument that has been raised here by hon. members opposite, particularly by the hon. member for Cape Town (Castle) (Mr. Bloomberg) is an argument that suffers from over-statement. I am not impressed by his broad argument that the whole of the property market is in danger as a result of this measure. I am frankly not impressed by it, because in 70 to 80 per cent. of the transactions they will continue to be transacted as hitherto. There is no reason why there should be any interference. It is only in a case of a small part of the total number of land transactions that this Bill will have any effect at all. The majority of the transactions will not be affected. Then hon. members have lost sight of the fact that in terms of this Bill, even where you have a group area, you may have a group area for occupation only, in other words, that the ownership could still be vested in a person who does not belong to the group for which that group area has been set aside. That has been particularly introduced to meet the position of the Coloured elements who cannot own their own property. It has been introduced for them. But now let me say this, that the proclamation of a group area for occupation only would be particularly applicable where the population of an area is predominantly European. It seems to me rather contradictory that hon. members who profess such concern for the welfare of the non-Europeans should by this proposal of theirs really try to encourage foreclosure of mortgage bonds on the property of non-Europeans.

An HON. MEMBER: Nonsense.

The MINISTER OF THE INTERIOR: They say that foreclosures must not be discouraged. There is in this measure, as they argue, a certain amount of discouragement of foreclosure by a mortgagee and that is the fault they find with this particular provision. I am not saying that the position of the mortgagee should not be protected, but what I want to say is that the attitude which they are taking up does not accord with their profession that they are raising this matter in the interests of the non-Europeans.

Mr. BLOOMBERG: That is quite unjustified; it is an absolute twisting of my statement.

The MINISTER OF THE INTERIOR: It is very easy, Sir, to return the compliment to the hon. member for Castle . . .

Col. JORDAN: With less justification.

The MINISTER OF THE INTERIOR: . . . but it will not get us any forrader, and therefore I shall not sink to that level.

Mr. SUTTER: Tell me the old, old story. We don't need any lead on your feet.

The MINISTER OF THE INTERIOR: The hon. member for Springs (Mr. Sutter) seems to have recovered. I am glad to welcome him back in his happier state of mind this morning.

Mr. SUTTER: I can't return the compliment.

The MINISTER OF THE INTERIOR: Let me say that there are other objections to the clause as moved by the hon. member, which I have not yet mentioned. I thought that those I had mentioned were conclusive enough, but if I were to accept the principle of an automatic permit it would mean that I would override an anti-European or anti-Asiatic or anti-Colour clause in the title deeds of a property. The hon. member has never considered that. If I did this automatically, then if the hon. member's amendment is accepted, it means that automatically the mortgagee can purchase that property even if there is an anti-clause in it.

Mr. BLOOMBERG: But you are not protecting him in your own Bill.

The MINISTER OF THE INTERIOR: Again I must ask the hon. member to read the Bill. The "anti"-clause only disappears

where a group area has been declared. Then there is a group area, but even where there is not a group area, where under this Bill the anti-clause would still have effect, he wants me by a stroke of the pen to erase that from the title deeds. Let me say at once that I cannot accept any amendment which envisages an automatic permit for the mortgagee. On the other hand, I want to say that I shall not relax my efforts to meet the position which the Association of Building Societies has put to me, to meet their difficulty as far as possible, but I cannot do it by having an automatic permit clause as suggested by the hon. member.

Mr. FRIELINGHAUS: Only to last for six months.

The MINISTER OF THE INTERIOR: I know that the hon. member has watered down his solution very considerably. He has watered it down by the two provisions he has suggested this morning, but let me say that in a controlled area the second provision counts for nothing, because the mortgagee who becomes the owner would not be disqualified to occupy in a controlled area.

Mr. BLOOMBERG: I am trying to make provision to preclude him from occupation.

The MINISTER OF THE INTERIOR: The point is that in a controlled area you would then have two classes of owners. Ordinarily in a controlled area the occupancy follows the colour of the owner. Now the hon. member wants to introduce into that orderly state of affairs a new principle, viz., that in some cases it will follow the colour of the owner; and in other cases occupancy will not follow the colour of the owner. That does not improve the Bill. I have said that I shall not relax my efforts to meet the points raised by the Association of Building Societies of South Africa. They have already indicated that I have overcome some of their difficulties. This difficulty, they say, still remains. I cannot meet it by the introduction of any scheme of automatic permits, but one of the hon. members on this side of the House, the hon. member for Pretoria (Central) (Mr. van den Heever) had had discussions with me. The point which the hon. member discussed with me and which my legal adviser is at the moment turning over in his mind, is that some provision be made for recognised institutions which make a business of advancing money on mortgage — some kind of provision on the analogy of companies referred to in Clause 16 of the Bill, i.e., bearer companies. Bearer companies, hon. members will no doubt recollect at once, without reference to the Bill, are allowed a permit under certain circumstances under sub-clause 5 of Clause 14. It seems to me that that is an idea which is more likely to result in meeting the position of the Association of Building Societies and possibly of other institutions engaged in this business, without at the same time bringing about the unnecessary and the unwarranted results of the proposals made by the hon. member for Castle. That idea I am pursuing. I understand the hon. member for Pretoria (Central) will put his amendment in proper form and then I shall consider it, but it seems to me that is the line along which a solution must be sought and not on the lines suggested by the hon. member for Castle.

Mr. DAVIDOFF: I want to say quite frankly that I was very disappointed with the hon. the Minister's reply. From the Labour Party point of view I want to make the position quite clear. We are not concerned so much with the interests of the building societies or the big finance corporations, but we are particularly concerned with the interests of the small property owner.

Mr. S. J. M. STEYN: And the small depositor?

Mr. DAVIDOFF: It makes no difference whether the party has the property registered in his own name or whether he has purchased it under a deed of sale. We must refer to him in this case as the property-owner because he is the mortgagor, and the amendment moved by the hon. member for Castle (Mr. Bloomberg) is as much in the interests of the investor as the small property owner, and it is his interests that we are concerned about. It is quite apparent that with all the virtues the Minister has, he is still slightly embarrassed by this Bill that he has introduced. We are just starting with the discussion of this Bill, we are dealing with the first clause and the hon. the Minister sees how tremendous the difficulties are. I am sure he is going to realise that the difficulties are much more real than he is prepared to admit. His own statement just now belies what he has previously said, that he is prepared to accept any reasonable amendment.

The MINISTER OF THE INTERIOR: I have always said that.

Mr. DAVIDOFF: I say his own statement belies that because amendment of the hon. member for Castle is a most reasonable one and especially now that it has been watered down by the hon. member. I think from the point of view of every interested party in the country it will be admitted that it is more than reasonable but the hon. the Minister is not prepared to accept it. I want to put this to him. Apparently the hon. the Minister has missed the point, that if we can give security both to the borrower and to the lender, there can be no danger of a dishonest bond-holder, such as the Minister has mentioned. Give the bond-

holder security; give the borrower security, and there will be no depreciation of land values. Under the system that will prevail when this Bill becomes law, unless this amendment is accepted, there must of necessity be a depreciation of land values, and who is going to suffer? The man who is going to suffer is the small property owner, because it is quite apparent that the amount that the bond-holder has loaned, may perhaps be 60 per cent. of the value. His 60 per cent. will always be secured, but the 40 per cent., the amount invested by the small man out of his savings will be irretrievably lost, and that can only be prevented, I submit, if an amendment such as that suggested by the hon. member for Castle is accepted, because it will give security generally to all concerned, and it will have the affect of stopping that depreciation in value. It stands to reason. Hon. members here want to know why. If you cannot get money freely, values must drop and if values drop the people who are going to lose are not the lenders. They have absolute security, but it is going to be the man who had dreamed that his home would be his castle, who had saved and who put his savings into his property in the hopes that one day he would have that property as his own. But, Sir, that extreme danger does exist. I am not a Capetonian. I want the hon. the Minister to believe me when I say that we are not interested in the big finance corporations. I am not a Capetonian, but quite a number of Capetonians, people resident here, have notified me that what the hon. member for Castle says is quite correct. There is a distinct depreciation in the value of small houses in the Peninsula because of this Bill, and unless the Minister will be reasonable — and I fail to understand his argument why he cannot accept this — unless he is reasonable and accepts this amendment or some similar amendment, that depreciation is going to continue to the detriment and to the disadvantage of the small man. I am surprised — as a matter of fact, I am very surprised — that the hon. member for Castle was prepared to water down his original amendment to the extent that he has done. He has in every respect endeavoured to meet the views of the Minister. He has gone much further than we of the Labour Party expected him to do. He has been extraordinarily fair to both sides. We expressed that definite fear that the lower-income groups are going to be the sufferers, that they are going to be very material sufferers, that they will lose their lifelong savings, unless the Minister protects them and he can protect them without interfering with any of the major principles of this Bill. I do not know why the Minister maintains such an obstinate and obdurate attitude on such an essential matter as this. It is beyond one's comprehension. There is no reason for it whatever. Here at the very outset of the Bill, where he can do something to protect the interests of these people who, the Nationalist Party at all times say they are out to serve, i.e., the lower-income groups, he refuses to do so. It must not be forgotten that this very point that we are stressing might affect the European property owner in the lower-income groups as well as the Coloured people in the Cape. Those are the people we are trying to protect. This amendment will protect them as well as it may protect the mortgagee, but it is strange that in a case of this nature their interests are synonymous. The interests of the mortgagee cover and will cover the interests of the mortgagor. That can be affected easily and must be effected by the acceptance of this amendment, and so, Sir, from the Labour Party point of view we make this sincere appeal to the Minister and ask him to accept this amendment.

*Mr. S. E. WARREN: I really cannot understand the difficulty experienced by hon. members on the other side. If we do not make this law, any Coloured person who goes into a European residential area and buys a house there can cause a drop in the values of all the houses in the vicinity. We know that this has already happened. It is an old custom of the Indians to buy two houses on either side of an area, and they pay high prices for them. Then the value of the houses in the vicinity decreases and they buy those houses cheaply. That is the position. If the group areas are fixed then one knows that it is safe to buy a house in that area. But my hon. friends on the other side cannot appreciate that point. If a Coloured person possesses land in a European area and Coloured people are forbidden to live there the value of that land will increase.

*Mr. LOVELL: That has nothing to do with the matter; that is not the point at all.

*Mr. S. E. WARREN: It may not be the point but that is the state of affairs.

An HON. MEMBER: You are now making a second-reading speech.

*Mr. S. E. WARREN: No, not at all. We are now hearing all this talk that the value of land will drop as a result of this Bill. We heard the same story when we wanted to enforce apartheid. Then hon. members on the other side also said: "You want apartheid: you cannot determine who is white and who is not white." Now we have started with the enforcement of apartheid measures and now that talk has come to an end.

Mr. SULLIVAN: I want to support the plea made to the hon. the Minister by the hon. member for Edenvale (Mr. Davidoff)

that the Minister accept the amendment proposed by the hon. member for Castle (Mr. Bloomberg) even though he has now watered it down. I think the support given by the Minister by certain sections in Durban in regard to this Bill was on the understanding that he would protect the Europeans from penetration on the part of Asiatics. I want to point out that our plea is to protect the Europeans against this Bill. There are certain areas in our own city of which the hon. the Minister is well aware, where Europeans of the lower- and the middle-income groups have used their life savings to build their own homes. Gradually, as the result of Asiatic penetration, the Asiatics have become the majority in these areas. The consequence of this Bill will be a further fall in the values, a destruction of the capital value of the properties. This amendment is designed to give security . . .

The MINISTER OF THE INTERIOR: The values have already dropped if it is a mixed area.

Mr. SULLIVAN: You are now declaring it a group area, possibly for Asiatics; and by declaring it a group area for Asiatics you are by one stroke of the pen further destroying the value of the property.

The MINISTER OF THE INTERIOR: If it is already a mixed area, the depreciation has already taken place.

Mr. SULLIVAN: Not to the extent that it will take place if it is declared a group area entirely for Asiatics. The plea is with regard to the bonds held by the building societies over these properties, although these bonds may have been materially reduced over the years. There is still a liability which will remain in spite of the slump in properties once these group areas are declared. The Minister, in accepting this amendment, can protect workers in the lower-income groups who have built their homes. He can do this by accepting the amendment, as suggested by the hon. member for Edenvale, of the hon. member for Castle. I want to add my appeal to his, that, at this last moment, the Minister will do something to protect the Europeans, not against Asiatics only, but also against some of the dangerous, discriminatory, aspects of this legislation.

*Mr. VAN DEN BERG: I cannot follow the logic of the hon. member for Durban (Berea) (Mr. Sullivan).

*Mr. S. J. M. STEYN: We can understand that.

*Mr. S. E. WARREN: Logic is not his strong point.

*Mr. VAN DEN BERG: I do not think it is worth the trouble to reply to the speech made by that hon. member, but I wish to reply to the point made by the hon. member for Edenvale (Mr. Davidoff) and also to the point made by the hon. member for Alberton (Mr. S. J. M. Steyn) by way of an interjection. They are concerned about the small investor. It is news to me to hear today that the hon. member for Edenvale has now suddenly come to realize that there is such a man as the small investor. Recently he referred to them as lords — house lords.

*An HON. MEMBER: Look at him now.

Mr. LOVELL: You have missed the point entirely.

*Mr. VAN DEN BERG: I am not talking about the hon. member for Castle (Mr. Bloomberg) now; he is not concerned about the small investor; he is concerned about the investors of the Castle constituency and I am not worried about them. But let me reply to the hon. member for Edenvale. What does the small investor do with his money? Does he not usually go to a building society? Well, the question of the building societies has in my opinion, been perfectly solved by the reply given by the hon. the Minister when he said that he would consider an amendment which will be moved by the hon. member for Pretoria (Central) (Mr. van den Heever). That is the full reply.

*Mr. CULL: What is the amendment?

*Mr. VAN DEN BERG: If hon. members on the other side could get an injection so that they would suffer less from hydrophobia they would be able to follow the Minister's explanation. But it did not suit them to follow the Minister's explanation because their case is falling to pieces, particularly that of the hon. member for "Eva".

*Mr. S. J. M. STEYN: What was the explanation?

*Mr. VAN DEN BERG: If they are capable of understanding a reasonable explanation, they will realise that the explanation given by the Minister fully meets the objections raised by the other side. Now they want to give the impression that the Coloured people in those areas will not be able to obtain money from the building societies. But with the protection explained by the Minister, the building societies will be able to invest the necessary funds in those areas. Then what becomes of their objection? If the Minister is to accept the amendment of the hon. member for Castle then, in my opinion, it will mean that there will be mortgagees in those areas for ever. The amendment of the hon. member for Castle aims at bringing about such a state of affairs in order to wreck the objects of apartheid. Well, the

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hon. member is consistent because he said that he would do everything in his power to put a spoke in the wheel as far as the idea of apartheid is concerned. So the whole object of the amendment moved by that hon. member is, if possible, to thwart the idea of apartheid in the long run if not immediately. That is why I see a great danger in his proposal and he will also succeed in achieving his object if the Minister is willing to accept his amendment. But all future difficulties are solved by the Minister's proposal and there is not a shred of logic left in the assertions of hon. members on the other side that the small investor about whom the hon. member for Edenvale (Mr. Davidoff) is so concerned will suffer.

Mr. STUART: I find myself to some extent in agreement with certain hon. members on the other side of the House, and I do agree with what has been said by the last speaker, but the point is not what is in this clause, but what is in the amendment which is going to be introduced by the hon. member for Pretoria (Central) (Mr. van den Heever), who at some later stage is going to produce an amendment out of the hat. Under those circumstances I want to say several things. First of all I want to congratulate the hon. the Minister in having at any rate two members behind him who are capable of improving this Bill, apparently out of all his knowledge. This places one in a very difficult position. I feel very deeply in regard to the difficulties of building societies, and I want to deal with what the hon. the Minister has said. The Minister said that he is doing his best to meet the considerable difficulties of the building societies. I am very glad that he is trying his best. The building societies in this country are at present European building societies who have not got the principle of apartheid. Anyone can take out shares in these building societies, Africans and Coloureds, and you find that these building societies are financing areas such as Ncambedlana at Umtata, assisting Africans there to build decent homes in areas which are not location areas but which are reserved for educated Africans, thereby answering a crying need. Now the Minister tells us that he cannot accept this clause in its present amended form because he is contemplating an amendment to Clause 14 or 13. This makes it very difficult to go on with a clause like this, because we do not know what is going to follow. I submit that here for the first time is a clear case of a proposed clause that ought to stand over until the Minister has an opportunity, with the advice and valuable assistance of the hon. member for Pretoria (Central), who has come to his aid, and with the assistance of his legal advisers, who are still considering this, to reconsider the position in the light of the amendment. I feel it is absolutely necessary to do what the Minister is doing, viz., to meet in a reasonable way the building societies as far as this problem is concerned. The problem in short is this. A building society is a society which advances money to persons who want to build, irrespective of the person's colour, merely on his financial position. If we are going to have a complete separate set of standards, certain clauses in this Bill which are framed to prevent Indian companies to acquire property in certain areas, will prevent building societies from doing any building at all for any people other than people of the same colour as themselves. I do not really see how a building society can have a colour, but I am assuming that most of them are European building societies. If the European building society is going to be stopped from advancing money for building purposes to Coloured people and Africans and if Europeans and Africans are prevented from buying shares in these building societies and eventually to build and own their houses, presumably in their own areas, then it means that the Coloured people and the Africans will be forced willy nilly and against their will either never to build at all or to produce out of a hat Coloured and Native building societies. In other words, you are doing exactly what you don't want to do, because you are going to maintain white supremacy and if white supremacy means the building of decent houses, then it should be done by the white building societies. I do not want to see Native building societies or Coloured building societies forced upon us. I want universal building societies as we have now. My first suggestion is that when he considers the amendment of the hon. member for Pretoria (Central), will he make certain that in that proposal there are proper precautions to enable building societies who have in the past financed Coloured people, to continue to finance in Coloured and Native areas. [Interruptions.] No, I am not wanting anybody to get past the principle of this Bill. Although Clause 2 has not yet been passed, we must assume that there are group areas since the second reading has passed and that we are now trying to make this thing work, to make it sensible, and I hope that when the hon. the Minister accepts the proposal of the hon. member for Pretoria (Central), whatever it may be, that he will ask his legal advisers whether that proposal is only looking at the interests of the European investors, or whether it is also making adequate provision to cover the case of a building society which is prepared to do, as certain building societies have done in the past and are doing at present, over long-term contracts to assist decent Coloured people and decent Natives to build decent homes in particular areas which will be by then reserved for Coloured and Native people. That is a problem of outstanding

importance. On the other hand we have a proposal by the hon. member for Cape Town (Castle) which gives us a proposed solution. This is not a proposal which is hurried or rushed and he is modifying it in every conceivable way to meet the views of the hon. the Minister. But what seems to me to be outrageous from the point of view of practical common sense, is to ask us now to agree to this clause when we do not know what is coming in at a later stage. The hon. member for Pretoria (Central) and the Minister himself do not know what it is and how far it is acceptable. My suggestion to the hon. the Minister is that this clause now stand over until we know what amendment the hon. member for Pretoria (Central) is proposing. How can we possibly vote on something now, how can we negative or vote in favour of a substitute that is not before us at all.

An HON. MEMBER: Why did you oppose the standing over of the clause yesterday?

Mr. STUART: I opposed the standing over of the main clause, because in my opinion that should be hammered out first, but I do feel this, that if the Minister says that this clause is entangled with a proposal by the hon. member for Pretoria (Central), then the proposal ought to be acceptable and it is only common sensible, if I may coin a word, that the two should be discussed at the same time. I suggest to the hon. the Minister that he might out of courtesy to the House and to the hon. member for Pretoria (Central), whose proposal is not yet before us, take the two proposals together and that he should postpone the joint proposals until we know where we are. If the hon. member for Pretoria (Central) can discuss it now, that is all very well.

*Mr. VAN DEN HEEVER: The hon. member has apparently finished with his sarcasm now and I wish to take this opportunity of saying what the motion is. I just want to say this, that the motion of the hon. member for Cape Town (Castle) has another deficiency which has not been mentioned yet. I am thinking more particularly of those persons who in practice possess properties unlawfully, although they are not technically registered in their name. They have mortgaged them 100 per cent. There are many such cases in the Transvaal, especially among the Indians. Such a person goes and nominally takes a 100 per cent. mortgage, that is, 100 per cent. of the value of the property.

*Mr. BARLOW: Where do you get that from?

*Mr. VAN DEN HEEVER: In practice it amounts to this, that he is the owner of the place, but because he is not allowed to possess the land he gives a 100 per cent. bond and the conditions attached to that bond are such that the person in whose name the property is registered is not the owner of that property to all intents and purposes.

*Mr. DU TOIT: Now who will give 100 per cent. on bond?

*Mr. VAN DEN HEEVER: The hon. member for Cape Flats is always so worldly-wise and knows so much about what is going on, but if he has not heard about such cases he knows nothing about the property market. I want to ask the hon. member for Cape Town Castle) to look at page 21, Clause 14, There, in order to remove this obstacle, I intend to move, when we come to that stage, that the following be inserted after "sixteen", in line 2 —

> "or authorising an institution the business of which it is to advance money on mortgage, to acquire immovable property mortgaged in its favour,".

I hope the hon. member followed this. It amounts to this, that a company, a building society or any kind of institution whatever, the business of which it is to accept mortgages, when it has such mortgages, can obtain in advance a permit to acquire that property; it need not wait until such a property is for sale. I hope this will be clear to hon. members. In the English text the words are inserted after "sixteen" on page 21, line 2.

Mrs. BERTHA SOLOMON: What about private persons who give mortgages?

*Mr. VAN DEN HEEVER: As far as the private individual is concerned, that is just where the danger lies. There we have the greatest pieces of dishonesty in connection with land transactions when there is an investment of money. I just wish to add that I hope not only the Building Societies Act but other laws in this country as well will be amended to stipulate that no one may have more than a 75 per cent. mortgage. Then perhaps we may afterwards consider, without danger, the case of a private individual who invests money. But at this stage and in this measure we cannot do so. As long as we have those misuses in the case of people who actually buy a property for somebody else, who finances the transaction and who is, in fact, the owner — except that in the Deeds Office it is registered in the name of the other person — as long as we have these misuses we cannot at the moment go further than this amendment.

Mr. BLOOMBERG: I want immediately to deal with the remarks of the last speaker. I appreciate that he might have got the ear of the Minister more readily than I have had, but I do not think that his intervention in the matter solves the difficulty

at all. May I assure him immediately that the suggestion which he makes does not deal with the subject matter under discussion.

Mr. VAN DEN HEEVER: It does.

Mr. BLOOMBERG: It does not. The hon. member says that by arrangement between himself and the Minister, the Minister will probably accept an amendment to Clause 14, which will permit the Minister to issue a permit authorising the acquisition of immovable property by a company or by an institution whose business it is to grant bonds. That presupposes that an application has to be made to the Minister for a permit.

The MINISTER OF THE INTERIOR: Under your proposal as well, after six months.

Mr. BLOOMBERG: But that is exactly the difference, I ask that we should give protection to a mortgagee who finds that the mortgaged property is being sold in execution and who has to step in to protect his right under the bond, without having to wait for the decision of the Minister in respect of his application for a permit, which may or may not be granted, at his discretion; there may not be any time to get a permit. I instanced last night many instances where mortgaged property is being sold — and he as a practical lawyer knows it — at the instance of an intervening creditor and where the mortgagee gets notice of that for the first time on the morning of the sale.

The MINISTER OF THE INTERIOR: Mustn't there be an application to court?

Mr. BLOOMBERG: No, all that an intervening creditor does is to get judgment against the debtor and institute an execution against such property.

The MINISTER OF THE INTERIOR: But he has to go to court.

Mr. BLOOMBERG: It happens time and again, and as a practising attorney I can tell the hon. the Minister this, that the mortgagee's first knowledge of the fact that his mortgaged property is being sold, is on the morning of the sale, and then he is lucky if he hears about it. All that I ask, and that is where I think the hon. member for Pretoria (Central) misses the point, is that he should give a measure of protection to the bona fide mortgagee so that he can step in and buy his property in the open market without the necessity of having to apply to the hon. the Minister, of having to wade through all the red tape, in the off-chance of his being granted a permit. The same provision applies in regard to building societies. This Parliament decided under the Building Societies Act that building societies are not entitled to acquire immovable property, except for their own use. I think the hon. the Minister of Finance guided that Bill through Parliament. It was pointed out by building societies that they required protection. They pointed out that they give bonds to thousands of people throughout the length and breadth of the country and that they should be given an opportunity of buying in their property when they find that their security is likely to be affected by attachment of the mortgaged property. What did Parliament do? Parliament then made a provision in the Act, in the 1934 Act, to this effect that it gave a registered society the power to buy in immovable property mortgaged to the society, provided that such immovable property "shall be sold within five years from the date of the acquisition." So their security was protected and that is all that we are asking here. We ask the hon. the Minister to take up a reasonable attitude in this matter and to give the genuine bona fide investors the right to protect their securities.

The MINISTER OF THE INTERIOR: You have not referred to the amendment by the hon. member for Pretoria (Central).

Mr. BLOOMBERG: It does not meet the point that I have raised, because all that that amendment suggests is that you shall have the right to grant a permit in such a case.

The MINISTER OF THE INTERIOR: I know, you want an automatic permit.

Mr. BLOOMBERG: I contend that where a bona fide investor has invested his money in a property and he wakes up one morning and finds that that mortgaged property is likely to be sold, that he should have the right to step in and buy that property if it does not realise sufficient to meet his mortgage bond. It is a right that any investor in this country should have. It is preserving the sanctity of the mortgage bond. He should have the right to go into the open market and buy in his property if it does not realise sufficient to cover his bond. Then I say this, to meet the objection of the hon. the Minister, that I am prepared to water down my amendment to say this, that first of all he shall be deemed to have a permit for buying that property in protection of his security, but that he shall not hold that property for more than six months without obtaining a permit from the Minister. I am perfectly bona fide in this matter, Sir, and I want to test the sincerity of the hon. the Minister in this matter. I say: Let a genuine bond-holder buy in his property in the open market (he must compete in the open market), but he shall not be entitled to hold that property for more than six months, unless the Minister gives him

a permit. And I would go further. If that property is in an area which precludes the owner to occupy it by reason of his calling in another category, then he shall not have the right to occupy that property if he is a disqualified person in respect thereof. I ask the hon. the Minister what objection can he have to agree to this amendment, other than the fact that this Bill is aimed against the Coloured people of this province? That could be the only reason why the hon. the Minister is not prepared to accept this amendment. Before my ten minutes are up, I want to ask the leave of the Committee to withdraw my amendment and in lieu thereof I want to move the following amendment to meet the points raised by the hon. the Minister last night.

With leave of the Committee, the proposed new clause was withdrawn.

Mr. BLOOMBERG: Then, I move—

That the following be a new clause to follow Clause 2—

3. For the purpose of protecting his security at a sale in execution or a sale in terms of Section 20 of this Act or by the executor of the estate which is being administered as an insolvent estate in terms of the Administration of Estates Act, 1913 (Act No. 24 of 1913), a liquidator appointed in terms of the Companies Act, 1926 (Act No. 46 of 1926), a liquidator or trustee acting in terms of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), or a trustee under the Insolvency Act, 1936 (Act No. 24 of 1936), a mortgagee holding a mortgage bond over such property shall be deemed to have been granted a permit by the Minister entitling him to acquire the said property notwithstanding anything to the contrary contained in this Act but in the event of such mortgagee purchasing such property he shall not hold the property for a period exceeding six months without a permit issued by the Minister, provided always that such mortgagee shall not be entitled to occupy such property if he is a disqualified person in respect thereof.

That is the amendment and I just want to conclude with one or two remarks. The hon. the Minister this morning in reply to my statement said that there had been an overstatement of the position from this side of the House. He pointed out that a mass of investments in this province were not likely to be affected by the new Bill. I agree with the Minister. I agree that in places like, for instance, Kenilworth, Sea Point, St. James, Muizenberg, the majority of properties there are not likely to be affected by it, but we are not concerned with these isolated areas. I am dealing with areas which are going to be affected by this Bill. I am thinking of the mixed areas in the Cape, which are in the majority. I am thinking of an area like District Six where you have a mixed area, where you have Europeans and Coloureds occupying residential premises, places like Woodstock, places like Kalk Bay, places like Maitland. The majority of places are mixed areas and those are the properties which are going to be affected by the provisions of this Bill. Those are the people who need protection. Now the hon. the Minister says that not many people are likely to be affected by the provisions. I want to repeat that every property in a mixed area, whether it belongs to a European or a non-European, is likely to be affected by this Bill; in fact is going to be affected by this Bill. The Minister seems to indicate that I am only speaking on behalf of non-Europeans, but I would like the Minister to know that I am also speaking on behalf of Europeans. There are thousands of Europeans in this town who have granted investments on immovable property to non-European people, on non-European homes, thousands of them. I quoted an instance the other day of an estate, the beneficiaries of which are a widow and three children. They gave a bond of £5,000 on an immovable property in a mixed area. They are bound to be affected by this Bill. [Time limit.]

Mr. KENTRIDGE: Unlike our friends opposite. I do not propose to start by thanking the Minister. I think we have arrived at the stage that hon. members opposite will have to thank the hon. member for Pretoria (Central) (Mr. van den Heever) and in future hon. members opposite will always be thankful to the hon. member for Pretoria (Central) for trying to help the Minister out of his difficulty. When I looked at the Minister while the hon. member for Castle (Mr. Bloomberg) was speaking just now and moving his amendment, I could see that the Minister was simply obsessed by obstinacy which has almost developed to stupidity. He has made the position much more confused than before. As I understand the position, the hon. member for Pretoria (Central) moved an amendment really to come to the relief of the big financial institutions, to help the building societies and so on, and I do not know what support he expects from them. But he has not dealt with the issue raised by the hon. member for Castle, the hon. member for Berea (Mr. Sullivan) and the hon. member for Edenvale (Mr. Davidoff), of the individuals concerned. It may be that the individual is a widow. We have always heard of the poor widow. Well, there are still poor widows who have invested a few pounds in a bond. They will not be protected, nor the owner of the property who has paid off a certain amount on the property. The posi-

tion is really becoming confusion worse confounded.

As I understood the Minister, he differentiates between occupation and ownership. Apartheid will apply to occupation, but not to ownership. He does not seem to know whether he wants complete apartheid or only apartheid in regard to occupation. It would seem that the Minister wants apartheid which will operate in favour of the wealthy people but against the poor people. It is obvious that the Government is only interested in the wealthy people, no matter how the poorer people may be prejudiced in regard to property on which they have spent money. They will not be protected. The Minister is now speaking with that other brilliant brain, the Minister of Economic Affairs. Well, I hope those two brilliant brains will combine with the other brilliant brain from Pretoria (Central), because it seems to us that the Minister no longer knows where he is at the present moment. He does not know whether he wants complete apartheid, apartheid of ownership or apartheid of occupation. I venture to say that the correct thing to do in the circumstances is for the Minister to report progress so that he can consult those two brilliant brains and get some clarity on the position, because it appears that the hon. member for Pretoria (Central) is now the brain behind the Government in regard to these matters.

There is only one other thing I wish to say. In his speech this morning the Minister did not deal with the amendments put forward. He only complained that he has now reached the stage where, if he did anything right, he was attacked from this side; and if he did anything wrong he was also attacked. The reason for that is that nobody seems to know where they are with the Minister. They feel they are being deceived, at any rate politically, by the Minister who has reached the stage that he reminds us of the individual of whom it has been said—

> Oh! What a tangled web we weave
> When first we practise to deceive.

We were told in the first instance that this was a simple Bill. Now the Minister has himself tabled many amendments and has now accepted the amendment moved by the hon. member for Pretoria (Central). The Minister does not know where he is with the Bill and the hon. member for Pretoria (Central) has to help him out of his difficulty. I appeal to the hon. member for Pretoria (Central) to go and sit next to the Minister to help him with the Bill which he evidently does not understand.

*Mr. VAN DEN HEEVER: I wish to say to the hon. member for Cape Town (Castle) (Mr. Bloomberg) and the hon. member for Troyeville (Mr. Kentridge) that they are opposed to separate residential areas in South Africa and that is why they take this attitude and ascribe sinister motives to the Minister. I particularly want to point out to those two members, because it suits their case, that there are separate residential areas in Israel, separating the Jews and the Arabs . . .

*Mr. BARLOW: And if you were there you would have had to live among the Arabs.

*Mr. VAN DEN HEEVER: Then at least it would not have been necessary for me to live in the same residential area as the member for Troyeville. I want to say this to the hon. member for Castle, that a building society or a financial institution will not have to wait for a permit until there is the danger that a property has to be placed on the market because the persons concerned cannot meet their obligations. I hope the hon. member will listen because it concerns his amendment. The building society and any mortgagee can approach the Minister for a permit in advance and can perhaps obtain a renewal of the permit in case some property has to be sold because the mortgagor cannot meet his obligations. That is the effect of this amendment. According to the hon. member for Troyeville I just want to help the big financial institutions. No, it applies to any mortgagee. Every now and then they mention the case of a certain widow. I just want to tell them that the widow concerned must have had very poor advisers if she invested her money in that way. I wonder who those advisers were. The way some people sometimes advise widows to waste their money is disgraceful. That is the reason why there are so many of those mortgagees who have 100 per cent. bonds, something which is a curse in many parts of this country. We have such cases among the Indians and others in the Transvaal. For all practical purposes they own the property and they hold the person in whose name it is registered in the hollow of their hand. It is very clear to me that our friends on the other side are opposed to the principle of this measure and that is why they want to place all sorts of obstructions in the way. I do not think it is really their sincere object to make this Bill a better measure. I want to appeal to them to leave this clause as it stands now so that we can proceed and deal with the other important clauses of this Bill.

Col. JORDAN: Mr. Chairman, the amendment suggested by the hon. member for Pretoria (Central) (Mr. van den Heever) does not meet the point raised by the amendment of the hon. member for Castle (Mr. Bloomberg). The substitute amendment moved ty the hon. member for Castle has met almost all the points of criticism raised by the hon. the Minister. But there

is one point which it does not cover, and I propose to add an additional proviso to that amendment in the following terms—

> To add at the end of the proposed new clause "or if the occupancy would be in violation of any condition contained in the title of the property".

Now that is one of the points the hon. the Minister stressed in voicing his objection to the clause as moved by the hon. member for Castle. The position is now that the proviso covers both the points, and in my submission must wipe out the objection which the hon. the Minister has raised. The proviso will now read as follows—

> Provided always that the mortgagee shall not be entitled to occupy such property if he is a disqualified person in respect thereof, or if the occupancy would be in violation of any condition contained in the title of the property.

The hon. the Minister, when he last intervened in the debate, did not reply to the debate in any way. He indulged in some political observations and pointed out that there are certain spots in Cape Town where you can buy residential apartheid. That is perfectly true. Under the voluntary system we have had in the Cape Province up to now, Europeans have been able to buy residential apartheid.

The MINISTER OF THE INTERIOR: They had to pay for it.

Col. JORDAN: And very often a great deal more cheaply than the price suggested by the hon. the Minister of £1,700 per acre. Let me remind the Minister also that under the voluntary system, which has existed in the Cape Province from time immemorial, it is also possible for the Coloured community to buy residential apartheid, and that in fact they have indulged in their natural inclination to live among their own people to a very considerable extent.

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

Afternoon Sitting.

Col. JORDAN: When the Committee adjourned I was drawing the attention of the Minister to the fact that the main races of this Province have voluntarily selected sites in which to reside, for a very long time, in accordance with the traditional views that have existed here from time immemorial. I now want to draw his attention once more to something which the hon. member for Castle (Mr. Bloomberg) mentioned, and that is that under the Societies Act a building society which is compelled to buy a property to protect its security, is allowed to retain that property for five years. Now, what is the object of that provision? It is quite clear that unless this opportunity for holding the property for a reasonable period is allowed and if it must be sold within a relatively short period, then the whole object of buying it in order to protect security would fall away. Because, generally speaking, you only buy in when a sale takes place in a falling market, and you want to be able to hold the property until the state of the market improves, and you can then recoup yourself in that way. In this instance, there is no suggestion, in view of the peculiar provisions of the Bill, of asking for that long period. All that is asked for is a period of six months and such further period as the Minister in the exercise of his discretion may give by way of permit. It seems to me not to be an unreasonable request to make on behalf of financial institutions without whose assistance so many people would not be able to buy their homes at all. This Bill, when it becomes law, will kill so many homes that when there is an opportunity afforded the Minister of protecting some of them, surely he should seize that opportunity with both hands. But what has his attitude been towards this amendment? If I may say so, his attitude has been the quite unreasonable one of refusing to examine the amendment on its merits. That attitude on his part can alone reflect contempt on minority rights and it also reflects contempt on that spirit of reasonable compromise which is the corner-stone of the whole system of parliamentary government, of which he has not yet learnt to understand the fundamentals.

The hon. the Minister failed entirely to deal with the point I raised. I told him that the property market had been disturbed, and disturbed very seriously indeed, and that therefore it was reasonable of the mortgagees to seek protection under this Bill for their rights, for a sufficiently reasonable period to ensure that they were not likely to incur at least substantial losses. It will give them an opportunity to reduce those losses which they would otherwise suffer. The hon. Minister, however, is in a position that the members sitting on the benches behind him have no experience of the property market, at any rate in the Cape Peninsula, and that, after all, is one of the most important property markets in the Cape Province. The hon. Minister laughs, but there is not one member of the Cape Peninsula behind him, with the possible exception of the hon. member for Parow (Mr. Erlank) — and I will accept that he must have considerable knowledge of the property market in the Cape Province — who can advise the Minister in regard to the state of the property market. I feel sure, if the hon. member for Parow were to intervene in this debate he would be compelled by circumstances to support

my view and those of the members on this side of the House, that this Bill, immediately upon its publication unsettled and disturbed the property market very considerably and to a very serious extent. With the possible exception of the hon. member for Parow — and we do not know whether the hon. Minister has consulted that hon. member in regard to the property market — this Committee will have to suffer, perhaps for years to come, from the handicap of the Minister's complete and utter ignorance of the subject he has to deal with.

Sir DE VILLIERS GRAAFF: Mr. Chairman, I feel that I cannot allow the discussion on this clause to end without also registering my protest at the failure of the Minister to reply to the debate and of his advisers to find a way out. May I say that probably with the best will in the world it would be very difficult to find a way out of the difficulties in which the hon. the Minister finds himself at the moment. One appreciates that he has certain problems to deal with in other provinces which are unlikely to arise in and around the Cape Peninsula, and in the Cape Province as such, where the people with whom he is dealing are essentially the Coloured group and more particularly what is known as the Coloured people in that Coloured group. The hon. the Minister has suggested that the amendments proposed by the hon. member for Castle (Mr. Bloomberg), as amended by the hon. member for Rondebosch (Col. Jordan), are really to the advantage of those people, in that they render foreclosure more difficult. Surely, Sir, few more specious arguments have ever been offered to this House. The question is not whether foreclosure is difficult or easy, but the question is how will those Coloured people fare in a competitive market when they make applications for loans of money on mortgage. The mortgagee, the lender of money, will naturally look to the relative advantages of the various securities offered him. No matter what suggestions are made, no matter what has been said from the other side of the House so far, it is perfectly clear that in a competitive market the Coloured man is at a disadvantage in that he cannot offer the same security as the European. He cannot offer the same security as the European for the reason that the mortgagee, on foreclosure, is unable to buy in without a permit from the Minister. Now the hon. the Minister has suggested that he was meeting at least some of the difficulties of the Coloured people, by indicating that he would declare certain group areas of the Coloured group as group areas for occupation only, that is, they can be occupied by Coloured people only, although the ownership can be in the hands of Europeans.

The MINISTER OF THE INTERIOR: As in a controlled area.

Sir DE VILLIERS GRAAFF: Yes, as in a controlled area. That means that if the ownership is as in a controlled area, in the event of a sale on foreclosure it is not possible to sell from one group to another. It means that the European who has spent money on a mortgage in such an area is unable to buy in order to protect his own interests. That means very clearly that the Coloured applicant for a loan on mortgage is at a disadvantage on a competitive market on every occasion. We who know this area and who have been connected with it throughout our lives do know how much importance the Coloured man attaches to attempting to get his own plot of ground and build his own home, and we do know how difficult he finds it even now to get money on loans from reputable firms from whom he can expect a square deal without paying usurious rates of interest. One feels this legislation is going to place him in an even less enviable position and in an even more difficult position. It has been suggested that the proposed amendment to Clause 14, namely, the insertion in Clause 14 (5), will in some measure meet this difficulty, but all that does is to leave it in the discretion of the Minister as to whether or not permits are issued for certain building societies or certain institutions and those permits are held purely at the discretion of the Minister. The result is that any institution applying for a permit realises that it can lose that permit at any time. It is not set out in the Bill except in regard to Clause 14 (8), which deals with specific examples as to how or why that permit may be withdrawn. The consequence is that this is a type of security which is not as good as the normal security afforded to the mortgagee. I would suggest to the hon. Minister that although he has difficulties it may be to his advantage to consider this matter even further, and even if he cannot accept the amendment proposed by the hon. member for Castle, as amended by the hon. member for Rondebosch, I would ask him very sincerely to give this matter further consideration, as I know we on this side of the House will do in an attempt to find some amendment which will meet not only the difficulties with which he has to contend, but which will make it easier for this group of people to become house-owners and to become house proud and to become an even more stable section of the community than they are at present.

The MINISTER OF THE INTERIOR: Listening to the arguments which have been advanced from the other side, I am afraid that hon. members opposite are not yet aware of the implications of this amended amendment of the hon. member for Cape Town (Castle) (Mr. Bloomberg). I feel that I will have to protect Natal against many of its own members of Parliament.

Mr. LUDICK: As usual.

The MINISTER OF THE INTERIOR: I feel that I shall have to protect the Cape and the Transvaal in the same way. What are the implications of this new amendment, as now moved by the hon. member for Castle with the appendage attached to it by the hon. member for Rondebosch (Col. Jordan)? I want to ask members from Natal particularly to listen to this.

An HON. MEMBER: We are all listening.

The MINISTER OF THE INTERIOR: You may have a European owner and a non-European, say, an Asiatic bond-holder. Take that position first in the light of this amendment of the hon. member.

Col. JORDAN: It is only a matter of drafting.

The MINISTER OF THE INTERIOR: Let me proceed with my argument and then perhaps the hon. member, even at this late stage, will realise the error of his ways. If you have that position where you have a non-European bond-holder over property owned by a European, that property, for the sake of argument, is now sold in execution. The Asiatic bond-holder can get ownership of that property automatically without a permit.

Col. JORDAN: For six months.

Mr. V. G. F. SOLOMON: He cannot occupy it.

The MINISTER OF THE INTERIOR: He cannot occupy it, but if this is in a controlled area, or if it is in a group area for occupation only he can during those six months sell it to a member of the same group as the present owner; in other words, he can sell it to an Asiatic.

Col. JORDAN: You can cover that.

The MINISTER OF THE INTERIOR: No, read the Bill. Within the six months he can sell that property which he has now bought under execution to another Asiatic and that Asiatic, if it is in a controlled area, can go and live in it, or he can let it to another Asiatic. The same applies in the case of an Asiatic building society holding a mortgage over a European property. If this amendment is accepted, it means that that Asiatic building society, without a permit, can automatically acquire ownership of that property. Within that period of six months it can then sell it, if it is in a controlled area or if it is in a group area for occupation only, to another Asiatic and that other Asiatic can go and occupy it or he can let it to another Asiatic tenant. That is the type of thing that I want to warn hon. members against, that as soon as you have an automatic permit, whether the period is three months or six months or five years, the same principle applies, and I want to ask hon. members whether they want to vote for that loophole in the existing Act? This is not a question of Natal only. Take your most salubrious suburb in Cape Town and say you have an Asiatic mortgagee.

Mr. BARLOW: Which suburb is that?

The MINISTER OF THE INTERIOR: You can take your choice.

Mr. V. G. F. SOLOMON: Rondebosch.

The MINISTER OF THE INTERIOR: Take any of these suburbs where there is no anti-Asiatic clause; leave them out. In this way they can become entrenched in the midst of a European neighbourhood. Hon. members have never considered that implication and let me say that this is not a problem which is only applicable to Natal. I know that this is a thing that will happen in Durban, but also know that a lot of Indian capital from Natal and from the Transvaal has been invested in the Cape Province in property, in bonds and in purchase. I know that. I know, too, that the Cape Indians themselves complained to my predecessor, because Indians from the Transvaal and Natal had been investing in real property here, and for that reason I want hon. members to understand that if there is any question of an automatic permit we are killing this Bill at its very start, and unless they want this Bill to be killed, they must not expect me to accept this amendment that they have moved. I want to challenge them. If they want to go to a vote on this issue let them go to a vote, and then we will know that they are prepared to sell the principle of this Bill in order to meet the difficulties of mortgagees, difficulties which in my submission can be met in another way.

Let me turn now for just a moment to the other side, how the troubles and the difficulties of the mortgagee can be met. In terms of Section 14 (5), if this amendment which the hon. member for Pretoria (Central) proposes to move is accepted, then apart from the other measures which I detailed last night as to the protection of the mortgagee, your big building societies and other financial institutions whose business it is to advance money on mortgage, will be able to come and ask for a permit in respect of any particular immovable property — it is a cumbersome process — or in respect of immovable property in any area specified in the permit in other words, let me put it this way: A building society can come along and say: "I have certain properties on which I have bonds in the Claremont area", or, if you like: "In the Cape

Town magisterial district". He can give a list of these properties if he likes. "I have a permit that if they are sold at any time in execution I can purchase them."

Mr. MITCHELL: What about the private bondholder?

The MINISTER OF THE INTERIOR: I am coming to the private bond-holder. The private bond-holder as the hon. member for Pretoria (Central) (Mr. van den Heever) has explained, is the man who in many cases can make misuse of this and is making misuse of this existing position in the Transvaal. I said that the private bond-holder has his protection in the clauses to which I referred last night. This is an additional protection, because the idea was that we were discouraging the big financial institutions from investing their money for the purpose of providing housing for non-Europeans, and that is what this can meet. I think the private bond-holder is sufficiently covered. This is only to have some additional encouragement for the purpose of encouraging financial institutions to finance the building of houses for non-Europeans. They can then come and say: "In respect of the whole magisterial district of Cape Town we would like to have a permit in terms of Section 14 (5)." They can either specify the particular properties in respect of which they want it or they can specify the area in respect of which they want it, or in respect of immovable property in general. In all cases it will naturally have to be confined to immovable property over which they hold a bond, but they have the permit in advance then. If at any time any of those properties has to be sold in execution, they need not go and ask for a permit. They can immediately purchase in terms of this permit if the hon. member's suggestion is accepted. They can then purchase in terms of that permit, and arrange for the financing of it, and the virtue of it would be this that we would not be throwing open the door to abuse; we would not be allowing the very citadel of this Bill to be attacked in a ruthless way by people who have no conscience. We have to see to it that this principle is not watered down. I make this appeal to hon. members: If they say that they are in favour of the principle please do not adopt an amendment which would simply make it possible for the unscrupulous person to ride roughshod over the provisions of this Bill. Do not let us open a door here, a door which will mean that you can let in a degree of penetration which hon. members probably never dreamt of. Let us be careful before we have any of these specious amendments which are designed on the one hand, in appearance, to help the mortgagee and to help the building societies, but the real effect of which will be to open the door to penetrations, against the very principle of this Bill. I want to warn hon. members again; I want to say that if they vote for this, I want them to vote with their eyes open, so that the country can see that this is what they are prepared to vote for. If they now vote for it then I think the country will know, because they have been duly warned.

Mr. V. G. F. SOLOMON: What about the private mortgagee?

Dr. V. L. SHEARER: The hon. the Minister has focused the attention of the Natal members on this clause. I want to say that when I first read the amendment of the hon. member for Rondebosch I saw some of the objections which the Minister has raised. Now the amendment has been watered down, and in respect of that matter I feel sure in my own mind that these objections have disappeared.

The MINISTER OF THE INTERIOR: I have just explained the position.

Dr. V. L. SHEARER: On the other hand, the Minister has said that if this amendment is accepted, then in respect of controlled areas in Natal, it means in effect that these people who buy these premises will be permitted to occupy them.

The MINISTER OF THE INTERIOR: Or group areas for occupation only.

Dr. V. L. SHEARER: The Minister said that they would be able to occupy controlled areas.

The MINISTER OF THE INTERIOR: And group areas for occupation only.

Dr. V. L. SHEARER: I accept that argument, but I want to draw the attention of the Minister to this point, and it is covered by an amendment which is on the Order Paper. Whether the amendment is now before the House or not, all Indian owners of property in a controlled area can still occupy them. When this Bill goes through . . .

The MINISTER OF THE INTERIOR: Unless it is a specified area.

Mr. MITCHELL: He is talking about controlled area.

Dr. V. L. SHEARER: The Minister said in this debate in respect of Natal members that he wanted to test them because he believes that as far as this amendment is concerned in controlled areas . . .

The MINISTER OF THE INTERIOR: And in group areas.

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Dr. V. L. SHEARER: . . . it would give Indian buyers the right to occupy.

The MINISTER OF THE INTERIOR: I said in controlled areas and in group areas for occupation only.

Dr. V. L. SHEARER: All right, I am accepting that, but I am dealing with controlled areas only at the moment. I want to point out to the Minister that even without this amendment, the Bill, as it stands at the moment, still gives the right to Indians who own properties occupied by Europeans in controlled areas to occupy those properties.

The MINISTER OF THE INTERIOR: But this is property occupied by a European and owned by a European, over which an Asiatic has a mortgage bond. This is another class of case. You want to open the door wider.

Mr. BARLOW: Don't get so rattled.

Dr. V. L. SHEARER: What I am trying to put to the Minister is this, that in Durban there are numbers of properties owned by Indians but occupied by Europeans and in respect of this amendment the Minister says that in controlled areas it would give the Indian who bought these properties the right to occupy, if this amendment were accepted. I am not entering into an argument on that point. But as the Minister drew the Natal members into this argument, I want to point out to the Minister that under the Bill in respect of the areas to which he referred, i.e., controlled areas, Indian owners of property in which Europeans are living, have the right to eject those Europeans and to occupy those properties themselves. The Minister knows that just before the present Asiatic Land Tenure Act came into being some 514 properties over a period of years were purchased by Indians, 90 per cent. of which are occupied by Europeans. This is a far more serious position than the complications of the present amendment. Under the Bill in a controlled area all these properties could be occupied by Indians without a permit.

The MINISTER OF THE INTERIOR: Only where the owner is an Asiatic. This refers to the case where the owner is a European.

Dr. STEENKAMP: That is not the point.

Mr. TIGHY: He has blown the lid off your kettle.

Dr. V. L. SHEARER: Yes, that is the point and that is why I have an amendment on the Order Paper in order to protect people who find themselves in the position I described a moment ago. What I want is that simultaneously with Natal being proclaimed a controlled area, a great number of areas should also be proclaimed specified areas. The whole position would then be covered.

The MINISTER OF THE INTERIOR: No.

Dr. V. L. SHEARER: But now I come back to this amendment. I come back to that because I interpreted the Minister's statement as a challenge to the Natal M.P.s. I merely mention that because as far as this challenge is concerned, the Bill does not cover the very serious position in Natal, a position of which we are not unmindful.

The MINISTER OF THE INTERIOR: The position you mentioned has nothing to do with the position which can arise.

Dr. V. L. SHEARER: Yes, I accept that. I am trying to treat these subjects quite separately. It is only in respect of the Minister's challenge that I am trying to draw his attention to the fact that we in Natal are alive to the position and in fact will not accept this Bill unless certain areas in Natal will be declared specified areas, in order to protect the type of individuals mentioned by the Minister. Now I come back to the amendment. I indicated that in respect of the original amendment put on the Order Paper by the hon. member for Rondebosch I personally saw four objections which I think the Minister has indicated, i.e., in respect of the anti-Asiatic clause, second, with regard to the person having the right to buy the property at a higher figure than it was worth to safeguard his security, primarily with the object of obtaining occupation. There are other reasons which the Minister has indicated. As I say, on that basis I did not like it. But we have come to a new position now as far as the amendment moved by the hon. member for Castle is concerned, an amendment which he has watered down. I presume the hon. member has indicated that he does agree that the anti-Asiatic clause shall remain intact. The second point is that in respect of an area which is for a particular group, the owner, if he is not a member of that group, is debarred from occupying any property in that area.

The MINISTER OF THE INTERIOR: The mortgagee cannot occupy it.

Dr. V. L. SHEARER: Precisely; he is the person we are concerned with. I am not begging the Minister to accept the amendment; all I am saying is that in so far as the Natal members are concerned, I think there is a little justification for saying that whatever objections we may have had to the original amendment they have now been partly met.

The MINISTER OF THE INTERIOR: Have you listened to my argument on the amended amendment?

Dr. V. L. SHEARER: Yes. But that is my interpretation of the position. To be quite frank, we do agree that the position in the Cape is different to that in Natal. The Natal members are anxious that the existing protection we have should not be broken in any way, so naturally we are alarmed when the Minister points out difficulties that we in Natal have to face if this amendment is accepted. I have now given my interpretation of the amendment and the difficulties mentioned by the Minister, which I think the amendment has overcome, and I would ask the Minister again, if he thinks I am wrong, to try and clarify the important point I have raised.

Col. JORDAN: We on this side of the House do not discard lightly any criticism of the frame of our amendments which the hon. the Minister may make, but this clause, aimed at the protection of people from whom all sections of the community obtain the money that they require to provide their homes, is a vitally important clause. Representations have been made on it. Unfortunately this Committee of the whole House is having to attempt to do a job which, of course, should have been done by a Select Committee, which could have examined the evidence on all these points. The result is that we, sitting in Committee of the whole House, are having to attempt to draft amendments to cure the omissions and the defects in the Bill, which was obviously hurriedly framed, otherwise it would never have required amendment to the extent it does require, and which should have received consideration not only by the House but by the country. However, I now move a further amendment. There are some signs of hilarity and amusement from hon. members opposite.

Mr. MITCHELL: We are trying to help the Minister.

Col. JORDAN: I want them to understand that in designing these amendments, we are trying to make an attempt to meet criticism by the Minister in order to enable us to safeguard and preserve the rights which we feel should be safeguarded and preserved. Unless you can protect the interests of mortgagees to a legitimate extent, you are going to have a very serious situation developing in this country and, among other things, one of the consequences may be that building societies, for instance, will no longer serve that purpose of thrift which I am perfectly certain the hon. Minister of Finance —if he will allow me to say so—would be one of the first to support. Therefore, it is essential, and it is in the national interest, that we should preserve the rights of these institutions, but it is also perfectly proper that we should preserve those rights without opening the door which the hon. the Minister fears that the amendment, in its present form, would open. He may well be right. I have tried to convey to him that we do not dismiss his arguments lightly but we are fighting for the rights of these people and we are prepared to assist, in every way that lies within our power, to close any gaps which may, in the opinion of the Minister, appear to flow from the amendment. The amendment I now propose to move is in the form of a proviso to this clause, and I think the hon. the Minister will probably agree that it does go far to meet the situation with which he dealt on the last occasion on which he addressed the Committee. I move, as an amendment to the proposed new clause—

> To add at the end "or if his occupancy would be in violation of any condition contained in the title of such property: Provided that for all purposes save occupation and save as above he shall be deemed to belong to the group of person from whom he bought it".

It seems to me that we have now done our very utmost by drafting to meet the hon. the Minister in every way we can. I think we have succeeded. Should he feel that we have not succeeded, then my suggestion to him is that he should try to frame an amendment which will meet the views of this side of the House, and if he would give an assurance that he would do that and, if necessary, move such an amendment in Another Place, I am perfectly certain that this side of the House would be completely satisfied.

Mr. BLOOMBERG: In his obduracy in this matter the hon. the Minister has totally disregarded the provisions of his own Bill. In an endeavour to scare the House with the position that may arise and particularly to scare Natal members with the consequences of this amendment . . .

Mr. S. J. M. STEYN: He can't do that.

Mr. BLOOMBERG: . . . the Minister has pointed to a heinous case where a non-European bond-holder may have to descend upon an innocent European mortgagor, buy in the property and thus avail himself of rights under this Act which otherwise he would not possess. Let me answer that case immediately, and the hon. the Minister knows that what I am saying now is correct. This amendment only deals with cases where the mortgaged property is sold under execution. It is not as the hon. the Minister indicated or tried to indicate in order to scare the

House to cover all instances where a non-European bond-holder can descend upon a mortgagor and obtain his property for the amount of the bond.

An HON. MEMBER: Of course not.

Mr. BLOOMBERG: He can only acquire it under this amendment — this amendment only seeks to protect the situation — where he is forced to buy the property in the open market where the property is being sold under forced realisation, and where he is obliged to step in to protect the amount due to him under his bond. Now the hon. the Minister says that even in those circumstances a non-European owner may then acquire the property from a European owner, which is registered in the name of a European; that then the non-European becomes the owner of that property and gets benefits which ordinarily otherwise would have been denied him under this Act. I say to the hon. the Minister that that argument it completely fallacious and I propose now to give him the complete answer I say that the complete answer to the Minister's argument is in the Bill itself. Under our amendment we have made it perfectly clear that the mortgagee who is forced to buy in the property in order to protect his rights under the bond, shall be obliged to apply to the Minister for a permit within six months. Now, if the Minister looks at Clause 14 of the Bill he will see this provision —

> The Minister may direct that a permit be issued subject to such conditions as he may determine.

The MINISTER OF THE INTERIOR: But he only comes for a permit after six months.

Mr. BLOOMBERG: No, no. The Minister did not tell us that. He tried to scare this House about the permit because he said the non-Europeans would then automatically be able to acquire property in a European area, and after that they would be entitled to sell the property to non-Europeans and so perpetuate the right of non-Europeans to own property in a European area. No such thing can be done, because the Minister himself has the right under Section 14 to impose such conditions as he may determine. And one of the conditions I envisage the Minister will impose is a prohibition against that non-European reselling the property to anyone but a European in a European area. The Minister has the remedy in his own hands under Section 14. He has the right to impose such conditions as he may deem advisable.

The MINISTER OF THE INTERIOR: If a permit is applied for.

Mr. BLOOMBERG: Obviously it will be applied for.

The MINISTER OF THE INTERIOR: After six months.

Mr. BLOOMBERG: All right, then the worst that can happen is that for six months he remains the owner.

The MINISTER OF THE INTERIOR: And in that time he can resell.

Mr. BLOOMBERG: If the Minister wants to protect that position, then I am prepared to accept the suggestion whereby the owner in those circumstances, until a permit is issued, will not have the right to sell. That is the answer. Until he acquires a permit, which he must acquire within six months, he may not sell. That is covered by the addendum moved by the hon. member for Rondebosch.

I am driven irresistibly to the conclusion that the Minister is raising every obstacle in this matter, because frankly — I said it this morning and I want to repeat it — he is determined by whatever means possible to deprive the non-European in the Cape Province of the right of acquiring property in an area which is regarded as a mixed area. We on this side cannot do more. We have made every concession. Every time the Minister intervened in the debate we made concessions to meet the points he raised. This indicates how ill-conceived this Bill was ab initio. This shows how well advised this House would have been to accept the amendment moved from this side for the closest possible scrutiny of the question of the financial implications. The Minister with his obduracy in the matter has shown that he is not prepared even at this stage to meet the cogent arguments raised in regard to the financial implications. We have made concessions all along the line. We have indicated that if a mortgagee is forced to buy in his property at a forced sale, then he should have only a limited period of six months and thereafter he should be subject to a permit issued by the Minister; we have conceded that the Minister can impose whatever conditions he likes in that permit; we have indicated that the mortgagee will not have the right to occupy the property, and now further we have indicated in the addendum tht he shall not have the right to sell without the permission of the Minister.

The MINISTER OF THE INTERIOR: Why do you then want the six months; I thought you wanted that to enable him to sell?

Mr. BLOOMBERG: Then make it three months. All I plead for is the right of the mortgagee to protect his interests.

The MINISTER OF THE INTERIOR: What is left of your original amendment?

Mr. BLOOMBERG: That is the attitude of the Minister. He looks at everything with

suspicious eyes. This is a political dodge. We have no axe to grind at all, except to protect the rights of every citizen of the country. and one of those rights is that the mortgagee should be in the position to ensure that his mortgage bond should be safe as far as it is humanly possible to do so; and that he should have the right — and this will be the only country in the world where the mortgagee will be denied that right — to buy in the property to protect his interests. In the amendment I moved I have prefaced what I said by the words "for the purposes of protecting his securities only". It is obvious that the hon. Minister in adopting this attitude is doing so with a total disregard to the consequences that may flow from it, or to the appeals made to him by the financial houses in the country. He is now through back-door methods prepared to allow the hon. member for Pretoria (Central) (Mr. van den Heever) to introduce an amendment that has no bearing on this matter at all.

I want finally to put it to the hon. the Minister that if he still persists in this attitude, if he is not prepared to be reasonable, then the responsibility for the tremendous repercussions in this matter must rest on his head.

*Mr. LUDICK: I am just getting up to ask the hon. Minister to take no notice of the hon. member for Cape Town (Castle) (Mr. Bloomberg). When the motion for the second reading of this Bill was being discussed, that hon. member said here and stated very clearly that he was definitely opposed to the principle of the Bill. We know that he will do everything in his power to wreck it. But I want to give the Minister the assurance that this country supports him in connection with this Bill.

*Mr. S. J. M. STEYN: The Minister is not even listening to you.

*Mr. LUDICK: That hon. member reminds me of something I saw when I lived near a river. A troop of monkeys came from the mountain and went to drink water from a small hole beside the river. In Lichtenburg we had a great deal of trouble because of the infiltration of Asiatics. It was so bad that two of our Afrikaans churches had to be sold and others had to be built elsewhere because of Indian infiltration. If this Bill had already been on the Statute Book at that time that great expenditure would not have been necessary and we would not have had all those difficulties. We know that President Kruger later on applied apartheid to a certain extent. There are certain parts where Indians, Natives and Coloured people are not allowed to live. Members on the other side now have such a lot to say about the great difficulties that will result. But we have now had this position there for many years and there is no difficulty in connection with that apartheid. It is clear that members on the other side have only one thought, namely, to try to wreck this Bill. I just got up to ask the Minister to take no notice of the hon. member for Castle.

Mr. N. G. EATON: There is a certain amount of confusion. We have had amendments withdrawn; further amendments proposed, and what not. Now, for purposes of clarification, I want to move an addendum to the amendment moved by the hon. member for Castle (Mr. Bloomberg). The position, as I see it, is this. The danger which was indicated by the Minister in regard to the amendment moved by the hon. member for Castle is possibly correct. I do not deny it. I want to move this addendum to cover the difficulty the Minister foresees. I move as a further amendment—

To add at the end: "Provided that

(a) no resale can take place before a permit has been obtained; and

(b) the provisions of this clause shall not further apply after such application for a permit has been refused by the Minister."

The purpose of the addendum is this. The Minister is afraid that once an automatic permit is provided under this proposed clause, it will be possible for the new purchaser to resell the property before the six months' period has expired. The first portion of the addendum meets that position. The second portion is to deal with the question of a future bond-holder becoming the beneficiary under this automatic permit, and there I say that the provisions of the whole clause would no longer apply after such an application for the permit has been refused by the Minister. That is the position, and I think that with this addendum the points brought forward by the Minister can be met. And then the clause, as proposed by the hon. member for Castle, can go forward and not create all those difficulties the Minister fears.

*The MINISTER OF THE INTERIOR: I would like to reply to the last few amendments. It seems to me hon. members on the other side are now participating in a sort of farce. They have been driven from one corner to the other. They are retreating all the time. They came here with an amendment which they had never given proper consideration and they abandoned it when there was criticism from this side. Then they came with a second amendment. They were also criticised in connection with that. Then they afterwards came with a fourth and a fifth amendment. It shows

that those hon. members have not given this Bill proper consideration.

Allow me in the first place to deal with the amendment moved by the hon. member for Rondebosch (Col. Jordan). The main reason advanced by members on the other side is that the mortgagee should have the opportunity of waiting for an improvement in the market before selling again. That reason now falls away completely in connection with this amendment moved by the hon. member, because according to this amendment he can only sell again to a person of the same race as the original owner. The whole argument regarding an improvement in the market falls away entirely as a result of this amendment moved by them.

Next I come to the argument advanced by the hon. member for Castle. His argument is that the Minister can lay down any condition in the permit and that this is now the absolute answer to everything I, for my part, have said. But the hon. member has apparently forgotten that if the amendment is accepted I do not get the opportunity to issue a permit until after six months. And because I do not get the opportunity to issue the permit I do not get the opportunity of stipulating conditions either. Then the hon. member added that in order to surmount that difficulty he was willing to insert a provision that the mortgagee may not sell until he has received a permit. I understood that the main reason why he had to get a period of six months was to give him the opportunity to get rid of the property on the best conditions so that he would not lose his security. Now the hon. member comes here and says that during that time we must deprive him of the right to sell his property, at least until he has received a permit. Look at the inconvenience that this will cause the mortgagee if that proposal is accepted. The amendment of the hon. member for Umlazi (Mr. N. G. Eaton) also amounts to this, that the property may not be sold until a permit has been obtained. This means that in every individual case a building society must go and ask for a permit before it can sell, whereas under the proposal moved by the hon. member for Pretoria (Central) (Mr. van den Heever) it will not be necessary for them to go and get a permit in every case in order to be able to sell. They need not necessarily go in every case. As mortgagee the building society can obtain such a permit for a whole area and that is a much easier way. But they do not want to accept that. They have wandered so far from their own proposal with all these additions that the original purpose of their amendment has been entirely upset and that they now want to place the building societies as mortgagees in a much more difficult position than under the proposal of the hon. member for Pretoria (Central).

I want to ask those hon. members not to drive matters so far that whereas they have been driven back from every trench so that they are now in the open, the true purpose aimed at by their amendment is entirely forgotten. I want to ask them not to do this because they harbour certain thoughts. Now that it has become clear to them that their amendment will not do, let them rather accept the position as we have now stated it, together with the amendment moved by the hon. member for Pretoria (Central). I shall endeavour to protect the interests of the companies, building societies and other institutions as much as possible.

As far as I have gone into the matter it seems to me that the proposal of the hon. member for Pretoria (Central) provides a way in which they can obtain that protection without a waste of time and not only in respect of one individual item but for a whole area where they have bonds. Then they will not have to wait six months. To the hon. member for Umlazi I wish to say that his amendment may mean that a mortgagee gets a good opportunity to sell, but he will not be allowed to sell because he has no permit yet. No, our friends are certainly not studying the interests of the institutions concerned with this matter if their original arguments were sound. They are going to make it very difficult for those people to advance money in non-European areas, and consequently it will also have a harmful effect on the provision of proper accomodation in such areas.

Amendment proposed by Col. Jordan put and the Committee divided:

AYES—57:

Abbott, C. B. M.	Hayward, G. N.
Allen, F. B.	Henwood, B. H.
Ballinger, V. M. L.	Hepple, A.
Barlow, A. G.	Hopewell, A.
Bekker, P. B.	Jonker, A. H.
Bell, R. E.	Jordan, R. D. P.
Bloomberg, A.	Kahn, S.
Bowker, T. B.	Kentridge, M.
Brooke, R. S.	Lovell, L.
Butters, W. R.	McMillan, N. D.
Cull, J. A.	Mitchell, D. E.
Davis, A.	Moore, P. A.
Delport, G. S. P.	Mushet, J. W.
Du Toit, R. J.	Oppenheimer, H. F.
Friedman, B.	Robinson, A. E. P.
Frielinghaus, H. O.	Russell, J. H.
Gale, D. J.	Shearer, O. L.
Gay, L. C.	Shearer, V. L.
Graaff, de Villiers.	Smit, D. L.

Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Steyn, C. F.
Steyn, S. J. M.
Strauss, J. G. N.
Stuart, W. H.
Sturrock, F. C.
Sullivan, J. R.
Tighy, S. J.
Tothill, H. A.
Trollip, A. E.
Van Coller, C. M.
Van der Byl, P. V. G.
Waring, F. W.
Warren, C. M.
Waterson, S. F.

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

NOES—72:

Abraham, J. H.
Bekker, G. F. H.
Bekker, H. T. van G.
Bezuidenhout, J. T.
Boltman, F. H.
Botha, P. W.
Brink, W. D.
Brits, G. P.
Conradie, J. H.
Deysel, A. J. B.
Diederichs, N.
Döhne, J. L. B.
Dönges, T. E.
Du Pisanie, J.
Du Plessis, P. J. C.
Du Plessis, W. C.
Erasmus, F. C.
Erlank, A. E.
Eyssen, S. H.
Faurie, W. H.
Fouché, J. H.
Fouché, J. J.
Frates, T. J.
Fullard, G. J.
Grobler, D. C. S.
Havenga, N. C.
Hertzog, A.
Hugo, P. J.
Klopper, H. J.
Le Roux, P. M. K.
Le Roux, S. P.
Liebenberg, J. L. V.
Loubser, J. A.
Loubser, S. M.
Louw, E. H.
Ludick, A. I.
Luttig, H. G.
Luttig, P. J. H.
Malan, A. I.
Malan, D. F.
Mentz, F. E.
Nel, M. D. C. de W.
Olivier, P. J.
Oost, H.
Papenfus, S. F.
Pieterse, P. W. A.
Potgieter, J. E.
Sauer, P. O.
Schoeman, B. J.
Scholtz, D. J.
Stals, A. J.
Steyn, A.
Steyn, G. P.
Steyn, J. H.
Strydom, G. H. F.
Strydom, J. G.
Swart, C. R.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
Van Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Viljoen, J. H.
Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob
Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

Amendment accordingly negatived.

Amendment proposed by Mr. N. G. Eaton put and the Committee divided:

AYES—60:

Abbott, C. B. M.
Allen, F. B.
Ballinger, V. M. L.
Barlow, A. G.
Bekker, P. B.
Bell, R. E.
Benson, E. A.
Bloomberg, A.
Bowker, T. B.
Brooke, R. S.
Butters, W. R.
Cull, J. A.
Davidoff, H.
Davis, A.
Delport, G. S. P.
Du Toit, R. J.
Eaton, N. G.
Friedman, B.
Frielinghaus, H. O.
Gale, D. J.
Gay, L. C.
Graaff, de Villiers.
Hayward, G. N.
Henwood, B. H.
Hepple, A.
Hopewell, A.
Jonker, A. H.
Jordan, R. D. P.
Kahn, S.
Kentridge, M.
Lovell, L.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Mushet, J. W.
Oppenheimer, H. F.
Robinson, A. E. P.
Russell, J. H.
Shearer, O. L.
Shearer, V. L.
Smit, D. L.
Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Steyn, C. F.
Steyn, S. J. M.
Strauss, J. G. N.
Stuart, W. H.
Sturrock, F. C.
Sullivan, J. R.
Tighy, S. J.
Tothill, H. A.
Trollip, A. E.
Van Coller, C. M.
Van der Byl, P. V. G.
Waring, F. W.
Warren, C. M.
Waterson, S. F.

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

NOES—72:

Abraham, J. H.
Bekker, G. F. H.
Bekker, H. T. van G.
Bezuidenhout, J. T.
Boltman, F. H.
Botha, P. W.
Brink, W. D.
Brits, G. P.
Conradie, J. H.
Deysel, A. J. B.
Diederichs, N.
Döhne, J. L. B.
Dönges, T. E.
Du Pisanie, J.
Du Plessis, P. J. C.
Du Plessis, W. C.
Erasmus, F. C.
Erlank, A. E.
Eyssen, S. H.
Faurie, W. H.
Fouché, J. H.
Fouché, J. J.
Frates, T. J.
Fullard, G. J.
Grobler, D. C. S.
Havenga, N. C.
Hertzog, A.
Hugo, P. J.
Klopper, H. J.
Le Roux, P. M. K.
Le Roux, S. P.
Liebenberg, J. L. V.
Loubser, J. A.
Loubser, S. M.
Louw, E. H.
Ludick, A. I.
Luttig, H. G.
Luttig, P. J. H.
Malan, A. I.
Malan, D. F.
Mentz, F. E.
Nel, M. D. C. de W.
Olivier, P. J.
Oost, H.
Papenfus, S. F.
Pieterse, P. W. A.
Potgieter, J. E.
Sauer, P. O.
Schoeman, B. J.
Scholtz, D. J.
Stals, A. J.
Steyn, A.
Steyn, G. P.
Steyn, J. H.
Strydom, G. H. F.
Strydom, J. G.
Swart, C. R.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
Van Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Viljoen, J. H.
Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob
Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

Amendment accordingly negatived.

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New Clause proposed by Mr. Bloomberg put and the Committee divided:

AYES—58:

Abbott, C. B. M.	Lovell, L.
Allen, F. B.	McMillan, N. D.
Ballinger, V. M. L.	Mitchell, D. E.
Barlow, A. G.	Moore, P. A.
Bekker, P. B.	Mushet, J. W.
Bell, R. E.	Oppenheimer, H. F.
Bloomberg, A.	Robinson, A. E. P.
Bowker, T. B.	Russell, J. H.
Brooke, R. S.	Shearer, O. L.
Butters, W. R.	Shearer, V. L.
Cull, J. A.	Smit, D. L.
Davidoff, H.	Solomon, B.
Davis, A.	Solomon, V. G. F.
Delport, G. S. P.	Steenkamp, L. S.
Du Toit, R. J.	Steyn, C. F.
Friedman, B.	Steyn, S. J. M.
Frielinghaus, H. O.	Strauss, J. G. N.
Gale, D. J.	Stuart, W. H.
Gay, L. C.	Sturrock, F. C.
Graaff, de Villiers.	Sullivan, J. R.
Hayward, G. N.	Tighy, S. J.
Henwood, B. H.	Tothill, H. A.
Hepple, A.	Trollip, A. E.
Hopewell, A.	Van Coller, C. M.
Jonker, A. H.	Van der Byl, P. V. G.
Jordan, R. D. P.	Waring, F. W.
Kahn, S.	Warren, C. M.
Kentridge, M.	Waterson, S. F.

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

NOES—72:

Abraham, J. H.	Le Roux, S. P.
Bekker, G. F. H.	Liebenberg, J. L. V.
Bekker, H. T. van G.	Loubser, J. A.
Bezuidenhout, J. T.	Loubser, S. M.
Boltman, F. H.	Louw, E. H.
Botha, P. W.	Ludick, A. I.
Brink, W. D.	Luttig, H. G.
Brits, G. P.	Luttig, P. J. H.
Conradie, J. H.	Malan, A. I.
Deysel, A. J. B.	Malan, D. F.
Diederichs, N.	Mentz, F. E.
Döhne, J. L. B.	Nel, M. D. C. de W.
Dönges, T. E.	Olivier, P. J.
Du Pisanie, J.	Oost, H.
Du Plessis, P. J. C.	Papenfus, S. F.
Du Plessis, W. C.	Pieterse, P. W. A.
Erasmus, F. C.	Potgieter, J. E.
Erlank, A. E.	Sauer, P. O.
Eyssen, S. H.	Schoeman, B. J.
Faurie, W. H.	Scholtz, D. J.
Fouché, J. H.	Stals, A. J.
Fouché, J. J.	Steyn, A.
Frates, T. J.	Steyn, G. P.
Fullard, G. J.	Steyn, J. H.
Grobler, D. C. S.	Strydom, G. H. F.
Havenga, N. C.	Strydom, J. G.
Hertzog, A.	Swart, C. R.
Hugo, P. J.	Uys, D. C. H.
Klopper, H. J.	Van den Berg, M J.
Le Roux, P. M. K.	V. d. Heever, D. J. G.
Van Heerden, D. P.	Visser, de V.
Van Niekerk, J. G. W.	Vosloo, L. J.
Van Rhyn, A. J. R.	Warren, S. E.
Van Schoor, J. J. F.	Wilkens, Jacob.
Viljoen, J. H.	Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

New Clause accordingly negatived.

Mr. GALE: I would like to draw the attention of the Committee to the amendment on the Order Paper and standing in my name, and as the result of a conversation with the hon. the Minister of the Interior yesterday afternoon, I should like to make a few observations in regard to this amendment. The amendment deals with deeds of transfer which might, as a result of the operation of this Act, become null and void and the purpose of the amendment is that those deeds of transfer which either by the provisions of the Act or as a result of its operation may become null and void, will, in fact, be regarded as valid for three specific purposes. It is submitted that these deeds of transfer which otherwise would be null and void should be regarded as valid, firstly, for the purpose of divesting the previous owner of his ownership in the property; secondly, these deeds of transfer should be regarded as valid for vesting in a subsequent transferee ownership in that property and valid title thereto, and the third specific purpose for which deeds of transfer, which might become null and void, should be regarded as valid, is for the purpose of protecting the mortgagee in regard to any money which he might have advanced against a mortgage bond on that property in respect of which the transfer is declared null and void. This whole amendment is very necessary indeed because it affects eight or nine clauses of the Act and, Sir, that amendment has been on the Order Paper for some time and yesterday afternoon at about five o'clock I received summons from the Minister, or rather I was summoned by the Minister to attend in his office and interview him, and I naturally complied. The hon. the Minister said that I had something in these amendments and, in fact, he said that he agreed with the broad principle of these amendments. So I must really commend the hon. the Minister for his wisdom in this matter, for his sagacity in recognising the worth of amendments put up by this side of the House and may I suggest that if the hon. the Minister would accept a few more of the constructive amendments which are put up by this side of the House, he might be responsible for better legislation.

The MINISTER OF THE INTERIOR: Any reasonable amendment.

Mr. GALE: However, the Minister, while agreeing with the principle of the amend-

ment, suggested that the wording should be somewhat altered and the hon. the Minister suggested that this should be the wording—

> If any immovable property is registered in the name of any person who may not lawfully acquire or hold such property in terms of this Act, the registration shall, subject to any penalties which may be incurred under this Act and to the provisions of Section 20, not be invalid by reason of the provisions of this Act.

The amendment suggested by the hon. the Minister actually goes further than the amendment standing in my name on the Order Paper. It gives valid title to these transfers which might otherwise be regarded as null and void. So that as far as I am concerned and as far as this side of the House is concerned, the terminology used by the Minister covers the case and we are prepared to accept that amendment in the place of the one which stands in my name. But the hon. the Minister has suggested that this amendment should not follow Clause 2 . . .

The CHAIRMAN: Order, order! I would like to point out that there is nothing before the Committee at the moment. If the hon. member does not move his amendment he cannot speak now.

Mr. GALE: I agree with you, Mr. Chairman, and I intend to move it if the hon. the Minister does not accept the proposition which I am about to put.

The CHAIRMAN: No, the hon. member must first move his amendment.

Mr. GALE: Mr. Chairman, by arrangement with the hon. the Minister, I will move the amendment which the Minister has submitted, but I am unable to do it now because it is part of the Minister's suggestion that this should be moved after Clause 22. I want to have from the Minister this assurance that if we do not reach Clause 22, he will incorporate it.

The MINISTER OF THE INTERIOR: Yes.

Mr. GALE: As the hon. the Minister has given me his assurance . . .

The CHAIRMAN: Order, order! There is nothing before the Committee. The hon. member has not moved any amendment and the hon. member cannot speak now.

Mr. GALE: Would it be in order if I move the amendment standing in my name and then ask to withdraw it?

The CHAIRMAN: That can be done.

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

That the following be a New Clause to follow Clause Two:

> 3. (1) Notwithstanding any provision of this Act in terms of or as a result of which a deed of transfer of immovable property is null and void such deed of transfer shall be valid for the following purposes—
>
> (a) of divesting the transferer of the property or ownership thereof;
>
> (b) of vesting in a subsequent transferee not being a disqualified person valid title upon transfer of such property being registered in his name;
>
> (c) of registration of any mortgage bond over the said property concerned by the person who in terms of the said deed of transfer is the owner thereof.
>
> (2) The provision of section twenty shall cease to apply to the said property upon registration of the transfer of the said property to a person who is not a disqualified person.

I do desire the Minister's assurance, and I understand that he has given the assurance that if during this debate, with the guillotine coming on, if the stage is not reached where this amendment can be moved, after Clause 22, that the hon. the Minister will see to it that it is inserted, and on that assurance having been given, we are prepared to accept the amendment suggested by the hon. the Minister.

With leave of the Committee the proposed new clause was withdrawn.

Mr. ALLEN: I beg to move—

That the following be a New Clause to follow Clause 2:

> 3. Whenever in terms of the provisions of this Act a person in lawful occupation of premises or immovable property is required to vacate the same then and in such event (notwithstanding anything to the contrary in any other such provision) no offence shall be committed by such person and no order of ejectment shall be granted in respect of such occupation until and unless the board has satisfied

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itself that suitable land or premises as the case may be is available for lawful occupation by the person concerned and his dependants and an offer of such alternative accommodation has been made to him and has been refused or has not been accepted by him fourteen days after the date upon which the offer was communicated to him.

It is obvious that the intention of this new clause, to follow Clause 2, is to reduce the hardships which would otherwise be inflicted upon the persons concerned. In the consideration of this Bill, one realises when one tries to apply the terms of the Bill, that the hardships which will arise should be removed as far as possible. The position in regard to group areas in relation to existing ownership and existing occupation must be borne in mind in connection with this clause. The ownership in a group area by an owner who otherwise would not be entitled to such ownership is retained during the lifetime of such owner, but when it comes to occupation by such an owner, it is unlawful at any rate after a year from the date of proclamation. Therefore considerable hardship is probable under the Bill as framed and that hardship will be so great in some cases as to justify a provision in the Bill on the lines of the amendment standing in my name, for the reason, among other things, that accommodation would in many cases not be available in the area to which people would have to be transferred and, if available, not comparable either as to suitability or convenience. And, Sir, one has to bear in mind that one of the obstacles in the carrying out of this Bill is the lack of housing, particularly in regard to the non-European population in the large areas. In considering this aspect of the matter, one has to bear in mind that this is legislation affecting the whole of the Union. Whatever may be the position in the Transvaal or the Free State, one cannot but sympathise with those who will be concerned in the Cape Province, particularly the Western portion, and we need to bear in mind the position of owners of small properties who have saved and stinted in order to acquire a home for themselves and their families. They have to face the probability of the uprooting of their present family life with all that it means; and such owners living on their own property are entitled to special consideration by the Minister and by this House, either by means of a permit, which would give them at least long enough tenure of their own homes, or say during their own lifetime as is the case in regard to ownership itself in such areas without occupation. If this latter suggestion is not capable of being agreed to by the Minister, then I think it can be used as a very strong argument in favour of the amendment which I have the privilege of submitting to this House. I am aware of the fact that the Minister provides for the issue of permits under Clause 14, but in some areas the cases will be so numerous in my opinion that they will not be fully met by the issue of permits under that clause. I submit to the hon. the Minister that this amendment is constructive in principle, that it is designed to reduce hardship, and I feel sure the Minister will welcome that aspect of the amendment. And then I think he will agree that, as the amendment provides for the decisions of the board to be final in regard to the matter of alternative accommodation, that there is sufficient safeguard under the amendment for the principle underlying the Act. I suggest to the hon. the Minister that he give the amendment a trial. After all, this legislation which is very difficult to understand in all its aspects will be largely in the nature of an experiment in actual practice. Even while this Bill has been before the House, there have been numerous amendments, many of which have been put by the hon. the Minister; and one is perfectly satisfied that from year to year amendments will have to be made to this legislation, and therefore I strongly urge the Minister to consider favourably the adoption of the amendment put forward, and I submit it with confidence to the House.

Mrs. BERTHA SOLOMON: I am quite sure that the hon. the Minister is anxious to mitigate as far as possible the inevitable hardships that must flow from the proclamation and the putting into force of a Bill of this nature, and that being so, it seems to me that he will be sympathetic to the principle involved in this new clause. The principle is quite a simple one, namely, that no one shall be turned out of his home or his premises until some alternative accommodation has been provided for him. It seems to me that in the present condition of housing and the present shortage of housing, the Minister can hardly object to a clause which lays down quite simply that a man shall not be turned out of his house without having somewhere else to go and that really is what this new clause sets out to do. I know that under Clause 14 a permit may be obtained by a disqualified person to continue in occupation in an area in which he has no right to live, but this new clause sets out quite frankly that if a disqualified person is found in a group area in which he has no right to be, no offence shall be deemed to have been committed by such person unless the Board shall have offered him alternative accommodation and if after a fortnight's notice of such alternative accommodation he has refused it. I think that it is a very fair and equitable proposition which is being put before the Minister, and I do hope that in the interests of the thousands of people who are going

to be adversely affected by the introduction of this measure, the Minister will accept the principle that no man shall be turned out of his home without having somewhere else to go because unless he does accept such a principle, one of the first results and, I think, one of the unintended results, at least unintended by the Minister, will be to create slums in other areas. After all, if Coloured people or Europeans, too, for that matter are turned out of an area because they have no right to live there under this measure, and they are turned out without any alternative accommodation having been provided, it is inevitable that this Act will affect mainly the poorer classes of our people, the results will be that the poorer Europeans will inevitably have to go to poorer European areas and poorer Coloureds and Natives to poorer Coloured and Native areas, with the result that they will overcrowd those poor areas, and inevitably turn them, by overcrowding, into slums. I cannot imagine for one moment that the hon. the Minister would desire anything like that, and I do press him most earnestly to accept the amendment moved by the hon. member for Roodepoort (Mr. Allen).

Dr. SMIT: I wish to support the new clause that has been proposed by the hon. member for Roodepoort (Mr. Allen). The hon. member has stressed the urgent need for housing, and there is therefore no need for me to deal with that aspect of the matter. This new clause follows to a certain extent the legislation that is contained in Section 38 of the Native Trust and Land Act of 1936 and in Section 28 (1) (c) of the Natives Urban Areas Consolidation Act of 1945, to which I directed the hon. the Minister's attention during the second-reading debate. Under the Native Trust and Land Act the ejectment of squatters from European areas proclaimed under Chapter 4 of the Act, is subject to the requirement that it shall be the duty of the Minister of Native Affairs to make such provision as may be adequate and necessary for accommodating the squatters in a Native area; and this provision has been incorporated in the Natives Urban Areas Consolidation Act, where it is desired to remove from the towns Natives who are in excess of labour requirements.

Then, Sir, there is another provision in the Native Trust and Land Act in regard to Natives who own land in a European area and whose land is expropriated in terms of Section 13 (2) of that Act. I refer to the procedure commonly known as the removal of black spots from white areas. That is what my friends opposite wish to do in regard to all races of the community under this Bill. In the case of the removal of Natives from European areas, Section 7 of the amending Trust Act, Act No. 17 of 1939, provides that the Native may apply to the Minister of Native Affairs within three months after the date of expropriation for the purchase in a Native area of other suitable land. In addition he may obtain a loan under Section 59 of the Trust Regulations to assist him in purchasing such alternative land. Another safeguard is that the Minister of Native Affairs is required to lay on the Table of both Houses of Parliament a report containing full particulars of every expropriation of this nature. There is no such provision in the Bill before the House. As hon. members opposite will appreciate, in the past Parliament has been far more just and solicitous over the fate of displaced Natives than the Minister is prepared to be towards other races under this Bill. To tell people of the various groups that they must move from their settled homes and live elsewhere without first building houses for them in other areas is surely to add insult to injury. I hope that in the light of the representations that have been made from this side of the House, the hon. the Minister will accept this amendment.

*Mr. HAYWARD: I would like to support the new clause moved by the hon. member for Roodepoort (Mr. Allen) because my constituency will be affected to a very great extent by the provisions of this clause. There are a great many people who will have to look for accommodation elsewhere. Hundreds of European families and hundreds of Coloured families will have to look for accommodation elsewhere and I find it inconceivable that those people will be expected to go and live elsewhere if alternative accommodation is not provided for them. If the Minister sincerely wants to put this Bill into effect when it comes on the Statute Book, and we accept the fact that he wants to do so, then he will have to make provision for accommodation and he cannot leave it to the local bodies, and I shall be very glad if the Minister will make a statement to indicate how these difficulties will be solved. There are hundreds of European families and many hundreds of Coloured families in my constituency who will be obliged to look for accommodation elsewhere.

Mr. SULLIVAN: I anticipate that the hon. the Minister's reply to the amendment of the hon. member for Roodepoort (Mr. Allen) will be that after the lapse of a year a permit can be issued. I am just a little bit worried about that aspect of the matter. In the Extract from the Joint Report of the Asiatic Land Tenure Laws Amendments Committee and the Land Tenure Act Amendment Committee, there is this statement on page 11 in paragraph 7—

> Cases in which hardship will be caused by the provision that people should move to their respective areas, and cases in which the Minister may deem it in the

interests of the group concerned that persons not belonging to that group should be allowed to own and/or occupy immovable property in such a group area, for example, a European organisation to run a hospital in a non-European group area may be dealt with by permit.

It seems clear from this that the issue of permits is not likely to be liberal enough to meet the large numbers of transfers from one area to another in the case of the establishment of group areas. I want to take some practical illustrations of the difficulty as I see it and how these difficulties might arise. I mentioned this morning the case of Europeans who established their own area and then finally found, as the result of penetration, in this case of Asiatics, that they were in a minority in that area. Those areas today are mixed areas. There can be no doubt that when a group area is proclaimed, those particular areas will be declared group areas. Europeans living there at the end of 12 months will be told that they must get out, unless the Minister grants them a permit. Some of them, owning their properties, bought out of hard-earned savings, will probably have to abandon their homes and probably let their homes to Asiatics, if it is in an Asiatic group area. That seems to me to indicate that some understanding ought to be come to in cases of this nature. The hardships involved on people after living in that area for years and now being required to move, should be mitigated by some co-operation between the Minister's Department and the local authorities. The amendment of the hon. member for Roodepoort in that respect is perfectly reasonable.

The second case is where we have non-European islands surrounded by Europeans. Several large groups of people are in those islands. There is no doubt that the surrounding area may be declared a European area. In that event the whole island will have to be transplanted. The only way in which that can possibly be done with any element of justice is to see that a housing scheme of some kind is prepared elsewhere beforehand before the whole community may have to be moved from the place where it has existed for several years. I mention that as a second illustration indicating the need, that, if there is to be this mass removal of people from their own areas, then adequate preparation should be made to receive them in comfort and decency in the new area to which they are to go. We had a case in Durban where some plotholders and market gardeners at Merebank and Reunion were expropriated by the S.A. Railways. That case gave rise to considerable hardship to the poorer type of person concerned; and it is a warning to us that the same sort of thing will arise here unless adequate provision is made at this stage.

The third aspect I want to put to the Minister is what I see almost every day in Cape Town. In Sea Point there is a group of Coloured people who appear to have been established there for several years. There is no doubt that Sea Point will be declared an area in which those people cannot continue to reside. In that event what steps can be taken to ease the difficulty, the hardships, as the result of the transfer imposed upon them by this Bill? I think the Minister will immediately see that this is a social question which, if neglected, can lead to a form of inhumanity. A little preparation beforehand, sympathetic consideration of the case, and a sort of planned occupation for those to be transferred seem to be called for; and I am sure that the Minister will give some consideration to this, even if not at this particular stage of the Bill, then perhaps later on in a subsequent clause.

The MINISTER OF THE INTERIOR: I think there can be no doubt that my attitude in this matter is that any hardships that may be occasioned by the operation by this Bill will be mitigated as far as that is possible. Before I can say how it has to be done I think it is very proper that one should have a true appreciation of the problem itself. Firstly, as far as the controlled area is concerned, there occupation can continue. There is no question of any disruption there. The only exception is that where the owner is, for instance, a Coloured person, and the occupier a European, at the end of the contract term of occupation, the owner may eject the tenant in the ordinary way and he may then himself go in there. But if the owner is a European and the tenant is a European then, even if that tenant is ejected, another European comes in, and conversely if the owner is a non-European and the tenant is a non-European. That is the first position. In the specified area the position is somewhat stronger. There the group of persons who can occupy is determined by who was the occupier on the specified date, and even if the owner belongs to another group, he cannot eject present tenants and substitute tenants belonging to the same group as himself. But ordinarily, apart from the ejectment in the ordinary course of events, there will not be any removal under those circumstances. The next stage is where a group area is declared, and that I think is the main point to which the amendment of the hon. member is directed. In dealing with that amendment may I just say that I think the hon. member is not correct in his first line where he says that in terms of the provisions of this Act, a person in lawful occupation of premises or immovable property is required to vacate the same. In terms of this Act, if a person

is in lawful occupation, he cannot be required to vacate. It is only when he has ceased to be in lawful occupation that he can be ejected. I only mention that in passing because that was probably a slip on the part of the hon. member.

Now I come to the group area. If a group area is declared, the first step that has to be taken is that there must be a move by somebody to declare it a group area. Usually it will be the local authority.

Mr. SULLIVAN: They may request it.

The MINISTER OF THE INTERIOR: Yes, they may request that it be declared. It is then advertised; everybody who is interested will be entitled to come before the Board and to say if they have any objection to it or whether they are in favour of it. The Board will hear the matter and having heard all interested parties will make a recommendation. The Minister then confirms or rejects that recommendation. If he confirms it, if they have recommended the creation of a group area and the Minister accepts that recommendation, then the following step is that in certain cases it has to come before both Houses of Parliament. I leave that for the moment. Those are the steps which have to be taken and they ensured that any person who may be adversely affected by the proclamation of a group area is given an opportunity of being heard. Let me say at once that the board itself, in determining whether a group area is to be proclaimed, and what the size of that group area will be, will, I take it, largely be led by evidence of that kind. Is there any alternative accommodation for the minority group, because usually it will be the minority that will have to move? That is the proper stage at which this matter will be raised.

Mr. SULLIVAN: That is a sine quo non.

The MINISTER OF THE INTERIOR: They will have to consider that; it is certainly a factor, but it is not the only factor, because even if there is not at that precise moment, when they make the decision, alternative accommodation available, the proclamation of a group area does not mean the immediate removal of the minority in that area.

Mr. SULLIVAN: You do not visualise mass transfers?

The MINISTER OF THE INTERIOR: It need not be immediate because firstly you have the Act itself, which will be made applicable to various portions of the country at various times. There will not be a simultaneous application to the whole country. That is the first step, but then having taken the first step, having applied it, say to Durban, it does not mean that all the group areas will immediately be instituted. Group area No. 1 will have to be dealt with. The Board cannot hear more than one application at a time; they will have to dispose of that first, but the point I want to make is this that even if they have declared a group area for a particular group, that does not mean that there must be a transfer of all the members of the minority group immediately. There is a period which will have to be specified in the proclamation within which they will have to move.

Mr. SULLIVAN: At least 12 months.

The MINISTER OF THE INTERIOR: That period cannot be less than 12 months. It may be more than 12 months; it may be two years or three years, and in deciding what period to recommend, the Board will take into consideration what the prospects of alternative accommodation are, not at the moment but at some future date.

Mr. DAVIDOFF: Why not make that a condition?

The MINISTER OF THE INTERIOR: If you have a responsible board, you do not say to them that they have to do this, and that they have to do that, you must assume that they will exercise their functions in a responsible manner. The board has been doing this thing over a number of years, with very conspicuous success, and we must not try to tie down the board. I think that would be wrong. I take it that the Minister will always be there as a check to see to it, even if the board fails to take that into consideration — which I do not believe for a moment — what provision there is to accommodate these people in two years' or in three years' time. The local authority and the Government are in the meantime given an opportunity of providing that accommodation in this respite of two years or three years. As hon. members know the Government provides loans to local authorities at a sub-economic rate, and they may give priority to cases where the money is required for housing people who may be displaced in two or three years' time.

Mr. ALLEN: Is that not a very important principle?

The MINISTER OF THE INTERIOR: Yes, it is a very important principle, but this is not the place to raise it. The place to raise it is when the need arises. The machinery is there. This is not a Housing Act; this is not a Social Welfare Act.

Mr. KAHN: That is the trouble.

The MINISTER OF THE INTERIOR: The hon. member wants the old principle of

"tacking-on"; have a financial Bill and then tack on anything so that the Upper House cannot oppose it in the same way as they could oppose an ordinary Bill. That was the old process of "tacking-on". He wants that process of "tacking-on" applied in this case. This is a Bill for a certain specific purpose. You do not want to over-load and over-burden it. There are other means; hon. members cannot tell me that there is no machinery in existence to meet a position of that kind. Why should it be created by this Bill when it is already in existence? Why have we got a Department of Social Welfare; why have we local authorities; why are they doing what they have done in the past in respect of housing? The hon. member for Castle (Mr. Bloomberg) explained what they have done in Cape Town with regard to housing. Why can't they continue doing it?

An HON. MEMBER: They cannot get money.

The MINISTER OF THE INTERIOR: Assuming that everything breaks down and that at the end of the specified period you still have cases where individuals have not been able to find accommodation. Then there is the last resort to which the hon. member has referred and that is the permit. The virtue of this Bill is that it is so elastic that it can meet the various positions as they arise. But it meets those positions only when they arise.

An HON. MEMBER: There are no guarantees.

Mr. SULLIVAN: May I ask you a question? In Clause 14, where the conditions for the issue of permits are stated, would it not be possible to introduce a condition in sub-clause (a) providing for this alternative accommodation?

The MINISTER OF THE INTERIOR: No, I do not think this is the proper Bill in which to provide for alternative accommodation, but those are factors which will be taken into consideration before the need for alternative accommodation arises.

Mr. DAVIDOFF: Who says so?

The MINISTER OF THE INTERIOR: Hon. members must not think that they are governing; they must not assume the same irresponsibility on the part of the Government as they will probably exhibit when they are on these benches.

Mr. LOVELL: We will accept our responsibility.

The MINISTER OF THE INTERIOR: The hon. member must wait until he is here before he talks about responsibility.

An HON. MEMBER: What a man.

Mr. DAVIDOFF: It won't be long before you are out.

The MINISTER OF THE INTERIOR: That is wishful thinking. If it comes to that stage that in an individual case the period has expired, the specified period of two or three years or eighteen months, and we have a person who has genuinely not been able to find alternative accommodation, then such an individual case of hardship can be met by the permit system. That is why it was introduced. That is a vital feature of the Bill, but let me say this. Hon. members talk about the social aspect. I think that one of the biggest social virtues that one can encourage is to make a person as far as possible fend for himself; to build up a sense of self-reliance and not to break that down by a process of continual spoon-feeding.

HON. MEMBERS: Hear, hear.

Mr. TOTHILL: I agree with you.

The MINISTER OF THE INTERIOR: Under this system he is given the opportunity and the onus is on him to find accommodation in that period.

Mr. MITCHELL: Which groups are being given the opportunity?

The MINISTER OF THE INTERIOR: Every group and every individual who is likely to be displaced. Every one of them is given that opportunity. Now if he has not got that opportunity, then the time comes for a move such as that suggested by the hon. member. But then it must be directed to the proper authorities, not to the Minister of the Interior, but to the Minister who is in charge of housing and to the local authorities who have that duty cast upon them. Hon. members will therefore see that there is no question of expropriation here.

Mr. S. J. M. STEYN: Oh, no.

The MINISTER OF THE INTERIOR: Of course, I cannot expect the hon. member who is more concerned with propaganda to know the meaning of expropriation. The only thing he tries to expropriate is the affection of the people who have any love for South Africa. In order to have it on the record, let me say that I am referring to the hon. member for Alberton (Mr. S. J. M. Steyn).

So, if we take away that onus from the individual, if we make him feel that he can sit quiet and that he need not bestir himself, everything will be done for him, then we are not inculcating in him that sense — I think that very important sense — of self-reliance.

Dr. STEENKAMP: Do you realise that you ask him to go out, that the State forces him to go out?

Mr. S. J. M. STEYN: This self-reliant citizen has found a home for himself and you kick him out.

The MINISTER OF THE INTERIOR: The hon. member assumes again that whoever is displaced has already been an owner. If he will only pay attention for a moment to the position of the lower-income group, he will realise that they are not yet owners and that the homes that they occupy are not their own homes.

Mrs. BALLINGER: Some of them are property-owners.

The MINISTER OF THE INTERIOR: We have had the various municipalities vying with each other as to what they have done in regard to housing. There is nothing in this Bill to curb their ambition in any way.

Mr. LOVELL: There is no money.

The MINISTER OF THE INTERIOR: They can go forward and they can do all that they have done in the past and they can even do more.

Col. JORDAN: But there is no money.

The MINISTER OF THE INTERIOR: Because they will know that if, for argument's sake, they have removed people from District Six and placed then in a decent Coloured village, they can take steps to see to it that District Six does not again become a mixed area.

Mr. SULLIVAN: Where will the group governing body which is proposed come in?

The MINISTER OF THE INTERIOR: The group governing body is not provided for in this clause. The group governing body is under Clauses 6 and 7. Those are the clauses dealing with that aspect.

Mr. SULLIVAN: I mean in regard to accommodation. Would it have any functions in regard to accommodation?

The MINISTER OF THE INTERIOR: You must first have a group area before you can have a group governing body. You must first have a group area, surely, and then they can come in, but there are group areas which can be proclaimed tomorrow. There are a large number of these areas and villages such as the Good Hope Village and Bokmakierie which can immediately be declared as group areas. Then, after that, we can see in what form and to what extent self-government can be given to those group areas. In discussing this matter I want to say that, however much I am in sympathy with the object of it, I think we should beware firstly of the danger of undermining what I think is a very important social virtue and on the other hand we should not try to confuse the issue by putting it on this Department when we have another existing State Department and we have the local authorities and the necessary machinery for seeing to it that when the time arrives there is proper provision for alternative accommodation.

Dr. V. L. SHEARER: Mr. Chairman, I have listened with interest to what the hon. the Minister has said in regard to this particular clause. I do appreciate the point of view in respect of particular individuals having, under this amendment, this right not to disturb themselves and not to take any action whatsoever, but in respect of groups, the mover of the amendment is right when he says that there are certain difficulties. I do want to remind the hon. the Minister of certain facts. If there was a lot of money available from the Government to local authorities as there has been in the past, and if at any time it was quite simple to handle this money, then perhaps that position would arise, but unfortunately that is not the position because local authorities in this country have, during the last few years and I will assume for another few years, had some considerable difficulty in developing housing schemes, primarily or solely because of lack of funds from the Union Government. When we have that overriding picture, then it becomes a further responsibility, or rather, should I say, the responsibility on us in accepting this measure becomes doubly so in that we should see that the Minister, or rather that we should get the assurance from the hon. the Minister, that he will not declare a particular area a group area which involves the displacement of a number of people unless he is assured that alternative accommodation is available. Now the hon. the Minister in reply to that particular point raised in the debate has said that the responsibility is not his, but either that of the hon. the Minister of Health and Housing or the local authority. Now in theory that is correct, but when we argue this matter on the basis of human justice, a principle with which the hon. the Minister himself is in accord, I think it would be fair to ask the hon. the Minister that in arriving at a decision in respect of a group area whether he would perhaps assure this House that he will not declare any area a group area, particularly when there are a number of people to be displaced, unless he himself is assured that the local authority has been able to make available alternative accommodation. Now if that is the position, I think this then brings me to what I regard as perhaps one of the most

important points in this Bill and that is the administration of this Bill. Now in terms of Clause 3, the hon. the Minister, sitting in his office at Pretoria, will be dealing with problems that are miles and miles away from his office and the Minister has rightly said that in dealing with such a problem he will take into consideration certain points. The only point that he has to take into consideration in respect of Clause 3 is that he has to consult the Administrator. While I accept that position, I want to remind the hon. the Minister that, as he has pointed out in his argument, the responsibility of alternative accommodation does fall on to the local authorities, and I claim that they therefore also have the right to be consulted when a group area is to be proclaimed. In view of that, I would ask the hon. the Minister — I have looked on the Order Paper to see whether such an amendment has been placed there but I find that it is not there — whether in respect of this matter he could give the House some assurance that, in terms of Clause 3, paragraph (b), where he can only declare an area to be a group area after consultation with the Administrator concerned, he will also discuss the matter with the local authority concerned. I want to ask him whether he will give the House the assurance that he will give effect to the points he has raised by moving an amendment and, in order to overcome these difficulties, by providing in that amendment that not only will he discuss the matter with the Administrator, but also with the local authority concerned.

The MINISTER OF THE INTERIOR: Local authorities will be heard before the Board.

Dr. V. L. SHEARER: I accept that, but I want to suggest to the hon. the Minister, in order to really clarify the position, that he should not declare an area a group area unless, as is provided in the Bill, he has consulted the Administrator concerned, but I go further and, in terms of his own statement in the House, that he will not take such action until he has consulted the local authority concerned and received a report from the Board in connection with alternative accommodation. I believe, as I said at the outset of my contribution to this debate, that the whole difficulty is bound up in the administration of this Bill and I cannot help but feel in my own mind that the hon. the Minister should give us a definite assurance in respect of Clause 3, sub-section (2), that he will amend the Bill in order to provide that not only will the Administrator be consulted but also that the local authority concerned will be consulted and furthermore that when he does take such a decision he will take that decision on a report from the Board. Now if the responsibility in regard to housing devolves upon the local authorities I am satisfied that in their approach to the problem, when they approach the Board, in order that the Minister may be asked to proclaim a particular area a group area their action, within certain limitations of course, bearing in mind the shortage of funds, will at all times be based on the aspect of the need for finding alternative accommodation. It may, however, happen in the Union that in a request for a group area, no regard whatsoever for alternative accommodation has been had and the Minister may not have knowledge of that. If he will accept these two amendments in respect of Clause 3, sub-section (2), namely that an area will only be declared a group area after consultation with the local authority concerned and on a report from the Board, I think he will place himself in a position where, in declaring a particular area a group area, he will lessen the chances of creating additional undue hardships.

Mr. LOVELL: Mr. Chairman, the hon. the Minister spoke about this matter not being a matter for his Department, the Department of the Interior, but a matter for the Minister in charge of housing and that the amendment which has been moved suggests that the Minister of the Interior would be responsible for alternative housing. This amendment, however, says nothing of the sort. This amendment simply says that before you declare a group area, or some other area where persons will be displaced, you should not do so until you are sure that there will be alternative accommodation for the persons who might be displaced. That does not say you must provide the alternative accommodation; it simply means that you must not displace people unless you are satisfied that there is alternative accommodation. This has got nothing whatsoever to do with the Ministry of Housing; it has to do with the Minister of the Interior and binds the Minister and the board not to displace people until they are satisfied that there is alternative accommodation available for them. The hon. the Minister said that that will be done. The board will investigate the matter and the board will hear everybody concerned. The board will listen to the municipalities and will listen to anybody who is going to be placed under a hardship and the board surely will not take any decisions which are unjust. If that is the case, why not lay down in black and white what the rights of the subject are and what the rights of the Executive are. In this Bill all that is laid down are the powers of the Minister but the rights of individuals, who are concerned in the matter, who will be hit by the acts of the Minister, are left vague. That is the whole trouble with this Bill; that is the trouble with all the provisions in the Bill. The powers of the Minister and the powers of the board and the powers of the State, which interfere with persons, are

very, very wide indeed and the right of the persons affected are left vague. We are naturally concerned to see that this matter of ordinary justice is clearly set out in this Bill. We were told about the permit system and that the permit system will alleviate all these hardships. One would think that the hon. the Minister was living in Utopia where boards acted with complete justice, where Ministers acted with complete justice and where there were no pressure groups in existence. Let me give you an example: Supposing there was a minority of Coloured persons living in a predominantly European area. Let us take that situation; and the board holds its investigation and that the Coloured people say we have nowhere to go. The Europeans, on the other hand, say that they have got to go. Mr. Chairman, in such circumstances, tell me to whom will the hon. the Minister and the board listen? They will listen to the people who can bring the greatest pressure to bear upon the chairman and the board. That is to the people who have votes; the people who are Europeans in this country. They are a very much stronger pressure group and we are trying to say as Europeans and as legislators that you must not allow the Minister and the board ever to displace people, to put them out of their homes, unless you are satisfied that there is alternative accommodation available to them. Surely that is a matter of common justice and humanity and for the hon. the Minister to refuse to accept an amendment like that indicates what his actions are going to be when the full power is vested in him.

Dr. VAN NIEROP: Are you also suspicious?

Mr. LOVELL: Mr. Chairman, I am suspicious of every Government, not only this Government. All Governments take power and all Governments refuse to give their subjects proper treatment. That is the trouble with power, it corrupts. For the Minister to speak about inculcating self-reliance sounds very fine, but these people who are living in homes are self-reliant people. They have established homes whether they are occupiers or owners. It is the Minister who, in terms of the provisions of this Bill, may displace them from their homes. It is the Minister's decision and then they have to perform new acts of self-reliance because of that decision by the Minister. What is the position in regard to self-reliance. These people are self-reliant and if you chase them around, issue orders, and boot them out of their houses, then it is your duty to see that you do not take such decisions without making sure that those people have proper alternative accommodation. The issue is a very simple one. In a situation like this we are not asking the hon. the Minister to spend any money. We are asking him to put in black and white what the rights of the subjects are in relation to the Executive, and to curb the power of the Executive to push people around unless those people have got alternative accommodation. That is the request which I say we are entitled to ask and no Minister has the right to refuse it.

Mr. GAY: Mr. Chairman, the hon. the Minister, in reply to the amendment moved by the hon. member for Roodepoort (Mr. Allen), I am very glad to say, expressed or rather implied considerable confidence in the powers of local authority to deal with some of the problems which will be created by this particular Bill. Personally, I welcome that show of confidence and I most earnestly trust that that same confidence will exist, when at a later stage in these discussions on the clauses of this Bill we ask the hon. the Minister to see that those local authorities are not only consulted by the board but are given an active executive part in the administration of the particular Bill when it becomes law. We are allowed to function, as the Minister implied, in some of the jobs which really should be performed by him and I say that if that confidence can be carried through these discussions, half of our troubles will be over. In dealing with the hon. member for Roodepoort's amendment, the hon. the Minister stated that he wanted a true appreciation of these particulars in order to endeavour to reduce the hardships as far as possible, the introduction of permits and various other things applicable to this Bill. I think it is necessary for us to face up to the facts — the facts as outlined in that particular amendment. If we are going to be honest with ourselves, and it is no good standing up here and talking with one's tongue in one's cheek, that the introduction of these group areas will mean the moving of one or two or half a dozen families. If we are ever going to carry the idea of group areas into effect or to a sufficient stage to warrant this Bill being placed on the Statute Book of this country, we have to face up to the fact that one of its implications will be the substantial movement of families from one area to another. Let us be honest with ourselves and let us at least face up to that fact. We assume that the board will do their work in a responsible manner as the Minister said. Nobody has any reason to doubt that but we are going to ask that the local authority should be given some power to function in its own sphere on the duties for which it is statutorily obliged to work. One of those will be to meet the housing position which will be created by this Bill — a housing problem of no small measure. The Minister has stated that the time to deal with that is when it arises. I say that that is too late. If we are going to deal with that problem we have got to plan it ahead and

be ready for it before it arises. It is far too late to start thinking about housing a considerable number of people when the necessity arises. That is half of the trouble with our present housing position in South Africa today. I now come to the question of the costs involed in this housing. It is not only the housing, it is not only providing the rooms, but it is the providing of all the amenities that go with them. It involves providing all the things that make up decent housing and living for the people who are going to be displaced such as the roads, drainage, educational services and health services and the hundred and one other things that go with them. We have to face up to that. I would like, as an example to the House, to quote an actual case where the precepts of this group areas Bill has already been carried into effect, not carried into effect by compulsion but carried into effect by agreement. I was fortunate to be associated with that particular case carried out under the supervision of the Union Government Health Department, under the supervision of the National Housing Commission, with all the expert advice that they could bring to bear upon it. I quote the case of a particular municipality with a rateable valuation of about £1,250,000. It is a small municipality. They set out to house decently a section of their non-European community and in re-housing them to bring about by agreement what is virtually separate group areas where the non-European was housed together with his own group and provided in that area with the amenities that he requires, with the facilities that go with decent housing. Now with all that supervision, with all that advice, with all that assistance it has taken a matter of approximately six years to re-house three hundred families and it has cost that municipality for bare essentials, working to the instruction of the National Housing Commission, austerity as far as possible, approximately £400,000. That was just about one-third of its total rateable valuation to re-house three hundred families. That is the type of expenditure that we will have to face up to in regard to these group areas. That is only one small municipality. We will have to realise that these group areas will have to be established in all municipalities, whether they are large or small. They are being established today by agreement and the expenditure connected therewith for some of the larger municipalities runs into millions of pounds. Let us study that fact and try to realise what it will cost us if we apply it on the scale contemplated by the Group Areas Bill. Who is going to pay those costs. Can any local authority in this country meet such expenditure? I say no, they cannot. Can the Government stand up to that account? And again I say no, they cannot do it, not on the scheme we have got before us now. It can only be done under the system which is being followed today, by mutual agreement and spread over a very, very long period. If that is the cost in one small municipality and those are figures that you can substantiate every half-penny of — I say again to the House let us be honest with ourselves and realise that when we come to tackle this job as we will have to do under this Bill, when it becomes law, we are up against a problem which will make the majority of us shudder. That small municipality to which I referred is bearing today on that scheme a loss of £11,500 per annum to bring the rentals down to a sub-economic level which the tenants in those houses can afford to pay. The hon. the Minister said that we must encourage self-reliance. It is a fine principle, it is a grand principle and we can all subscribe to it. Is he going to revolutionise the industrial laws of this country, the wage level laws — they are all wrapped up in it — and is any practical man going to say that the non-European population of this country is going to be able to afford out of their own pockets that expenditure or any part of it? We know when we start off that we have got to face up to that expenditure. It will be necessary. That is some idea of the cost, if we are going to be serious, we will have to be prepared to face up to. I repeat I was glad to hear the hon. the Minister imply his confidence in the local authorities because at a later stage I propose to move an amendment which will ask him to see, that having to face up to those responsibilities, that they are at least brought into this picture from the very beginning and give them an executive portion of the administration of this Bill.

Mrs. BALLINGER: Mr. Chairman, I also support the amendment put forward by the hon. member for Roodepoort (Mr. Allen) and I must press upon the hon. the Minister again the necessity for recognising the importance of accepting this amendment. The hon. the Minister's approach is one which I cannot understand. He says that this sort of provision is not appropriate in this Bill. He says that the question of housing and re-settlement which are also involved — the amendment of the hon. member only covers the question of accommodation, there is no question of ownership which is also involved — do not belong in this Bill. But this is a Bill for re-housing and re-settling large sections of our population. That is the whole essence of the Bill, to move and to re-settle in new areas people who are not acceptable in the opinion of the hon. the Minister and his friends in the areas in which they now reside. That is an obligation surely which must be squarely faced, as the hon. member for South Peninsula (Mr. Gay) said.

An HON. MEMBER: It will be faced.

Mrs. BALLINGER: You say it will be faced, but there is no necessity for facing it under this Bill. The hon. the Minister simply says: Of course the board will know that that is one of the things which will have to be considered and that the Minister will have to discuss the matter with them. But that is no way of dealing with the rights of the citizens of this country, as the hon. member for Benoni (Mr. Lovell) said. It is not the way which has hitherto been adopted by this country. This country has shown itself extraordinarily facile in the matter of taking away the rights of people to live anywhere they want to; the whole history of our Native legislation shows that. But we should accept the responsibility implicit in this curtailment of property rights and that is that we explicitly impose upon the Government the necessity to provide alternative facilities. I feel it is a duty to provide those alternative facilities. I do not think the hon. the Minister listened to what was said by the hon. member for East London (City) (Dr. Smit), who was putting the point very explicitly to him when he was unfortunately interrupted. This legislation is really built on the framework of our legislation affecting the Native population. It is designed to confine each of our non-European groups to specific areas. Let us put it that way, but, in effect, what will happen is that separate areas will be provided for our non-Europeans. It is for the most part the non-Europeans who are going to be moved. The residual area of the country will be for Europeans and in that residual area, which will be the bulk of the country, the Europeans who are going to be moved will be able to find alternative homes, perhaps not without difficulty, but they will be able to find alternative homes. The people who will have to have specific provision made for them are the non-Europeans who are going to be moved. Throughout the whole of our laws we have made explicit provision for people who are in this position. We make it in respect of the rural Native population as the hon. member for East London (City) indicated. It is one of the explicit provisions of the Native Urban Areas Act that an African in a town cannot be moved from one area unless provision is made for him elsewhere by the municipality. That is written down into the law and, Sir, it is as a matter of fact the explicit principle of our Slums Act that while the public authorities may condemn buildings as slums, these authorities may not pull buildings down and turn the people on to the street. They must have alternative accommodation for the persons displaced. That is an essential part of our law. I cannot, therefore, understand the argument of the hon. the Minister that provisions of that kind are not appropriate here. They are essentially appropriate here and if they are not incorporated into this Bill, the anxiety of the great mass of the lower income groups, as we now call them, will continue to mount as a result of this Bill. I personally am much concerned about it. There are a few areas in which Africans live alongside Europeans. They are areas which, alas, are highly coveted by Europeans. The pressure to remove the Africans from those areas will be enormous and in terms of our present law those areas are not covered by the Urban Areas Act, and the Africans there have no safeguard to protect themselves. I think it is of the very first importance that the hon. the Minister should accept this proposition. It will go a long way to alleviate anxiety — of course it will not abolish the anxiety — but it will go a long way to alleviate the anxiety of all the people who are really going to be the victims of this Bill.

Mr. KAHN: I would like to direct the Minister's attention to some of the specific clauses in statutes which impose the obligation and the duty in whole or in part upon a Government or local authority to provide alternative accommodation when requiring the vacation of existing premises. In Section 9 of the Urban Areas Act there is a provision whereby not every African is required to live inside a location or Native village in his particular town, but where he is required and compelled to do so by the local authorities, Section 9 lays down that the notice requiring him to move must specify the new address to which he has to go, and so it is specifically pin-pointed that the local authority must nominate the actual accommodation to which he is to be transferred. Although the hon. member for Cape Eastern (Mrs. Ballinger) was not completely correct in regard to the Slums Act, however Section 29 of the Slums Act of 1934 while not making it a general condition that no condemnation of premises as slums could be effected by the local authorities unless there was alternative accommodation, it does do so where the ground of condemnation is insufficient separation of the sexes in a particular residence, and in Section 9 goes on to say that where this is the ground of condemnation of premises, the local authorities must again specify the alternative premises where the people they seek to separate have to go to. Then, Sir, the principle has already been enshrined in our legislation that where people, through no fault of their own, have to leave particular accommodation, the authority which is responsible for accommodation — and this is most applicable to poorer people — must specify the new premises to which they can be transferred. It would be criminal and inhumane if it were otherwise. You cannot simply take people, even if it is a small group of five or a dozen people affected, and say to them that they must vacate particular premises and have no other alternative accommodation for them to occupy. Now, the Minister has raised

the point in the course of this debate that this is not a housing Bill. We are not asking the hon. the Minister of the Interior now to assume the functions of the Department of Housing, but he must be cognisant of the fact that it is grossly unfair to require people to move, unless the other hand of the Government, viz., the Housing Department, has seen to it that there is alternative accommodation. The Minister has thought to mitigate the hardship and the severity of this Bill by saying that before a minimum period of one year after an area has been proclaimed a group area, people will not have actually to vacate. I would advise the hon. the Minister to consult the Department of Social Welfare and he will be told there that people had been trying for ten years to get a house and can't get it. So it is no protection for the Minister to say that it will take at least two years or three years before people will have to vacate, because there are people, as I say, and they are by no means minority exceptions in this country, who have been trying desperately for the last ten years to find a home and have not succeeded, and the next ten years do not promise that there will be a great improvement and that they will see sight of a new home. In the meantime their families are increasing and the general congestion and overcrowding in our cities persists, so that is no guarantee. Next the Minister tells us that everybody will have an opportunity of making representations. That is perfectly true. What the Minister does not tell us is that while everybody will be heard, he cannot guarantee us that everybody will be listened to. And that is the important thing. Then, as was rightly stated by the hon. member for Benoni (Mr. Lovell), the experience in every sphere of municipal, provincial and parliamentary administration in South Africa, teaches us this one important and bitter lesson that the interests of the poorer people, the interests of the lesser privileged people, particularly the non-Europeans are ruthlessly swept aside when they come in conflict with the demands of more privileged sections of the Europeans.

Dr. H. G. LUTTIG: Your first convert.

Mr. KAHN: I don't think so, but I want to refer the hon. the Minister to what the hon. Minister of Native Affairs (Dr. Jansen) said the other day when he referred to the difficulty of the Land Trust in carrying out the statutary obligation to purchase land for the African people. He said that the resistance of the white farmers was insuperable and that no temptation of high prices, not even the bait of a lucrative and excessive offer would induce these farmers to dispose of land to the Trust. And I would like to give another instance, and thousands of cases spring to mind — the Municipality of Robertson has for some years been pestered by the Department of Native Affairs to erect a location for its African residents and they refuse to do so. They never accepted the particular proposal to locate that location anywhere in their area and nothing has happened. On every occasion when this thing happens, we find that there is a shelving of the case. Representations are made but are readily ignored when they come from the poorer people. The hon. the Minister is now showing us the reality of his new ghetto law. These are the practical difficulties of trying to compress the teeming millions of South Africa into the small amount of living accommodation that is available. You cannot squeeze so many people into the small amount of accommodation living units which are available in South Africa, and whilst I am opposed in principle to this Bill, from the practical point of view you can never have this system of locations and this system of ghettos which this Act sets up until you have more than sufficient housing accommodation for every section of the population. It is absolutely impossible to avoid the most inhuman hardships being inflicted upon people under this Bill until you first solve the housing problem, and if there were scattered all over South Africa, all over our urban areas, where the problem seems to be most acute, the so-called problem appears to be most acute, empty houses awaiting accommodation, a transfer could be effected with the very minimum of hardship, but when we know that in every single town of South Africa, in every single village of South Africa, there is insufficient housing accommodation, for (a) Europeans, for (b) Coloureds and (c) Africans, how, in the name of anything you care to mention, will it be possible to apply this particular measure, unless you are prepared to be ruthless, unless you are quite heedless of human rights?

Mr. TIGHY: They have no intention of applying it.

Mr. KAHN: That is a different proposition, but I want to say this: We do not want to be told that the board will take this into consideration. We want to make it a condition precedent of the proclamation of any area as a group area that there should be alternative accommodation, and if that cannot be guaranteed by the Minister, then we are not prepared to accept his assurances on this point. And that is the long and the short of it. The Minister cannot have it both ways. We do not want to have the lives of hundreds and thousands of people left to the tender mercies of advisory councils and Ministers who are far removed in sympathy from these people, who have no real points of contact with these people and who are capable in the light of experience in South Africa of taking measures which do not take into the slightest account

the interests and the needs of those people. We are tired of assurances of this Government, as we are tired of assurances of the previous Government. We want guarantees to be incorporated in the Statutes. The Minister has taken these powers, powers of life and death over these people, the powers to determine where people can live, where they can reside. He must take the obligations at the same time. Obligations come before the exercise of powers of this kind and until the Minister and his board, whatever machinery is set up under this Bill, can first of all point to the address to which a person must be removed, he must keep his hands off that person's home. The Minister talks about self-reliance. I want to know how the Minister expects the average Coloured man or the average African who works for the Government and receives 6s. a day, to be self-reliant when he has a family of four or five to maintain. You cannot be self-reliant on a miserable pittance which even this Government pays its employees, when you have to keep a family of three or four or five, paying rent, meeting the high cost of living today, and receiving from this Government something like 6s. a day.

Mr. TIGHY: One is in two minds whether to support the hon. member for Roodepoort or whether to wish the hon. the Minister success and good luck and good cheer on his road, fast moving as he does, to killing his own party. From a humane point of view, from a common sense point of view and from the point of view of decency, naturally the amendment, as moved by the hon. member for Roodepoort, must be upheld and supported by any member of this House. It is an undreamt of thing to conceive of just pushing people out of their homes and do nothing to provide them with alternative accommodation. When I raised that very point during the second reading, the hon. Minister replied: "Well, you know, of course, this is not a Bill to provide homes; this is a Bill to create separate areas." I presume he referred me to the Housing Act or to the Public Health Act or the Slums Act, but in any case he said that there was another Act to cater for that, we should not look for that in this Bill. This is just an Act to provide for separate areas. Of course one must infer at least that it means that where this Bill is creating separate areas, the Government will take other steps to provide houses for people who are displaced. Now this afternoon we hear, briefly, the hon. the Minister referred to that argument again, and he said that everybody should be proud to provide his own home. That is a fine ideal, but it doesn't work out in practice. Well, from the political point of view I certainly hope that the Minister will carry on with his Bill. Let them do so. Let them try it on the Witwatersrand, without accepting the amendment moved by the hon. member for Roodepoort (Mr. Allen).

An HON. MEMBER: Then what are you crying about?

Mr. TIGHY: We remember how hon. members on the other side said that they were going to clear out the whole of the Western areas in Johannesburg, the same thing as we have here in the clause and the amendment moved by the hon. member for Roodepoort. They were going to remove. But here comes a statement from the Government during the week-end: Sorry, we cannot do it, because we have not got the money. There is an opportunity to prove your sincerity. The hon. member for Bethlehem (Dr. van Rhyn) laughs. I challenge him to get up in this House and tell us what is in this Bill. They don't know what it is all about. It is one of two things. Either the Minister and the Government have no intention whatsoever to carry out the provisions of this Bill, which means nothing more or less than a political smoke screen. Or else we are dealing here with a Government which is absolutely so stupid that one can find no words to describe them. I cannot discuss Clause 3 now, but what the hon. the Minister should realise is that by refusing this amendment of the hon. member for Roodepoort, he takes upon himself the responsibility of clearing up these areas, whilst previously he could call upon the local authorities to do so. Good luck to him. Let him take over the responsibility. Why not? But he must not after six months or a year come to this House, or if we meet one another on public platforms and we challenge him and the Government to carry out the provisions of this Bill, to carry out this so-called apartheid of theirs, they must not then accuse us of political misrepresentation. The hon. the Minister may smile. Even a constituency like Westdene, which is today a fortress of the Nationalist Party on the Witwatersrand, can be lost under this Bill.

The MINISTER OF THE INTERIOR: They do not want apartheid?

Mr. TIGHY: No, they don't want apartheid, but what they would like to see is that this Government carries out its promises to them and this Government cannot do that.

The MINISTER OF THE INTERIOR: Why worry?

Mr. TIGHY: The Minister has brought here a half-baked measure which he himself did not understand when he introduced it into this House and now he wants to argue about it with us. Why, if he understood his Bill, why has he now to come

with dozens of amendments? The people of the Witwatersrand, and particularly such areas such as Vrededorp, which is one of your constituencies, Westdene and others will look forward to you now carrying out the provisions of this Bill. Already whilst we are discussing this measure here in Cape Town, there is already a statement in the Rand papers that the Government regrets that it cannot proceed with the Western area scheme because they have not got the money.

Mr. S. J. M. STEYN: Tell them about the scheme.

Mr. TIGHY: Yes, the scheme to take away Sophiatown, Martindale and Newclare and the Western Native townships, moving the people to Orlando and elsewhere, I think about 60,000 people. Here whilst we are discussing this Bill to remove people and to establish group areas, whilst we are actually discussing the Bill, the Government admits to the Johannesburg City Council that it cannot carry out even a very small percentage of its undertaking under this Bill. It cannot remove the Western areas, it cannot remove Sophiatown, it cannot remove the Malay location from Mayfair. What is the use talking here, what is the use trying to refuse the amendment of the hon. member for Roodepoort when you have absolutely no intention of carrying out this plan. You not only have no intention of doing so, you are unable to do so. Here is your own statement in the "Star" of last Saturday evening. What is this House coming to? Has this House become, as I said the other day, a chess board, a political chess board of South Africa, or have we honest intentions? That is why I say that I am in two minds whether I should support the hon. member for Roodepoort for the sake of dignity and humanity and decency, or should I from the political point of view express the hope that the hon. the Minister will reject the amendment, because it hastens their fall, and I really wish them godspeed, good luck and good cheer.

*Mr. NEL: What we have seen here all day today, particularly in connection with this clause, was nothing but a demonstration to the nation of the complete inability of members on the other side to rule this country. We have now seen it demonstrated here. Constantly they come here with the argument that the Minister does not understand this Bill, that this party does not understand it. What an argument to advance here now. It simply amounts to an admission by the other side of the House that actually they have not made a study of this Bill. That opinion could not have taken root in their minds in such a way if they did not really labour so much under a sense of guilt. It exposes the fact that they do not grasp the implications of this Bill. The hon. member who has just sat down drew attention to conditions on the Rand, Sophiatown and those parts, but if this measure had been in existence a few years ago we would not have had such conditions there. If this legislation is not introduced and if this article is not left in its present form it will only mean that such conditions as we have in Sophiatown, Newclare and those places today will be created throughout the length and breadth of this country. And that is what this legislation aims at preventing. I hope the hon. the Minister will not give in to the type of amendment that has come from the other side. If we analyse these amendments and look at their implications, the question arises why this legislation should be introduced and why we should act this play before the people. Here the United Party gives a clear proof of the fact that they are not sincere in their desire to get rid of these conditions. What is more, their policy is calculated to poison our whole national life, not only in Johannesburg but in all our big cities in particular and to create this kind of social sore which we have in Johannesburg today. All their amendments, when we consider their implications, are calculated to create those conditions. If that party is really sincere in its desire to put the principles of this Bill into effect, as they often try to pretend, then they have no right to come with such amendments, then they have no right to advance this type of argument which they have been using here all day today and then they dare not waste the time of this nation and of this House as they are doing. I hope the people will take note of this sort of attitude more than ever before. It proves to the nation that they do not want to create the conditions aimed at by this Bill, but that, on the contrary, they simply want to allow that development of undesirable social conditions in our big cities to continue. It gives no Government in the world the necessary opportunity to remove those conditions under which every section of the population, not only European but also non-European, is suffering today. I say once more that I feel convinced that the people will most assuredly take note of this attitude of the United Party.

Mr. DU TOIT: I am surprised at the attitude taken up by the hon. member for Wonderboom (Mr. Nel). During his second-reading speech, which I remember very clearly, he emphasised on two occasions that race relations as between Europeans and non-Europeans had deteriorated. He pointed out that there was a growing fear and distrust in the minds of non-Europeans. But here, Sir, he objects to a clause, which in any case would do much to arrest this distrust and fear in the minds of non-Europeans who may be removed from a particular area. All that this proposed clause asks for is

that provision shall be made by the Government for suitable accommodation for any person so displaced. Surely that is a reasonable request? Surely we do not want to turn people out and just turn them out in the wilderness, in the wilds where there is no place to reside? I think that if the hon. member for Wonderboom is honest when he says that he deplores hatred and distrust arising in the minds of the non-Europeans; then he should be one of the first to support this amendment in order to see that no injustice is done as far as possible under this Act. There can be no doubt at all that this amendment would lessen the hardship under this clause and the hon. member should support us in this. Unfortunately any suggestion from this side of the House is viewed with suspicion by hon. members on the other side, but I think they realise the reasonableness of this suggestion. They should realise furthermore that although they have a majority in this House and can vote us down it is our duty as an Opposition to try and lessen the hardships under this Bill as much as we possibly can. That is our duty, and although we are not strong enough to vote down the various clauses and the measure as a whole, we can, in any case to the best of our ability, try to improve the Bill, because we honestly believe that the provisions of this Bill will cause great hardship and we want to lessen the harsh effects of this Bill as far as possible. Therefore I ask the hon. member for Wonderboom to consider quietly whether he is really acting in the best interests of the people of South Africa when he tries to prevent us effecting improvements in this Bill which we think are in the interests of the people we represent in this House.

*Mr. S. J. M. STEYN: I want to say that I sincerely hope the hon. Minister will not harden his heart against the amendment moved by the hon. member for Roodepoort (Mr. Allen) because I know from personal experience in the constituency which I have the honour to represent what it means to people when they feel themselves insecure in the dwellings they possess. On more than one occasion I have seen how dejected and lost people of the lower-income groups can be when their occupation of their houses is threatened. In the Alberton constituency there is one of the greatest sub-economic housing schemes in South-Africa, called Suidheuwels. People may only live there if their income does not exceed £30 per month. Now it happens again and again that the city council has to warn those people, as their position improves, that it may perhaps become necessary to put them out of their houses. Then those people come to me and ask for my help; and I wish the Minister could see the dismay, the lost appearance of those people when they begin to realize that they may perhaps lose occupation of their houses. And to think that under this Bill that state of affairs can be increased a thousandfold by a simple proclamation by a Minister, to think that South Africans in large areas of our country can receive notice that they must go out of their houses within a year and look for new accommodation, to think that the Minister does not want to accept any responsibility under any circumstances for the misery he is creating. It is amazing that that when the Minister addressed the Committee a short while ago he said, in effect: I create the separate residential areas; I create the group areas; I put the people out of their houses, but it will be the task of the local authorities and other Departments of the State to find accommodation for those people whom I have thrown out. It is an extraordinary position that the Minister should arrogate to himself the right to make a mess of the housing conditions of our country and that he then wants to push the responsibilty on to the shoulders of other people. I can only appeal to him to accept this amendment moved by the hon. member for Roodepoort (Mr. Allen) which is a just amendment based on precedents created by this Assembly when it had to give its attention to similar circumstances, and to promise not to deprive people of the roofs over their heads before he has the assurance that alternative accommodation is available for them. I find it difficult to understand how the Minister can refuse such a request. It would still have been possible for me to understand how the Minister could refuse to guarantee the provision of alternative accommodation for such people if his Bill applied to non-Europeans only, because we know that many members on the other side, probably also the Minister himself, do not regard the non-Europeans of South Africa as being entitled to elementary human rights.

*The MINISTER OF THE INTERIOR: That is nonsense.

*Mr. TIGHY: It is not nonsense.

*Mr. S. J. M. STEYN: It is not nonsense; it is based on the record, on the protestations and the political propaganda of the party on the other side.

*The MINISTER OF THE INTERIOR: It is your political propaganda.

*Mr. S. J. M. STEYN: We know that thousands upon thousands of Europeans . . .

*The MINISTER OF THE INTERIOR: Do not believe you.

*Mr. S. J. M. STEYN: . . . will be affected by these provisions.

*Mr. SUTTER: They believe him; that is why they kicked out Verwoerd.

*Mr. S. J. M. STEYN: We know that there are many cases where Europeans live in areas which are, for the most part, occupied by non-Europeans. Is it now the intention of the Minister to proclaim as European group areas all mixed residential areas without exception so that the non-Europeans have to move, or will there not be many cases where the fact that the majority in a certain area are non-Europeans will be taken into consideration and where the Europeans will be asked to move? But not even in their case is he prepared to give a promise that he will state in his Bill that the Europeans will not be deprived of their houses before alternative accommodation has been provided for them.

I am very sorry to say this but a while ago the Minister thought fit to hurl certain personal remarks in my direction. I do not want to react to it but one thing is becoming clear to us on this side of the House and that is that in the case of the Minister we are dealing with a special problem. We can only hope that South Africa will be more fortunate in the case of the thousands of new German immigrants who are coming to South Africa, that they will be assimilated by the South African nation within a generation or two and that they will understand and live according to the traditions of the people of South Africa. It is quite clear to us that in the case of this Minister, as is proved by his heartless attitude in a matter of human justice, we are still dealing with an unassimilated stranger in South Africa.

*The MINISTER OF THE INTERIOR: You excel yourself.

Mrs. BENSON: I want to support the new clause moved by the hon. member for Roodepoort (Mr. Allen). I consider it is one of the most important amendments in the whole of the amendments which have been put forward. He does not ask for anything extraordinary. It says here that —

> No order of ejectment shall be granted in respect of such occupation until and unless the board has satisfied itself that suitable land or premises, as the case may be, is made available.

We know that never in the history of South Africa has there been such a shortage of housing for all sections of the people, and without this Bill it will take years of hard work to overtake that shortage, and to attempt to provide the housing that is required throughout the Union to house all people. The Minister has said that time will be given, and I think he mentioned a period of three years, even although I do not see that in the Bill, and that permits may be issued after that. I am not one of those people who think that everybody is against the non-Europeans, but at the same time I feel that this is so terribly important that I ask the Minister, as other members have done, whether he will not embody that protection in the Bill. We would all be satisfied if he would do that. I know, as I was a member of the Housing Board of the Durban City Council for many years, the difficulties that we were faced with from time to time, under the Slums Act, and I know how difficult it was when certain places were declared slums, for the Council to provide alternative housing, and this will be infinitely worse. It will cause chaos, it will cause hardship not only to Coloureds but to Europeans, and to those people, owing to the shortage of housing, who find themselves living in localities in which, from choice, they would not live. Therefore I feel that we are not asking the Minister anything unreasonable when we ask for some assurance to be embodied in the Bill that in the case of these people who might have to be moved in groups or in large numbers, no ejectment shall take place until due time has been given to the municipality concerned or the Housing Board to see that alternative accommodation is provided. I look at it this way. I can see that it will take years to carry out these surveys. Surely then the Board can notify the municipality concerned, that a particular area is to be set aside, and give them ample time to provide the necessary housing for the people who will be ejected. That is all we ask. I feel that it is not asking much. It will reassure those people who realise the hardship that might be inflicted on hundreds of people who will be affected by this Bill, unless this amendment is accepted.

*Dr. H. G. LUTTIG: I listened with interest to the speech delivered here by the hon. member who has just sat down, but now I just want to tell her that we are not dealing with Alice in Wonderland here, because she is unable to see through the smoke-screen thrown out by this amendment. In my opinion the object of this amendment is nothing more or less than to cause delay in the execution of this measure and on behalf of the constituency which I have the honour to represent here . . .

*Mr. DAVIDOFF: This is the last time.

*Dr. H. G. LUTTIG: No, it will not be the last time. Next time my majority will be greater, thanks to the Group Areas Bill. On behalf of the constituency which I have the honour to represent here I wish to associate myself with the views of the hon. member for Wonderboom (Mr. Nel) and in all modesty I wish to urge the Minister not to accept this amendment.

I would just like to return to what the hon. member for Alberton (Mr. S. J. M. Steyn) said. In traditional style the hon. member made the reckless statement here that we, for our part, do not want to recognise or respect the elementary idea of human rights. The very fact that we are today sitting on this side of the House can be ascribed to the fact that we have always recognised that basic philosophy of life in our policy. That is the reason why.

An HON. MEMBER: You are a minority Government.

*Dr. H. G. LUTTIG: Most touchingly and almost with tears in his eyes the hon. member stated that he knew from experience how hopeless people feel if they feel insecure in their dwellings and he referred to people accommodated under a sub-economic housing scheme in his constituency. I fully agree with him. In my constituency we have exactly the same position, but now I want to ask him this: Has he ever realised how absolutely hopeless people feel if they live in a neighbourhood which has become a slum area as a result of compulsory mixed residential areas? Has he ever seen the suffering in such cases?

*Mr. S. J. M. STEYN: Now you want to throw them out into the street.

*Dr. H. G. LUTTIG: The hon. member must take into account the basic fact that mixed residential areas lead to slum conditions.

*An HON. MEMBER: There is another reason.

*Dr. H. G. LUTTIG: No, there is no other reason, at least not in South Africa, where we have these mixed residential areas. In South Africa the basic cause of slum conditions is mixed residential areas. We have it in my constituency and in every part of South Africa. It will not help us to advance theoretic arguments here about the necessity of first making alternative accommodation available or to talk like the hon. member for Johannesburg (West) (Mr. Tighy) about conditions that cannot be put right. The fact remains that we now have to announce and put into operation here a definite policy to prevent those conditions and until we have done so we shall not be able to bring to an end these hopeless conditions which we find in our slums.

*Mr. DAVIDOFF: What are you going to do with those people?

*Dr. H. G. LUTTIG: It is not a question of acting autocratically; this was very clearly stated and the hon. the Minister has repeatedly stressed the fact in this House. If hon. members will read Clause 14 they will see that provision is made for permits in such cases. And as this is a case of the application of elementary human rights and the solution of these problems, how can there be such an accusation as that which the hon. member for Alberton hurled at us? No, on behalf of the constituency which I have the honour to represent I want to say that the enforcement and execution of this legislation will be a blessing to us and we look forward to it with great enthusiasm.

Mr. BOWKER: I think the hon. member for Mayfair (Dr. H. G. Luttig) was doing what is known in Afrikaans as "kleitrap". He has his own difficulties as regard settling people in sub-economic houses, and if he looks into Alice's looking-glass and sees what will happen when this Bill is put into operation, he will receive a shock.

The MINISTER OF THE INTERIOR: So, you are against it?

Mr. BOWKER: The hon. the Minister said today that he was prepared to accept any reasonable amendment. I want to make this appeal to the Minister. The amendment which has been moved here by the hon. member for Roodepoort (Mr. Allen) is a reasonable amendment. If in these civilised days we are going to boot people out of their homes, in which they have been living for years, without offering them alternative accommodation, then I say that we are an inhuman people. Eighty per cent. of the Coloured people in this country are the descendants of Europeans, and they are the people who will be the principal sufferers under this Bill. In fact, I think the principal intention behind this Bill is to force the Coloured people out of the community where they are living cheek by jowl with Europeans. But whose fault is it that these people are living in these unstable and these unsatisfactory conditions? It is purely the responsibility of the Europeans. They were settled in these areas for the convenience of the Europeans before transport was available for these people and it is the country who should pay to rectify the conditions which obtain today. The hon. the Minister indicated here today that the local authorities could make provision for the housing of the people who are moved out of these areas. The hon. member for Mayfair (Dr. H. G. Luttig) said that they would hold permits on sufferance while they were looking for new homes or endeavouring to have new homes built for themselves. Sir, I would like the Minister of the Interior to take a walk with me one day up Lion's Head. I think if the hon. the Minister will take a ride that way something may happen to solve some of the difficulties which he is bringing upon the country through this type of legislation. But

if the hon. the Minister would take a walk with me to Lion's Head he would find numerous people living there in holes in the rocks. I do not know whether the Minister knows that such conditions exist in the Mother City of South Africa. There are people living in holes in the rocks and if the Municipality of Cape Town under present conditions cannot provide homes for people living under these circumstances, how on earth can the local authorities face up to the responsibility of providing homes in these areas which the Minister proposes to declare under this Bill? I think the Minister should give us a definite undertaking that the municipalities, if they accept this responsibility, will be financed by the Government under most favourable conditions, something far better than the three-quarters per cent. under which money is advanced to the municipalities today, because if this Bill is to be of any advantage in settling the different sections of the community in separate areas then it is the responsibility of the Government to pay for it, and not to pass the burden on to the local authorities. This Bill does not even provide that the local authorities are to be consulted with regard to the proclamations of these areas. It makes no provision for compensation to individuals. Stark ruin and fear will haunt the homes of the people in the areas which are declared group areas by the Minister under this Bill — stark ruin and fear. There is nothing more dangerous than fear. The Government has a Bill on the Order Paper to abolish Communism, but this Government, Sir, is the propagator of Communism. The fear in which these people will live, the uncertainty under which these people will live as the result of the introduction of this measure by this Government, is the field in which Communism will develop, and the Government must accept the responsibility for the development of Communism in this country. No Bill will kill Communism if the field for Communism has been properly cultivated, and that is what this Government is doing. The proposed Bill will drive it underground; it will be worse than ever, it will be driven into the holes and crevices of Table Mountain where the Minister evidently intends to drive a large section of our population in Cape Town when this Bill comes into operation. I think this is the most hopeless legislation that has ever been introduced in this House. Here we have a measure which aims at providing separate localities for the different ethnic groups of our population, without any financial provision or plan to satisfy these communities or to give any guarantee that this scheme will ultimately be successful. Sir, I do appeal to the Minister to view this amendment with some seriousness. This Government, Sir, must not lean on the Minister of Finance and his small band who are carrying them through their difficulties today. The day may come when this Government will be thrown on its own resources and it is our duty on this side of the House to fight tooth and nail any proposal that will damn the people of this country with burdens which they will not be able to bear.

The MINISTER OF THE INTERIOR: I rise to correct a misapprehension which seems to be apparent in the minds of some hon. members on the other side. If one wants to have an analogy of this type of legislation, and of the appropriateness or otherwise of the amendment moved by the hon. member for Roodepoort (Mr. Allen), then I think one cannot have a better analogy than that of the Slums Act. Firstly the analogy is not perfect, because in the Slums Act when there is an action there is usually an expropriation and an immediate eviction. As I have already explained under this Bill there is no question of an immediate removal. It is a delayed action, over a long period of time. The shortest period after the declaration of the group area is 12 months, that is the very least. But under the Slums Act it is an immediate eviction.

Capt. HENWOOD: But under the Slums Act you must have alternative accommodation.

The MINISTER OF THE INTERIOR: The hon. member says that under the Slums Act there must be alternative accommodation. Very well, I shall read the relevant section to him. I am now reading from the Slums Act—

> A declaration in terms of Section 4 of any premises or any part thereof as a slum shall not be invalid by reason of the fact that other suitable accommodation for the occupier of the slum is not available.

Capt. HENWOOD: The Magistrate would not give you an order though.

The MINISTER OF THE INTERIOR: The hon. member has again rushed in where angels fear to tread.

Mr. RUSSELL: Where devils are treading.

Maj. VAN DER BYL: There are two types of angles; you are the fallen angel.

The MINISTER OF THE INTERIOR: The hon. member for Green Point (Maj. van der Byl) reminds me of an angel on horseback. The side note to this section is—

> No exemption on ground of lack of other accommodation . . .

I have read sub-section 1 to the Committee. There is a proviso that in particular cases where there is an eviction where there are not sufficient premises for the separation of the sexes, there must be other premises available, but then the section goes on to say this—

> No person shall be excused from complying with the provisions of, amongst others, Section 12.

That is the provision which forbids an owner to allow a slum property to be occupied—

> . . . or with the directions contained in a notice or order by reason of the fact that other suitable accommodation of the occupiers of the slums affected by such notice is not available.

Capt. HENWOOD: You could not get an order from the magistrate all the same.

The MINISTER OF THE INTERIOR: The Act says "it shall not be". I do not know whether the hon. member wants me to read this in Afrikaans; apparently he does not understand English.

Capt. HENWOOD: I have been on the Slums Committee for seven years, and I know that the magistrate would not grant such an order.

The MINISTER OF THE INTERIOR: Then the section proceeds—

> If the local authority notifies the owner or any occupier of the slum of other accommodation available to the occupiers of the slum affected by any such notice, the local authority shall not thereby become bound to provide such accommodation or any other accommodation for such occupiers of the slum.

Hon. members will remember that this is an Act which has been on the Statute Book since 1934 and I have never heard any voice raised asking for an amendment of this section.

Mr. DU TOIT: It has never been carried out.

Capt. HENWOOD: You could not get the order.

The MINISTER OF THE INTERIOR: This stands on the Statute Book; it is the law of the land and hon. members who accuse me of inhumanity should tell me why it is that for 16 years they have been satisfied to have this provision on the Statute Book.

Capt. HENWOOD: Because the judiciary had the power.

The MINISTER OF THE INTERIOR: Hon. members cannot get away from the fact that no alternative accommodation need be provided, and the fact that it is not provided is not a reason for exemption from the provisions of this Act. That is the plain meaning of the section and the hon. member for Pietermaritzburg (District) (Capt. Henwood) can argue until he is blue in the face, he will not be able to get away from those terms. He has had plenty of opportunity. I appreciate the social sense of the hon. member for Roodepoort, and even he has not seen fit to object to this "inhuman" section on our Statute Book.

Capt. HENWOOD: May I ask the hon. the Minister a question?

Mr. ALLEN: Is it not so that the question of alternative accommodation is borne in mind in connection with the abolition of slums?

The MINISTER OF THE INTERIOR: I am saying that it is not bound to be borne in mind, and it is no excuse.

Mr. TIGHY: It has never been carried out.

The MINISTER OF THE INTERIOR: I have already indicated to the hon. member that I am quite satisfied, that the board before making any recommendation in regard to a group area will take into consideration the possibility of alternative accommodation being available.

Capt. HENWOOD: May I ask the Minister a question?

The CHAIRMAN: Order, order!

The MINISTER OF THE INTERIOR: I am prepared to go further and to say explicitly what I think is implicit, as I read it, in the functions of the board, under Section 27. I am prepared to make it explicit in Section 27, as one of the functions of the board, to take into consideration the question of alternative accommodation. I have already said that I take it that they will carry out their duty in that way, and I have no objection to making explicit what I consider to be implicit in Section 27. But that is a vastly different thing from the amendment which has been moved here, and it is a tremendous advance on the Slums Act of 1934, which the hon. member for Cape Eastern (Mrs. Ballinger) has quoted to me this afternoon. I have risen only to make that point clear. I have stated the case fully, and I have now been listening to a lot of repetition on the other side. That is, of course, as hon. members wish. I do not wish to curb their repetition, but for my part I do not want to be guilty of any undue repetition, but I thought it just fair

to remind hon. members that here we have a statute which does not say it must be borne in mind; it does not even say that. It simply takes up the attitude that the fact that there is no accommodation is no excuse for not carrying out an eviction order under the Slums Act.

Mr. TIGHY: But they have never carried it out.

The MINISTER OF THE INTERIOR: The hon. member for Pietermaritzburg (District) wishes to ask me a question.

Capt. HENWOOD: Under that Act any man who is put out forcibly can apply to the judiciary in the normal way for protection. Under this Bill they can only apply to the Minister and they have no recourse to the judiciary.

The MINISTER OF THE INTERIOR: If the hon. member reads the previous section . . .

Capt. HENWOOD: I have been on the Slums Committee for seven years; I know it.

Mr. POTGIETER: That shows how stupid you are.

The MINISTER OF THE INTERIOR: The hon. member is asking a fair question and I want to reply. If he looks at Section 28, he will see a sidenote: "Ejectment of persons unlawfully occupying or entering a slum". And sub-section (7) provides—

> An order of ejectment made under this section shall not be subject to any review or appeal whatever.

Capt. HENWOOD: The Minister has quoted something totally different to the question I asked, and he has twisted the whole thing. I asked a question in regard to a person who must leave a slum which has been condemned, and I said that an order has to be obtained from the court. The Minister answered in regard to a person unlawfully in an area which has already been declared a slum. I have served on a committee under the Slums Act, and I know that you have to apply for an order of court and the magistrate will not give an order for eviction unless alternative accommodation is provided.

The MINISTER OF THE INTERIOR: Look at the Act.

Capt. HENWOOD: Under this Bill a person who is evicted cannot apply to the court. He has to apply to the Minister.

Mr. LOVELL: I am glad the hon. the Minister mentioned the Slums Act. In the course of the second reading I think I mentioned what had happened in Benoni under the Slums Act. About a hundred Coloured families occupying a slum in Benoni had to be moved. The area was declared a slum, and because there was no provision under the Slums Act such as we would like to have under this Bill, to make provisions for alternative accommodation, a lot of trouble arose. An order was obtained from the court to declare the area a slum, and the hundred families had to be moved, but there was no accommodation to which they could be moved.

An HON. MEMBER: That is not what the member for Pietermaritzburg (District) (Capt. Henwood) said. He said an order could not be given if there was no alternative accommodation.

Mr. LOVELL: I am not interested in what he said. I want to point out that the Slums Act does make some provision. If we turn to Clause 28 (3) of the Slums Act of 1934 we find this provision —

> If upon the appearance of such person he fails to show any just cause why he should not be ejected from the slum, or if he fails to appear and the court is satisfied that the order calling upon him to appear was duly served upon him, the court shall order his ejectment from the slum.

He has the right to place his case before the court, and if the magistrate thinks there is no other accommodation available or if there is good cause why the person should not be evicted, he can order accordingly.

The MINISTER OF THE INTERIOR: There is nothing about alternative accommodation.

Mr. LOVELL: I will come to that. The magistrate can take into account all the circumstances. It is not a board or an administrative officer, but a magistrate; and if he finds . . .

The MINISTER OF THE INTERIOR: Just like the board. The board is entitled to take into consideration all the circumstances.

Mr. LOVELL: The magistrate can take into account all the circumstances.

The MINISTER OF THE INTERIOR: And the board can do that, too.

Mr. LOVELL: There is provision in the Slums Act which places a general responsibility on a municipality to exercise its powers in terms of the Act, and I want to draw the Minister's attention to Section 3 (b) —

It shall be the duty of the local authority to take all lawful, necessary and reasonably practical measures:

(b) for ensuring the provision of suitable housing generally and, as far as circumstance permit, for the inhabitants of its district.

I am not suggesting that the Slums Act does not act harshly in many cases. It does. But that is not a precedent for continuing the harshness under this Bill. The position is this, that we have advanced, I think, since 1934. In 1934 we did not have quite the same difficult housing position as today. We did not have quite the same conditions at the time, so that members considering the Slums Act had not present in their minds the terrible housing shortage as it is present in our minds today. I say therefore, that at this stage in 1950, when the State has assumed liability for housing, which it had not done in a large measure in 1934, if we find a situation which may lead to hardship, why should we not say that the board of the Minister, as the case may be, shall not issue such a drastic order as to declare a group area unless the board and the Minister are quite sure that there is alternative accommodation available.

The MINISTER OF THE INTERIOR: The board can take it into consideration.

Mr. LOVELL: That I quite understand. The Minister need not be harsh; but the point I wish to make is this. I have seen it with my own eyes that when pressure is brought to bear by a certain group of citizens, not all of them, to get rid of people of a different race, then all humane considerations are reduced to the question of pressure politics. That we want to avoid. I do not want the Minister to be placed in this position of having pressure brought to bear on him by a group that wants to get rid of certain racial group, and then the Minister must decide between that group and the pressure brought to bear by the European section. Why cannot he give this answer: "I will carry this out if there is accommodation, and if there is no accommodation I cannot carry it out; that is what the law provides." I think the law should make it quite clear that the Minister should not carry out such an order unless there is accommodation. I do not think the Minister will carry it out unless there is accommodation. But we may not always have the same Minister or the same conditions, and not always the same situation. [Interruptions.] The 1934 Act was not passed by this Government. There will be other governments after this Government, and why should we not say very clearly in the law that we are so careful to see that justice is done, that we even put it in the law so that no Minister and board can act otherwise than in a just and proper manner. That is all we ask. We did not move this motion in order to obstruct the Bill. We had no other motive than to see that our laws contain just provisions. We have told the Minister from these benches that this party has always been in favour of residential and social segregation. We have set that out in all our pamphlets and in all our arguments, and there is nobody in this House who can deny it. We are not denying the principle of this Bill, but we do want to see that the Bill will operate with justice and we do not want to see the Minister placed in the position that he is forced to be unjust to certain groups.

*Mr. VAN DEN HEEVER: It seems to me the hon. member for Pietermaritzburg (District) (Capt. Henwood) is definitely labouring under a misapprehension . . .

*Maj. VAN DER BYL: No, you did not understand him.

*Mr. VAN DER HEEVER: We are not all block-heads like the hon. member for Green Point (Maj. van der Byl). Now that he represents an urban constituency he ought to make a study of these affairs so that he can follow what is being said here in the House. In connection with the Slums Act I want to tell the hon. member for Pietermaritzburg (District) that during the past few years emergency regulations were introduced by the previous government because houses were so scarce. We know that there was a regulation stipulating that a building could not be domolished unless a permit for that purpose was obtained from the Minister concerned. It was under that emergency regulation that the magistrate, as the hon. member for Pietermaritzburg (District) said, could interfere in the matter, and not under the Slums Act.

*Mr. LOVELL: No, that is not right.

*Mr. VAN DEN HEEVER: We applied to the Minister of Health in Pretoria for permission to demolish certain buildings and he refused under the emergency regulations. But now we have the position that the hon. member over there stated one point of view, namely, that the court refuses to have a slum area demolished unless there is other accommodation available, while the hon. member for Benoni (Mr. Lovell) said just the opposite. Those hundreds of families mentioned by him were not under the protection of the law.

*Mr. LOVELL: It was a question of declaring a certain area a slum area and not of putting people out.

*Mr. VAN DEN HEEVER: But the hon. member over there on the other side asserted

that people could not be put out if they could find other houses. Those people were put out and the court did not intervene although there was no alternative accommodation for them. In other words, the magistrate did not take the emergency regulation into consideration in that case. The Minister has very clearly quoted from the law here that alternative accommodation is not one of the factors which have to be taken into account by the magistrate.

*Mr. DU TOIT: Read it out from the law.

*Mr. VAN DEN HEEVER: I have not got the law before me here but the Minister read it very clearly.

*Mr. DU TOIT: That refers to a person who goes to a slum area after it has already been declared a slum.

*Mr. VAN DEN HEEVER: When a slum is declared a slum, there is nothing in the law instructing the magistrate to take the question of alternative accommodation into account.

*Mr. LOVELL: It does not concern the declaration of a slum, but an ejectment.

*Mr. VAN DEN HEEVER: I just want to point out that by what our friends on the other side are saying they sound a little confused. The one says that the court ejects people and the other says the court protects them and both arguments are advanced as reasons for asking the same thing. Fundamentally this is not a Bill to provide for housing. It is a Bill to divide areas into group areas and we have other measures in this country to provide for housing where it is needed. Once there are European areas, areas for Natives, areas for Coloured people and also for Indians, then it is the task of the local authorities in co-operation with the Housing Commission and the Department of Health and, if necessary, the board created under this Bill, to pay attention to the question of housing.

*Mr. DU TOIT: Where does it say so in the Bill?

*Mr. VAN DEN HEEVER: It says so in the laws concerned, dealing with the provision of housing where it is needed. One who does not want to understand this matter, will not understand it. That hon. member who is opposed to residential apartheid will not understand it. He does not want this Bill either. It looks as if he cannot put two and two together.

*An HON. MEMBER: No, he cannot.

*Mr. VAN DEN HEEVER: Apparently he cannot. We cannot go and include provisions in this Bill that housing shall be provided for the people under this Bill. There are other laws which deal with housing. The hon. member knows very well that there are such laws. At the moment housing difficulties are tackled under those laws and the same can also be done in the future. I trust hon. members on the other side will not waste any more time over this matter; especially after the Minister has said that in a later clause, I think Clause 27, he will make the necessary alteration to make it the duty of the Board to take the question of housing into consideration when making a recommendation for a group area. Then our friends should also remember this, that before any group area is delimited the matter can be discussed here in Parliament and the Minister can be asked whether there is accommodation for those people. If there is not, they can draw attention to the fact and ask for measures to provide for accommodation.

*An HON. MEMBER: What more do they want?

*Mr. VAN DEN HEEVER: Yes, but that is what they forget. It really seems as if they are afraid that such debates will take place in the House because they will not know what attitude to take.

Mr. GAY: Mr. Chairman, the hon. Minister in his reply said that angels may fear to tread where other sections of the population are prepared to rush in. I take it that that injunction does not apply to the hon. the Minister, and I am quite sure it does not apply to me at the moment. For once I find myself in agreement with the hon. member for Pretoria (Central) (Mr. van den Heever), with the very instructive advice he gave to the Minister. The terms of the Slums Act as read by the Minister, are absolutely correct. There is no question about that. But I am afraid the Minister, being immersed in other more urgent duties, has gone a long way from what the present day administration of that Act is. The hon. member for Pretoria (Central) has covered one feature of it, that due to the shortage of human habitation in the country, other legislation has been passed which encroaches upon the provisions of the Slums Act. The position today is actually, as anyone administering the work under the Slums Act knows, that although you have those provisions in the Slums Act you are unable to move people from an area declared a slum area, if they resist being moved and go to the courts; unless you can satisfy the court that you have satisfactory and suitable alternative accommodation. If the Minister wishes to see it, I can show him half a dozen decided cases in my own municipality. The fact is that in carrying that into effect the court takes into account . . .

The MINISTER OF THE INTERIOR: That is under the emergency regulations.

Mr. GAY: Partly under the emergency regulations and partly under the Rents Act, in areas where the Rent Boards function. As the hon. member for Pretoria (Central) said, it goes even further than that and you are not allowed to demolish a building which can be used as a dwelling, without an order under the emergency regulations. That is the position that will be taken up in regard to the Group Areas Bill — not the position under the Slums Act as it was passed, but the position under the Slums Act in conjunction with those other things to meet present day conditions.

I was pleased to hear the Minister say that although he was not prepared to accept the amendment in its present form, he was prepared to make this explicit in another section of the Bill. I think that if his method of making it explicit there can be explained to us, perhaps we might accept it now. As the amendment stands on the Order Paper at the moment, we are asking for nothing to be taken away from the powers of the board, but we are merely giving the board certain authority, that it should not act before alternative accommodation has been provided. In view of the fact that alternative accommodation is going to be one of the fundamental foundations on which the success of this Act is going to depend, I do not think we are asking anything unreasonable. I would add my voice to that of the others who have already spoken, that the Minister should accept this amendment — if not the exact wording, then the spirit of the amendment — and make it explicit in the Act.

Col. JORDAN: I think the position, as far as we on this side of the House are concerned, is that we prefer the certainty of the amendment moved by the hon. member for Roodepoort (Mr. Allen) to the uncertainty of an amendment in Section 29, to be moved by the hon. the Minister, of the terms of which we are at the moment entirely unaware. I would like to follow up one or two remarks made by the hon. member for South Peninsula (Mr. Gay) in regard to the reference made by the Minister to the Slums Act. First of all, the Slums Act is totally irrelevant to the consideration of the subject we are now engaged upon. It has nothing to do with it whatever. It is not only slum areas that will be affected by this Bill. There are large areas affected which in no circumstances can be regarded as slums. Then I would like to reinforce the view expressed by the hon. member for South Peninsula that it is entirely misleading to attempt to contrast conditions existing today with those which existed in 1934 when the Slums Act was enacted. At that time there was no shortage of houses. Today the shortage is acute. At that time, had a shortage of houses existed, it seems extraordinarily unlikely that specific provisions in relation to alternative accommodation would not have been provided for in the statute itself. But the hon. member for South Peninsula has made it quite clear that under the other legislation which affects the administration of the Slums Act, alternative accommodation must be provided today.

But there is another aspect of the matter to which it is not unfair to direct attention, and that is that the Slums Act is administered by local authorities and the local authorities are generally controlled by people with a reasonable and wide human understanding. Local authorities are not under the control of a merciless Minister. Local authorities would hardly subscribe to the doctrine of creating hardship in order to create a feeling of self-reliance. That is the hon. the Minister's view of what human relations should be. That is his definition of the type of relationship that should exist between him and the people his Government governs in the country. It seems that he carries cynicism even further than is usual in the case of this Minister. It is a callous disregard of human suffering which would do credit to a Germanic mentality, but which we feel does little credit to the mentality of the average South African citizen. I, too, sitting on a housing committee of a local authority, the City Council of Cape Town, have had some experience of the administration of the Slums Act. I want to say this, that slums that had been declared years ago are, owing probably to housing conditions, still occupied today by those by whom they were occupied at the date of the declaration of the slums, and that is because, as I have already said, the administration of the Act is in the hands of the local authority, which means that the matter is handled with human understanding and wide vision.

Now I come to the specific amendment of the hon. member for Roodepoort and I want to clear up a minor matter of draftmanship in the amendment to which the hon. the Minister himself drew attention. In the amendment as framed by the hon. member for Roodepoort, he refers to "persons in lawful occupation of premises or immovable property". The error in draftmanship probably arose from the fact that we have not yet become accustomed, as no doubt we will have to become accustomed, to lawful occupation being converted by this Government into lawful occupation. And in order to put that right, I propose to move a very brief amendment. It is merely in the second line of the amendment, as printed on the Order Paper, to insert the following words in brackets: "Which is by this Act made unlawful." Many lawful things under this Act are made unlawful, and this is one of the things which is made unlawful. I think it is entitled to be put in language that will certainly spotlight the character

of the legislation itself. I now move that amendment merely to clarify the one point to which the Minister drew attention as a defect in the drafting of the amendment. I move— as an amendment to the proposed new clause—

In the second line, after "property" to insert "which is by this Act made unlawful".

Mr. RUSSELL: Mr. Chairman, last night we had to listen to two and a half hours of debate before the Minister gave way. The eventual explanation was simple. He intended, he said, to accept certain amendments moved by this side of the House. He could have cleared up the matter at the beginning of the debate and so saved a great deal of argument and time. That seems to me a prime example of the type of obstruction that is being indulged by the Government side under this pernicious guillotine. Today, Sir, we have spent four hours on discussing one clause, and we have eventually obtained this slight concession from the Minister.

The MINISTER OF THE INTERIOR: I said it at the beginning.

Mr. RUSSELL: No, the Minister, with a certain amount of calculated callousness, had refused to bind the board. After a great amount of cogent and telling argument he has eventually agreed to move a minor amendment at a later stage in the Bill. He undertakes to instruct the board to "take into consideration" the fact that a person, ejected in terms of this Bill, might have no alternative accommodation to which to go. Sir, this Bill has been wrongly named a Group Areas Bill. If we describe the Bill by its end result it will be known as the Displaced Persons Bill. That is exactly the effect it will have. And what is more, it will displace persons with a callous disregard of whether they have any other place to which they can go.

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

Evening Sitting.

Mr. RUSSELL: When business was suspended, I was discussing this Slum-Creation Bill, this Displaced Persons Bill. That is what the effect of this Bill is going to be when it becomes an Act.

The MINISTER OF THE INTERIOR: You are a displaced member.

Mr. RUSSELL: The only displaced member I see opposite me is the hon. the Minister who tried deliberately to mislead us . . .

HON. MEMBERS: Order, order!

The MINISTER OF THE INTERIOR: Do not sink to your usual level.

Mr. RUSSELL: I would have to sink very low if I were to try to reach the Minister's level. Let me put it this way, the hon. the Minister succeeded in misleading the House at first in his analogy with the Slums Act, from which he quoted wrongly and inappropriately to this Committee. He had to have his law correctly requoted to him by the hon. member for South Peninsula (Mr. Gay). I think the hon. the Minister will not quote the Slums Act again as an analogy for this particular Bill of his. If he does, he will have to be more careful both of his facts and of his law. I would like to say that the original reason which the Minister gave for refusing the hon. member for Roodepoort's amendment was a piece of calculated indifference. We were told that "This is not a Housing Act." Granted it is not a Housing Act. But surely the Government must take the responsibility, not only for passing legislation such as this (a responsibility which they will find hard to bear) but also the responsibility for housing the people of the country. They should consider, before they introduce legislation which will result in a great deal of displacement of people from their houses, whether it is possible to rehouse them or not. The second reason, more repellent because of its lack of humane feeling which we expect anyone to possess, was that "it would inculcate a sense of self-reliance in people to force them to look for houses themselves". That was a most shocking statement, especially coming from a ministerial bench. The Minister should realise that one's home is one's most precious possession, however humble it may be. To think of throwing people out into the street, throwing families out of their houses, throwing children out of their homes without being quite certain that alternative accommodation is supplied to them, is most shocking callousness. It is a most brutal example of despotic ministerial cynicism Sir, I think that the attention of the country should be focussed on this attitude of mind that would introduce apartheid willy nilly, whether that apartheid causes misery to hundreds of thousands or not. I think this is a piece of legislation that has sunk to the lowest level of any that I have known pass through this House.

Mr. SERFONTEIN: Is that the reason why you support the principle?

Mr. RUSSELL: I have said before that we agreed, and you know we agreed, to the principle of separation. We do not, however, agree to the principle or practice of callousness. We will never agree to the principle of cruelty. If I were to argue like the Minister, I would take to my use his very words, out of his own mouth. What

did he say, what did he repeat twice in this House during his second-reading speech? He said: "We believe in compulsion, if necessary." Now if the Minister added the words "if necessary", he must have contemplated first of all trying some other method. Was that perhaps the voluntary method of apartheid? If not, why did he say compulsion "if necessary"? It is the usual type of statement the Minister makes. "Compulsion, if necessary". That is exactly what the United Party believes in. First of all, in connection with the people in the Cape, try voluntary segregation; try enticing people away by offering them the advantages of more attractive housing. That is what this Minister now refuses even to consider. But the hon. the Minister by saying "The principle of this Bill is apartheid by compulsion, if necessary", implied — and he often makes oblique implications in this House — that the voluntary method would be tried first. Otherwise the words "if necessary" mean nothing, are nonsense. I am taking the Minister's own phrase and trying to analyse it in a logical way. Any statement by this Minister usually has a backdoor which will let him out of . . .

Mr. BOLTMAN: Why always so personal?

Mr. RUSSELL: We, in our amendment to the second reading, made it quite clear, made it absolutely plain, that if, after adequate examination by a commission on a judicial level, legislation was found necessary (and legislation implies compulsion) we would be in favour of it. So that all the twisting of our words by the hon. the Minister and his colleagues as to whether or not we are in favour of the principle of the Bill falls away entirely.

The MINISTER OF THE INTERIOR: You are trying to wriggle out of it.

Mr. RUSSELL: I make no excuse for thinking specially of the one particular class of people at whom this Bill is mainly aimed, namely, the Coloured people of the Cape. I want this House to realize that this class of person falls into a very special category. That class of person is the creation of the white man. He is the result of original intermixing between white and Native. You cannot blame the poor Native of South Africa for that intermixing. It is also useless to dismiss that problem by saying that the Coloured man is "God's stepchild". Why blame it on the Deity. He is the "white man's stepchild" and we owe a special debt of responsibility to that particualr class of person. I think the least that we might have done, in connection with this particular Bill, was to have conducted an adequate and proper judicial inquiry into the position in the Cape, before introducing such legislation as this. This Bill has been called "half-baked". It is completely uncooked, Sir. It is the sort of Bill we might expect to emanate from the Nationalist "kitchen" of this House, not from the ministerial benches. All that has been said on that side of the House has shown that the Government has no regard for the common humanity that man should show to man. I know myself that when our soldiers came back from the war and were asked what particular problem worried them most, the first and most vital thing they wanted was a "Home". That is the thought that springs first into the mind of any man regardless of race or colour. He wants a home. To visualise or contemplate taking that man, taking his wife and his children and throwing them from their home into the street is inhuman, it is . . . [Time limit.]

*Mr. POTGIETER: The hon. member for Roodepoort (Mr. Allen) who came here with his amendment this afternoon is probably deeply disappointed by the fact that his amendment called forth a discussion by the hon. member for Woodstock (Mr. Russell) who brought the debate down to that level of personalities. I want to say this about the hon. member for Roodepoort that he is one of the persons in this House who is an advocate of social welfare and I feel convinced that when he came here with this amendment he particularly had in mind that great ideal of a sound social welfare policy, namely, the ideal of rehabilitation. I feel convinced that the hon. member was not moved by political considerations as well, and that is why it is such a pity that hon. members on that side of the House and particularly the hon. member for Alberton (Mr. S. J. M. Steyn) and also the hon. member for Woodstock have turned the debate in that direction and brought it down to that level. I want to say this to the hon member for Roodepoort and also to other members tonight. They must not talk about rehabilitation now. Rehabilitation is precisely the great aim of this Bill. What is the basis for a sound social policy in this country? That those people have to be placed in circumstances reflecting their own cultural and religious background. In other words, people can only be rehabilitated when they can be treated as members of their own racial group and that is precisely what this Bill aims at by means of creating separate group areas for the various racial communities, separating the Coloured people, the Indians and also the Bantu. I want to say this to the hon. member for Roodepoort that it is precisely the great aim of this Bill to bring about that rehabilitation for the spiritual reconstruction of which the hon. member pleaded today. But what is now happening here? The hon. member for Woodstock came here tonight — and that is always the type of speech he delivers in the evening after dinner; I do not know what to ascribe it

to but on such accasions we usually find him at that level; I do not know what he consumed and what was the cause of his indigestion but this is what we get from him. He came here and instead of speaking about the beautiful idea of rehabilitation he took a challenging attitude and blamed the hon the Minister that he now wants to throw people out of their houses, and he said the Minister was a sort of monster who wants to uproot these people and chase them out, dooming them to degeneration and national poverty. That is not the purpose. Has not the Minister already given us the assurance that in some clause or other he will lay it down as one of the functions of the Board that it will have to see to it that those people are looked after? But that cannot be included in this Bill now at this moment and in this clause. Really I must say the speeches on that side are an absolute insult to the social conscience of our people. Are they not aware of the fact that we are living in a civilised country? Do they not know that we have a Government which knows that its elementary State function is at least to look after the survival of the subject, and does he really think that there is any Government that will uproot the people and just throw them out on to the streets? That is not what will happen. But that is the unscrupulous way in which this innocent and well-meant amendment is being grasped as an opportunity for advancing this type of argument. There is no need for them to be afraid. It is as a result of these utterly dreadful conditions in the slums that this legislation is being piloted through the House by this side. It is the social conscience that is placing this legislation on the Statute Book and you may be sure that we shall not uproot those people recklessly but that the social conscience of the people will see to it that those people are completely rehabilitated. That type of speech should not meet with approval and we should enter a protest against it. It is an insult to our social conscience. The hon. the member for Germiston (District) (Mr. Strauss), the new Leader of the United Party, is the man who spoke here about the uncertainty that will be caused by the fact that this legislation is to be enforced gradually. But there was precisely this advantage attached to that gradual enforcement that we did not simply want to impose terrible privations upon the people. But he objected to that. He does not want to agree with it. I just want to say that in connection with the enforcement of this measure and in connection with its gradual application there will indeed be privations and difficulties but in those cases I maintain that the people will be willing and the local authorities will be willing to make some sacrifices and to look after that aspect of the matter. But the other side of the House finds it possible to spend fabulous amounts on a reckless world war, find it possible to spend money recklessly in an unproductive way.

*Dr. STEENKAMP: What are you going to do if there is a war with Russia?

*Mr. POTGIETER: We are waging war against this utterly dreadful state of affairs. We have declared war against these conditions and the national conscience will see to it that, in practice, a success is made of this legislation and that those people are completely rehabilitated.

Mr KENTRIDGE: The hon. member who has just sat down started off with a friendly statement on the address of the hon. member for Roodepoort (Mr. Allen) and stated that the hon. member was actuated by no other motive than social welfare. I am sure that the hon. the Minister will also agree that as far as the amendment of the hon. member for Roodepoort is concerned, this amendment has not been moved for any political motives, has not been brought forward from a party political point of view, but that the amendment is based on a sense of social justice, although it may seem incongruous to talk of social justice on this Bill. The amendment of the hon. member for Roodepoort should undoubtedly be agreed to and would considerably improve the Bill and it would do away with much injustice which otherwise may result. This Bill unfortunately is not a Bill to produce houses, but actually a Bill to deprive people of homes, and after this Bill has been passed and has become law and people are removed I think by accepting the amendment of the hon. member for Roodepoort we should at least lay down what steps will have to be taken in order to provide alternative homes for people who will be displaced.

Under our ordinary economic arrangements—as a result of overcrowding and the development of slums—the legislature of this country has from time to time passed legislation in an attempt to clear up slums and to alleviate overcrowding. There is the Slums Act, there are measures in connection with overcrowding and there is our Rents Act. Although these measures perhaps do not go as far as one would have liked them to go, some provision has been made and in terms of these Acts, notice has to be given by property owners to occupiers and provision has to be made for alternative accommodation. In this Bill no such provision has been made, and I think it is only right and just that if steps are to be taken as contemplated by this Bill, provision should be made for alternative accommodation for people who are displaced. And let me say at once that this Bill is not only going to affect Natives. There are thousands and

thousands of white people in the lower-income groups who can be displaced under the terms of this Bill. Now I want to urge upon the hon. the Minister to take steps to prevent unnecessary hardship. The hon. the Minister has already indicated that he may be prepared to consider an amendment to Clause 27 whereby the board will have to take into consideration the question of alternative accommodation. That is all very well, but there will be no duty on the board or on the Minister to provide alternative accommodation to displaced people where an area is proclaimed. Therefore, I plead with the Minister that it should be made obligatory for the board to ensure that alternative accommodation is made available. It will make the Bill more acceptable to the public in general and will also be more acceptable from the point of view of social justice. Therefore, I hope the hon. the Minister will accept the amendment proposed by the hon. member for Roodepoort.

*Mr. BOLTMAN: I am just getting up to express our cordial gratitude to the hon. member who has just spoken. He delivered a long speech and we have not the slightest idea what he said, but eventually it became clear that he was heartily supporting the Minister and it was something so unexpected from that side of the House that I wanted to get up here to thank the hon. member. I think it will meet with general approval from that side. That is a party with two policies but the hon. member has now put a stop to all that and has now swung over to this side so I want to congratulate him on the speech he delivered.

Mr. ALLEN: I just want to say that I support the amendment proposed by the hon. member for Rondebosch (Col. Jordan) to the clause which I propsed as a new clause to follow Clause 2. Secondly, I want to say that I appreciate the promise given by the Minister to make some reference in the Bill to the necessity for the consideration of the housing position when the board inquires into the question of the establishment of group areas. I think that this discussion will have served at least one good purpose and that is that it again has drawn attention to the serious backlog of housing, particularly in our urban areas. It is in view of that big backlog that more consideration should be given to alternative housing in connection with the application of this measure. Serious consideration of alternative accommodation should precede the proclamation of group areas. We consider on this side of the House that something definite and specific should be provided in this Bill in order to enable this matter to be borne in mind on a definite basis in the consultations which are provided for in the Bill. For that reason we say that the principle in the amendment of providing alternative accommodation is necessary in order to do justice to the Bill itself as well as to those affected by it.

Amendment proposed by Col Jordan to the new clause proposed by Mr. Allen put and the Committee divided:

AYES—53.

Abbott, C. B. M.	Kentridge, M.
Allen, F. B.	Lovell, L.
Ballinger, V. M. L.	McMillan, N. D.
Bekker, P. B.	Mitchell, D. E.
Bell, R. E.	Moore, P. A.
Benson, E. A.	Mushet, J. W.
Bowker, T. B.	Oppenheimer, H. F.
Brooke, R. S.	Russell, J. H.
Butters, W. R.	Shearer, V. L.
Cull, J. A.	Smit, D. L.
Davidoff, H.	Solomon, V. G. F.
Davis, A.	Steenkamp, L. S.
Delport, G. S. P.	Steyn, S. J. M.
Du Toit, R. J.	Strauss, J. G. N.
Eaton, N. G.	Stuart, W. H.
Friedman, B.	Sturrock, F. C.
Gale, D. J.	Sullivan, J. R.
Gay, L. C.	Tighy, S. J.
Graaff, de V.	Tothill, H. A.
Hayward, G. N.	Trollip, A. E.
Henwood, B. H.	Van Coller, C. M.
Hepple, A.	Van der Byl, P. V. G.
Hopewell, A.	Warren, C. M.
Jonker, A. H.	Waterson, S. F.
Jordan, R. D. P.	Williams, H. J.
Kahn, S.	

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

NOES—60.

Abraham, J. H.	Loubser, J. A.
Bekker, G. F. H.	Loubser, S. M.
Bekker, H. T. van G.	Louw, E. H.
Bezuidenhout, J. T.	Ludick, A. I.
Boltman, F. H.	Luttig, H. G.
Botha, P. W.	Luttig, P. J. H.
Brink, W. D.	Malan, A. I.
Brits, G. P.	Mentz, F. E.
Conradie, J. H.	Nel, M. D. C. de W.
Deysel, A. J. B.	Olivier, P. J.
Diederichs, N.	Papenfus, S. F.
Dönges, T. E.	Pieterse, P. W. A.
Du Pisanie, J.	Potgieter, J. E.
Du Plessis, P. J. C.	Sauer, P. O.
Du Plessis, W. C.	Scholtz, D. J.
Erasmus, F. C.	Steyn, G. P.
Erlank, A. E.	Steyn, J. H.
Eyssen, S. H.	Strydom, J. G.
Faurie, W. H.	Swart, C. R.
Fouché, J. H.	Uys, D. C. H.
Fouché, J. J.	Van den Berg, M. J.
Frates, T. J.	V. d. Heever, D. J. G.
Fullard, G. J.	Van Heerden, D. P.
Grobler, D. C. S.	Van Niekerk, J. G. W.
Hertzog, A.	Van Rhyn, A. J. R.
Hugo, P. J.	Visser, de V.
Klopper, H. J.	Warren, S. E.
Le Roux, P. M. K.	Wilkens, Jacob.
Le Roux, S. P.	Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Amendment accordingly negatived.

New clause proposed by Mr. Allen put and the Committee divided:

AYES—53.

Abbott, C. B. M.	Kentridge, M.
Allen, F. B.	Lovell, L.
Ballinger, V. M. L.	McMillan, N. D.
Bekker, P. B.	Mitchell, D. E.
Bell, R. E.	Moore, P. A.
Benson, E. A.	Mushet, J. W.
Bowker, T. B.	Oppenheimer, H. F.
Brooke, R. S.	Russell, J. H.
Butters, W. R.	Shearer, V. L.
Cull, J. A.	Smit, D. L.
Davidoff, H.	Solomon, V. G. F.
Davis, A.	Steenkamp, L. S.
Delport, G. S. P.	Steyn, S. J. M.
Du Toit, R. J.	Strauss, J. G. N.
Eaton, N. G.	Stuart, W. H.
Friedman, B.	Sturrock, F. C.
Gale, D. J.	Sullivan, J. R.
Gay, L. C.	Tighy, S. J.
Graaff, de V.	Tothill, H. A.
Hayward, G. N.	Trollip, A. E.
Henwood, B. H.	Van Coller, C. M.
Hepple, A.	Van der Byl, P. V. G.
Hopewell, A.	Warren, C. M.
Jonker, A. H.	Waterson, S. F.
Jordan, R. D. P.	Williams, H. J.
Kahn, S.	

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

NOES—60.

Abraham, J. H.	Loubser, J. A.
Bekker, G. F. H.	Loubser, S. M.
Bekker, H. T. van G.	Louw, E. H.
Bezuidenhout, J. T.	Ludick, A. I.
Boltman, F. H.	Luttig, H. G.
Botha, P. W.	Luttig, P. J. H.
Brink, W. D.	Malan, A. I.
Brits, G. P.	Mentz, F. E.
Conradie, J. H.	Nel, M. D. C. de W.
Deysel, A. J. B.	Olivier, P. J.
Diederichs, N.	Papenfus, S. F.
Dönges, T. E.	Pieterse, P. W. A.
Du Pisanie, J.	Potgieter, J. E.
Du Plessis, P. J. C.	Sauer, P. O.
Du Plessis, W. C.	Scholtz, D. J.
Erasmus, F. C.	Steyn, G. P.
Erlank, A. E.	Steyn, J. H.
Eyssen, S. H.	Strydom, J. G.
Faurie, W. H.	Swart, C. R.
Fouché, J. H.	Uys, D. C. H.
Fouché, J. J.	Van den Berg, M. J.
Frates, T. J.	V. d. Heever, D. J. G.
Fullard, G. J.	Van Heerden, D. P.
Grobler, D. C. S.	Van Niekerk, J. G. W.
Hertzog, A.	Van Rhyn, A. J. R.
Hugo, P. J.	Visser, de V.
Klopper, H. J.	Warren, S. E.
Le Roux, P. M. K.	Wilkens, Jacob
Le Roux, S. P.	Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

New clause accordingly negatived.

Mr. MITCHELL: I wish to move an amendment. May I say that with the disposal of the amendment moved by the hon. member for Roodepoort (Mr. Allen) we are unfortunately left in the position now that it seems that any chance of getting compensation or consideration for these unfortunate people goes by the board. I want to move the following amendment.

The CHAIRMAN: Is it an amendment to Clause 3?

Mr. MITCHELL: No, it is an amendment to follow Clause 2, a new clause to follow Clause 2. I move—

That the following be a new clause to follow Clause 2—

(3) Whenever as a result of the operation of any provision of this Act or a proclamation issued thereunder or the withdrawal of a permit (under the authority of which a person acquired immovable property) issued in terms of Section 14 of this Act a person would suffer loss then and in such event the operation of the provision which would result in such loss shall not take effect until provision has been made for the compensation of such person in respect of the said loss out of monies which may be set aside by Parliament for the purpose.

The CHAIRMAN: Order, order! I am sorry I cannot put this amendment, because it would involve increased expenditure, and it would therefore require the recommendation of the Governor-General.

Mr. DAVIDOFF: I want to move a new clause to follow Clause 2 and it is more or less on the same basis as the amendment of the hon. member who has just spoken, but it is different in a very material respect.

The CHAIRMAN: Order, order! Will the hon. member please read his amendment?

Mr. DAVIDOFF: My amendment reads—

Whenever in terms of the provisions of this Act any person or company is in lawful occupation or who is the lawful owner of premises or immovable property and is required to vacate or dispose of the same, then such provision shall not apply where such person or company shall incur a loss to be determined in a manner prescribed by regulation until due provision shall be made for the payment of such loss.

An HON. MEMBER: It is the same thing as the last amendment.

Mr. WATERSON: No, it is not the same thing.

Mr. DAVIDOFF: It is surprising, Sir, how many Chairman we have here today. Before I go on to deal with this amendment I would like to make this statement. I would like to inform the hon. the Minister that we on these benches are very sorry that we could not put this provision on the Order Paper, and for this reason that we did expect the hon. the Minister himself to have an amendment or a new clause to this effect, and until yesterday we were not put in a position to ascertain whether or not he had done so and that is the only reason why we could not give prior notice to the Minister by having this amendment printed on the Order Paper. The position as far as this Bill is concerned is that it is entirely a new departure from any other form of legislation that has been passed in this Parliament. In the first place, I would like the Minister's attention if he would be so kind. Although this point was made at the second reading and was stressed from these benches, when we moved our amendment and said that before the second reading was passed the whole Bill should be referred to a commission to enquire mainly into two things, i.e. the question of compensation and also the question of alternative accommodation.

The CHAIRMAN: Order, order! I shall be glad if the hon. member would bring his amendment up to the Table, so that I may inspect it.

Mr. DAVIDOFF: May I proceed, Sir?

The CHAIRMAN: I am sorry I cannot put this amendment. It also requires the recommendation of the Governor-General, because it would involve increased expenditure. Therefore I cannot put this amendment.

Mr. DAVIDOFF: On a point of order, may I just point out with all due deference that this does not call for any increased expenditure by the State or by Parliament. Will you permit me, Sir, to explain my point. It is my submission that such loss, if any, will have to be met by the local authorities, not by the Government, not by the State. If that is so, then there is no additional expenditure involved for the State.

Mr. SUTTER: Since when has Parliament control over local authority expenditure?

The MINISTER OF THE INTERIOR: Why don't you put it in the amendment then? Put it in your amendment if that is what you mean.

Mr. DAVIDOFF: I am quite prepared to put it in and I hope the Minister will be as prompt in his reply and tell me that he will accept it. This is most important. The hon. the Minister himself has told us that before there will be a mass transfer of people from one area to another the local authorities will have to be consulted.

The CHAIRMAN: Order, order. Is the hon. member prepared to alter his amendment so that that point will be cleared up?

Mr. DAVIDOFF: Yes, I move—

That the following be a New Clause to follow Clause 2—

(3) Whenever in terms of the provisions of this Act, any person or company is in lawful occupation or is the lawful owner of premises or immovable property and is required to vacate or dispose of the same, then such provisions shall not apply where such person or company shall incur a loss to be determined in manner prescribed by regulation until due provision shall be made for the payment of such loss by local authority.

Dr. VAN NIEROP: Anything to stop a discussion on the Bill.

Mr. DAVIDOFF: That suggestion has been made by this side of the House on the question of losses that may necessarily be incurred by any persons who may be compelled to move or who may be compelled to divest themselves of their fixed property at a material loss. Let us take the question of people who compulsorily may be required at some future date, not necessarily at an early date, to move from one area to another group area. What about the cost of transfer; what about the extra cost that that party may be forced to incur by having to send their children to school and other incidentals. Whilst I must repeat what was said by the hon. member for Benoni (Mr. Lovell) and all of us from these benches during the second reading debate, that we associate ourselves with the idea of residential segregation in this country, we want to see justice done to all . . .

Hon. MEMBERS: "But".

Mr. DAVIDOFF: . . . that is the only "but"; that is the only difference. We want to see justice done to all. If through circumstances such as I have described any people who are compelled to move from one area to another suffer a loss, we say it is essentially the duty of someone to reimburse them for that loss or to give them compensation. Similarly if in terms of the Bill anybody will be compelled to divest himself of his property and if there is a stagnation in the property market, as has been stated, and that person of necessity

suffers a loss, then that party again is entitled to compensation. We cannot stress that sufficiently; we cannot emphasise it sufficiently. This is the only clause that has ever been introduced into this Parliament where citizens of this country can be compelled to divest themselves of certain assets without compensation. I would like to quote to the hon. the Minister what the position is under the different town planning board ordinances. There is no question under any of these town Planning board ordinances of existing rights being interfered with. Take our Expropriation laws right throughout the country. Where land has to be expropriated in the interest of the State compensation must be paid and under town planning schemes existing rights cannot be interfered with but under this Bill when it is translated into law existing rights can be interfered with very materially both in regard to the matter of divesting the man of his property and forcing him to vacate his house or premises. In that respect this is a total and complete departure from anything else that has been introduced into our legislation, and irrespective of what has been said previously on the question of alternative accommodation, it is essential that in order to bring this legislation into operation in a satisfactory manner a section of the population should not be compelled to bear all the loss, and it is the very people who will not be in a position to face that loss, who will not be in a position to pay for these necessities, who are going to be called upon to do so. That is our plea, and we say that until due compensation has been made to them and until such time as they have been compensated for their loss, they cannot be compelled to carry out the particular terms of the Bill. (Time limit)

Proposed New Clause put and negatived.

On Clause 3,

*The MINISTER OF THE INTERIOR: I wish to move the amendment appearing under my name on the Order Paper —

In line 2, page 9, to omit "commencement", and to substitute "date of promulgation".

As hon. members will see, the date of commencement of the measure is not the same. It is put into operation by proclamation and therefore it is necessary to fix the date of promulgation and not the date on which the Act comes into operation as the date mentioned in Clause 3. In the second place I move —

In line 19, page 9, after "Minister", to insert "has considered a report by the board and has".

This is again just to make explicit what was implied by the article. It was inconceivable that the Minister would act in such a case without the report of the board, but I just wish to state clearly in this article that the Minister can only pass on to the adoption of a recommendation in connection with a group area after he has received the recommendations of the board. I move.

*The CHAIRMAN: There is another amendment in line 24.

*The MINISTER OF THE INTERIOR: And this brings me to the last amendment. I move —

In line 24, after "land", to insert "or upon which prospecting, digging or mining operations are being carried on".

This is also just to state more clearly the position in respect of mining. It is not stated quite clearly there and these words are inserted to state it clearly.

Mr. GAY: I rise to move the amendment to Clause 3, standing on the Order Paper in the name of the hon. member for Brakpan (Mr. Trollip) —

To add the following new proviso at the end of sub-paragraph (i) of paragraph (a) of sub-section (3):

Provided always that if any portion of of the area falls within the jurisdiction of an urban local authority, such local authority has consented thereto by resolution and the Administrator has consented thereto in writing.

Clause 3 of the Bill taken with Clause 2 forms the main foundation of this Group Areas Bill. It is the clause which provides for the actual establishment of group areas and from that clause all the other requirements of the various clauses of the Bill must flow. I want to approach the question of this amendment that we are moving, from the angle of seriously and honestly endeavouring to assist the Minister to make this Bill workable so that it will bear less harshly on the people who are going to be affected, and I am not saying that with my tongue in my cheek, I mean that sincerely. I trust that the Minister in giving consideration to the points raised on this matter will also deal with it in that light and show that he is also prepared to co-operate. The Minister has already told us before the recess how much he is going to depend upon the co-operation and the assistance of the local authorities in the administration of this particular Bill. He mentioned at one stage that if group areas are to be established it must be on a move which was to be made by somebody. It may be that the local autho-

rity would make that request and that the board would be led by evidence and various other factors in connection with the matter. Clause 3 of the Bill introduces in local government areas all over South Africa something which, except for certain phases of Native administration, is an entirely new principle, particularly so in the Cape Province. Even in the other three provinces where there has been restrictive legislation in regard to Indian penetration, Clause 3 will introduce a new and very important principle all over South Africa, one which will affect the whole of the residents of the province, European and Coloured alike. It is a principle also, Mr. Chairman, which directly destroys one of the most delicately balanced features of human life, the right of every man to decide where he should live and bring his family up. It is a right in respect of which the majority of the people in the country will be affected and which has never before been affected by legislation in that particular manner. I want to make it quite clear, we have had a lot of discussion of the effect of this Bill on the non-European section, but we must not forget that the Bill affects the European population just as much as it affects the non-European population. We must not lose sight of that side of the matter. Clause 3 provides for the Governor-General by proclamation to establish group areas and it also lays down certain conditions which should guide him in the promulgation of such a proclamation. As I have already stated, the Minister expressed confidence in the assistance and help of the local authorities with the administration of the Act. His confidence will not be misplaced if they are given the proper opportunity to give that co-operation, and the effect of this amendment is intended to assist in making certain that local authorities, as the elected statutory representatives of a community affected, shall have the power to share in any decision that has to be made, shall have the power in the first place to decide whether a group area is required, whether it is necessary in that area; and when it is necessary and such a decision has been made and approved by the board, in guiding and sharing in the selection of a suitable area to be used, in doing its statutory task in preparing that area, to make it fit for habitation by the people who have to go into it.

Under the South Africa Act and also under various provincial ordinances which have been enacted in terms of that Act, specific legal responsibilities are placed upon local authorities and among those responsibilities is the question of financing the work in the local authority area, financing its administrative services, all of which will affect the group area and be affected by the group area just as much as any other part of its administrative area. They also have responsibility for the establishment and the maintenance of the non-personal health services. Among those services by no means the least important is the question of housing. We have dealt with housing during the last few days and it is already known as one of the crucial national problems at the moment. Under the Group Areas Bill, once it is implemented, housing must assume even more paramount importance than it does already in the national life of the country. No matter how many group areas are set up by legislation or by Governor-General's proclamations, there is not a single family which can be moved from their present residence into a group area without the necessary housing first being established in that group area. Let us face that honestly: it is no good blinking at it. We are not going to deal with individuals, but with people in their thousands, if ever this Act is going to be carried into effect in a manner which is necessary to justify the cost of this legislation to the country.

Now the Government has decreed that local authorities are responsible for housing, particularly sub-economic housing, for which till now the Government has not provided a single dwelling, and sub-economic housing will be one of the most important features in any housing scheme to be set up under the Group Areas Bill. Earlier in the debate I gave the House some figures, actual figures of what is involved in rehousing people, actual figures based on six years' experience of dealing with this matter. To move 300 families it cost £400,000 to house them decently, under austerity conditions. It took six years to do and it incurs an annual loss on rentals of £11,500. That is just a tiny fragment of the problem we will come up against. What will it mean when we have to rehouse the numbers of the population you will have to rehouse under group areas. And that only dealing with a portion of the non-European population. When we talk about rehousing, Mr. Chairman, do not let us lose sight of the fact that there will be a movement in the other direction and that somebody will have to be responsible for the provision of accommodation for certain sections of the European population you are going to move. It is not all a one-way traffic. Somebody will have to face up to the responsibility, and those houses are not provided cheaply. That is only a tiny fragment of the problem created by this Bill.

If the local authorities have to face up to that particular task, and there is no doubt about it that they will have to face up to it, then I say it is not only a question of their having the right to do that particular job. It is a question which goes beyond that. They have the legal responsibility placed upon them backed by statutory powers to enforce them to carry out those duties. [Time limit.]

*Mr. MENTZ: It is quite clear that the hon. member who has just sat down was simply depriving this Bill of its purpose and making it useless. The amendment now proposed here by the hon. member is actually the work of the board under Clause 24. The whole purpose of the amendment is to eliminate the board entirely as far as that work under this Bill is concerned, thus entirely depriving the Bill of its purpose and making it useless. The work he now wants to entrust to the local authorities is really the task of the board which will be appointed. Let us look at the procedure in connection with the declaration of a group area. The board has to investigate the matter and submit a report. The board as such has to conduct the investigation, but the hon. member now wants to cut out that board. When the board investigates the matter it will consult all interested parties according to the provisions of this legislation.

*Dr. STEENKAMP: It simply consults them.

*Mr. MENTZ: Yes, all the interested parties. After that it makes recommendations to the Minister. It is clear that also the local authorities will be consulted. But now the purpose of this amendment is to eliminate that board altogether as far as this work is concerned and to make it entirely useless. For that reason I wish to express the hope that the Minister will not give that amendment any consideration at all, or rather, that he will not accept it. There is only one purpose behind it — the purpose which has already become so clear this afternoon from the speeches made on the other side. It is clear that the United Party simply does not want to go into the root principle of this Bill. They are violating the Bill with this sort of amendment because they have already made a great blunder and they are now afraid to go into the matter. Those hon. members know that the Minister cannot accept these amendments unless he is prepared to invalidate his own Bill completely. But it is precisely for that reason that they come here with these amendments, so that they can afterwards go out to the country and tell the people that there was a guillotine and that as a result of the guillotine they had no opportunity of dealing properly with the clauses of the Bill. I think this attitude of those members on the other side is reprehensible.

Dr. SMIT: I wish to support the amendment proposed by the hon. member for South Peninsula (Mr. Gay), which provides a very necessary safeguard, particularly here in the Cape Province, where the rights of the Coloured people will be gravely jeopardised without their having ever been consulted in regard to it. Clause 3 of this Bill is not only ill-timed but ill-conceived. The Coloured people of the Cape Province differ greatly from the non-Europeans of the other provinces. They have enjoyed privileges along with the white man in this province that have not been enjoyed by the non-Europeans in the three northern provinces.

I wish to ask the hon. the Minister why it is necessary that they should be dealt with summarily by him in the manner indicated under sub-clause (3) (a) (i), without the approval of Parliament, and without the local authority that is responsible for the administration of the area being consulted. These Coloured people have lived side by side with us for 300 years, and most of them, as the hon. member for Woodstock (Mr. Russell) has stated, are descendants of our own race. They are intermingled residentially with the white group and their interests are interlocked with ours; and for the Minister to endeavour to disentangle them in the short space of five years, as contemplated in the clause under discussion, will lead to great hardship and injustice. Clause 37 points the way in which the Act should come into operation. It contains a specific proviso in regard to the Cape Province under which the Governor-General may either fix a date for the whole province or by proclamations issued at different times fix different dates for different areas in the Cape Province. Read with Clause 3, that indicates very clearly, I submit, the method which should be followed in dealing with the proclamation of group areas in the Cape Province, namely, that the board, with the assistance of its inspectors, should investigate each case and should give the people concerned an opportunity of being heard. After considering all the circumstances the board will then make a recommendation to the Minister in terms of Clause 27. Then, if the amendment is approved, the Minister should obtain the consent of the local authority and the approval of Parliament; and, having obtained such approval, it should only then be open to the Governor-General to issue a proclamation declaring an area to be a group area in terms of Clause 3 (1). A somewhat similar procedure has been followed in defining and altering areas under the Natives Land Act, 1913, and under the Native Trust and Land Act of 1936, except that under these Acts the areas set aside were actually included in the schedules to the Acts themselves by Parliament. The Act of 1913 set aside the then existing locations and reserves, and when it was desired to add more land the matter was carefully investigated by the Beaumont Commission and by a number of provincial committees that followed. Thereafter the additional areas or released areas, as they were called, were embodied in the Act of 1936 after protracted consideration by a joint Select Committee of both Houses. And the scheduled areas may not be altered

without the approval of both Houses of Parliament.

The CHAIRMAN: I do not quite see what all this has to do with the clause under discussion.

Dr. SMIT: If you will allow me to continue you will see how it bears on this clause. This formula gave us a safe and sensible procedure and avoided the uncertainty which exists under the present Bill. Mr. Chairman, I am dealing with the whole clause, including the amendment. I am entitled to deal with the whole of sub-clause (3) in addition to the amendment. I am asking the hon. the Minister why he intends to deal with the Cape Province summarily within a period of five years, and I say this that great difficulties will be created in that way. I would like to know why the Minister wishes to avoid parliamentary sanction during the first five years in the case of the Cape Province, which up to the present has not had any opportunity of being heard.

Another point that requires careful consideration by this House is one that not only affects Parliament, but also the local authorities. In dealing with Clause 3, we must keep in mind that under Section 8 of the Cape Constitution Ordinance of 1853, occupation of a dwelling to the value of £75 for a period of twelve months in an electoral division is one of the qualifications of a Coloured man to be registered as a parliamentary voter; and in the case of the municipal franchise — and that is where the local authority comes in — the qualification is ownership of immovable property to the value of £100 or occupation of a property to the value of £200. The proclamation of an area as a group area for white persons and the consequent operation of Clause 4 will deprive many Coloured persons of their franchise qualification, both in regard to Parliament and in the municipalities. This is a right these people have had for a hundred years and interference with this right is an additional reason why there should be the safeguard of consultation, or rather the consent of local authorities concerned, and parliamentary approval, before a group area is proclaimed.

The authority the Minister asks us to give to him under this clause will place him above the sovereignty of Parliament for five years, and during those five years the Minister will be a law unto himself. I submit the reason is not far to seek. It is all part of the five-year plan the Minister announced in his Worcester speech last September. It is all part of his design to deprive as many of the Coloured people as possible of their property qualifications so as to remove them from the voters' roll and thus to ensure the predominance of his party at the next general election. The whole history of this Government has been one long series of manoeuvres and strategems and tricks, and this is the most blatant of them all. And none of us should be led astray by the hypocrisy of the Government's pretentions. [Time limit.]

Mr. P. B. BEKKER: Mr. Chairman, the hon. member for Westdene (Mr. Mentz) has complained that our opposition was fractious and that we were putting forward frivolous amendments to waste the time of the House. I would like to assure him that we are very much in earnest with the amendments we are putting forward.

The MINISTER OF THE INTERIOR: With this one?

Mr. P. B. BEKKER: As proof of that, and in order to save time, I now move an amendment which has particular reference to the platteland and will prove how seriously we regard some of the snags the Minister has struck. These are snags that cannot lightly be dismissed. My amendment is as follows—

> In line 3, page 9, after "area" to insert "within the jurisdiction of an urban local authority".

I therefore refer the Minister to Clause 3 (3) (a) (i) on page 9. This is the same sub-section to which the hon. member for South Peninsula (Mr. Gay) has addressed himself. Section 3 of Clause 3 provides that no proclamation shall be issued under this clause for the establishment of a group area unless there is the prior approval in each case by a resolution of both Houses of Parliament, provided that any such proclamation may be issued without such prior approval; and this is how it will read with my amendment.

> If it is issued before the expiration of the period of five years from the commencement of this Act in respect of an area within the jurisdiction of an urban local authority in the province of the Cape of Good Hope or of Natal.

I am not going into the legal complexities involved. I want to direct myself to those of us who are interested in the platteland in Natal and the Cape Province. Let me say at once that the principle of excluding Parliament we believe to be a bad one. But that is an issue belonging to the second reading and has been resolved. It is our job now in the Committee Stage to make the best of a bad job and to spotlight those practical difficulties in the various clauses. My amendment is complementary to the amendment moved by the hon. member for South Peninsula. We on this side of the House argue that from the Minister's point of view, from the premises of the Minister,

it can be said that the need is great and pressing in the urban areas. We suggest, therefore, that in those circumstances, as long as the local authority and the administrator are employed to check the unbridled authority of the Minister acting through the Governor-General, we can appreciate that the urban areas in Natal and in the Cape should be dealt with in a manner suggested by the Minister. But is there the same need for the platteland of Natal and the Cape? I hope the Minister is going to give his attention to this. It is not a legal point but only a practical one. Could I indicate to the Minister, with great respect, that we would like to know what the need is for bringing in the platteland areas of the Cape and Natal under this paragraph to which I have referred. Why should the Minister in effect through the Governor-General have the full and unbridled power for five years to demarcate areas on the platteland; what is the reason? Let me put this point to the Minister pertinently. Will he concede that some liberal Minister, or any other Minister will legally have the power to declare part of Natal or part of the Cape a Bantu-stan — a Native area? The Minister laughs. I know his answer will be that he will not do it.

The MINISTER OF THE INTERIOR: I am not laughing at you; I am laughing at South Coast.

Mr. P. B. BEKKER: If the Minister indicates an analogy with the 1946 Act, then I think it is quite a different case because it does not apply. If I am not mistaken it is perfectly true that in Natal this proviso was brought in for the scheduled areas, but they were scheduled areas which only define open areas. I hope the Minister will not come with that argument that because it holds for Natal, therefore it can be brought into this Bill. I ask him: Will he admit that under this Bill it is possible for the Minister to declare part of the platteland of Natal and part of the platteland of the Cape as a Bantu-stan where only Natives may live?

Mr. MITCHELL: He does not answer.

Mr. P. B. BEKKER: When we legislate, we should provide against the human element. And to us it is perfectly clear that when we have such an instance where the Minister takes unto himself such wide powers, there will be a tendency for suspicion to creep in — it may be justified or not — having regard to the situation in South Africa that certain areas can be defined arbitrarily by the Minister through the Governor-General as Native areas. The Transvaal members are not here tonight . . .

Mr. MENTZ: Yes, we are here.

Mr. P. B. BEKKER: Let me give the House this analogy. Mr. Speaker will know what the situation in Pietersburg is. There you have quite a number of what they call black spots. Natives own property in these black spots and the farmers have been battling for their removal for years. You have the same position in the districts of Nelspruit, Barberton and elsewhere. I will concede that under this Act in the Transvaal an area cannot be proclaimed as a Native area unless there is a resolution to that effect by both Houses of Parliament. But I am sure that there are similar black spots in Natal and in the Cape Province, and now the Minister has the right for five years to declare such an area a Native area.

An HON. MEMBER: Where will you find such a position in the Cape?

Mr. P. B. BEKKER: I do not know the Cape so well, but the hon. member knows even less about the Cape. I am practically certain that in Natal you will find such areas, and I think too in the Cape. Now, if there is need on the Minister's argument, for taking these powers in regard to the urban areas, let him do so. But what right has he to do it in relation to the platteland? What is the need? If there is no need, why not accept this amendment, which is complementary to the amendment of the hon. member for South Peninsula and which means that for five years the Minister can go right ahead within the jurisdiction of an urban local authority. We say urban local authorities, because I understand that in the Cape they have Divisional Councils which are recognised as local authorities as well. We want to know from the Minister what the purpose and the motive is of including the whole of the provinces of Natal and the whole Cape Province, as far as the platteland areas are concerned, under the proviso of Clause 3 (3) (a) (i).

Mr. GAY: Mr. Chairman, when I was interrupted by the time limit, I was referring to the question of the statutory responsibility imposed on local authorities, duties which, whether they liked it or not, they could not evade; responsibilities which make it necessary for them to appear before the board, not as one of many, not as coming with some plea to be included or excluded, but as possessing responsibility, executive responsibilities proportionate at least to the statutory responsibilities they are forced to carry. Coming back to the Cape Province, Provincial Ordinance No. 10 of 1912 promulgated by the Provincial Administration — and there are similar ordinances in each of the other provinces — lays down the extent, the scope, the responsibilities, the duties and obligations of local authorities. I want to quote one or two examples of those responsibilities in order to show how greatly those

responsibilities bear on those to be imposed by the Group Areas Act and how they may overlap and clash with one another. Take Section 151 of that particular ordinance. It imposes upon the local authority that where a special area is being developed and special work has to be carried out in that area, the local authority is authorised to raise a differential rate, an increased charge for the work carried out in that area, buildings, roads, drainage, all the things that will apply in the case of the development of a group area. Who is going to pay a special rate where you develop a group area for the non-European population? Will they be able to pay? If they have to pay I would like to know what they are going to use for money, because they certainly have not got the cash to pay for it, and you will have to face up to that right from the start.

If you are developing a European area, do you expect them to accept that additional liability for the pleasure of falling under this Act, when they have not asked for it? That is one point where you clash, Mr. Chairman. When it comes to financing the development of a group area, Sections 179—184 lay down the procedure which a local authority must follow in raising the necessary finances for that particular work. They must consult their local ratepayers, they must obtain consent, they must approach the Administrator, they must obtain objections, right through, the usual procedure of law must be followed, not dependent on any one individual but the whole community, and then finally it has to go to the provincial administration and approval must be obtained. All these things will be necessary in establishing a group area if the local authorities have to be responsible. Group areas can only be developed by substantial expenditure. There is no other way of doing it and if local authorities are going to face that expenditure, then under Sections 179-184 the procedure is laid down for raising the necessary funds, and this procedure has to be followed. I am only quoting one or two examples to show how largely the functions of the two spheres overlap and therefore how necessary it is if we are to meet them, if we are to expect the co-operation of local authorities, if we ever hope to allow them to function so as to get that co-operation, that it is absolutely essential that they come into the scheme from the very beginning, that they come into it first in the defining of the area, in the mapping out of areas, and that all the way through in those deliberations they are given executive powers. The hon. member for Westdene (Mr. Mentz) suggested, as was said previously, that we are raising frivolous objections, objections in order to delay the Bill. I started off by saying that I was putting up suggestions with a view to assisting and I do not talk with two tongues. When I say a thing, I mean it and I am prepared to back it up, and I say again that the suggestions I am putting forward are suggestions based on experience and are put forward in an endeavour to help to make this Bill into something workable, something we do not like but which has been accepted by Parliament, and we want to help to make it reasonably workable in the interests of the people of the country, not by force — it is no good trying to introduce a thing like this by force, by overriding the local authorities, but by getting their co-operation, by getting them to participate and by allowing them to carry out the functions for which they are the elected accredited representatives of the community affected, and the only elected representatives for that particular class of work. Now the object of the amendment proposed, Mr. Chairman, is to ensure that the local authorities do come into the picture from the very beginning, that they are not only consulted, but that they are given the executive power of assisting in the making of decisions and in following the job right through, following it right through in the manner which is followed in any other local government work, from the beginning to the end. As the elected representatives of the ratepayers in an area they are, under the laws of this country, appointed to look after the interests of their own community which elected them, and that community includes all the sections, Europeans and non-Europeans. They are the only people who have authority to incur financial expenditure. The hon. Minister has said that the time to consider housing will come when the need arises, when the decision is made. That is about five years too late. Today it takes you at least two-and-a-half years from the time you start to plan any decent-sized housing scheme to the time when the first brick is laid, and you have to plan those things and develop them long before the time for them arises, you have got to forsee at least that length of time. To secure that co-operation, it is not enough to merely consult the local authorities. They are not just the same as the individual who is objecting to something or other and appearing before the board to lodge his objections or give his reasons in support of some claim of his own. They are the statutory body that is going to help to carry out the Act and they should have, as I urge, a full say and have full powers as is usual on all decisions of major importance within their own local area. The full power of consultation, recommendation and executive authority. That is the way to get their co-operation if you want it. This amendment is framed to bring that about, Sir. It is aimed in that direction, and I would commend it with all sincerity to the hon. the Minister, that if he really wants to make a success of his Group Areas Bill, if he intends it to be something to the advantage of South

Africa and not a millstone around our neck and another terror to the people that it is going to affect, then he should accept the offer in that spirit and he should meet us and see that from the beginning we are given the chance to give him the co-operation that we offer.

Mr. C. M. WARREN: Mr. Chairman, I would like to pursue the amendment moved by the hon. member for Johannesburg (North) (Mr. P. B. Bekker) in respect of the area represented by quite a number of us, that bordering on the Transkeian Territories. Now, Mr. Chairman, if the hon. the Minister is to have five years carte blanche in proclaiming or scheduling areas, I still come back to the suspicion that this is the area earmarked for annexation and the expansion and establishment of the new Bantu state. I would like to know from the hon. the Minister whether the powers given to the Government under Act 18 of 1936, the Native Land and Trust Act are superseded by him in this Bill and the powers to schedule areas and expropriate areas adjacent to scheduled areas will now be all conceded to him? Because we know that behind our backs, there are large sections of country that are being offered to the Minister of Native Affairs in an endeavour to extend those areas by farmers who find it intolerable to remain in possession of their land and farm it on an economic basis with the Natives right in their midst. Then I would also like to draw the attention of the hon. the Minister to this fact that that area also has as a result of neglect some 3,000 or 4,000 illegal squatters living on farms within those areas and a very rapid encroachment into village management board areas that fall into the rural urban areas. I definitely would like to know from the hon. the Minister what he intends doing, why it is necessary for him to take these powers to apply and schedule areas in rural areas. We are extremely suspicious and I want to assure the hon. the Minister that unless I get some satisfaction, I shall take the matter decidedly further, because that area has had to put up with decidedly more than its share. I want an assurance from the Minister that he is prepared to theat us on the lines on which we have indicated to the Native Affairs Department and have a cleaning up of those areas rather than an extension of the scheduled areas that are now occupied by Natives and in respect of which promises were originally given by the Government then in power that they would be eliminated.

Mr. BOWKER: I rise to support the amendment moved by the hon. member for Cape Peninsula (Mr. Gay). I hope that the hon. the Minister will give this amendment special consideration as urban local authorities have to bear the burden of the financial and other provisions inflicted on them by the provisions of this Bill, and if there are any local authorities in the Union who should give their consent before any group area is declared within the area of their jurisdiction, it is the urban local authorities in the Cape Province. No judicial commission or any other commission has ever sat or reported on provisions to provide for a solution in respect of the confused conditions in which our various nationalities live in our towns, and especially in our Mother City, Cape Town. I hope that the hon. the Minister will accept this amendment. The hon. the Minister has done quite well today and if I could be conceded the privilege, I would like to give him two good marks, one in respect to his undertaking that in Clause 27 he will make it explicit that the board must be satisfied with regard to suitable accommodation being available before ordering any eviction from a group area. The Minister is going a long way in meeting some of our representations and I hope that he will be explicit when he moves his amendment, and I would like to be justified in giving him a good mark. Then a second mark I would like to give him, which perhaps is not quite as good, is in respect of his promise to assist the hon. member for Pretoria (Central) (Mr. van den Heever) in drafting an amendment to alleviate certain of the financial burdens of certain building societies. I think that if the hon. the Minister will accept this amendment now of the hon. member for South Peninsula, he will have made such progress in one day, that he will very soon be at the top of his class.

*Dr. STEENKAMP: I sincerely trust that the hon. Minister will accept the suggestion or amendment moved by the hon. member for Johannesburg (North) (Mr. P. B. Bekker). I feel convinced that hon. members on the Government side feel just as strongly in actuaul fact as this side of the House that any black spots there may be, or that may in the future occur in European areas, should be prevented or removed. I am, for instance, thinking of such areas in Natal which it was the policy of the previous Government to remove. I am thinking of areas like Kingsley where there is a black spot within a white area.

*Mr. BOTHA: Did you remove it?

*Dr. STEENKAMP: They were busy doing so when this Government took over, just as the present Minister of Native Affairs was busy with it when he was Minister of Native Affairs in the old Nationalist Party Government. Do not let us drag politics into this matter. I do not want to do so I do not, for instance, wish to refer to what the Nationalist Party candidate said on the occasion of the Senate election in connection with the extension of the Native area

between the Kei and the Fish River and the whole Natal area. I think we are all agreed that we must not extend these black spots but that they should rather be made smaller. I must say, to my mind, it seems less dangerous having these black spots than throwing all of them together in one great area according to the present policy. But I think it is the policy of the European today to eliminate those black spots and that is why we want to prevent further extension under this Bill. If the hon. Minister will look at his Clause 6 he will see that it can most certainly happen under this Bill of his and that is why we are asking him to state that the platteland must not fall under these provisions, particularly those of Clause 3. That is why I support the amendment.

Mr. LOVELL: I move—

To omit the proviso to paragraph (a) of sub-section (3); and to insert the following new paragraphs to follow paragraph (c) of sub-section (3)—

(d) unless, in the case of a proclamation under paragraph (a) of sub-section (1) the board established under Section 24 has certified in writing that adequate, suitable and convenient accommodation is available for the housing within an area which they may lawfully occupy of persons who will become disqualified persons by reason of such proclamation;

(e) unless, in the case of a proclamation under paragraph (b) of sub-section (1) another area is simultaneously declared a group area for ownership by persons belonging to a group who will become disqualified persons by reason of such proclamation in the same magisterial area or in a magisterial area contiguous thereto.

The first part of the amendment suggests the deletion of the proviso to paragraph (a) of sub-section (3). That paragraph reads—

No proclamation shall be issued under this section except with the prior approval in each case by resolution of both Houses of Parliament . . .

And then the proviso states that for five years such proclamation may be issued without such approval in respect of the Cape and Natal and certain areas of the Transvaal. Now it seems to me that the hon. the Minister has accepted the principle that group areas should not be declared except by a resolution of Parliament and I think that is a wise principle to accept. A group area is something very much more revolutionary than a specified area or a controlled area and therefore it is correct that any area proclaimed as a group area should come under the scrutiny of Parliament before it is finally declared. It will have very far-reaching effects and will make the position rigid for a very long time in the future. I do not quite understand why for the first five years he does not want Parliament to decide in regard to group areas, but he wants virtually to decide it himself in consultation with his board and with various officials. I cannot understand why he wants to do that and I shall be glad if the Minister will tell us. I feel that the group area is of such a nature that Parliament should at all times get an opportunity of discussing its formation and its final declaration.

Now the other part of the amendment which is standing in my name deals with two sub-paragraphs which I want added at the end of sub-section (3). I do not want to take up the time of the House in discussing each sub-paragraph for the reason that one of them has been discussed as fully as possible under the amendment of the hon. member for Roodepoort (Mr. Allen), except that I have been a little more specific than he has, and I have asked that the provisions apply only to group areas, whereas the hon. member for Roodepoort's amendment is a little wider in its scope. I merely want to read the new sub-paragraph (d) which would preclude the proclaiming of a group area—

Unless, in the case of a proclamation under paragraph (a) of sub-section (1) . . .

That is a group area for occupation—

. . . the board established under Section 24 has certified in writing that adequate, suitable and convenient accommodation is available for the housing within an area which they may lawfully occupy, of persons who will become disqualified persons by reason of such proclamation.

All I wish to say in regard to that amendment is to draw the Minister's attention to the words "adequate, suitable and convenient". I would be glad if he in considering his amendment to a later clause dealing with the powers of the board he would perhaps take over some, if not all, of the words that I used in this amendment. "Adequate" and "suitable" do not require discussion, but "convenient" is a word which I chose for this reason: I felt that if alternative accommodation was to be provided, it should not be too far from the original accommodation from which such a person is being displaced. I did so for obvious reasons. The question of transport arises, the question of schooling and other matters of that kind. I should be glad if the Minister would be willing to make use of some, if not all, of those words when dealing with his amendment to a later clause. Now the next paragraph

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is sub-paragraph (e), as suggested by me, which reads—

> Unless, in the case of a proclamation under paragraph (b) . . .

That is in regard to ownership, a group area for ownership—

> . . . of sub-section (1) another area is simultaneously declared a group area for ownership by persons belonging to a group who will become disqualified persons by reason of such proclamation in the same magisterial area or in a magisterial area contigous thereto.

The idea of that amendment is that if, say in a district like District Six, in Cape Town, which is a very mixed area, a group area was to be proclaimed for ownership, say, by Coloured persons, there should simultaneously be declared another group area, if one has not already been declared, for ownership by Europeans and vice versa. If the area was a group area for Europeans and a large number of non-European owners had to move out of it, then it would only be right that they should have an opportunity of becoming owners in an area which was set aside for ownership by Coloured persons. I do not know whether the wording which I have selected covers the point which I wish to make, but the intention I have outlined to the House. I might draw the hon. the Minister's attention to the fact that I think I can say without exaggeration that probably 95 per cent. of the land in this country, apart from the Native reserves, is owned at present by Europeans. Now if there is this 5 per cent. left over, then the establishment of group areas should be done simultaneously with the establishment of any group areas for Europeans. If that is not done, then even the portion being the 5 per cent. may in time vanish and the non-European owner would be gradually segregated in such a small portion of the country that it must lead to dissatisfaction and injustice. I make that point because the Minister, in his second reading speech, indicated to the House that the basis of the Bill is the principle of equity and justice. While it cannot be said that to segregate for the purpose of ownershp the non-Europeans in 5 per cent. of the available land in South Africa, and to segregate the Europeans in 95 per cent. is equitable and just, at any rate, within the framework in which we live in this country that point must be borne in mind and for that reason I ask the Committee to accept my amendment; at any rate in principle, that when we declare any group area in a particular province or a particular place for ownership of persons belonging to a particular race or group, we should at the same time declare a group area for any of these persons who might be displaced from that group area belonging to another race or group. I shall be glad to hear the Minister's comment and I trust that he will be able to accept at any rate the principle of the amendments which I am putting forward this evening.

Mr. V. G. F. SOLOMON: I rise to briefly support the amendment moved by the hon. member for Johannesburg (North) (Mr. P. B. Bekker). As the hon. member, for King William's Town (Mr. C. M. Warren) has rightly said those of us who represent constituencies lying between the Kei and the Fish River are naturally very anxious and very perturbed indeed with regard to what the future policy of the Government will be, and particularly the present Minister, regarding the area which lies between those two rivers. It is a peculiar thing that from the Government side there is not a single member representing that particular area present here tonight. In other words Government members who represent constituencies in that particular area, not one of them is here to lend support to a matter which we know is one of vital importance to their constituencies as well. The position now is simply this that we should like to have some assurance from the Minister as to what his intentions are regarding the implications of the particular Clause, and the reason why he cannot accept a reasonable amendment such as that proposed by the hon. member for Johannesburg (North). It is undoubtedly going to cause a considerable amount of anxiety in the areas which we represent and once they realise what the implications of that Clause are, I know that it is going to cause a good deal of perturbation and also will react considerably upon those Government members who are not here to support our amendment today. I have therefore much pleasure in supporting the amendment of the hon. member for Johannesburg (North) and again I say that it is definitely up to the Minister to allay these fears which will be felt by the farmers and others that under this Clause their farms may be declared an area which will be taken over for Native occupation and that without compensation.

Mr. SULLIVAN: I propose to be very brief. I want to comment on what I feel is one of the unsatisfactory aspects of this Clause, and that is its failure to make adequate provision for the expansion and development of the group areas. There will obviously be a continuous increase in population. There will be a need, therefore, for increased amenties; there will be transport facilities to be provided; there will be some industrial development. Now, in this Clause, we are considering no provision whereby that expansion can be on such lines as to

prevent these group areas from developing into slum areas. The Native Land Act, when that was passed, made provision for the extension of those areas; and I think that this very wise provision might well be provided for in this Clause. There is a clear danger that although the group areas can possibly be made to work out to the advantage of the inhabitants in those areas, there is the danger that without this provision for expansion and development there is a likelihood of their developing into a sort of ghetto. I want therefore to move another amendment covering this point I have made—

> At the end of sub-section (1) to add the following new proviso:
>
> Provided that any Group Area so defined shall be adequate in the opinion of the board to meet the developing needs of the group community over a period deemed reasonable by the board.

*Mr. HAYWARD: I rise in order to support the amendment of the hon. member for Johannesburg (North) (Mr. P. B. Bekker) as well as the suggestion put forward by the hon. member for King Williams Town (Mr. C. M. Warren). I wish to thank the hon. member for King Williams Town for the fact that he drew attention to the danger that the Minister may extend certain areas for the sake of the Bantu tribes with the result that things may become very difficult for the farmers out there on the Eastern borders.

But the main reason why I am getting up is once more to bring to the notice of the Minister the position of a certain part of my constituency. The Minister gave a fuller explanation this afternoon and we are thankful for it but there is still the danger that very great difficulties will arise unless matters are dealt with most carefully. For that reason I hope the Minister will accept the principle that the local bodies will have to ask for the enforcement and the declaration of a group area and also that it should first of all have the support of the Administrator. I particularly have in mind the case of Korsten. In 1938 there were only 12½ per cent. Europeans in that part of the urban area of Port Elizabeth. The scheme was laid out and the Europeans increased in numbers while the non-Europeans became less and today we have the great Ford factory there, one of the biggest factories in those parts, and if that area is declared a group area all the Europeans or all the non-Europeans will have to leave. Now I would like to know, whether if this happens and if the greatest care is not taken and the application of proper preventive measures seen to, whether a dreadful act of injustice will not be committed against the Europeans or the non-Europeans. For that reason it seems to me that until sufficient provision has been made for housing for this section which will have to move, it is impossible to imagine that such an area can be declared a group area.

*The MINISTER OF THE INTERIOR: Do you think they should just live among one another like that?

*Mr. HAYWARD: No, I think that the matter should be dealt with circumspectly and that proper provision must be made for housing before such a plan is carried out. It seems to me the Minister is not taking a serious enough view of the matter. That is why I again want to stress it. I want the assurance and this country wants the assurance and those people also want the assurance that the matter will be dealt with circumspectly. The Europeans have been living there all these years and good houses have been erected there. We are not allowed to move an amendment here that compensation shall be paid out but supposing a certain house there is occupied by a European and that it is worth £2,000 to him. He might have to get out. The buying power of the Coloured people is much less than that of the Europeans and he will perhaps be compelled to accept £1,000 for such a house. Now is that right? It seems to me that provision should be made for some kind of compensation in such a case. I am not allowed to move such an amendment because that would mean increased expenditure but I want to ask the Minister to give the matter his serious consideration.

Mr. MITCHELL: When the Minister replies to the request that has been made, I hope he will tell us quite specifically whether in connection with the establishment of Native group areas, he proposes to utilise the machinery under this Bill, or whether he proposes to use the machinery at present in operation under the general law. It is clear, as the hon. member for Drakensberg (Dr. Steenkamp) pointed out, that the Minister contemplates setting up areas outside the areas under the jurisdiction of local authorities, in other words, in rural areas. Now I want to put the case squarely to the hon. the Minister and I hope he will give us a plain answer. For the purpose of the acquisition of these Bantu group areas, does he propose to use the machinery in this Bill or is he going to use the machinery set up under the Native Trust and Land Act? It is a matter of very considerable importance and I hope that we will get a straight reply from the hon. the Minister. I am supporting the amendment of the hon. member for Johannesburg (North), because it seems to me that here is a clear-cut case where if the Minister wants to set up areas for

Natives, for Bantu groups, then he should come to Parliament for his authority. He should not do it by administrative action, when the first notice that a decision has been taken would be a proclamation to be issued by the Governor-General under this Bill.

The MINISTER OF THE INTERIOR: There are a number of amendments that I can deal with. The amendment moved by the hon. member for Durban (Barea) (Mr. Sullivan) is the easiest one to dispose of and the last; I will deal with that first. He complains that there is no provision for the expansion of group areas. I really regret that I do not see the point of this criticism at all. There is no reason against a further proclamation adding on to an existing group area if there is need for an extension of that particular group area. That is inherent in the very scheme of the Act. So his amendment is unnecessary.

I come to the amendment of the hon. member for South Peninsula (Mr. Gay) and this is again one of these curious inconsistencies which one so frequently finds in members on the other side, not particularly the hon. member for Green Point (Maj. van der Byl), who is on the point of protesting. The hon. member here asks in effect that a veto right should be given to a municipality and to the Administrator. In other words, no scheme anywhere in the country would be possible unless, according to him, there has not only been consultation but there has been consent by the local authority, by the Administrator, and then we also in terms of another amendment here, we have got in every case to come to Parliament as well. I do not know whether the hon. member is aware of the procedure in regard to the administration of the 1946 Act. The procedure is this, that in most cases, the local authority is one of the parties appearing before the board. The board is the judicial body. Now if I were to accept the amendment of the hon. member for South Peninsula, I would be affording to one of the parties before the court the right of vetoing the recommendation of that court.

Mr. MITCHELL: But is the board a judicial body?

The MINISTER OF THE INTERIOR: It acts as a judicial body, it hears both sides and it never fails to hear the local authority.

Mr. MITCHELL: But it is not a judicial body.

The MINISTER OF THE INTERIOR: It is a judicial body in this sense, as I said, that they hear both sides and they come to a conclusion, they make a recommendation which hon. members from Natal had always assured me is a fair and impartial decision they have made.

Mr. MITCHELL: But surely it is an administrative body.

The MINISTER OF THE INTERIOR: It is an advisory body, but they act in a judicial manner. If the hon. member has ever attended a meeting of that board, he will have seen that it is conducted very much on the same lines as any court of law, except that they are not bound by the ordinary rules of evidence. The hon. member, as I say, if he were aware of the procedure, would have found that in most cases the opponent of the applicant is the local authority in Natal. When a person makes an application for a permit, in very many cases his application is opposed by the local authority and the board has to decide between the two of them. But if the hon. member's amendment is accepted, it would mean that the unfortunate applicant for a permit would be in this position: He meets on equal terms the local authority, he puts his case, the local authority puts their case, the board makes a recommendation and then one party to the dispute, the local authority can come and say: No, I veto this recommendation of the board, even if it is approved by the Administrator, and apparently also even if it is approved by both Houses of Parliament. That, in its very nature, is so inconsistent with what hon. members are always saying that you must not make a man a judge in his own cause, that this would be making him a judge in what is frequently his own cause. And may I say to hon. members who are concerned about the position of the non-Europeans, that they may find many cases that the local authority, owing to local prejudice perhaps, that they are not so impartial towards the claim of the non-European as the board, which is an impartial outside body, would be. Now the hon. member wants the local authority to have the right to veto whatever recommendation is made by the board.

Dr. V. L. SHEARER: Is this a Molotov-comittee?

The MINISTER OF THE INTERIOR: It would be more or less on those lines. I do not think I need say anything more on those lines, except to reiterate that the local authority has every opportunity of placing its views in regard to a matter of this kind before the board, and I have no doubt that very serious weight will be accorded to the views of the local authority in regard to what a group area should be. But you cannot make them in a matter in which other people may hold a different view, other people within the same municipal jurisdiction, you cannot give one section of them an overriding power over the others, and

therefore we have in this Bill placed that matter for inquiry in the hands of an impartial board which will make recommendations, and then the Minister has to consult the Administrator. That we have put into the Bill.

I now come to the amendment proposed by the hon. member for Johannesburg (North) (Mr. P. B. Bekker) and let me say at once that there is no intention of having group areas all over rural areas, but the difficulty is that frequently, particularly if one looks to the future, you will want to have a group area spilling over the municipal boundary into the adjacent rural area, and for that reason it is necessary to have the scheme as broadly framed as it is framed here. You must have the power to see the picture as a whole. There may be two local authorities with an intervening space which is not under municipal jurisdiction, which is a rural area.

Mr. P. B. BEKKER: If it is in the future, this only holds for five years.

The MINISTER OF THE INTERIOR: The point is this that it is not only there that we want it, we want it generally. You can have a group area anywhere, but this is for the first five years—I am coming to the amendment of the hon. member for Benoni (Mr. Lovell)—it is not only for the first five years that we are taking power to have the group area also in the rural area. That is a general provision, but for the first five years, if you want your group area now where you have various local authorities close together with an intervening space which does not fall under the jurisdiction of either of them, you may get the three local authorities together and they may, after consultation with each other, put up a joint scheme which will overspill their municipal boundaries, and for that reason you must have this power, even for the first five years.

Mr. P. B. BEKKER: Why not make it subject to the resolution of both Houses of Parliament?

The MINISTER OF THE INTERIOR: I will tell the hon. member why. He has said that he is aware that this power was taken in the 1946 Act for Natal in regard to released areas.

Mr. P. B. BEKKER: Open areas.

The MINISTER OF THE INTERIOR: Yes. The reason there was to be able to act as quickly as possible and therefore they took that power to declare released areas—the international areas—within the first five years.

Mr. P. B. BEKKER: It is not the same principle.

The MINISTER OF THE INTERIOR: It is very much the same principle.

Mr. MITCHELL: It is the very opposite.

Mr. P. B. BEKKER: In one you declare an open area where anybody can buy and then by gravity it becomes one of the other colours.

The MINISTER OF THE INTERIOR: No, no. Let me put this to the hon. member in regard to this five-year period. There are a large number of areas in respect of which there will be no difficulty in declaring them group areas, areas which are predominantly the one or the other, and we want to have all this uncertainty removed. Hon. members have said that one of the objections to the Bill is that it creates an uncertain position. We want as soon as possible to have those areas which are predominantly one or the other, or almost exclusively one or the other—there are areas which are exclusively the one or the other—we want those areas to be declared group areas as soon as possible, and that is the reason why we are inserting this provision here.

The hon. member for Kingwilliamstown (Mr. C. M. Warren) dealt with the question of the position of Native areas, and I think the hon. member for Fort Beaufort (Mr. V. G. F. Solomon) supported him in that regard. May I say that the position in regard to the Native areas, and in regard to any Native group areas, is a matter which is really outside the power of the Minister of the Interior. In terms of the definition of "Minister" hon. members will see that it says—

> Provided that in relation to any group area for the Native group or for any group defined under sub-section 2 of section 2 consisting of members of the Native group any area which is a released area in terms of the Native Trust and Land Act of 1936, any area referred to in sub-section 1 of section 8 of the Native Urban Areas Consolidation Act, and to any immovable property, land or premises in any such area, any reference to the Minister in paragraph (b) of sub-section 3 and in various other sections shall be a reference to the Minister of Native Affairs.

So the policy will be administered, as far as the Native group areas are concerned by the Minister of Native Affairs.

Mr. MITCHELL: Will he answer our questions then?

The MINISTER OF THE INTERIOR: No, I will answer any points which hon. members care to raise.

Mr. MITCHELL: Why do you throw it on your colleague then?

The MINISTER OF THE INTERIOR: I am answering a question. If the hon. member's intelligence is not capable of rising to this height, then I am very sorry. Perhaps it is due to the late hour.

Mr. RUSSELL: Abuse is no argument.

The MINISTER OF THE INTERIOR: I am merely trying to be helpful, and to answer a question that has been put to me; I am trying to answer very fairly a question that has been put to me. I am explaining that the 1936 powers are not superseded; they are exercised by the same Minister. I take it that the same Minister will not follow two different policies. I take it that it will be a uniform policy that the Department of Native Affairs will work out. They will naturally make use of the Board, if they want to declare a group area, but hon. members will see too that certain areas may not be declared group areas, namely—

> Any land situated in an area which is a scheduled Native area or a released area in terms of the Native Trust and Land Act.

Mr. MITCHELL: We know that.

The MINISTER OF THE INTERIOR: That cannot be declared a group area. That is placed outside the provisions of this Bill.

Mr. C. M. WARREN: What I am particularly concerned about is this. Does this give the Minister of Native Affairs the power to encroach on European areas that are not released areas?

The MINISTER OF THE INTERIOR: If the Minister wants to make use of the powers and the terms of this Act, he will have to send the matter to the Board and everybody will have an opportunity of being heard before the Board. There will be no question, as hon. members said, of waking up one morning and finding that you have been included by proclamation in the territory. The hon. member will have full opportunity to make representations. Notice will be published and representations by interested parties on that point will be met.

Dr. STEENKAMP: Say, for example, there is universal objection, what do you do then?

The MINISTER OF THE INTERIOR: In the same way as under the existing position there may be persons who do not like any extension of the existing Native areas, who are affected by it and who object. There are means of dealing with it under the existing Act. Here there will be means of dealing merely with the question of whether it should be included, but I take it that just as there is purchase of land today by the Native Trust, so there will be purchase of land if under this Bill any area is set aside as a group area, after enquiry by the Board, and after the Minister of Native Affairs has agreed and, as I say, after five years, if it has been approved by the Houses of Parliament.

Mr. MITCHELL: Where can they purchase it?

The MINISTER OF THE INTERIOR: Wherever a group area is declared. It merely declares it an area. There is no provision in this Bill for expropriation, and the person whose land is included, even in the Native area, can retain ownership of it for as long as he lives.

Maj. VAN DER BYL: In released areas?

The MINISTER OF THE INTERIOR: He has an opportunity of disposing of it as long as he lives. He is not, as he is under the Native Trust Act, bound to sell it at an expropriation price immediately; he can bide his time. He can say: "I am not going to sell immediately". Under this measure, apart from what the Minister can do under any other Act, he cannot force the man to sell. That is the position in regard to the Native Group areas. The whole administration of Native group areas will fall under the direct aegis of the Minister of Native Affairs.

At 10.25 p.m. the Deputy-Chairman stated that, in accordance with the Sessional Order adopted on the 1st February, 1950, he would report progress and ask leave to sit again.

House Resumed:

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

House to resume in Committee on 8th June.

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

THURSDAY, 8th JUNE, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

PUBLIC SERVANTS (TEMPORARY EMPLOYEES) AMENDMENT BILL

Leave was granted to the Minister of the Interior to introduce the Public Servants (Temporary Employees) Amendment Bill.

Bill brought and read a first time; second reading on 14th June.

GROUP AREAS BILL.

First Order read; House to resume in Committee on Group Areas Bill.

House in Committee:

[Progress reported on 7th June, when Clauses 1 and 2 were standing over and Clause 3 had been put, upon which amendments had been moved by the Minister of the Interior and Messrs. Gay, P. B. Bekker, Lovell and Sullivan.]

*The MINISTER OF THE INTERIOR: I had almost concluded last night when the House adjourned, and I just want to say in regard to clause 3 (3) (a) (i) that I have discussed the matter with my colleague the Minister of Native Affairs.

*Mr. SUTTER: Is that so?

*The MINISTER OF THE INTERIOR: He is quite agreeable to an amendment being introduced (laughter). Are hon. members opposite in earnest? It does not look like it, juding by their boisterous attitude. We do not want to supply them with an opportunity of spreading any bogies in the country. The hon. the Minister of Native Affairs assures me that in any case he has no intention of using this power. Nor is it so necessary in this case, as it is in other cases, and I, therefore, move the following amendment—

> In line 3, page 9, to omit "an area" and to substitute "a group area for a group other than the native group or a group defined under sub-section (2) of section *two* consisting of members of the native group".

Mr. SUTTER: Thank God for the United Party.

Mr. STRAUSS: The Minister has moved an amendment which is further proof of the line we took at the second reading stage. I do not want to repeat anything said in the course of the debate on the second reading. Here we see again that the Minister is in a position with this Bill that he has come before the House with a half-baked and ill-digested measure, completely unable to see the repercussions of his own measure. Now he has moved an amendment—the moving of which incidentally is a great victory for this side of the House. He has tried, as usual, to put up a smoke-screen, but he has been forced to fall in with the suggestions of sanity coming from this side of the House.

The MINISTER OF THE INTERIOR: To what amendment from your side are you referring?

Mr. STRAUSS: Let the Minister leave his nervousness for a moment. Let us look at this thing calmly. It is quite understandable that the Minister is nervous about the position in which he finds himself. He had to listen to the suggestions of wisdom and sanity coming from this side, because his own followers have not been prepared to swallow the state of affairs which was revealed by this side last night.

Mr. SUTTER: They follow him blindly.

Mr. STRAUSS: Yes, they did follow him blindly up to now. Not one of them has read the Bill. The Minister himself did not appreciate the implications of this Bill. Even now he has not the Afrikaans version of his amendment in order. That shows the country, that shows the people what is happening under this Government in regard to legislation. In spite of being placed in a Parliamentary straitjacket, we on this side have been able to open the eyes of the other side. They have had the Minister on the carpet and they have forced him to move this amendment so that the farmers will not be ruined as far as the value of their land is concerned. The farmers of this country, the landowners of this country owe it to the United Party, in spite of the difficulties under which we labour, that the Minister has been forced to move this amendment and save them from that.

The MINISTER OF THE INTERIOR: Where did you move an amendment?

Mr. STRAUSS: Yes, Sir, the eyes of the country will be steadily opened, the eyes of that side will be opened to see into what this so-called clever Minister is leading them. The people will know that the United Party, in spite of the difficulties under which we have to labour and in spite of having been placed in a parliamentary straitjacket, has been able to strike a blow for the landowners of the country, and in this respect have forced the Minister, by opening the eyes of his own side who have blindly followed him up to now, to move this amendment. When we go back to the country after this session, the people will be told in no mistaken terms that this so-called despotic Minister has had to climb down and has had to feed out of the hand of the United Party for once.

*Mr. SERFONTEIN: All we can say is: What a Leader and what a party! It is very obvious that the only argument the Leader of the party opposite has, is a lot of noise which anybody can produce on an empty tin. That is his only argument. It is not

a matter of treating this House with the dignity to which it is entitled and putting argument against argument, but every proposal is met with a lot of noise. Any amendment proposed by the Minister is greeted with this din; the only argument they have is a noise such as any tramp can produce on an empty tin. It seems to me that the whole party is affected by its new Leader and the new Leader is affected by the importance of his position.

Let me just point out that the Opposition stated that what they wanted was time and an opportunity to deal with this Bill in Committee and to make constructive proposals.

Mr. MITCHELL: Get to the amendment.

*Mr. SERFONTEIN: The hon. member for South Coast (Mr. Mitchell) has one characteristic, and that is that when he opens his mouth he puts his foot in it; and in this debate he has put all four feet in. The Acting Leader of the Opposition said quite clearly that this side of the House had not read the Bill. Now let me put this pertinent question to him . . . [interjections.] . . . Yes, when they are asked a pertinent question the Opposition collapse because they are aimless and have no policy. They cannot meet argument with argument and all we get from them in this House is an empty and hollow noise which anyone can make. The Acting Leader of the Opposition said that no-one on this side had read the Bill. Let me put this pertinent question to him. He told us that yesterday for the first time he understood this provision of the Bill and its significance. If he had read and studied the Bill before, why did he not understand it sooner, and why did he not mention it during the second reading?

*Mr. STRAUSS: On a point of order, Mr. Chairman. Has the hon. member the right to put words into my mouth which I never used?

*Mr. CHAIRMAN: Does the hon. member want to make a personal explanation?

*Mr. STRAUSS: I ask whether the hon. member has the right to put words into my mouth which I never used?

*The CHAIRMAN: Will the hon. member explain what he said?

*Mr. STRAUSS: I did not say that I only understood it yesterday. What I did say was that the eyes of the members opposite had been opened by this side of the House and that they now realised what this clause meant.

*The MINISTER OF THE INTERIOR: When did you realise it?

*Mr. STRAUSS: I did not say what the hon. member alleges; he sucked it out of his thumb.

*Mr. SERFONTEIN: If the hon. member accuses me of sucking it out of my thumb, then I say that he sucked it out of some other part which I am not now prepared to mention. Let him reply to my question. If he had heard the Bill and studied it, why did he not raise this particular point during the second reading? He himself did not know what the Bill contained in regard to this matter. The position is that hon. members opposite do not know where they stand in connection with this Bill. They did not know it during the previous stages and they do not know it yet. Does the hon. the Acting Leader of the Opposition want to tell me that if he had read and studied this Bill and had discovered that a so-called effort was being made to deprive the platteland farmers of their land, that he would not have raised it during the second reading? No, they are making a fuss on the Opposition benches because they are on dangerous ground with this Bill. The members from Natal, particularly, are in hot water, and the whole party opposite is in hot water. They are trying to catch votes on this clause, just as they have been doing at all other stages. They first made a bid for the Coloured vote on this clause because they are in the position of not having enough white people to support them and to send them to Parliament, or to put them in power. They have to make a bid for the Coloured vote to put them into power.

The Acting Leader of the Opposition went further. He is not satisfied to bid for the Coloured votes only. This morning he used an underhand trick in making a bid for the votes of the platteland farmers as well. Let me tell him that he is welcome to try but it will not help him. The farmers on the platteland do not trust him and his party. They will reject him again as they have rejected him in the past. He will not succeed in misleading the people in the rural areas. It was not just a juestion of an amendment proposed by them. I say it again, and I conclude with these remarks; the Opposition said that they wanted every opportunity in the Committee stage to improve the Bill. But we had this phenomenon here that whenever the Minister got up to accept an amendment, rightly or wrongly, he was greeted with a chorus from their side of the House that it was proof of the fact that the Bill was ill-considered despite the fact that when it suited them they let it be known that they were in favour of the Bill. For the purpose of satisfying certain people they declare themselves in favour of the Bill, but when it comes to pacify others, they are opposed to it. They try to stir up troubled waters to fish in them, and to make

a bid for every possible vote they can catch through this measure. The test will come.

The acting Leader of the Opposition said: "Let us go back to the country." Let me say that I am convinced, when we see the attitude of members opposite, that if we do go to the country many of them will not come back. This measure and its application will be the test of the Opposition, and if we should go "back to the country" on this Bill, very few of them will come "back to the House." And those who do come back will be of very little use because they will be as lost as they are now.

*Mr. P. B. BEKKER: I do not propose taking any notice of the sneering, personal remarks of the hon. member who has just sat down. Hon. members opposite are once again engaged in putting up a smoke-screen. The amendment which the Minister has just proposed is a direct consequence of an amendment which was moved by this side of the House. The hon. member who has just sat down was not here last night when that amendment was proposed.

*The MINISTER OF THE INTERIOR: Which amendment?

*Mr. P. B. BEKKER: The amendment which I moved.

*The MINISTER OF THE INTERIOR: No, that part still remains.

*Mr. P. B. BEKKER: Our amendment was much more comprehensive. The amendment which the Minister has now proposed only refers to Native areas. I am not going to follow the hon. member for Fauresmith (Mr. Serfontein) in what he has said. I only want to say to him, with all due respect, that before indulging in criticism he should listen to the amendments proposed here. He was not here. I asked where the Transvaal members were.

*Mr. SERFONTEIN: On a point of explanation. I was here when the hon. member spoke. He asked where the Transvaal members were, and the hon. member for Westdene (Mr. Mentz) thereupon said that he was here and so was the hon. member for Lichtenburg (Mr. Ludick), and others. I was here.

*Hon. MEMBERS: Withdraw.

*Mr. P. B. BEKKER: I accept what the hon. member has said, but the fact remains, as our acting leader has said, that the party on this side has stood up for the interests of the rural areas and has urged that this matter should be cleared up. The party opposite is consistently telling us that they are the only people who represent the rural interests, but none the less it is left to us to do so. I should personally like to bring to the notice of this House where the Minister's amendment originates from, and I particularly want members representing rural areas opposite to listen to what I am saying. In this Clause No. 3 the establishment of Group Areas is dealt with from the point of view of occupation and ownership of land. And then it goes further and it gives the Minister unlimited and unbridled power to establish areas as group areas in Natal and the Cape. Our attitude last night was, and it is proved by the amendment we proposed—and this, as a matter of fact, is in accord with our attitude on the Second Reading—that it may perhaps be urgent, as far as the urban areas are concerned, to establish such group areas, and from that point of view it might be necessary for the Minister to have this power in regard to urban areas and village areas. But what we asked was this: Why should the Minister also have the power in the rural areas of the Cape and Natal to establish such group areas on his own initiative?

*An HON. MEMBER: Why not?

*Mr. P. B. BEKKER: I am coming to the Minister's reply. The amendment moved from this side of the House was to confine the Minister's power to urban areas, village areas. What was the Minister's reply? He replied that it might be necessary in future because small towns, dorps, might expand and include peri-urban areas, and for that reason it was necessary that he should also have these powers in rural areas. We then told him that the whole object of this clause was to enable him to step in at once and not in the future, so that his reply did not hold water. What is more, the Minister went on to say that we need have no fear in this respect, because a board would have to advise him, and it would go thoroughly into the whole question. That will be the position in regard to urban areas. And that is the very point on which we, on this side of the House, have concentrated, that under this Bill the Minister, on his own say-so, can proclaim Native areas on the platteland, and the Minister has said that because there was an Advisory Board, this would not happen. In other words, the board would go thoroughly into the matter. Well, Parliaments sits for six months in the year, and this is the point to which we want to come back: Why then was it necessary for the Minister, as far as the platteland is concerned, to take these powers unto himself? I put it to the Committee that in areas like Pietersburg, for instance, or Nelspruit or Barberton, where there are black spots, the Minister, in terms of this

Bill, as far as the Transvaal is concerned, has to come to both Houses of Parliament for their approval before a proclamation is issued. But as far as Natal and the Cape are concerned the Minister has the power, on his own initiative, to establish a Native State. Those were my words and here we have the consequence of that position, he has the power to establish a Native State in Natal or the Cape, or to proclaim a Native area as a Native area in parts where there are such farms, and to remove the farmers from there. That is the position under this Bill. I go further and I say that in three years' time it is not merely possible but it is probable that there will be another Minister in this position. Now let us assume for a moment that this other Minister was a so-called Liberal Minister.

*An HON. MEMBER: Kentridge.

*Mr. P. B. BEKKER: I want to ask my hon. friends opposite whether they will be satisfied to entrust such a Minister with the powers of this Bill within this period of five years. No, hon. members opposite who represent rural seats should realise that while they they trying to tie us down by giving the Minister these unprecedented powers, they are actually tying themselves down. Now I come to the point and I want to put it to the Minister that the tendency of this clause is as follows: Before his amendment was introduced it was possible for the Minister, through the Governor-General, to lay it down that in Natal and the Cape in the platteland a certain area would henceforth be a Native area. He can do so off his own bat.

*The MINISTER OF THE INTERIOR: The proclamation has to be issued by the Governor-General.

*Mr. P. B. BEKKER: Yes, we all know what that means. Let me put it this way then: Through the instrumentality of the Governor-General the Minister can, off his own bat, proclaim an area as a Native area in the Cape or in Natal.

*The MINISTER OF THE INTERIOR: After an investigation.

*Mr. P. B. BEKKER: Is that sound? Why cannot Parliament investigate it? We sit six months in the year.

*The MINISTER OF THE INTERIOR: Do you want Parliament to investigate it?

*Mr. P. B. BEKKER: The hon. the Minister used that argument last night. He said that there would be a thorough investigation, that a notice would be published in the Government Gazette. Our attitude is that the matter should thereafter come to this House and then we should decide the question in a reasonable manner. I am not going into the question as to what extent the Native Trust Act of 1936 is interfered with by this Bill. But this is the reason for his amendment. The only difference between the Minister's amendment and our amendment is this, that where we have urged that the Minister's powers should be limited by the Governor-General for the five years to urban matters, the Minister has now limited it to Native—unfortunately the Afrikaans translation of the Minister's amendment is not yet available.

*The MINISTER OF THE INTERIOR: Group areas for Natives are excluded.

*Mr. P. B. BEKKER: I have not got the Afrikaans translation before me but this is how it reads in English—

> If it is issued before the expiration of a period of five years from the commencement of this Act, in respect of . . .

Not a whole Group Area, not a whole province . . .

> . . . in respect of a group Area for a Group other than a Native Group or a Group defined under sub-section A of section 2 consisting of a member of the Native Group.

The Minister has now found, since the introduction of our amendment, that it would be possible, as the Bill stands, in addition to the 7,000,000 morgen of land provided for under the 1936 Legislation, for him on his own initiative to declare Native Areas through the Governor-General in the rural districts. My hon. friend opposite shakes his head. What I say is quite correct, let him ask the Minister if it is not correct. He had the right under the Bill off his own bat to proclaim any area as a Native Area in Natal and the Cape. Let him deny it. [Time expired.]

*Mr. VAN DEN BERG: The hon. member who has just sat down tried to pretend at the beginning of his speech that the Minister's amendment and his amendment amounted to the same thing. Later on, however, he started to draw a distinction.

*Mr. P. B. BEKKER: You are quite wrong.

*Mr. VAN DEN BERG: At the beginning the hon. member tried to intimate—and he was supported and led by the hon. member for Germiston (District) (Mr. Strauss)—that they had opened our eyes, and that we were now beginning to realise the implications of the Bill.

*Mr. P. B. BEKKER: That is so. May I explain it?

*The CHAIRMAN: Order, order, the hon. member must proceed.

*Mr. VAN DEN BERG: Are these two amendments identical? The hon. member now agrees that the Minister is correct in his amendment. [Interjections.] I am going to talk about if, of course. Just let us see how inconsistent the hon. member is. At the end of his remarks he said that there is a distinction between his amendment and the Minister's. At the beginning of his speech he denied that, and now he is again contradicting himself. Hon members should not consistently keep their eyes shut to reality. Surely it is obvious that the Minister is not going to proclaim any area as a Native area without having consulted all the other interests under the Natives' Trust Act. The hon. member now wants to pretend that we are going to have Native areas under the Natives' Trust Act and that the Minister will step in and create other Native areas.

*Mr. P. B. BEKKER: That is what his amendment says.

*An HON. MEMBER: You are afraid of your own amendment.

*Mr. VAN DEN BERG: The hon. member knows that the spirit of the Bill is to provide that where any area is created, be it white, be it Native or Coloured, it will always be done in consultation with the local bodies, control boards, and other boards concerned.

*Mr. P. B. BEKKER: Where does it say that?

*Mr. VAN DEN BERG: The hon. member should not shake his head now.

*Mr. P. B. BEKKER: Where does it say so?

*Mr. VAN DEN BERG: It is very difficult to argue with people who do not know their own minds.

*Mr. P. B. BEKKER: Read clause 6.

*Mr. VAN DEN BERG: If he is honestly convinced that this is what he has proposed, let him admit it, then we shall be satisfied. No, this is not what he wants. Then the hon. member for Germiston (District) jumped up. The hon. member reminded me very much of a naughty, nagging child. It wants a sweet potato and the Minister gives it an apple, but the child nags, "I told you I wanted a sweet potato", and similarly hon. members are like a lot of children crying for a sweet potato although the Minister has given them a red apple. The hon. member, who has just spoken has no excuse. But what they want to try this morning, for the umpteenth time, is to put up a smoke-screen now that they have been convicted by Natal and are turned down by their own Party members and by the rest of the country—now they want to put up a smoke-screen so that they can tell their people that this is a half-baked Bill, and that the Minister, at this late stage, has actually had to introduce a further amendment, and this proves how ill considered the Bill is. That is the whole cause for the fuss they are making. Has the hon. member for Germiston (District) said a single word about the merits of the amendment? Has he acted as one would expect the Acting Leader of a Party to act? He has simply tried to make the country believe that all this obstruction is due to the fact that they really regard this Bill as a half-baked measure, and in this the hon. member is rather astutely assisted by the hon. member for Johannesburg (North) (Mr. P. B. Bekker). He won't succeed in what he is trying to do. The country has been made aware of the fact that they are pursuing a jackall policy, the policy of a jackall, which moves from one hole to another. Hon. members opposite want to be in a position of going to the Coloured people and saying "See we have fought this thing for you—we do not want this at all—that is why we are fighting it tooth and nail and that is why we have pursued obstructionist tactics". And then they want to go to the Europeans in Natal and say to them, "Look, this thing was half-baked; at that late stage the Minister had to introduce a further amendment; see we only wanted to improve the thing". And all the time they are just out to obstruct. Now my hon. friends can try as much as they like to slink into all kinds of holes, but, they don't realise yet that they are caught, they will realise it at the next elections. If ever a Bill has meant the end of the United Party's policy, this Bill has.

*An HON. MEMBER: Which clause are you talking about now?

*Mr. VAN DEN BERG: They realise it now, and if they will not take it from me, then let them take it from their party members in Natal. The members of their own party in Natal are convinced that they are wrong in following this course, that they should not follow the course which they have always followed when they come to the Europeans. But those tactics of preaching one policy when talking to the Europeans and another policy when talking to the Coloured people, is a policy which will catch my hon. friend and they are not going to be successful with this smoke-screen

which they are putting up now, and with their pretence that this Bill is half baked.

*Maj. VAN DER BYL: Why do you people amend it such a lot?

*Mr. BOTHA: Because you people are urging us to do so.

*Mr. VAN DEN BERG: I just want to point out to my hon. friend that no Bill has yet passed through this House which has not been amended up to the very last stage. Does the hon. member recollect the Indian Franchise Bill? Does he remember what happened when it came back from the Senate in the absence of the Right Hon. the Leader of the Opposition, who was Prime Minister at the time? My hon. friends in this House on that occasion passed an amendment which before his departure he had said he would never accept, and after it came back from the Senate they brought in a further amendment.

*An HON. MEMBER: Look at them now.

*Mr. VAN DEN BERG: Do they want to deny the Minister the right to introduce improvements in this important Bill, from time to time, at the various stages? Why have we got these various stages if the Minister is not to have that right? Did not they do exactly the same thing in the Bill which I just mentioned? No, they want to deny the Minister that right, but they want to have the right to come here with meaningless amendments and they want to detain the House day after day with their amendments. Has anyone ever heard of such a mentality? The Minister is not allowed to introduce improvements, but they are to be allowed to propose any nonsensical amendments.

*Dr. JONKER: On a point of order, is the hon. member entitled to say that amendments which have been proposed and accepted by the Chairman are nonsensical?

*The CHAIRMAN: I can see no objection to it. It is an argument.

*Mr. BOTHA: Your attitude is also senseless.

*The CHAIRMAN: Order, order! The hon. member must proceed.

*Mr. VAN DEN BERG: I am sorry that hon. member always suffers from hydrophobia and that he cannot understand what we are saying. I have never argued yet that you, Mr. Chairman, would accept a nonsensical amendment. [Time limit.]

Mrs. BALLINGER: I think this is a miserable amendment to a miserable Bill. I think it is an utterly miserable amendment, and I cannot think why the United Party is so anxious to claim it except that it is quite clear what their motive is. What we are having at the present moment is simply a political competition as to who can go out to the farmers and who can most effectively prove to them that they are against the extension of Native areas. If ever my case, such as I made on the second reading, has been justified in regard to this type of legislation, it has been justified in the last twenty minutes. This has shown completely and convincingly what I have always declared that with this type of legislation the non-European has nothing to hope for whatever, that nobody is going to come into a Parliament like this and stand up to the charge that they have given any land to the non-Europeans. That is the issue. The United Party are just as bad as the Nationalists. I think the hon. member ought to be ashamed of himself. I have never taken up any other attitude in regard to this type of legislation. I fought the Asiatic Land Tenure Act—much harder than I am fighting this, because I am tired of this type of legislation—on these very grounds. The point has been forcibly put forward here that you dare not give anything to the Africans in the matter of land, and when it comes to the Coloureds, it will be exactly the same. I do not care really how this Bill emerges in the end because I know it all comes to the same thing. The Minister would not dare to release land for Native occupation outside the scheduled areas. He would not dare. He would not be able to face this side if he did, and he would not be able to face his own side, so it does not really matter whether he puts in this amendment or not. The only significant thing is that this debate and this amendment reveal the whole character of this type of legislation. And I think the Europeans of this country and those who sit in this House, ought to be utterly ashamed of the whole situation. At least, Sir, as this Bill stood there was no colour bar in that clause. In theory the Minister could actually set aside areas for Native occupation and ownership in the Cape and Natal outside the limits of the scheduled areas, the areas released under the Native Land and Trust Act, which every honest person knows are hopelessly inadequate, and everybody who knows anything about the Native situation knows that in the whole of this Cape Western area there is no released area for Natives. There is no place where the Native population can live as independent human beings. There was a perfectly good case for the powers that the Minister had in that clause although he would never have exercised them; I know he would never have exercised them, but that this

Parliament should spend its time on both sides, making it clear to the farmers that no Government would ever exercise them and that the United Party should be so anxious to get into the law an amendment whereby they can prove to the farmers in the next election that they defended their interests is, I think, a standing disgrace to this country. I have no hesitation in saying that in spite of all this talk about how this measure is going to operate evenly, it is going to mean the same sacrifices for everybody, I repeat that the whole history of Native legislation in this country proves exactly what is going to happen to both Asiatics and Coloureds once this Bill is on the Statute Book. It does not matter whether the Minister is given power to act on his own authority or whether he has to come to Parliament for a resolution. The only difference is a difference of method; the result is exactly the same. The Minister won't release land on his own authority, and when he comes to Parliament, Parliament will never agree that the farmers should be deprived of any of their land even to provide the minimum living room for the non-Europeans of this country. That is what will happen, and for this side of the House to want to get that further restriction in this Bill is, I say, a standing disgrace.

Mr. MITCHELL: There seems to be quite an amount of political philosophy exhibited this morning, and I think it is only fair that we should get some of the facts as the hon. the Minister puts it, straight for the purposes of the record. I want to deal with these things in their proper order. May I say firstly that it has become a habit of the Minister in dealing with past Bills to start his third reading speech always with the same opening gambit: My Bill has stood unassailed. This time he is not going to be able to say that his Bill stood unassailed. It has been shot full of holes from beginning to end in the first two clauses that we have had before us.

The MINISTER OF THE INTERIOR: That is in your imagination only.

Mr. MITCHELL: The hon. the Minister did not even understand the import of the amendments which have been put on the Order Paper and given notice of by the hon. member for Johannesburg (North) (Mr. P. B. Bekker) yesterday evening. He comes here with an expression of surprise that we should even have thought that he would have an amendment to propose this morning.

The MINISTER OF THE INTERIOR: Why did you not move this amendment?

Mr. MITCHELL: What is the position for the purpose of the record? The position is that under the Bill the Minister has the right without coming to Parliament to proclaim Native group areas in rural areas for five years in Natal and in the Cape. Without coming to Parliament at all he had the power to proclaim Native group areas in rural areas, He had the power to proclaim them in the urban areas, and our amendment was to limit his power for that period of five years to proclaiming them in urban areas. We took away from him the right to proclaim Native group areas in rural areas in Natal and in the Cape. The amendment of the hon. member for Johannesburg (North) and the amendment of the hon. member for South Peninsula (Mr. Gay) read together, meant that the Minister had no right to proclaim Native group areas in a rural area for the period of five years; only Parliament could do it; that was the affect of the amendment. What is the Minister's amendment this morning? To divest himself of the power to proclaim Native group areas in rural areas or in urban areas, for this period of five years. There is the position in a nutshell. And we are satisfied.

The MINISTER OF THE INTERIOR: Is that the same thing.

Mr. MITCHELL: Of course it is exactly the same thing. He has taken his amendment in one form . . .

The MINISTER OF THE INTERIOR: Don't talk nonsense.

Mr. MITCHELL: . . . and manipulated it. I hope the Minister knows what his amendment is because he was obviously in difficulties with his legal adviser just now when he tried to read his amendment in Afrikaans, and he found that it was not the same as when he read it in English.

An HON. MEMBER: You don't know it yet.

Mr. MITCHELL: I hope the Minister knows what his amendment means now. Perhaps he has worked out the Afrikaans version of it. There, Sir, was the true position. The hon. the Minister also tried to put it across the Natal members by this continual reference to the provisions of the Asiatic Land Tenure Act. The hon. member for Johannesburg (North) has said that the Minister takes powers of a restrictive nature under this Bill to limit acquisition and/or occupation or ownership in certain areas, and then he quotes from the Asiatic Land Tenure Act where the Minister had very wide powers to exempt areas; to allow anybody to buy there.

The MINISTER OF THE INTERIOR: In other words, powers to permit penetration.

Mr. MITCHELL: How often did the Minister disagree with recommendations from

the board which permitted that situation? The Minister said himself that out of thousands of cases he had only disagreed with the board on two or three occasions. No, don't let the Minister introduce that issue; he is on very dangerous ground. He said that there were thousands of cases that came from the board and that he had only disagreed with them on two or three occasions. If those recommendations were in favour of penetration then the Minister accepted those recommendations for penetration. No, the Minister must leave that side alone. The Minister is being peculiarly and particularly inept in the last day or two in dealing with this measure. I think perhaps he had better leave it to the United Party, and let us try to make this a workable Bill for him, because he has been singularly unfortunate himself in attempting to make this a working measure.

Mr. MUSHET: He is probably tired.

Mr. MITCHELL: The position is this, that as we stand the Minister has lost the right under this Bill to proclaim Native group areas in rural areas.

The MINISTER OF THE INTERIOR: No, you are wrong again.

Mr. MITCHELL: And here I want to say quite frankly that in some parts I am in agreement with the hon. member for Cape Eastern (Mrs. Ballinger). My colleague the member for Berea (Mr. Sullivan) referred to what was to happen in practice when a group area was found to be too small for the group for which it was designed, and the hon. the Minister in replying to that said that it would spill over, that there would be a further proclamation to take up a further area. There, of course, is exactly where the danger lies, because to spill over and take in a further area by proclamation leads to taking away land from somebody who is already occupying it in the adjacent area, and that is where friction arises.

The MINISTER OF THE INTERIOR: That is what the hon. member for Berea wanted.

Mr. MITCHELL: The hon. member asked the Minister what provision he was making and the Minister replied that that was how he proposed to deal with the matter. The position is that from 1943/'44 when the Natal Commission sat, we have been very much opposed to the creation of small group areas surrounded by other groups. Little groups of that nature inevitably lead to friction. This measure, Sir, has been ill-conceived. It has been ill-designed. It is not something that is being introduced for the protection of the white man in Natal or for the protection of the white man in the Cape. It is in its very essence a measure which is going to accentuate the difficulties which have arisen in Natal and in the Cape. That is what is going to happen in practice.

Mr. BOTHA: So you are against the principle.

Mr. MITCHELL: I want this to go on record because if there is one thing that is more certain than another it is that when the Minister and his colleagues have the courage to proclaim the operation of this Bill, when it becomes law, they will be back in Parliament within 12 months with another list of amendments as long as your arm. That is what is going to happen. I want that on record, Sir. The Minister has been driven from pillar to post in regard to this particular measure. In the first place he would not have a full enquiry. He has 27 amendments on the Order Paper, and he is going to move two or three more now—ill-digested, ill-conceived and full of pitfalls, as we have pointed out to him from this side of the House—and I say when he puts this measure into operation, if he ever does, then he will come back to Parliament again with a long list of amendments, because in practice this measure will be found to be completely inpracticable, and it is going to work to the detriment of the whole of our race relations in this country. He is creating discord in essence; he is not creating better feelings here. That is the truth and I want that on record.

*Mr. NEL: We have had a further demonstration this morning of the absolute bankruptcy of the United Party. An Oppsition is in the first place supposed to co-operate constructively with the Government to a certain extent. The morning is past, and what constructive contribution have we had from the Opposition? They have done nothing but try to make political capital out of the Minister's sensible attitude. And what is more, they clearly showed up the deep disappointment prevailing in their ranks at the Minister's introduction of this amendment. This amendment does not effect any great change. We have the laws of the country, we have the 1936 Act; and all the dangers contemplated by the hon. member for Johannesburg (North) (Mr. P. B. Bekker), all the eventualities mentioned by him —all these things can happen in connection with the Natives under the 1936 Act. All these things can be done under that Act. But now hon. members opposite tell us that we on this side of the House, or perhaps future Cabinet Ministers, are going to violate the recognised laws of the country. Surely we have our general policy, and we have to account to the public for whatever we do,

and hon. members over there know as well as anyone that no-one will dare violate our general policy towards our Native population, that no-one will dare do violence to our principles of justice. If any Minister dare to violate the general principles of right and justice to the Native population, the people will call him to account; the sense of justice of the population will call him to account. It was argued here last night that the attitude of hon. members opposite was really nothing short of a stigma on the sense of right and justice of our population as a whole this is a necessary amendment, and I myself felt that it was essential after the attitude adopted by the hon. members opposite. I felt very strongly on that. Why? I felt as I did because if the amendment had not been made they would have carried out the sort of thing at which they are so expert —they would have indulged in misrepresentation; and now they are disappointed because they have been deprived of the opportunity of going to the country with their wholesale misrepresentations about this whole business. They do not rejoice at the fact that we have made the position clear, and that we have proved that the Natives will be treated justly and fairly. They know it, but they would like to get hold of something to enable them to misrepresent the position to the public, and this amendment has deprived them of this opportunity. If they had been in earnest they would have introduced an amendment of this kind long ago. If they were in earnest in their protestations that they want to protect the rights of he Native population or that they want to improve the Bill, an amendment of this kind would have been put on the Order Paper. But they did not do so. Not one of them has come forward with an amendment to this effect. The hon. the Minister made his policy perfectly clear last night, and this amendment is in no way a departure from that policy—it is simply an improvement to the Bill. Hon. members opposite are deeply disappointed because they will not be able now to misrepresent the position. I want to thank the Minister for his generous attitude, but I also want to appeal to the Opposition to show more generosity and not to look at everything from a Party point of view, but rather to assist in producing the best possible legislation.

Mr. KAHN: Mr. Chairman, I would like to move the amendment standing in my name on the Order Paper on page 748—

> To omit sub-paragraph (i) of paragraph (a) of sub-section (3).

The effect of my amendment is that not merely in the case of a proposal by the hon. Minister to declare a group area for Africans in the farming districts, but that in all cases it should be obligatory upon the hon. Minister to come to Parliament to proclaim any area under this Act even during the first five years of its operation.

In the course of the hon. Minister's remerks on the second reading he dealt with the question of the so-called penetration of Asiatics into the Cape, and he gave certain statistics about purchases of property on the part of the Asiatics in the Cape which I understood from the hon. Minister referred to the municipal area of Cape Town . . .

The MINISTER OF THE INTERIOR: No, it falls under the Deeds Registry of Cape Town.

Mr. KAHN: In Cape Town.

The MINISTER OF THE INTERIOR: The whole of that which falls under the Deeds Registry in Cape Town.

Mr. KAHN: It would mean the whole area the Cape.

The MINISTER OF THE INTERIOR: The whole of the Cape, apart from that which falls under the Eastern Districts jurisdiction.

Mr. KAHN: The figures which the Minister gave were—I am giving the net figures—1,331 acquisitions of property by Asiatics over the period—if I understood the hon. Minister correctly—from 1946 to 1949 . . .

The MINISTER OF THE INTERIOR: 1950.

Mr. KAHN: To 1950. There were 1,331 transactions the net result of which was 1,331 acquisitions by Asiatics, but the Minister did not give the total number of transactions that there were; because 1,331 represents a very tiny microscopic proportion of the total property transactions during this period. I have not got the figures for the whole of the Cape districts affected, but I have the figures of property transactions within the City of Cape Town, and there were 21,000 sales of property during this period.

The MINISTER OF THE INTERIOR: Have you got the figures of Asiatics to non-Asiatics?

Mr. KAHN: They are included in your figures.

HON. MEMBERS: No, no.

Mr. KAHN: Oh yes, they must be included in the hon. Minister's figures.

The MINISTER OF THE INTERIOR: No, one is the figure of Asiatics who pur-

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chased from non-Asiatics, the figure that you have given, and the other is non-Asiatics who purchased from Asiatics, which is only 23.

Mr. KAHN: Yes, I have deducted the 23, because the figure which the hon. Minister actually gave was 1,354. That is why I say mine is the net figure, 1,331, and the hon. Minister's figure covers a far wider area than the City of Cape Town, and I am taking the City of Cape Town only; there was a total of 21,002 property transactions during this period in Cape Town. The hon. Minister also gave the total value of acquisitions, the purchase price in other words—I am again giving the net figures—over this period as £1,488,178. But the total purchase price of property transactions in the City of Cape Town alone during this period came to a total of £49,744,580. So if the acquisitions for Asiatics are taken as a total proportion of property transactions in the City of Cape Town (even though they are the Asiatic figures for the whole of the Cape Province excluding the Eastern Districts) then it would be 6 per cent. of transactions and 3 per cent. of total value. But of course the actual figures will be far less, because I have not included the actual property transactions in the Western area.

The MINISTER OF THE INTERIOR: What is the Asiatic percentage of population?

Mr. KAHN: Does the Minister make property depend on the proposition in that case 75 per cent. of the land and property in South Africa must be set aside for non-Europeans and only 25 per cent. for Europeans. Will the Minister agree to that. But why does the hon. Minister ask me. Why did he not have a commission of inquiry to investigate these things? The hon. Minister was most adroit in his second reading speech in saying that he needs these dictatorial powers for five years, and there is no harm in giving him these powers for five years because, he said, in Natal the principle has already been approved by the Legislature of having separate areas; he also went on to justify it because, he said, in Natal there has been commission after commission investigating this. Neither of those two criteria apply to the Cape. We have had no commission whatsoever investigating the position in the Cape, and we have had no legislation in the Cape approving of separate areas in respect of the Coloured people or the Asiatic people. So the hon. Minister's argument was a most deceitful one. If we accept his justification in respect of Natal it does not exist in respect of the Cape; and it is not for the hon. Minister now to ask me about the population. I will tell the Minister that if there has been an increase in property transactions in the Cape on the part of Asiatics, I have no objections to it. In any case it was inevitable. South African Governments block the legitimate opportunities for investments by Asiatics for their capital in Natal, O.F.S. and Transvaal they deprive them of the opportunity of using their money, investing it in the good old capitalist sense in Natal, and also here, and what does the hon. Minister expect the South African Indian capitalists to do with their money? Keep it in their back pockets? Obviously they will find some other outlet for the money, and that would have to be the Cape. I have no objection to it at all, but the hon. Minister must not claim that, that therefore, justifies this legislation.

But I want to ask the hon. Minister further about this. What a disgraceful thing to do to the Coloured people. There has been no commission of inquiry in respect of the Coloured people. Why were they not entitled to come forward and place their point of view? In Natal there was a commission of inquiry in 1906, there was one in 1914, there was one in 1921, and there were a score of other commissions and committees of inquiry. The only one which sat in connection with the Coloured people in the Cape was the Cape Coloured Commission of Inquiry, and they never recommended these group areas, they never recommended segregation. There was a minority report of only one of the members of the commission who suggested that there should be compulsory segregation in the Cape, but the rest of the members of the commission were not prepared to subscribe to that point of view. But what does the hon. Minister propose? He wants to bring about these ghettos in the Cape; he wants to have for the Coloureds "beyond the pale" type of approach. The hon. Minister knows nothing about the position in Cape Town. He gave an illustration. He said, Supposing we wanted to declare Claremont as a white group area. I would like to tell the hon. Minister that 48 per cent. of the population of Claremont is Coloured. I have been through every one of the wards of the City of Cape Town, and the one which has got the least Coloured population is Oranjezicht, which has 14 per cent. Coloured population. Sea Point has 18 per cent. Coloured population; that comes second. In the fifteen wards the percentage ranges to as high as 84 per cent. So that the mere percentage figure, Mr. Chairman, should not be misleading, I will give the actual population. In Oranjezicht, Ward 4, out of a total population of 18,000, 2,500 are Coloureds; in Sea Point out of a population of 17,000, 3,150 are Coloured.

Mr. VAN DEN HEEVER: Do your figures include domestic servants?

Mr. KAHN: Yes, obviously, it would include them. I cannot dissect the figures further.

The hon. member for Pretoria (Central) (Mr. van den Heever) is perfectly correct. It may be that the figures include bona fide servants, those living in hotels; I am against any such legislation at all, but this justifies my contention that there should be inquiry first if there is to be legislation. You don't come forward with legislation and then across the floor of the House rightly direct attention to these very pertinent points — What is the real population, how much of it is population working there from time to time? That is why I am moving now that there should be no proclamation for any area without it first coming to Parliament, because in respect of the Cape Coloured people and in respect of the Asiatics in the Cape there has been neither an inquiry, nor has there been legislation in the past which justifies that there should be no approach to Parliament, that the jurisdiction of Parliament should be excluded, that the hon. Minister should be given arbitrary power to proclaim an area in the Cape without coming to Parliament first.

There are other figures in regard to Asiatics; the hon. Minister has said, What percentage are they of the population? That is not the criterion, because if you do take percentages of the population, which the hon. Minister raises against me in respect of the Asiatic people, then only about one-fifth of the whole of South Africa should go to the European people, and the other four-fifths should go to the non-European people. [Time limit.]

*Mr. VAN DEN BERG: The speech of the hon. member who has just sat down has brought some very useful things to light. Yesterday he expressed his anxiety about the Indians and he was concerned what was going to become of the money which they had for investment. He said, "There is a lot of money here which can be invested and which is seeking an opportunity for investment". Well, that is excellent. The hon. member spoke about £14,000,000 which he said was the value of the transactions which had taken place in regard to the purchase of properties by Indians in the Cape.

*Mr. KAHN: I did not say that these were only purchases by Natal Indians.

*Mr. VAN DEN BERG: I am not finding fault with that. But it fits in with the discovery of the hon. member for Cape Town (Castle) (Mr. Bloomberg) when he said that it would be impossible to get money anywhere for investment in the areas which would be allotted to non-Europeans. If the Indians, the hon. member said, are so very anxiously searching for opportunities for investment, then there is a golden opportunity here for them to invest their money in aid of their fellow Indians and to supply those Indians with houses. It will not be necessary then to invest capital supplied by Europeans in those areas.

*Mr. KAHN: No.

*Mr. VAN DEN BERG: Then I must say that I completely fail to understand his difficulty. There is a magnificent opportunity to meet that demand which the hon. member for Cape Town (Castle) referred to, and I hope that the hon. member for Cape Western (Mr. Kahn) will now show the Indians where there is an opportunity for them to invest their money, and I do hope that henceforth he will not feel so terribly upset about them. The hon. Minister mentioned certain figures here and stated that there had been 1,361 transactions involving the sale of properties to Indians in the Cape. This does not represent all the Indian capital for the purchase of properties in the Cape, it only refers to the penetration area, and the hon. member said that the total amount involved was about £14,000,000.

*Mr. KAHN: £1,400,000.

*Mr. VAN DEN BERG: Oh, I beg your pardon, yes, but that is new capital which has been invested.

*Mr. KAHN: The Minister's figure was £1,288,000.

*Mr. VAN DEN BERG: Well, whatever it may be it is capital which can be invested in those areas where they say they will not be able to get capital for development. The hon. member cannot say now that they do not know where to invest their money. He can tell the Indians where they can find openings for investment. There are certain areas, however, which for years have been set aside for Indians and where Indians have consistently refused to invest any capital, in spite of the fact that the municipalities have offered to supply all the necessary amenities.

*Mr. KAHN: Where are those areas?

*Mr. VAN DEN BERG: In my constituency for instance.

*Mr. KAHN: Bazaars?

*Mr. VAN DEN BERG: The hon. member must not talk about bazaars — there are no such things. There is an area there, and it was actually approved by the then Minister of the Interior and he mentioned it in this House as a model for South Africa, but the Indians have consistently refused to invest a penny in that area. On the contrary they warned other Indians and they threatened them with boycotts if they tried to go and live there and to invest any capital there. Let the hon. member tell his Indian friends — those Indians who are looking for open-

ings to invest their capital — that they can avail themselves of the opportunities which exist there. But they will not do it. They want to live in the centre of the white community, and if they cannot do so, then they want to live in the midst of the Native area. They don't want to stand on their own. Let the hon. member tell them to invest their capital there.

*Mr. KAHN: I am not allowed to tell them.

*Mr. VAN DEN BERG: The hon. member is not allowed to hold riotous meetings, but let him talk to those rich Indians and let him advise them. If he does so he will for once earn his salt as a member of this House. I am afraid though that the hon. member so far has always encouraged them to penetrate more and more into European areas, and into Native areas, with a view to causing more trouble. No, here is a magnificent opening to strengthen the idea which the hon. the Minister has expressed in this Bill and the arguments of the hon. member do not hold water; they simply tend to strengthen the Minister's ideas.

*Mr. S. J. M. STEYN: I think the least we can expect from the hon. the Minister, and particularly from the platteland members on the other side of the House, is a word of thanks to the United Party for their vigilance. There is not the slightest doubt that this ill-considered Bill would have exposed the entire farming community of South Africa to a particularly serious danger, namely, that a Minister — I do not say this Minister — but that some Minister in the future might decide considerably to enlarge a Native area. He might be an extreme liberal, or a follower of a total territorial segregation, and he might perhaps desire to establish a great separate Bantustan in South Africa. Under the Bill, as introduced by the Minister, he would be able to proclaim a large area of the platteland as a Native area, with the result that the value of the farms would immediately go down to rock-bottom.

*Mr. H. T. VAN G. BEKKER: But the Minister has put that right.

*Mr. S. J. M. STEYN: I ask, for what reason the Minister did not accept the amendment of the hon. member for Johannesburg (North) (Mr. P. B. Bekker) last night?

*The MINISTER OF THE INTERIOR: I still do not accept it.

*Mr. S. J. M. STEYN: The hon. the Minister tried to bluff his way through the gap in his own Bill yesterday, and this morning he comes along with an amendment drafted for the very purpose of removing the danger to which the hon. member for Johannesburg (North) had drawn his attention.

I would also very much like to mention an important point of procedure. It is very apparent that the Bill is full of loopholes, in practically every clause. We have now been in Committee for almost 12 hours, and in one instance it took the Opposition four hours of sustained argument to get an important concession in connection with alternate accommodation for people ejected from their homes.

*The MINISTER OF THE INTERIOR: I said so from the start.

*Mr. S. J. M. STEYN: Last night we had to struggle for more than an hour about the simple point which the Minister accepted this morning.

*The MINISTER OF THE INTERIOR: I have not accepted it.

*Mr. S. J. M. STEYN: I feel it is the duty of the Opposition to warn the Minister that we know, after the study we have made of the Bill, that clause after clause still to be discussed in Committee, contains similar loopholes, and that the Minister will be grateful to us for drawing his attention to them; but it is also clear that for some reason or other, probably for reasons of false prestige, the Minister takes hours to amend and dish up proposals made by the Opposition in such a manner that he does not have to admit frankly that he has to thank us for the improvements. The point, however, is that the guillotine may fall before we reach Clauses 7 or 8, and because of the Minister's stubborn attitude we are in danger of not being able to bring a number of these loopholes to his attention, although it will be of the greatest importance for sound legislation and to the people whose rights are affected by this Bill. In the interest of the Minister himself too, I appeal to him to get up and to move that we report progress, and ask leave to sit again. Then he can ask for the guillotine to be suspended, at least as far as the Committee stage is concerned, so that the Opposition can be given the opportunity and the Minister himself have a chance to remedy these mistakes and the ill-considered weaknesses in the Bill.

*Mr. BOTHA: Whenever the Opposition run out of arguments they put up the hon. member for Alberton (Mr. S. J. M. Steyn) to raise up a dust-cloud. He tells the Minister that he wishes to bring an important question of procedure to his notice, but the real fact is that they are not anxious to get to the other clauses and therefore they keep these discussions going. They do not want this Bill to make any progress.

*Mr. S. J. M. STEYN: Let the Minister do what we have proposed.

*Mr. BOTHA: The hon. member should really take his beating without making a fuss. He should rather go to Natal where his people are waiting for him. The fact of the matter is that the other side of the House do not want this discussion to progress, they kick up a lot of dust so that when the guillotine is applied they can say that they did not get the opportunity to discuss the Bill. I should like to put a question to the hon. member for Alberton: He talks of some future Minister who will perhaps abuse this Act. That is further proof of how scared they are of their own people.

*Mr. SUTTER: Hear, hear. We are going to come into power, are we not?

*Mr. BOTHA: It is rather early in the day, surely, for the hon. member to behave like that, even though it is past 10 o'clock, it is a little too early. The hon. member referred to a so-called liberal Minister, who can only come from their ranks, of course, and he is afraid of what such a Minister will be able to do. Let him tell us which possible Minister he is afraid of.

*Mr. S. J. M. STEYN: I am afraid for the sake of the people who may become the victims of the traps in this Bill.

*Mr. BOTHA: He is afraid of the liberals in his own party. Now he says that the Minister has now accepted the amendment of the hon. member for Johannesburg (North) (Mr. P. B. Bekker). That is not so. He knows that the Minister does not allow himself to be led by the hon. member for Johannesburg (North).

I also want to refer to a point which was raised by the hon. member for Cape Western (Mr. Kahn). He said that the Coloured Commission in its report made no mention of separate residential areas for non-Europeans. That is not so. He should read the report.

*Mr. KAHN: Only one—Dr. Wilcocks.

*Mr. BOTHA: The hon. member is so busy with cheap Communistic battle cries that he does not know the facts. On page 135 of their report the Commission say deliberately that there must be separation between Coloureds and Natives, and in the footnote two members of the Commission expressly state that they are in favour of separation between Europeans and Coloureds, and the rest of the Commission raised no objection to that.

*Mr. KAHN: That is not correct; only the minority of the Commission approved of that.

*Mr. BOTHA: The minority recommended separation and the others did not disapprove of it. But the hon. member is continually busy with empty Communistic battle cries and he ignores the facts. I would advise him to make a little more sure of his facts, before making such loose statements in this House.

*Dr. STEENKAMP: In regard to the remarks of the hon. member for George (Mr. Botha) that this side was afraid to carry the Committee Stage any further, and that we were afraid to account to our constituents, just let me tell him that the hon. member for Alberton (Mr. S. J. M. Steyn) has put the Minister to test by asking him to give us the opportunity to let this Bill receive our full attention. If we are afraid, as we are alleged to be, let the Minister try to bring off a brilliant political coup by removing the guillotine. We find ourselves in a very peculiar position, however, on this clause which we have been discussing for a couple of hours. Last night we drew the Minister's attention to certain dangers in this clause and we know that he did his utmost last night to put up a smoke screen. I am quite prepared to believe that he did so in all honesty and sincerity. We asked him to call in the Minister of Native Affairs so that he might state his views on this subject but the Minister said that he would answer himself, and judging by the reply he gave it was perfectly clear that he had failed to understand the implication, that he did not understand what the 1936 Native legislation said, viz. that there were to be certain released areas totalling 7,250,000 morgen and that that law lays it down that that area is not to be added to. We then pointed to the danger of the clause in this Bill in the form in which it was put before this Committee and we pointed out that in terms of this clause there could be an expansion or an increase of this 7,250,000 morgen. The hon. member for Wonderboom (Mr. Nel) may say now that it is not the Minister's intention or that it is not his plan, or that it cannot be the intention of any Minister to increase that amount of land but that is what the Bill says and the hon. member for Wonderboom knows it perfectly well. If this Bill had become law, in the form in which it was drafted by the Minister, it would have been a violation of the 1936 Act. It is on that ground that we opposed this Bill and that we have pointed the Minister to the results of the legislation before this Committee at the moment, and we have pointed out that in spite of the fact that the 1936 Act provides that there can be no increase of the 7,250,000 morgen, this legislation would very definitely give any Minister the opportunity of going beyond that and establishing a number of black spots in white areas. We were therefore justified in pointing that out.

*An HON. MEMBER: Even without any compensation?

*Dr. STEENKAMP: Yes, without any compensation; we know that. I have not mentioned that to the Minister because he knows it as well as I do. As a result of the fact that this side has pointed to the danger in this Bill the Minister has come along with this amendment. May I ask him this now: What difference does it make whether the Minister introduces an amendment, the result of which is going to be the same as ours?

*The MINISTER OF THE INTERIOR: I did not say that the result would be the same.

*Dr. STEENKAMP: I ask what the difference is.

*The MINISTER OF THE INTERIOR: Is your intelligence so poor that you cannot see the difference?

*Dr. STEENKAMP: What I do not understand, Mr. Chairman, is that our amendment and the amendment which the Minister has now proposed will prevent the Minister from establishing black spots in white areas; or does it mean that the Minister of Native Affairs had discussions with the Minister of the Interior last night or this morning, and pointed out the danger involved in this Bill as it was before the amendment, or was it his party which pointed those dangers out to him after we on this side had raised the question and had explained it to him? Just let me say this to the Minister that that aspect of the matter will very definitely be brought to the notice of the public—that if it had not been for this side of the House neither the party opposite nor the Minister would have introduced the amendment which is now before us. That is the importance of this whole matter. If the party opposite were aware of it then why did they not raise this in the caucus? It was left to this side of the House to point to that danger. Let us be just and fair in this matter without trying to make political capital out of it. The Minister should be generous enough to say that this amendment has been introduced in consequence of speeches made from this side. Last night he was not prepared to accept what we said and what we proposed here. He put up a smoke-screen so that he need not accept our amendment, but this morning the Minister of Native Affairs probably discussed the subject with him (because he also listened to the speeches made by this side of the House), or perhaps the legal advisers told him that it was absolutely necessary to introduce this amendment. All we can say is that the Minister should admit that something good came from this side of the House. If he is prepared to admit that, then we can say that he was generous at any rate in doing so.

The MINISTER OF THE INTERIOR: We are almost half-way through the time available for the Committee Stage. We have spent nearly twelve hours and we have not passed even one clause of this Bill. And then hon. members opposite have the temerity to say that the Bill is so full of holes and that it has been shot to pieces to such an extent, that there is nothing left of it—although we are only at the very beginning of the Bill. But they do not want to reach a discussion of the Bill. That is the reason and that is why we have spent nearly twelve hours on the discussion of one clause. Where can we get better proof of the fact that they do not want to discuss the merits of the Bill? It is nothing but a smoke screen which the Opposition are trying to put up. It is an attempt to raise bogeys here which they will then be able to use to scare the country. Nobody in drafting this Bill ever had any idea that this would be a real danger which I want to prevent by this amendment.

*Mr. MITCHELL: Get to the amendment.

*The MINISTER OF THE INTERIOR: I shall come to the hon. member. But perhaps we should not be too hard on members opposite; they are in a very unhappy position in regard to this Bill. They do not know what is going to happen to them in Natal. I met someone earlier on who has just come from Natal, and he told me that he had not met a single English-speaking person in Natal who did not fully support this Bill. And I have also received letters from representative bodies of taxpayers who support the Bill.

*Dr. STEENKAMP: Read them.

*The MINISTER OF THE INTERIOR: I can mention the Joint Wards Committee, and I have had similar letters from other Ward Committees. They tell me what the opinion of Natal is unless there has been a sudden change, because this Bill gives expression to Natal's opinion as it was put to the Commission appointed last year. But I want to go further than that. I not only have the opinions of the Wards Committees but we have also noticed what the Natal Municipal Congress has said and what the Durban City Council has said. The hon. member for South Coast (Mr. Mitchell) is in trouble. This is not the first time he has clashed with the Natal Municipal Congress. He will recollect that he also clashed with them when he wanted them to pass a motion in favour of the franchise for Indians. They injected that motion, I think by 33 votes to 6, and they did so in

spite of the fact that he made a touching plea at the Congress in favour of the motion. They have rejected him and they will reject him again in the same way.

Well, Mr. Chairman, I say that I can understand the disappointment of hon. members opposite. They are disappointed because they will no longer be able to mislead the public. They have been deprived of that opportunity and that is why they are squealing. Let me just say to the hon. member for Johannesburg (North) (Mr. P. B. Bekker) that his amendment is one which I cannot accept in any circumstances. I told him so last night, but later on in the debate when there was no attempt made to move an amendment, some serious questions were ask by the hon. member for King William's Town (Mr. C. M. Warren) and in my reply I said that as far as I knew, the provisions for the 1936 Native Trust Act were still in force. What I am doing now is to remove all doubt in regard to the position. This Bill is not intended as a supplement to the 1936 Act. I also want to say this to the hon. member for Cape Eastern (Mrs. Ballinger) that this Bill is not intended as machinery by means of which the Native areas will be supplemented. This Bill is intended to create machinery to create areas within the European areas for non-Europeans and also for Natives (who are living in European areas), where they can have residential areas.

*Dr. STEENKAMP: Where does the Bill say so?

*The MINISTER OF THE INTERIOR: That was never the idea. And what the hon. member (Mrs. Ballinger) has said is something which no Minister would do except perhaps, a Minister of the United Party. But to the hon. member for Drakensberg (Dr. Steenkamp) it is naturally a great disappointment. He suffered a similar disappointment in regard to the Population Registration Bill. There too he wanted to cause confusion in regard to the provisions of the Bill. I stopped him there and I am doing so again here. I know the mentality of these propagandists opposite, and what they resent now is that I am not giving them the opportunity to carry on with that kind of political propaganda of theirs. I have tied them down in regard to the Population Registration Bill and this amendment is again intended—not to give effect to their amendment, but to tie them down in that respect. When the question was asked by the hon member for King William's Town, I realised that it was possible that members like the hon. member for Drakensberg and Alberton (Mr. S. J. M. Steyn) who have not got much respect for accuracy would go to the country to make propaganda. That is why I proposed this amendment and that is why they are disappointed now.

I have already replied to the hon. member for Cape Eastern, that this Bill was never designed or intended to be machinery for the extension of the Native areas. The hon. member will see they are specifically excluded in terms of Section 3 (3) (c).

Now I want to come to the hon. member for South Coast. The hon. member for South Coast has said to me that the analogy I used about the five years in the existing 1946 Act was a false analogy, because the five years in terms of Section 9 (4) (b) of the 1946 Act was a five years in respect of what we call the international area, where there was freedom of purchase for anybody. I then said to him: In other words, it was a five years' free cheque given to the Minister of the day to permit further penetration. He did not object, or at any rate, his party did not object, because it was his party's measure. I say this is much less dangerous. Here we set aside positive areas for the various groups. There you had an extension of an area of free-for-all purchase. I want to ask him: Does he desire a free-for-all purchase area now? Does he want to give to any Government the power to make an area where there is free-for-all purchase? His answer to that was: Oh, you yourself said you never disagreed except on two occasions with the board. He must read the 1946 Act again. As far as that international area is concerned, there is no permit by the board; no permit which I can turn down or approve.

Mr. MITCHELL: Then there is no penetration.

The MINISTER OF THE INTERIOR: Of course there was penetration. Does the hon. member want to tell me that when you have an area in Natal, like this international area, where the Indian could purchase freely without a permit, that he did not purchase?

Mr. MITCHELL: Is that penetration?

The MINISTER OF THE INTERIOR: Of course it is penetration. Let him go and tell Natal that where you had a free area, where property was last year and the year before occupied by Europeans, and that property is now owned and occupied by Indians, that that is not penetration. Let him look at the Broome Commission, before there was any legal disqualification on the purchase of land; what did they call this infiltration of Indians in the European areas? They called it penetration. They called it penetration in the Broome Commission Report. That is why we had to have a Pegging Act, because there was this penetration before there was any legal disability as regards the acquisition of property by Indians.

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

Afternoon Sitting.

The MINISTER OF THE INTERIOR: I was busy with the hon. member for South Coast, and I tried to explain to him that the powers given to the Minister under Section 9 (4) (b) of the 1946 Act, as far as Natal was concerned, was a much more important power than any power taken by the Minister under this Bill. That power entitled the Minister to declare any municipal area in Natal to be an area where there could be free and legitimate penetration by Indians, without coming to Parliament at all. As I say, that is a very important power. It is entirely fatuous for the hon. member to suggest that any Minister had the power to stop the issue of permits or the refusal of permits, because in this area it was not necessary to get a permit. Therefore it is idle to come and suggest that the board — the board with which I mostly agree — has the power to do that. The board never had the opportunity of refusing any Indian the right to purchase a property in this international area. The hon. member also said that Native group areas could not now be declared by a proclamation under this Bill. That is not so. Again I ask the hon. member to read the Bill. That is still the position. The only thing that is provided in regard to the five-year period is that it is not so essential in regard to the declaration of Native group areas within the European areas as in regard to European areas and Coloured areas. That is the only difference. But it is still possible. Only, it must come to Parliament. That is the only difference, and I said I introduced the amendment to meet that point.

Now I come to the hon. member for Cape Western (Mr. Kahn). I think he missed my point completely. I have given the figures of Asiatic acquisitions from non-Asiatics, subtracting from that figure non-Asiatic acquisitions from Asiatics, and I find that in a four-year period the balance in favour of additional Asiatic acquisition in the Cape Province was about £1½ million. That, I said, was a dangerous extent of Indian penetration. I think it is more than four times the extent of the penetration which led the second Broome Commission to declare a dangerous state of affairs in Natal. I also said at the time that the Cape Indians protested to my predecessor in office against the wholesale acquisition of European property in the Cape by Indians from Natal and the Transvaal. I think that deals with the points raised. The amendment of the hon. member for Cape Western is a matter we dealt with yesterday, and I will not repeat myself on that. The request of the hon. member for Alberton (Mr. S. J. M. Steyn) is of such a nature that I think I am doing him a service by ignoring it.

Mr. MITCHELL: I do not want to take up the time of the Committee, but there are two matters to which I wish to refer specifically. One arises from the Minister's speech and I crave your indulgence, Mr. Chairman, because in your discretion you allowed the Minister to make reference to a Municipal Conference in Natal when I was Administrator of Natal. Frankly, I do not think it has anything to do with this Bill, but I want to refer to it because the Minister referred to it.

THE MINISTER OF THE INTERIOR: [Inaudible.]

Mr. MITCHELL: Do not interrupt me. I did not interrupt you and you put questions to me. The Minister raises this issue from time to time in spite of my denial. As Minister of the Interior he has in his office all the documents dealing with the representations made to the Government of the day by the Municipalities of Natal, Durban in particular, and by me as Administrator. I challenge him to Table all those documents in regard to the Indian franchise. He will not do it, because if he does he will alienate every friend he has in Natal.

The MINISTER OF THE INTERIOR: Your threat is idle.

Mr. MITCHELL: He has those documents under his hand. Let him Table them so that the world can see. He dare not do it. He is acting like his colleague, the Minister of Defence, who sits with privileged documents and challenges us to produce the contents. You have those documents. Lay them on the Table. I say you will not do it.

*Mr. P. J. H. LUTTIG: Should not the hon. member address the Chair?

The CHAIRMAN: Yes, I frequently requested hon. members to address the Chair.

Mr. MITCHELL: Then I come to this question of penetration. The Minister prides himself on being a clever lawyer. I say that he is fast destroying that reputation if he argues like he has done today. Under the 1946 Act, the Asiatic Land Tenure Act, there were what he calls international areas set up with the acquiescence of the Provincial Council, Durban, and the Natal Municipal Association. They all approved of it, and the object was to premit those areas to become wholly Indian in course of time by the acquisition by the Indians of those properties. That was the idea. There was no compulsion as there is in this Bill to force people into a particular area.

The MINISTER OF THE INTERIOR: Could those areas be increased by the Minister?

Mr. MITCHELL: There was a proposal there, and it was embodied in the Act, to set

up those so-called international areas where everybody could buy, with the knowledge which was shared by all including the Asiatics, that they could continue to buy in those areas and that the idea was that as they buy the other races would move out because of the difficulty of the various races living in juxtaposition. That was accepted and those areas were specially set out in a schedule to the Act as a result of my commission which sat in 1943-'44. We sat for two years to decide on those areas. In the Act the power was given to the Minister of the Interior, of whatever period, of this government or that government, to exercise those powers without coming to Parliament, to declare further exempted areas, international areas as the Minister calls them, because we were not able to complete our work in many of the municipal areas in Natal. As I said before, we considered only four areas: Durban entirely, Port Shepstone entirely, Glencoe entirely and Pietermaritzburg in part. In many other municipal areas we made enquiries, but we made no report. That work was taken and placed on the Asiatic Advisory Board. They had to carry on the enquiry. Whence comes this mass of figures for the various race groups, except from the work that Commission has done? That work was initiated by my Commission and then taken over by them. As all those enquiries were held and everybody had an opportunity of stating his case, including municipalities, it was clearly right that under those circumstances the Minister should have the same right, as was endorsed by Parliament in the schedule of the 1946 Act. For the Minister to say that when an Asiatic buys land in one of those areas it is penetration, is laughable. It is not only a misuse of the English language. It is entirely meaningless. It is not penetration. The hon. Minister does not know what penetration is.

The MINISTER OF THE INTERIOR: What was the position in 1941?

Mr. MITCHELL: Penetration is when the non-European races purchase in areas which are predominantly European and set aside for Europeans occupation and whether generally speaking the whole character of the area is European. I think it is admitted on all sides of the House that you can have European penetration into non-European areas. Penetration is not something that is dependent on non-Europeans coming into European areas. It can go the other way. But when you set aside an area specifically for Indians to buy property there, and voluntarily to congregate themselves together, to say when an Indian complies with your own request that he is penetrating is the veriest nonsense. The Minister does not understand the background of the 1946 Act. Let me repeat that the 1946 Act provided for what was voluntarily segregation of these Asiatics in those areas by allowing them to buy without a permit. Outside those areas they could not buy without a permit. Therefore, all that we needed in Natal was a slight amendment of the Asiatic Land Tenure Act of 1946 and everybody in Natal would have been satisfied. Everybody would have been satisfied except, of course, the people who were going to be restricted. I do not want you to think that the Asiatics would have been satisfied. They were not satisfied. But as far as the Europeans were concerned they were satisfied. Had we not pointed out to the Minister the dangers of the clause that we are dealing with and given him the opportunity to take over our amendment in another form, it would have been clear to the country how dangerous the new measure is. It has already deprived us of many of the safeguards of the 1946 legislation, in other clauses which we hope we will come to, but let me say this once and for all that when the Minister starts talking about penetration into those international areas, then he knows not what he talks of and then it is on a par with his ignorance of his own measure which is now before the House.

The MINISTER OF THE INTERIOR: I think the position is much worse than I thought. The position is now this: That in terms of Section 9 (4) of the 1946 Act, power was given to the Minister at will to declare any area in Natal an area for Indians only. That is the international area as now explained by the hon. member for South Coast (Mr. Mitchell).

Mr. MITCHELL: I did not say Indians only.

The MINISTER OF THE INTERIOR: The hon. member said that the international area is an area which is ultimately intended for Indians only; is that not so?

Mr. RUSSELL: No, it depends on what happens there.

Mr. MITCHELL: May I reply to that? I said this, that these areas were areas in which Indians could buy without a permit, and the expectation was that ultimately they would become Indian areas by the voluntary movement of those who were there outwards and Indians coming in.

The MINISTER OF THE INTERIOR: Very well, the idea and the expectation was that these international areas would ultimately become Indian areas. That is the stand which the hon. member now takes. Then it becomes much worse, because then power is given to the Minister to declare areas which will ultimately become Indian areas, without coming to Parliament, without consulting Natal.

Mr. MITCHELL: He had to consult the Administrator. Read the Act.

The MINISTER OF THE INTERIOR: Look at Section 9 (4).

Mr. MITCHELL: Yes, he had to consult the Administrator.

The MINISTER OF THE INTERIOR: Yes, I have to consult too. But the hon. member's argument is that consultation does not mean acceptance of the advice.

Mr. MITCHELL: And what is your argument?

Mr. RUSSELL: Do you agree with that?

The MINISTER OF THE INTERIOR: Then the hon. member has no right to complain of this right here, because it is a right which is much less vital to the Europeans of South Africa than the right which was given under Section 9 (4) (b) to the Minister was vital to the European inhabitants of Natal. It surprises me that a member from Natal tries to defend that position. But the hon. member wants to raise a smoke-screen about documents in the Department of the Minister of Native Affairs. I was reminding him not of private documents but of a public congress that he addressed in 1947, or earlier in an attempt to persuade the municipalities of Natal to accept the franchise for Indians, and I am very glad to say that he abortively addressed them, that he very unsuccessfully addressed them. They refused; they turned him down, just as the municipality of Durban in a public vote — I think it was some kind of referendum — turned down the same idea of giving the franchise to the Indians a short while before, and just as the municipalities of Natal, through their executive committee, in council assembled, have turned down the attitude of most of the members of Natal — I make honourable exceptions — as not properly representing the public opinion of Natal.

Mr. HOPEWELL: The hon. the Minister said before the adjournment that he is satisfied that every English-speaking person in Natal supports him and does not support the attitude taken up by members on this side of the House. The Minister then, in one desperate attempt, suggested that he was supported in his argument by the Durban Joint Wards Committee. That causes us a considerable amount of amusement because it is quite clear to us that when the Minister quotes the Durban Joint Wards Committee as his authority, either the Minister is irresponsible, or alternatively he does not know that the Durban Joint Wards Committee is.

The MINISTER OF THE INTERIOR: And if I quote the Natal Municipal Congress?

Mr. HOPEWELL: I did not interrupt when the Minister was making his speech, and I would ask him to keep quiet while I am making mine. The Minister quoted the Durban Joint Wards Committee as his authority and I think it is time that this myth of the Durban Joint Wards Committee was exposed once and for all. During the last session of Parliament or the session before, when we were discussing the question of the Asiatic Land Tenure Amendment Act, we all received intimidating and threatening letters from the Durban Joint Wards Committee, and I took it upon myself to write to them and ask them who they represented, when they had last had an annual general meeting, who had elected them to office, and how often they held meetings and I think if the Minister will make a few enquiries he will find that that body with the very impressive name, consists of a select band of a few people, self-elected. He will find that one of the officials is a member of the Afrikaner Party.

Mr. BOTHA: What is wrong with that?

Mr. HOPEWELL: Nothing, except that they support this Bill.

Mr. SERFONTEIN: Are you not supporting the principle of this Bill?

Mr. HOPEWELL: He will find that another official associated with this committee, in order to cloak his other transactions, is suggesting that he is anti-Indian; that this same person who takes a very prominent part in drafting the telegrams and letters to members, is a man who has made more than a few pounds in commission out of the sale of the properties of Indians, who has made quite a few pounds in raising mortgage bonds for Indians, and he covers that with the smoke-screen of suggesting that he is completely anti-Indian, and every time an Indian matter comes before the House, and they feel that it is a matter of race prejudice or race hatred, we get these shoals of telegrams; we know just what to do with them. We know what weight the Durban Joint Wards Committee carries in Durban. We know that recently there was a letter published in the press inviting the Durban Joint Wards Committee to say by whom they were appointed. One of the Wards Associations asked when they had appointed representatives to that Committee. No reply was given to that correspondence and no reply has been given to my correspondence. I think when the Minister quotes as an authority a Committee with that high-sounding title, he should make sure that it has the authority of the whole of the

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Ward Associations of Durban behind it and I am satisfied that it has not. I would like to read to the Minister a leading article from the "Natal Mercury" of the 6th of this month, and he will find that the Durban people as a whole are not behind this Bill. While Durban and the people of Natal are satisfied to a certain extent, that there must be separate residential areas for different races, they have a sense of justice and fair-play and they are not prepared to have legislation of this kind pushed through hurriedly without an opportunity to examine it. Letters we have received from labour organisations, from the Chamber of Industries, from building societies and financial houses fully support the view we have taken and for the Minister to suggest for one minute that he has the backing of Durban and the whole of Natal and every English-speaking person in that province and to support that argument with the opinion of the Durban Joint Wards Committee so far as I am concerned, is completely laughable and the Minister should look for some other authority.

Mr. MITCHELL: On a point of explanation, may I intervene for one moment. I referred to certain papers in the Department of Native Affairs. I am sorry I meant in the Department of the Minister of the Interior. I want to make that clear. It was a slip on my part, and I apologise to the Minister of Native Affairs.

*Mr. MENTZ: Naturally, in regard to the hon. member who has just sat down, it is his own business if he wants to besmirch and pull to pieces the Durban Joint Wards Committee. But let me ask him whether he will make similar remarks about the resolutions passed by the Durban City Council. Will he say the same about what has happened in Pietermaritzburg? Thirdly, I want to ask him whether he will make similar comments about the resolution passed by the Municipal Associations of Natal?

*Mr. H. S. ERASMUS: Zipped.

*Mr. MENTZ: I want to say that the whole tendency of the hon. member's speech is that he is opposed to the principle of the Bill.

*The MINISTER OF THE INTERIOR: Political lockjaw.

*Mr. MENTZ: He is opposed to the principle of this Bill. Now let me ask the hon. member for Pinetown (Mr. Hopewell) whether he is opposed to the principle, yes, or no.

*Mr. H. S. ERASMUS: You will never get an answer from him.

*Mr. MENTZ: The whole tendency of his speech is that he is opposed to the principle. He has attacked the Durban Joint Wards Committee here because they are in favour of the Bill, and now I ask the hon. member this: Does he say the same thing about the resolution of the Natal Municipal Association? No, he keeps quiet. I must therefore assume that he is opposed to the principle of the Bill. In regard to the hon. member for South Coast (Mr. Mitchell) who spoke here this afternoon, I want to say straight out that he speaks against his better judgment. I do not want to discuss the 1946 Act now. The hon. Minister has explained it to him, but I do want to ask the hon. member whether he can remember why there was a big fight in this House over the 1946 Act. Did not that debate take place on this very point that we protested from the other side against those released areas which would give the Indians the right to buy there and which would eventually lead to Indian penetration in those areas? He knows that it is so.

*Mr. MITCHELL: I deny it; you know nothing about it.

*Mr. MENTZ: The point which I really want to make is this: I now want to ask the members of the United Party, all the members, who took part in the discussion this afternoon, whether they are in favour of the amendment proposed this morning by the hon. the Minister.

*Dr. STEENKAMP: Wait and see.

*Mr. P. B. BEKKER: It is an improvement.

*Mr. MENTZ: This amendment has been praised here. I ask whether the United Party is in favour of that amendment?

*Mr. P. B. BEKKER: It is an improvement.

*An HON. MEMBER: We want to hear that from one of the front-benchers.

*Mr. MENTZ: I should like to hear from one of the front-benchers whether they are in favour of the Minister's amendment.

*Mr. WARING: But you are a back-bencher yourself.

*Mr. MENTZ: Hon. members have congratulated the Minister, but at that time they were still under the misapprehension that his amendment meant the same thing as the amendment of the hon. member for Johannesburg (North). They congratulated him and they welcomed his amendment. If that is so, then I now ask the United Party whether they have lost all sense of responsibility.

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*An HON. MEMBER: They have no such thing.

*Mr. MENTZ: Shortly after 11 o'clock this morning, the Minister introduced that amendment. Members opposite immediately jumped up and applauded it and said that it was identical to the amendment which they had moved yesterday. If, therefore, it is a good amendment, then my question to them is this. If they really want to discuss this Bill why do they keep on getting up now and why do they quarrel about this amendment, what is their reason, let them tell us.

*Mr. P. B. BEKKER: We shall tell you.

*Mr. MENTZ: The hon. member for Johannesburg (North) says that they will tell us. He has told us. He said that if this amendment does not emanate directly from his amendment, then it is a consequence of the amendment which he moved yesterday.

*Mr. V. G. F. SOLOMON: Surely it is so.

*Mr. MENTZ: Nothing of the kind. The Minister of the Interior said that he refused to accept the hon. member's amendment.

Mr. RUSSELL: Why did he not put it in the Bill?

*Mr. MENTZ: That amendment resulted from questions, courteous questions asked by the hon. member for King William's Town (Mr. C. M. Warren) and I now ask this: If that is the case, has the Opposition in this House any sense of responsibility? Are we not here in Committee for the very reason that we must try to improve Bills? We have this full-scale attack because the Minister has come forward with a good amendment.

Mr. RUSSELL: If that is the case, then why do you restrict the Committee's time?

*Mr. MENTZ: The Opposition has been busy with this clause since 11 o'clock this morning, and it is now 2.45 in the afternoon. Furthermore yesterday all day long they came along with new sub-clauses, and I now tell the United Party that they have not got the courage to oppose the actual clauses of the Bill.

*Mr. RUSSELL: Withdraw the guillotine then.

*Mr. MENTZ: If that is their attitude, then surely they are now wasting their own time.

*Mr. RUSSELL: What are you doing now?

*Mr. MENTZ: Since 11 o'clock this morning they have been busy with this amendment. I want to ask the United Party whether they have ever realised what this go-slow process which they have started is costing the taxpayer for one day only?

*Mr. C. M. WARREN: Are you not contributing to it now?

*Mr. MENTZ: They have the best opportunity today of carrying on with the Bill. If the United Party had availed itself of the opportunity today of putting up a fight to get the amendments proposed by United Party members, accepted, I could have understood it, but not one of them except the hon. member for Johannesburg (North) has said another word about those amendments. Apart from him nobody on that side has spoken about those amendments. They have simply made an attack on the Minister because he has introduced a good amendment and now they want to make political propaganda by saying that they, the United Party, have forced the Government to introduce that good amendment.

*Mr. RUSSELL: That is true.

*Mr. MENTZ: Very well, let them carry on with their propaganda until tomorrow night if they want to. I say that if the United Party had any sense of responsibility left, they would assist by producing constructive criticism here. The Minister has stated that he wants to put the best possible Bill on the Statute Book. We know that. We used to sit on that side of the House once. We welcomed it if we proposed a good amendment and the then Government accepted it. We did not get up here to make political propaganda about it the whole day long.

*Maj. VAN DER BYL: Even the Minister is smiling.

*Mr. MENTZ: The hon. member for Woodstock (Mr. Russell) is so nervous lately that one dare not even look at him. Now they are disappointed because the Minister has proved to them that his amendment differs widely from the amendment introduced by the hon. member for Johannesburg (North), and because the Minister has rejected that amendment completely. They thought first of all that the two amendments amounted to the same thing. But assuming that these amendments were identical, I still ask the United Party whether it would not be fair, if that were so, as the Minister has been so generous to accept something to improve this Bill, would it not have been fair to thank him for having done so, so that we could have gone on with the Bill. Instead of doing so they are now delaying the Bill. Not a single clause has been passed since the day before yesterday and it is now ten minutes to three.

*Mr. V. G. F. SOLOMON: This is the first time you have been right.

*Mr. MENTZ: Their whole political propaganda for the future is aimed at going to the country and telling the public: "The guillotine was applied and we could not get to the important points which we were anxious to discuss. We could not get to the essence of the Bill." They are now cutting their own throats. I just want to appeal to the United Party, and I want to say to them that even if they want to oppose the Bill, they surely should show a sense of responsibility.

Mr. P. B. BEKKER: In effect the hon. member for Westdene (Mr. Mentz) has put a reasonable question. He has asked whether we are for the amendment of the hon. the Minister, and he asked whether therefore we would either withdraw the amendment moved on this side of the House.

Mr. MENTZ: I never asked you to withdraw it.

Mr. P. B. BEKKER: No, but that is the practical implication, which is sensible.

Mr. RUSSELL: Don't you want us to withdraw it?

Mr. P. B. BEKKER: In the first place the hon. member put a question to the hon. member for Pinetown (Mr. Hopewell) on the principle of the Bill; we are not concerned with the principle of the Bill now. That question was resolved at the second reading. What we are concerned with is the Committee Stage and the practical application of this Bill with particular reference to the powers vested in the Minister through the Governor-General. That is the point at issue. Just before getting on to the Minister's amendment let me ask the hon. the Minister whether he is arguing now that because in Natal, in a restricted area, a scheduled area, certain arbitrary powers were given to the Minister then, that because of that and because of that precedent he argues now that for the whole of the Cape and for the whole of Natal he should have far wider powers than the powers provided for in the 1946 Act. Is that the argument which the Minister is advancing?

The MINISTER OF THE INTERIOR: I have already explained why I have to go outside urban areas.

Mr. P. B. BEKKER: The explanation of the Minister was that because in the future with the imminent difficulties in the urban areas, with the swing-out of the population, he may have to have the right . . .

The MINISTER OF THE INTERIOR: You have to plan now for the future.

Mr. P. B. BEKKER: But, Sir, the aim of this is the immediate present. That is why the Minister is taking powers for five years.

The MINISTER OF THE INTERIOR: You have to develop your group area now for what it may be in five or ten years' time.

Mr. P. B. BEKKER: Well, that is the Minister's point of view. I put it to the hon. the Minister that if our amendment had been accepted — I am not going to argue as to the paternity of the amendment — I want to indicate to the hon. member for Krugersdorp (Mr. van den Berg) what the position in fact is. Will the hon. the Minister admit that if our amendment had been accepted, it would have restricted the Minister's right to five years only to urban areas and there would have been no reason for the amendment by the hon. the Minister.

The MINISTER OF THE INTERIOR: In the same sense, if I were to accept the amendment of the hon. member for Cape Western (Mr. Kahn).

Mr. MITCHELL: That is quibbling.

Mr. P. B. BEKKER: Let me put it this way then: When this was put to the Minister in good faith, because there was a loophole in the Act, the Minister found at once that as the Act stood last night he was in conflict with the Native Trust and Land Act of 1936, and particularly in relation to its compensatory clauses.

The MINISTER OF THE INTERIOR: No.

Mr. P. B. BEKKER: And it was because of that that the Minister has now gone and done one thing — I hope the hon. member for Krugersdorp is listening — he has narrowed down the areas in the platteland in the Cape and of Natal, where he has these powers vested in him, so it is a narrowing down. Let me say, speaking for myself, and I think, for this side of the House, as a humble backbencher, that this side of the House should support the amendment of the Minister because it is an improvement and it corrects a technical difficulty in his own Bill, and that difficulty has been brought about by the common-sense discussion in the Committee Stage of the difficulties inherent in this Bill.

An HON. MEMBER: By this side.

Mr. P. B. BEKKER: But it still does not mean that our amendment should be scrapped because our amendment asks this, that these rights vested in the Minister for five years should have reference only within the jurisdiction of an urban local authority and it dovetails in with the amendment of

the hon. member for South Peninsula (Mr. Gay) in which he asks that the unbridled powers vested in the Minister should be checked by the local authority and by the Administrator. That is how the whole situation arose, and we still stand by this, that if our amendment is accepted it would cover the Minister's difficulty in the first place and the reasons for which he advanced his amendment; it would also provide that the Minister shall not have unbridled powers in the platteland for five years. He has told us himself that he only wants power for the peri-urban difficulties, for the development beyond the towns. But he is in effect taking power far and away beyond that issue, so do not let us argue as to who was responsible for this amendment. The fact remains that it is an improvement, and I only hope in all sincerity that there was more time for all of us to argue on common-sense lines — we have had experience in different ways — and to assist the Minister in making a better job of a very bad piece of legislation. That is the situation, and I do not think that this side of the House would be well advised, either to dispense with our own amendment or in the face of circumstance, to vote against the Minister's amendment, because it is an improvement.

Mr. LOVELL: I merely want to ask the hon. the Minister a question. He has not replied to the amendment moved by the Labour Party. Will he be kind enough to deal with the amendment which the Labour Party moved and which he has apparently overlooked.

The MINISTER OF THE INTERIOR: That was dealt with last night already. The whole question of alternative accommodation was dealt with last night. I find it unnecessary to say anything more. If I did I would merely be taking up time which is limited by the guillotine, and I do not want to do that, but the merits were thrashed out fully under one of the amendments that was moved yesterday.

Mr. LOVELL: May I ask the Minister a question? There were virtually three amendments. One dealt with the power of the Minister to declare group areas. We suggested that those powers should be vested in Parliament. The second one dealt with the question of alternative accommodation. I myself said that no reply is needed on that. The third amendment dealt with the declaration of group areas for ownership only. We suggested that there should be a simultaneous declaration only in those cases where anybody belonging to another group was displaced. We are not concerned with the declaration of a group area where the persons in that area are all of the same race. But where you declare a group area in a mixed area and certain people are going to be displaced as owners, we suggest that the Minister should not be able to declare a group area there, unless at the same time he declares a group area for the displaced group. That is the point which the Minister has not dealt with at all. He may have overlooked it.

The MINISTER OF THE INTERIOR: I want to assure the hon. member that no discourtesy was intended to either him, as the mover, or the Labour Party as such. I thought the whole thing had been sufficiently canvassed, except the last point, and on the last point the answer is that you may have a group area declared for occupation only and then the point of the hon. member is met. The existing owners can continue to own the land. There is no reason then for the third amendment that he has moved. I did not mention that; it escaped my attention for a moment, but that is the answer to the amendment and the reason why I cannot accept it.

Mr. N. G. EATON: I just want to indicate to the House that although the hon. member for Pinetown (Mr. Hopewell) has dealt with the standing of the Joint Wards Committee, as he understands the position, it is as well at the same time that the House should know that the Natal Municipal Association did not accept the Bill as such. They accepted an outline of the Bill given to them by Mr. Boyd, and I think we will all admit that that is not the same thing.

The MINISTER OF THE INTERIOR: The Bill was published.

Mr. N. G. EATON: The Bill was published, but the point is this that the only correspondence we have seen was by way of a Press report to the effect that they had accepted an outline of the Bill given to them by Mr. Boyd.

The MINISTER OF THE INTERIOR: That is a very serious charge against the Natal Municipal Association.

Mr. N. G. EATON: I merely want to point out that there is a difference between the Natal Municipal Association accepting the Bill and its accepting an outline of the Bill given by Mr. Boyd. The other question is in relation to the City Council of Durban. My information in that regard is this, that the City Council accepted this Bill in its application to Durban, not in its application to the whole of the Union. They are concerned with the application of this Bill to Durban. That is another distinction, and I might say that the Minister quite possibly gave an outline of this Bill to his own party, an outline which they accepted, and it is now necessary for the Minister to give them.

a further outline in view of all the amendments which he has put forward.

The MINISTER OF THE INTERIOR: Most of the amendments come from the City Council of Durban.

Mr. N. G. EATON: That may be quite in order. I am not arguing about that. It is information the hon. the Minister has. My point is, that the question that the City Council of Durban has accepted the Bill, is this, that they did not accept the Bill for the whole Union but only for the area under their control. The other point is, as I indicated earlier, that the Natal Municipal Executive accepted the outline given to them by Mr. Boyd, and not the Bill itself, but the outline of the Bill as he saw it.

Mr. GAY: Mr. Chairman, the amendment moved by the hon. member for Johannesburg (North) (Mr. P. B. Bekker) has brought out very clearly another of the dangers which exist under this Bill, namely, in regard to the platteland areas. In fact, he has made it so clear that some of the members opposite are now beginning to understand something about this Bill.

An HON. MEMBER: You are impudent.

Mr. GAY: It may be impudence, but it is true. It is encouraging also to see that the Minister has realised the danger and that in his amendment this morning he set out to take advantage of the advice we have given him, in an attempt to extricate himself and his Government from the difficult situation into which they were drifting. As a result of these amendments, the one moved by the hon. member for Johannesburg (North) and the one moved by the hon. the Minister, it is desirable to affect a slight change in the amendment standing in my own name, in order that it may take into account the results of those two amendments. With your permission, Mr. Chairman, and with the permission of the Committee, I wish to withdraw my amendment in order to substitute another amendment.

With leave of the Committee, the amendment proposed by Mr. Gay was withdrawn.

Mr. GAY: I now wish to move the following amendment in the place of the amendment which has been withdrawn—

To add the following proviso at the end of sub-paragraph (i) of paragraph (a) of sub-section (3):

Provided always that such urban local authority has consented thereto by resolution and the Administrator has consented thereto in writing.

The effect of this amendment will be to some extent to meet the Minister's objections. If you take the amendment standing in the name of the hon member for Johannesburg (North) and the amendment I am now submitting, the effect will be to limit the restrictive powers of a local authority, asked for by the amendment, strictly to urban areas and that to some extent meets the objections of the Minister. It will limit the restricted powers of local authorities to areas whereby the development, residential and industrial development, there is closer settlement and the problem of defining group areas will be so much more difficult. It would limit it to an area where the solution must require intensive practical knowledge of local conditions, conditions governing the welfare of the people in that area, and the conditions also under which the administration of that area is administered, the statutory responsibilities of the local authority in the area in which the group area is to be set up. I ask: "Who is better qualified to give advice and assistance than the local authorities themselves, who are the elected mouthpiece of the people in that area?" If there is anybody better qualified than they are, I would like to meet them. As I said yesterday, without the co-operation of the local authorities, this Group Areas Bill will be a fiasco. It cannot work. The time to get their co-operation is to bring them in right at the start and not to wait until the whole thing is a mess and then ask them to help to clear it up. Let them come in at the beginning and get the thing off on the right foot.

Then, Mr. Chairman, I would like to deal with one or two points made last night by the Minister in dealing with the amendment I have withdrawn, but it also applies to some extent to the amendment I have now moved. The hon. Minister said that the amendment involved a veto by the Administrator and the local authorities which will virtually override the powers of Parliament. We can dismiss that immediately. There is no question of overriding Parliament. The Bill itself will give ample safeguard to the authority of Parliament, except in the many instances where the Minister himself is overriding the power of Parliament by taking unto himself and for his board powers and authority which disposes of the authority of Parliament.

The MINISTER OF THE INTERIOR: No, they are powers given by Parliament.

Mr. GAY: He is asking Parliament to give him powers to override Parliament. That is what it boils down to in plain fact. Those are dictatorial powers, and that is one of our objections to the Bill. It sets up major problems in the administration of this Bill. The Minister himself has said, the time to deal with these problems is when they arise. We on this side of the

House say that the time to deal with these problems is to plan in advance, before they arise. It is too late when they arise. You have to plan the remedy in advance. That is the policy we are advocating. We want to avoid the folly this House has been suffering from this morning and this afternoon, namely, the introduction of a Bill of this importance without adequate planning in advance and without due preparation. The Minister today, and last night, has given this country a most magnificent demonstration of the weakness of his own doctrine, of trying to provide a remedy when the situation arises, trying to provide a remedy much too late. That must be avoided.

The Minister quoted us as being curiously inconsistent, trying to introduce a veto right to the Administrator and cutting across the procedure of the 1946 Act. The 1946 Act was an Act dealing with the specific subject of Indian penetration in two provinces, dealing with the relatively small proportion of mainly alien population which was introducing itself into the economic system of the country. It is now attempted to transfer that Act, very much wider in scope, and apply it to the whole community of South Africa — white, black, Coloured and Native — every man, woman and child in South Africa. To apply the broad principles of the Indian Act to govern them. To apply the control of the board set up by that Indian legislation to the whole of South Africa. That is another point we are objecting to — to apply it largely without consultation. The Minister quoted last night the powers of consultation with the board. He offers powers of consultation after the event, but does not provide for consultation before the event. That is a thing that is needed. A few months of consultation with the people concerned in the Cape Province who are affected by this, will save half the trouble of administration under the Bill.

Mr. Chairman, I conclude on this note, that I would ask the Minister again in all seriousness to meet us to this extent. We are trying conscientiously to put to him the difficulties as we see them under this Bill, and to make suggestions to remedy these difficulties. We have accepted the principle, whatever it may be worth, and whether we are in the Government or not, we do not want to be a party to legislation which will not work. I ask the Minister to give our amendment his most serious consideration, his most critical examination, with a view to accepting it — if not in our words, then the principle in his own words. Let him accept the principle and allow us to help him in regard to this difficult section of the Bill.

I want to touch on just one more point. I would like the Minister to give us his opinion in regard to his own amendment, the amendment moved this morning. There are so many amendments to the Bill, which is already so involved, that it is hopeless for any member in the House in the time available to hope to give them proper study. We assume that the Minister who has to pilot through the Act is in very much the same position. One can realise his difficulty. The amendment he proposed this morning will apply to urban as well as rural areas. Can he tell us whether that amendment is likely to interfere in the urban areas, with what is the backbone of our Native administration, the Native Urban Areas Act. It deals to some extent with the Native section of urban population. It exempts them from certain powers.

The MINISTER OF THE INTERIOR: No, it will not affect that.

Mr. GAY: I would like a clear assurance on that. [Time limit.]

*Mr. VAN DEN BERG: Hon. members opposite must not blame us if we regard every amendment introduced from that side with a degree of reserve. Because if hon. members over there remain consistent in their attitude, then we realise that they intend opposing us step by step on this Bill. We know that the hon. member over there got up and said that this Bill was another attempt at putting apartheid through and that he would consistently oppose it. Now let me deal with the hon. member who has just resumed his seat. He said, "Who on earth is best able to judge the qualities and the complications existing in a particular environment, the members of the town council or of the municipal council, or someone else?" That is perfectly correct, as far as it goes. But let me put this question to the hon. member who moved this amendment: We know members like the hon. member for Cape Town (Castle) (Mr. Bloomberg) and other members like him who sit on the Opposition benches. Assuming they constitute the members of the City Council of Cape Town, or of some other town. They are absolutely opposed to this Bill on a national basis. In other words we have a local body there, to which my hon. friend has referred, whose outlook and conception are directly in conflict with the national policy contained in this Bill and who oppose it, and according to his amendment they must now have the right to decide in that particular area. The hon. member is very keen on a certain degree of local autonomy. But in consequence of the local autonomy which they have had here in Cape Town, conditions here in Cape Town are what they are. That is the result of it. That is why things look the way they do. Many municipalities are not in a position with their present town councils to give effect to the policy of this Bill, because they are in the strangehold of certain local conceptions which even conflict with some of the con-

ceptions of the party opposite. We have such a position here in Cape Town, and that is why we have the conditions here which we have to behold here. Why have we not got those problems in the Free State? Nor have we got them in the Western Transvaal, nor in the North-Western Cape; why then have we got those great problems here in Cape Town?

*Mr. GAY: Because this is the oldest part of the country.

*Mr. VAN DEN BERG: Because this is the oldest part. And then the hon. member wants the development and the structure of the rest of the country to be influenced by these conditions. If the principle contained in the Bill is the conception of the rest of the country for a sound basis, are we then, by giving Cape Town the right of veto, to give that town the right to perpetuate those conditions? That is the point. Why should we give a town like Cape Town the power to prevent a national policy from being carried out? Cape Town unfortunately is in the position of belonging to a category which to us is the best example why we cannot allow a local authority to have the decision in its hands. I do not know whether the hon. member is a member of the town council . . .

*Mr. GAY: Of Simonstown.

*Mr. VAN DEN BERG: Assuming hon. members opposite should succeed in getting their views adopted, what would it mean? It would mean that they can start destroying the apartheid policy. We have laid down the policy of apartheid as a national policy, supported by the mandate which we have received from the people. We have laid the foundation and then they want to break it down stone by stone, so that nothing will be left of it. And if it should turn out to be a failure, then they will not say that they have started here to break down what the rest of South Africa had built up, they would say that apartheid had been a failure. It is no use laying the foundation here for apartheid if our town councils are going to be allowed to break it down again. We have received the mandate to do it on a national basis, and Cape Town provides us with ample proof that it is essential to do it. Cape Town is one of the towns where even the European representatives are in the stranglehold of the Coloured people, so that they are not able to do what they wish to do in other surroundings.

The amendment proposed by Mr. Sullivan, the first amendment proposed by Mr. Lovell and the amendment proposed by Mr. Kahn were put and negatived and the amendments proposed by the Minister of the Interior in lines 2 and 3, page 9, were put and agreed to.

The amendment proposed by Mr. P. B. Bekker was put and the Committee divided:

AYES—52:

Abbott, C. B. M.	Mitchell, D. E.
Allen, F. B.	Moore, P. A.
Bekker, P. B.	Mushet, J. W.
Bell, R. E.	Oppenheimer, H. F.
Benson, E. A.	Robinson, A. E. P.
Bloomberg, A.	Russell, J. H.
Bowker, T. B.	Shearer, O. L.
Brooke, R. S.	Shearer, V. L.
Butters, W. R.	Smit, D. L.
Cull, J. A.	Solomon, B.
Davis, A.	Solomon, V. G. F.
Delport, G. S. P.	Steenkamp, L. S.
Du Toit, R. J.	Steyn, C. F.
Friedman, B.	Steyn, S. J. M.
Frielinghaus, H. O.	Strauss, J. G. N.
Gale, D. J.	Sturrock, F. C.
Gay, L. C.	Sullivan, J. R.
Gluckman, H.	Tothill, H. A.
Graaff, de Villiers.	Trollip, A. E.
Hayward, G. N.	Van Coller, C. M.
Higgerty, J. W.	Van der Byl, P. V. G.
Hopewell, A.	Waring, F. W.
Jonker, A. H.	Warren, C. M.
Jordan, R. D. P.	Waterson, S. F.
McMillan, N. D.	Williams, H. J.

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

NOES—71:

Abraham, J. H.	Loock, J. H.
Bekker, G. F. H.	Loubser, J. A.
Bekker, H. T. van G.	Loubser, S. M.
Bezuidenhout, J. T.	Louw, E. H.
Botha, P. W.	Ludick, A. I.
Brink, W. D.	Luttig, H. G.
Brits, G. P.	Luttig, P. J. H.
Conradie, J. H.	Malan, A. I.
Deysel, A. J. B.	Malan, D. F.
Diederichs, N.	Maree, W. A.
Döhne, J. L. B.	Nel, M. D. C. de W.
Dönges, T. E.	Olivier, P. J.
Du Pisanie, J.	Oost, H.
Du Plessis, P. J. C.	Papenfus, S. F.
Du Plessis, W. C.	Pieterse, P. W. A.
Erasmus, F. C.	Potgieter, J. E.
Erasmus, H. S.	Sauer, P. O.
Erlank, A. E.	Scholtz, D. J.
Eyssen, S. H.	Stals, A. J.
Faurie, W. H.	Steyn, A.
Fouché, J. H.	Steyn, G. P.
Fouché, J. J.	Steyn, J. H.
Frates, T. J.	Strydom, J. G.
Grobler, D. C. S.	Swart, C. R.
Havenga, N. C.	Uys, D. C. H.
Hertzog, A.	V. d. Berg. M. J.
Hugo, P. J.	V. d. Heever, D. J. G.
Jansen, E. G.	Van Heerden, D. P.
Klopper, H. J.	Van Niekerk, J. G. W.
Le Roux, P. M. K.	Van Rhyn, A. J. R.
Le Roux, S. P.	Van Schoor, J. J. F.
Liebenberg, J. L. V.	Viljoen, J. H.

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Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob.
Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

Amendment accordingly negatived.

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

AYES—61:

Abbott, C. B. M.
Allen, F. B.
Ballinger, V. M. L.
Barlow, A. G.
Bekker, P. B.
Bell, R. E.
Benson, E. A.
Bloomberg, A.
Bowker, T. B.
Brooke, R. S.
Butters, W. R.
Cull, J. A.
Davidoff, H.
Davis, A.
Delport, G. S. P.
Du Toit, R. J.
Eaton, A. H. J.
Eaton, N. G.
Friedman, B.
Frielinghaus, H. O.
Gale, D. J.
Gay, L. C.
Gluckman, H.
Graaff, de V.
Hayward, G. N.
Hepple, A.
Higgerty, J. W.
Hopewell, A.
Jonker, A. H.
Jordan, R. D. P.
Kentridge, M.
Lovell, L.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Mushet, J. W.
Oppenheimer, H. F.
Robinson, A. E. P.
Russell, J. H.
Shearer, O. L.
Shearer, V. L.
Smit, D. L.
Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Steyn, C. F.
Steyn, S. J. M.
Strauss, J. G. N.
Stuart, W. H.
Sturrock, F. C.
Sullivan, J. R.
Tothill, H. A.
Trollip, A. E.
Van Coller, C. M.
Van der Byl, P. V. G.
Waring, F. W.
Warren, C. M.
Waterson, S. F.
Williams, H. J.

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

NOES—71:

Abraham, J. H.
Bekker, G. F. H.
Bekker, H. T. v. G.
Bezuidenhout, J. T.
Botha, P. W.
Brink, W. D.
Brits, G. P.
Conradie, J. H.
Deysel, A. J. B.
Diederichs, N.
Döhne, J. L. B.
Dönges, T. E.
Du Pisanie, J.
Du Plessis, P. J. C.
Du Plessis, W. C.
Erasmus, F. C.
Erasmus, H. S.
Erlank, A. E.
Eyssen, S. H.
Faurie, W. H.
Fouché, J. H.
Fouché, J. J.
Frates, T. J.
Grobler, D. C. S.
Havenga, N. C.
Hertzog, A.
Hugo, P. J.
Jansen, E. G.
Klopper, H. J.
Le Roux, P. M. K.
Le Roux, S. P.
Liebenberg, J. L. V.
Loock, J. H.
Loubser, J. A.
Loubser, S. M.
Louw, E. H.
Ludick, A. I.
Luttig, H. G.
Luttig, P. J. H.
Malan, A. I.
Malan, D. F.
Maree, W. A.
Nel, M. D. C. de W.
Olivier, P. J.
Oost, H.
Papenfus, S. F.
Pieterse, P. W. A.
Potgieter, J. E.
Sauer, P. O.
Scholtz, D. J.
Stals, A. J.
Steyn, A.
Steyn, G. P.
Steyn, J. H.
Strydom, J. G.
Swart, C. R.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
Van Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Viljoen, J. H.
Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob
Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

Amendment accordingly negatived.

Remaining amendments proposed by the Minister of the Interior put and agreed to and remaining amendment proposed by Mr. Lovell put and negatived.

Clause, as amended, put and agreed to.

On Clause 4,

Col. McMILLAN: Mr. Chairman, I move the amendment standing in my name on the Order Paper—

In line 70, after "visitor" to insert "for a total of not more than ninety days in any calendar year".

My reason for moving this amendment is that as it stands the intention of the clause can be circumvented by the lawful occupier and a disqualified person giving it out that the latter — that is the disqualified person — may be a boarder when he is really a visitor. In this way the object aimed at in this clause would be defeated, but that will not be possible if my amendment is accepted by the hon. the Minister.

Mrs. BALLINGER: Mr. Chairman, I hope that the hon. the Minister will not accept the hon. member's amendment. It is another of the occasions on which I wonder what the United Party is playing at. Why increase the pressures of this pernicious Bill? Why does the hon. member want to turn the screw on the unfortunate people who are going to be driven under by this Bill? I cannot understand it. This is an issue that I feel very strongly indeed about, as I feel strongly about all these issues. When Africans come to visit their friends in the towns it is very difficult for them; they have to have passes and permits, and now some of the municipalities are imposing visitors' taxes on them and all the rest of it; things that are making the lives of these people absolutely and utterly intolerable. Sir, are not the burdens of this Bill heavy enough with-

out members trying to impose further burdens and further restrictions upon the people who are going to be affected by it? The hon. member is so anxious, I presume, that no unfortunate Indian will be able to go and stay with his family for more than three months under any sort of subterfuge. I do not care whether it is a group area or not. The Minister himself has made this quite tight enough. There is practically no freedom left to the non-European population under this Bill at all. And the hon. the Minister himself has put in that the person must be a bona fide visitor. He himself is going to have all these inspectors running round people's homes making certain who is in them and for how long they have been there. I must say that I regard this amendment with utter contempt.

Mr. SULLIVAN: Mr. Chairman, I am afraid I cannot agree with the hon. member for Cape Eastern (Mrs. Ballinger). I want to support the amendment proposed by the hon. member for Durban (Central) (Col. McMillan). Under the Asiatic Land Tenure Act we endeavoured to cover up the sort of thing that happened which is suggested in the amendment moved by the hon. memoer for Durban (Central).

Near my own constituency — and I have here a document of the City Council — there is an example which indicates the necessity for some such provision. In the particular case I have in mind, at a fixed date under the Asiatic Land Tenure Act, a house owned by an Asiatic was occupied by a European. The European vacated it. The Indian allowed another Indian to go there as a guest; he did not occupy it in the ordinary sense. The neighbouring Europeans complained that this appeared to be illegal occupation. The public prosecutor declined to take action as the Indian occupier claimed that he was a guest.

Mr. Chairman, that indicates the type of thing that can happen even under this Bill, which we thought was going to aid in giving the same protection as was provided under the Asiatic Land Tenure Act. We feel that putting a limitation on the duration of the guest's stay will be a safeguard that the hon. the Minister might insert, if he is going to retain the protection that was given under the Asiatic Land Tenure Act. So I support the amendment of the hon. member for Durban (Central).

I want, however, to refer to another matter in this clause, to what I consider is an omission; that is, the part of the clause in sub-section (2)—

> . . . shall not render it unlawful for any disqualified person to occupy land or premises in any group area.

There seems to me to be a most important omission from this. I hope that the hon. the Minister will be sympathetic. He will be aware that in the group areas — say in those that are practically group areas today although they are not named as such — the Churches conduct various types of institutional work. All the principal Churches in this country — the Dutch Reformed Church, the Anglican Church — are involved, as well as other Churches; and it seems to me a necessity that those who minister in religious matters, in welfare matters, in hospital and educational matters, to the people in the group areas, should be amongst those who, though disqualified persons, will be allowed to remain in the group areas. It is absolutely necessary. In the case of a minister of religion ministering to a Coloured group area, surely he should be allowed to reside in that group area. I do not want to go on to the question as to the church property in this area and the legal status in which owners of that property will find themselves as a result of the passing of this Bill. But I do want to stress the need that the representatives of the Churches be included in this category of exempted persons from the provisions of this clause. I wish to move the following amendment—

> To insert the following new paragraph to follow paragraph (d) of sub-section (2):
>
> (e) As a minister of religion ministering to the members of the group for whom a group area has been established.

I commend that to the hon. the Minister's attention. I think he will realise that it is fair and equitable and will considerably improve the clause.

Mrs. BALLINGER: I have already said what I have to say about the proposed amendment. I now beg to move the amendments which are printed in the name of the hon. member for Cape Western (Mr. Kahn). The amendments are—

> To add the following new paragraphs to follow paragraph (d) of sub-section (2):
>
> (e) as a bona fide Church or religious group for the purpose of religion or worship;
>
> (f) as a bona fide holder of any trading licence issued by the proper authority for the purpose of trade or dealing and as a bona fide manufacturer or industrialist;
>
> (g) in respect of any cemetery or place of burial.

It will be noted that paragraph (f) has been moved in an amended form. Sir, (e)

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and (g) are the obvious claims of communities whose business interests overrun their residential interests. We are going to continue to have non-Europeans, for instance, working in European areas as they have been hitherto and where industries have been established; where churches have been established and where religious groups have used them for a centre of worship, and where they have established their cemeteries, I feel those interests have a claim for continuation which I hope the hon. the Minister will consider sympathetically.

The substitution in (f) goes some way to meet the representations of the Chamber of Industries. Those representations deal with the difficulties in which industrialists are going to be placed with the definition of "group areas" which may render them disqualified persons in the area in which they have established their industries. In any case, they are faced with the problem that many of them must perforce establish their industries in the areas of non-European residence, and instead of a specific exemption for those people we feel that there ought to be a general exemption in that regard. For that reason, Sir, I propose this amendment.

Mr. LOVELL: Mr. Chairman, I propose to vote against the amendment moved by the hon. member for Durban (Central) (Col. McMillan). It seems to me that if the hon. the Minister has thought fit to exempt from the provisions of this clause bona fide guests at hotels, I do not see any reason for objection, and I do not see why we should restrict a bona fide visitor to three months or any limited period; as long as he is a bona fide visitor he should be entitled to remain in an area where he otherwise will be disqualified to be. If he is not a bona fide visitor he has no right to be there at all. It may well be that a bona fide visitor may become ill and overstay the three months provided by the hon. member for Durban (Central). I feel that in a Bill of this kind one should not in any case place too enormous restrictions and we should not go any further than the provisions which the Bill now provides. If there are people who are going to evade the law, there are methods of dealing with such people, and I would not like to support an amendment which places hardship on bona fide people without any necessity at all. I therefore do not support the amendment moved by the hon. member for Durban (Central).

With regard to the amendment moved by the hon. member for Cape Eastern (Mrs. Ballinger), there is one section which I think should give the hon. the Minister no difficulty at all, the one relating to cemeteries or places of burial; nobody will mind at all if there are dead disqualified persons in the group areas provided for the benefit of other racial groups, and there should be no controversy in respect of (g). With regard to the other two sub-paragraphs, both are reasonable in their intentions, and I give them my support as well.

Mr. A. H. J. EATON: Mr. Chairman, I would like to move an amendment to this clause, as follows—

> In line 73, to omit "nursing home"; in line 74 after "institution" to insert "controlled by the State or a statutory body"; in lines 75 and 76, after "institution", to insert "so controlled".

This, I think, will be beneficial from the point of view that this provision that we are now trying to amend has brought about difficulties and racial antagonism that has been marked and of a serious character — that has been the experience under the Asiatic Land Tenure Act — and the purpose of this amendment is to do away with that means of racial antagonism and distrust of groups because of penetration. I do not want to go into details of incidents, but there has been penetration of so vicious a nature that it has caused antagonism to the extent of almost creating a spirit whereby certain people were prepared to burn down the properties that have been so altered. So that we can say that when we create groups certain properties owned by the richer types may be used as nursing homes, and by being used as nursing homes defeat the object of the whole of the principle of this Bill and the purposes of it. We have in certain areas which might become grouped under one specific type of residence, (a), (b) or (c) and the larger homes in that particular area now grouped for residents other than those who are resident, let us say, in an island big home, that island home would become a nursing home for the purpose of treating the group that has been excluded. That, Sir, has been actually done under the Asiatic Land Tenure Act and I might say it brought about a bitterness that has had no equal to the amount of good that people who have created the nursing home hope to do. The hon. Minister, I believe, is aware of two specific cases. I believe that that amendment will help to save the situation that might have repercussions in the future.

Sir, why I am supporting this Bill is that I believe the big ideal in this country with our multi-racial population, is that it will bring about a better racial understanding. Now I sincerely believe that, and it is because I sincerely believe that, ultimately, after having ploughed a very hard furrow, we will bring about a state of affairs that will create greater happiness than exists today. It is because I believe in that, that I have supported this measure, in fact I have gone a lonely way on this side of the House in order to support it.

HON. MEMBERS: Hear, hear.

Mr. A. H. J. EATON: I am not out to get applause from anyone, I am not anxious to get plaudits because, Sir, inwardly I feel I am doing what is right. That is the satisfaction I will get after supporting a measure of this kind. Those of us who understand the racial question in this country know that we have to spend every effort to try to do that which in the future will bring about an amelioration of the state of affairs between the racial groups in this country. That is our purpose, and because I believe this Bill will serve that purpose that I can, with all my heart, support it. I do not think it is necessary to enlarge on these things. I think that this amendment, if accepted, will do the good that we hope it will do, in that we know there are elements in the various race groups who are vicious, who will fight, who will become antagonistic, who will try every means possible, as some of our Asiatic friends have in the past, to find loopholes and so create greater ill-feeling than ever because of penetration.

Sir, I could tell hon. members of one case particularly, of a house owned by an Asiatic rented to a European, then the European was persuaded to get out. The Asiatic, under the Asiatic Land Tenure Act could not occupy it. What did he do, Sir? He did not relet it to a European although a European had been resident in that house for 20 years; no, he let it to the most depraved type of Coloured person. I can say "depraved" because I visited that home to see the type that had moved in. That was vicious; that was vindictive. That was against the spirit of trying to find out how our people can live in greatest harmony. That is what is happening. I believe that there are vicious people in all groups. I hope this Bill, when it becomes law, that demarcation that will lead to better understanding and greater happiness, and that is the reason why I have supported this Bill. I move this amendment.

Mr. BLOOMBERG: I am sure the Minister will accept that.

Mr. A. H. J. EATON: I hope so.

Mr. SUTTER: Birds of a feather.

Mr. KLOPPER: Anyway we admire your courage.

*Mr. VAN DEN BERG: I am convinced now that there is a very great difference between me and some members opposite. The hon. member for Musgrave (Mr. A. H. J. Eaton) made a proposal which found a good deal of favour with me. The hon. member for Cape Eastern (Mrs. Ballinger) immediately contradicted him. The hon. member who made the proposal does not like people who go off on a holiday jaunt for more than three months in a year. I agree with him — they are just a lot of loafers. Anyone who goes off on a holiday for longer than three months in a year does not require any protection. The hon. member for Cape Eastern, of course, likes people who loaf for longer than three months in the year.

*Mr. BOTHA: Yes, and the Communists go on very long holiday jaunts.

*Mr. VAN DEN BERG: I hope the Minister will take more notice of the hon. member for Musgrave than of the hon. member for Cape Eastern. I like that idea of not allowing people under the cover of paying a visit to stay in a group area where they are not allowed, for longer than three months in the year. The hon. member for Hospital (Mr. Barlow) will perhaps strongly protest against this proposal. If I look at him I can see that he intends doing so. Of course, he will take up the cudgels against any good proposal coming from that side. Let us see now what is going to happen.

Mr. BARLOW: The hon. member for Krugersdorp (Mr. van den Berg) has mentioned my name. He is in favour of this amendment. I am sorry; I am against it. The hon. member turns more somersaults than a monkey on a stick.

Mr. POTGIETER: Why so personal?

Mr. BARLOW: Tomorrow he will be going to the Rand preaching Communism. Sir, I hope the Minister will not accept this amendment of the hon. member for Durban (Musgrave) (Mr. A. H. J. Eaton). The extraordinary thing about our hon. friends from Natal, or some of them, is that they cannot be fair when Indians are discussed.

Mr. W. C. DU PLESSIS: Don't you think it is the Broederbond behind it?

Mr. BARLOW: They know that this is a harsh Bill and I am certain the Minister, knowing him as I do, is not out to make it a cruel Bill. This is absolute cruelty. The police will know if the man is not bona fide, when he stays for longer than three months. He may be a relative; he may be ill, but if he stays longer than three months it is now proposed to throw him out. That is not the hospitality of the old Voortrekkers. No, this is a new South Africa.

Mr. POTGIETER: I hope you will become a new Barlow.

Mr. BARLOW: I am surprised at my hon. friend on the other side. He is only trying to make trouble on this side; he need not worry about that. He knows me particularly well; he knows that if I do not agree with an amendment moved on this side I shall say so and I shall vote against it. I am going to vote against this amendment.

Mr. VAN DEN BERG: [Inaudible.]

Mr. BARLOW: That is not so. I did not, when I left the Chamber, know what they were voting about. For once in my life I did not know what they were voting about, but my hon. friends on the other side never know what they are voting about. I am not going to vote for this amendment, because if I did I would feel uncomfortable. I would feel that I was doing the wrong thing to a man who cannot protect himself. I hope the Minister will take that line. I have not spoken on this Bill until today. I feel that this is an unjust thing to do; it is a nasty thing to do; an un-Christian thing to do, to provide in this Bill that if a man is a guest, stays longer than three months, he is to be thrown out, he must be put in prison.

The MINISTER OF THE INTERIOR: No, he can get a permit.

Mr. BARLOW: Surely in a Bill like this we do not want to play for votes. Here we are dealing with the souls of people. I am not pro-Indian. I want to feel that the Indians are put in their proper place . . .

Mr. BOTHA: Where is that?

Mr. BARLOW: . . . but here these people are being legislated against; legislation that may, in the end, even lead to a war. It has definitely led to a breaking-off of negotiations between India and South Africa. [Laughter.] It is nothing to laugh about. Why should we want to go out of our way to hurt people? I say that is not South Africa, it is not Afrikaner, it is not English-speaking South African. We have never gone out of our way to hurt people. Here we have an amendment of this nature from my hon. friend who is a member who asks for help for the Christian Church. On the one hand, Christianity and on the other hand the devil. What sort of House is this and what sort of country is this? Sir, my hon. friends opposite can jeer, they can sneer, they can laugh; they can never change me. If I feel that I have to take a certain course I follow that line. I felt that I had to get up and fight this miserable amendment; I call it a miserable amendment. Here we have a lot of white men going out of their way to say that if an Indian lives as a guest in a house more than three months, in an area in which he is not entitled to live, he shall be put in prison. It is a miserable amendment. It is a cunning, low thing, and any decent white man would never vote for it. No decent white man would stoop so low as that. The man must be there as a bona fide guest. If he is not, leave it to the police to satisfy themselves whether or not he is there on bona fide business. Here we are going to say that we are going to see that he does not stay more than 90 days and if he stays more than 90 days he is going to be put into jail.

Mr. PAPENFUS: What are you talking about?

Mr. BARLOW: The hon. member is not doing himself any good; he is a young member; he should leave these things to more experienced members. I submit, Sir, that this is the wrong principle.

Mr. KAHN: The whole Bill is not fair.

Mr. BARLOW: It is not decent; it is utterly miserable; and I hope the Minister will reject it.

*The MINISTER OF THE INTERIOR: I first of all want to move the following amendment—

> To omit all the words after "State" in in line 66, to the end of paragraph (a), and to substitute "or a statutory body or as a domestic servant of any person lawfully occupying the land or premises"; in line 1, page 11, after "(d)" to insert "as the bona fide employee (other than a domestic servant) of any person or"; in line 2, after "a" to insert "domestic" and in the same line after "employee" to insert "who is"; in line 5, after "area", to insert "or any part of any group area"; in line 7, after "area", to insert "or that part thereof"; and in line 16, to omit "such property", and to substitute "immovable property in such group area".

*Mr. TIGHY: You have a whole lot of them there.

*The MINISTER OF THE INTERIOR: The object of this amendment is to distinguish between domestic servants and other servants. Domestic servants will still, as they do now, come under Clause 4 (2) (a), that is to say, that they are exempted by the law, they are not committing an offence if they are domestic servants in a wrong area, but other servants will now come under 4 (2) (d) and there we have this safety valve—

> Provided that the provisions of this paragraph shall apply in respect of any group area only if the Governor-General has, by proclamation in the "Gazette", declared them to apply in respect of that group area, and only to the extent and subject to the conditions (if any) which may be specified in the proclamation.

The object is to distinguish between domestic servants — they are automatically exempted; they can even live in an area not intended

for them — and other servants who will then be subject to a proclamation applicable to a certain area. For instance, there may be employees in a factory who, for the purposes of the factory, have to live in an area which has not been assigned to them; in their case such a proclamation must first be issued irrespective of any permit. I do not think that a permit will be necessary, but if such a proclamation is issued in terms of 4 (2) (d) they will be allowed to live there. That is the object of these amendments. It also provides that instead of applying to a whole group area such a proclamation can be issued for part of a group area.

Now let me deal with the amendments proposed by other members. The proposal of the hon. member for Durban (Musgrave) (Mr. A. H. J. Eaton) is, I think, based on an actual case.

If I may be allowed, Sir, I will deal with that amendment in English. The amendment of the hon. member for Durban (Central) (Col. McMillan) is based on what has actually taken place under the old Act. I recall a case where a person was refused a permit to reside in a particular area. In terms of the old Section 7, as unamended, he then put his son there as his employee. Then having put his son there as an employee, he then resided with his son as the guest of his son and he remained there indefinitely. I think that is the type of case which the hon. member wants to meet. It is the type of case where you have a deliberate attempt to evade the law.

Mr. BARLOW: How many times has that happened?

The MINISTER OF THE INTERIOR: The hon. member for Hospital (Mr. Barlow) does not understand the position. This is an automatic exemption from the law, but if for any particular reason which requires our Christian charity, he wants to remain there for longer, then he can always get a permit, if that is his reason. If he has a bona fide reason, there is no reason why he should go at the end of three months; the only point is that we know then that he is not evading the law, that he is subject to control. For these reasons I am prepared to accept the amendment proposed by the hon. member for Musgrave.

Now I come to the amendments proposed by the hon. member for Cape Eastern (Mrs. Ballinger) on behalf of the hon. member for Cape Western (Mr. Kahn). I regret that I cannot accept the first and the second new paragraph. The third paragraph is really unnecessary. It is a matter of occupation, and occupation usually applies only to the quick and not to the dead.

Mr. KAHN: May I point out that the Moslems have a cemetery in an area which may become a European area. The Board of Trustees owns and occupies it, and if it is made a group area they would be required to give up their occupation.

The MINISTER OF THE INTERIOR: No, there would be no occupation because the dead cannot occupy.

Mr. KAHN: But if they have a superviser or caretaker on the premises, who looks after the graves, he is in occupation.

The MINISTER OF THE INTERIOR: Yes, but that is not what the hon. member has asked — "in respect of any cemetery or place of burial". The remedy in the case that the hon. member has mentioned here is a simple remedy, that such a caretaker would be given a permit; there is no question about that. If any Moslem cemetery falls within a European area and it requires somebody there as superviser or as caretaker, then naturally that person can get a permit.

Mr. KAHN: One does not need a permit from you to be dead?

The MINISTER OF THE INTERIOR: No, as far as I am concerned if the hon. member proposes to commit hara-kiri and apparently he is contemplating political hara-kiri, he can do it without a permit from me.

The next amendment is from the hon. member from Berea (Mr. Sullivan). May I say at once that to a certain extent this falls in the same category as the first of the three groups proposed by the hon. member for Cape Western, except that in this case it is confined to ministers of religion ministering to the members of the group for whom the group area has been established. I appreciate the spirit behind this amendment, but there is also a very grave danger involved. We have all the various sects. Are we automatically, without any control, going to exempt anybody who purports to be a minister of any particular sect. That is the danger that I foresee in the form in which the amendment is couched at the moment. But if the hon. member will withdraw his amendment, we can discuss the matter and see if we can find some adequate formula which will eject the dirty water, while at the same time retaining the baby. If the hon. member will do that, then we can see if a formula can be agreed upon: if not, he can, of course, have this amendment moved in Another Place. If we can arrive at a formula then I will move the amendment. But there are dangers involved in it. I need not mention names, but we know that ministers of religion sometimes have political purposes, and sometimes they have purposes which are subversive to good order and government in this country, and to give them carte blanche in this way would be very dangerous.

Mr. KAHN: Who, for example?

The MINISTER OF THE INTERIOR: They can, as in the case of the supervisor or caretaker, be allowed to minister to their charges under permit in an area to which they do not belong, and I take it that there will never be any trouble in a bona fide case of that nature, but it is dangerous to throw the door open unless you know how far you are throwing it open. We do not know in the amendment proposed by the hon. member for Berea, and I should be very pleased if he would withdraw it at this stage and discuss it with me later.

Mr. BARLOW: Why don't you accept it?

The MINISTER OF THE INTERIOR: I have just given my reasons why I cannot accept it.

Now I come to the amendment of the hon. member for Musgrave, and this amendment, too, is based on actual experience. I know the particular case to which the hon. member referred, a case which almost led to a breach of the racial peace in Durban, which is unnecessary, and which if this amendment is accepted, will not occur in the future. The acceptance of this amendment will obviate any repetition of that type of case in the future.

Mrs. BALLINGER: Would you explain to us what this amendment purports to do.

The MINISTER OF THE INTERIOR: The hon. member explained it. I do not know whether the hon. member was here when he explained it.

Mrs. BALLINGER: I was but I did not follow it.

The MINISTER OF THE INTERIOR: The amendment of the hon. member is to omit the words "nursing home" in line 73. It will then read—

> A bona fide patient employed in a hospital, asylum, or similar institution controlled by the State or a statutory body,

and in line 76, after "institution" to insert "so controlled". In other words as far as any state-controlled or statutory institution is concerned, it may be established anywhere but there is no automatic exemption for a privately constituted nursing home or asylum or anything of that kind; it will have to get a permit. Hon. members will realise that the hon. member's amendment will really close the door to what has happened, as I know from my experience as Minister. What has happened is this — and it has been strongly protested against — that you have a private nursing home, or maternity home or something of that nature, for non-Europeans in a very select European area. You may have the converse too. That too will not be allowed unless under a permit.

Mr. KAHN: Equally shocking.

The MINISTER OF THE INTERIOR: Well, if the hon. member thinks it is equally shocking it shows how fair this Bill is and how equal it is in its operation. In such a case too, there will not be any automatic exemption; it will have to be under permit. A public institution of this nature can be established automatically in any area, but if it is a private institution, then the suggestion of the hon. member is that that should be subject to permit control, and I think that is a sound amendment, particularly in view of the experience that we have had in Durban in the past; it will make for racial peace. It will avoid one of the unnecessary points of contact causing friction, and therefore I am prepared to accept the amendment by the hon. member for Musgrave.

Dr. SMIT: May I just point out to the hon. the Minister before he finally agrees to that amendment, that it would be better to use the term "State-aided Institution" than "State-controlled Institution". Take Durban for example where you have a place like the McCord Zulu Hospital which is run by the American Board of Missions. That is an institution which accommodates many non-Europeans and takes the overflow from the King Edward VIII Native hospital. I do submit that in a case like that — which gets assistance from the State but is not controlled by the State — the term "State-aided" should be used. Surely that should be sufficient, otherwise they would have to get permits every time. It places these people in a very awkward position. Elsewhere too there are other institutions of that kind and I do urge the Minister to accept an amendment of that kind and to insert the words "aided by the State".

The MINISTER OF THE INTERIOR: I will have to consider whether I can accept that if the hon. member moves it in that form. At the moment there is no great hardship for any of these private institutions. If they are doing good work they can very easily obtain the necessary permit.

Dr. SMIT: Can they obtain a permit of a general nature? Or would they be required to get a permit for each separate patient?

The MINISTER OF THE INTERIOR: No, they would get a permit for the institution, not for every patient entering the institution. I take it that would be the position. I think that disposes of the amendments which

have been moved. I move the amendment standing in my name.

Mr. SULLIVAN: In connection with the amendment I moved, I appreciate the difficulties of the position as stated by the hon. the Minister, and on the understanding that he will endeavour to arrive at a formula and that he will introduce an amendment himself at a later stage, in the progress of this Bill, I am prepared to withdraw my amendment.

Mr. KAHN: I object.

Mr. BARLOW: I am surprised at the hon. the Minister accepting that amendment. He has given good reasons. He says there has been a case, and because there has been a case where the grandson of somebody's son — what he meant by that I do not know — lived in another man's house longer than three months, this great legislature has to go and pass an extraordinary amendment. Strange to say, while the Minister was speaking, I had in my hand this quotation from Lincoln—

> Those who deny freedom to others deserve it not themselves, and, under the rule of a just God, cannot long retain it.

The Minister is not just. I see hon. members on the other side who are older than the Minister, and just because the Minister, who is not really taking any interest in this clause, accepts the amendment, our friends on the other side say "good". Why does the Minister do these things? I have known this Minister since he was a boy and I never thought he was this type of man. I am surprised at this Minister. I would like to quote something to this hon. Minister, who is always quoting lines from the classics: Sentences from Plautus, Thackeray, and others. I will also quote to the hon. the Minister from Plautus—

> Your tongues are steeped in honey and milk, your hearts in gall and biting vinegar.

That describes the Minister's character, and it is just as well that the people of South Africa should know what his character is.

An HON. MEMBER: You cannot prove that.

Mr. BARLOW: That is the Minister's character and he is now showing that to be his character.

An HON. MEMBER: We know what yours is.

Mr. BARLOW: What I am so sorry to see about this Minister is that he goes out of his way to hurt, and stands up as a Minister of the Crown, to accept a rotten little amendment like this, when he, as a young man, studying at the London School of Economics, played cricket with Indians. Now he does not know how to play cricket.

Mr. LUDICK: Do you?

Mr. BARLOW: I am not interested in the hon. member from the backwoods of Lichtenburg.

An HON. MEMBER: [Inaudible.]

The CHAIRMAN: Order!

Mr. BARLOW: I do not listen to what that hon. member says, Mr. Chairman. I want to say to the hon. the Minister — no wonder he is blushing — that he comes here as a Minister of the Crown and accepts this rotten, miserable little amendment which is just meant to torture people. Now he says these people are "untouchables", but when he was a young man he played cricket with Indians at the London School of Economics. What sort of man is this Minister?

An HON. MEMBER: What sort of man are you?

Mr. BARLOW: I said it just now and I say it again—

> Your tongues are steeped in honey and milk, your hearts in gall and biting vinegar.

We are the custodians of these South African Indian people and it may be that one day we may have to meet a cry from the East. It is coming. Negotiations have been broken off already. They have refused to deal with this Minister, people who represent 400,000,000 souls . . .

Mr. BOTHA: Are you pleased about it?

Mr. BARLOW: People who won 32 V.C.s in the last war and this is what you do. Only fools do this sort of thing. Wise men do not do this sort of thing My hon. friend over there has never fired a shot in anger in his life. He has never been anywhere near where a shot in anger has been fired. He is a white flag talker. We have seen his sort before. They jeer and sneer, but when trouble comes they will be neutral.

An HON. MEMBER: That is what you were in 1900.

Mr. BOTHA: You have got a neutral brain.

The CHAIRMAN: Order!

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Mr. BARLOW: I am surprised at the hon. the Minister stating that he will accept the amendment. He has no case. He referred to the case of an unfortunate man who has a son or a grandson, who lives in a house and because he lives there . . .

Mr. BOTHA: Why do you not attack the mover of the amendment?

HON. MEMBERS: [Inaudible.]

Mr. BARLOW: The Minister made this law. I did not make this law about bona fides, the Minister made it and he was prepared to stand by it until this miserable amendment was moved.

Mr. BOTHA: From whom did the amendment come?

Mr. BARLOW: He accepts it because he wants to get one English-speaking person to agree with him. I have come to the conclusion, and I think I am right, that there are some English-speaking people in Natal who are just as harsh on the question of colour as the Afrikaans-speaking people in the Free State and in the Transvaal.

Mr. SULLIVAN: No.

Mr. BARLOW: And I hope that what I say sinks deep into their hearts.

HON. MEMBERS: [Inaudible.]

The CHAIRMAN: Order! I must ask hon members to refrain from making these interjections.

Mr. BARLOW: I am not attacking hon. members over there.

The CHAIRMAN: The hon. member must address the Chair.

Mr. BARLOW: Mr. Chairman, I am addressing the Chair. I am not saying to the member for Pretoria (Central) (Mr. van den Heever) as Thackeray did: "I can draw another dark horse out of my stable," when I reply to the hon. member. I am just putting before this House the dangers that there are in these very stupid amendments. They will do us a lot of harm in the world. The hon. the Minister drew up a Bill with which I agreed to a very large extent and I spoke on it. But now they come along with things like these amendments which are pin-pricks, nasty things, miserable things, and I rise in my anger and I say that the time has come in South Africa for somebody to point out to the people of this country where this House is drifting to. I do it and I do it with full responsibility, representing as I do a constituency where there is not one man who is not white.

Mr. LUDICK: [Inaudible.]

Mr. BARLOW: I do not represent a constituency like the one represented by my hon. friend old Gans (Mr. Ludick) over there. My hon. friend represents a constituency which is full of Indians and I would like him to get up in this House and tell the people of this country how many times he has walked into those Indian shops and purchased things therein.

Mr. LUDICK: You know that is not the truth.

Mr. BOTHA: What about yourself?

Mr. BARLOW: I have never bought anything from an Indian in my life. He (Mr. Ludick) belongs to the people who buy goods from Indians but they will not buy from white people. He knows that I am right. He gets up and sneers at the Indians, but if the Indian storekeeper sells a handkerchief sixpence cheaper than the European, he goes to the Indian shop.

Mr. LUDICK: My name is not Barlow.

Mr. BARLOW: I have never been in an Indian shop in my life. Where I come from, the Free State, there are no Indians.

Mr. MITCHELL: Mr. Chairman, I wonder whether the hon. the Minister would give us some indication in regard to the suggestion of the hon. member for Durban (Musgrave) (Mr. A. H. J. Eaton) and whether he will accept the term "State-aided" in the amendment moved by the hon. member. It may save a lot of discussion if we can get a hint from the hon. the Minister whether he is prepared to accept that slight amendment.

Mr. KAHN: Shame.

The MINISTER OF THE INTERIOR: Mr. Chairman, I would like to have an opportunity of discussing the implications of that amendment. I do not know how far it goes, but at the moment I cannot see any objection to it. I would, however, like to discuss it with my colleague, the hon. the Minister of Social Welfare, as to how far it goes.

Mr. TIGHY: Then why not let the clause stand over.

The MINISTER OF THE INTERIOR: No; I do not think the clause need stand over; not for that reason.

Mr. MITCHELL: Mr. Chairman, I thank the hon. the Minister for the explanation. Apropos of that point, perhaps I could assist. The position is this, that the difficulty in which

the hon. member finds himself is a very real difficulty. We do not meet our difficulties by simply brushing them aside. There is a very real difficulty there, however, and it is our duty as Parliament, in Committee, to try to iron out that difficulty. Now the hon. the Minister, I have no doubt, can find, with his advisers, the necessary technical legal phraseology to deal with the difficulty of the hon. member. There are, however, two points I want to make clear. If the hon. the Minister will accept the term "State-aided", and he finds no difficulty there, it will bring into the orbit of the exemptions a group — I am speaking from memory now, I am not up to date in regard to the last two years — about 34 or 36 institutions which are scattered throughout Natal. The classic example is the one referred to by the hon. member for East London (City) (Dr. Smit), the McCord Zulu Hospital. But there are others, they are all State-aided in that they get subsidies from the Natal Provincial Administration. They all therefore fall under the meaning of the term "State-aided". As I said just now there are about 34 or 36 of these institutions. Now surely nobody wants an amendment which is going to have the effect of making any of those institutions having to close down, whatever the reason may be. Those institutions do not set themselves up and carry on their business as hospitals without reference to anyone. They are inspected annually and annually they are issued with a certificate by the Provincial Secretary to say that they have complied with a certain set of standards which is applied to all hospitals in the province which are not State-owned or State-operated hospitals. There is an annual inspection, there is a review of all their work, their position in the scheme of things and then after they have complied with certain qualifications and are found to be entirely satisfactory, year by year, after that inspection, they get their licence from the Provincial Secretary. So that there is already in existence a scheme and a close scrutiny.

The MINISTER OF THE INTERIOR: This is a little bit wider than hospitals, all these institutions, and that is my concern at the moment.

Mr. MITCHELL: If they are State-aided, then they fall under the provisions of the Hospital Ordinance for that purpose. Other institutions, we have none, so there can be no harm there. There is one other point I want to make which was, I think, already in the mind of the hon. member for Vryheid (Mr. Fullard) from what I could gather. That is the provision for the accident, for the unexpected happening, because surely it is a reproach to our civilisation if we have a hospital, whatever it is designed for — a purely European hospital — and there is an accident outside the gates and people are maimed or injured and need medical attention, if there is to be a barrier, in terms of this law, to prevent people from receiving treatment immediately at that hospital. Some provision to deal with that type of case should, it seems to me, be incorporated in the Bill. We have had bitter experience of Acts of Parliament being read in their narrowest sense and the possibility exists that great inhumanity may take place under the guise of compliance with the law, because the law itself is in such strict terms. I want to make these two points although I understand that the second point that I made was also in the mind of the hon. member for Vryheid, but it is one which is of very great importance and I hope that the hon. the Minister will give effect to it. If it is necessary that something should be done to let this Clause stand over, I am sure this side of the House will support the hon. the Minister if he wants further time to confer with his advisers. I do realise its implications and I do realise that it is far-reaching and that the hon. the Minister may not want hastily to provide an amendment to deal with the manifold aspects of this very difficult problem.

Mr. LOVELL: Mr. Chairman, I would like to move the amendment standing in the name of the hon. member for Rosettenville (Mr. Hepple) on the Votes and Proceedings. Clause 4 sets out certain exemptions from the general rule that disqualified persons cannot come into the group area of another group. It deals with bona fide servants, bona fide visitors and bona fide patients in a hospital and in sub-paragraph (d) of sub-section (1) it exempts the husband, wife, minor child or dependant of any person (including a servant or employee) lawfully occupying such land or premises. Up to that point it seems to me that the hon. the Minister has made very reasonable provision so far as these exemptions are concerned. Then, however, the clause goes on to say that the husband, wife, minor child or dependant is not exempted fully but only to the extent which will be prescribed by regulation in the form of a proclamation to be issued by the Governor-General in the "Gazette". Now that means that the husband, wife, minor child or dependant of any person who is lawfully residing in a group area will not automatically be exempted but only to the extent prescribed by regulation issued in a Governor-General's proclamation. We have had that kind of experience in regard to the Native Urban Areas Act. I am glad that the hon. the Minister of Native Affairs is present now because I think he will bear out what I am going to say. We had this difficulty in regard to the Native Urban Areas Act where the Governor-General's proclamation was issued in respect of the wives of persons who were lawfully residing in the urban area. At present, it

will be remembered no wife can live with her husband in an urban area, if she is a Native woman, unless the husband has been there for two years and unless there is a certificate to the effect that there is accommodation for her. The effect has been to keep man and wife separated from each other or wife and child separated from each other and because the Governor-General's proclamation in this case makes this provision, very great hardship may also occur. Recently, it will be remembered, that it was suggested that this period of two years should be increased to five years. There was, however, a great deal of protest about that. Finally, I think, the hon. the Minister of Native Affairs agreed not to make it five years, but to keep it at two years. Now are we going to introduce that sort of thing into this Act as well? It was difficult enough and it caused enough discontent in regard to the Native Urban Areas Act. Are we going to perpetuate that situation in the Group Areas Act as well? We are not dealing now with Natives only. We are dealing mainly with Coloured persons and if you are going to separate a husband from his wife, or a wife from her child, or a child from his father, in terms of strict regulations laid down by the Governor-General, we are going to get the same discontent as we have today in regard to the areas proclaimed under the provisions of the Native Urban Areas Act. It is for that reason that I move that the proviso to Clause 4 (2) (d) should be deleted or omitted and as a matter of course a wife will be allowed to join her husband if he is lawfully residing in any group area. The same will also apply in regard to a child. It is for that reason that I move the amendment of the hon. member which reads to omit the proviso to paragraph (d) of subsection (2) of Clause 4. I move—

To omit the proviso to paragraph (d) of sub-section (2).

Mr. DAVIS: Mr. Chairman, I want to say just a few words in connection with the amendment of the hon. member for Durban (Central) (Col. McMillan), that is to say, to limit the period of a visit to three months. Now, in the first place, the hon. the Minister justified his acceptance of that amendment by citing a case in which an Indian was not allowed to reside in a certain area, but his son was allowed to reside permanently in that area. The hon. the Minister then said that a terrible thing happened. The son invited his father to go and stay with him for an indefinite period. It seems to me that it is an extraordinary thing that the son could have resided in that area but that the father was unable to do so. The case which he cited is certainly not a case which would seem to me to justify his accepting this particular limitation. The second point to which I wish to draw the attention of the hon. the Minister is this. This is not a Bill dealing with Indians; it is a Bill dealing with the different classes of the people — all sections of the community. I know that so far as Natal is concerned, there is tremendous bitterness against the Indian population, but I suggest that the hon. the Minister should not allow himself to be influenced so far as the other sections of the people are concerned because there are bad cases in Natal. A third point to which I want to draw the attention of the hon. the Minister is this. This particular clause provides for a bona fide visitor and a visitor can cease to be a bona fide visitor after a week. He can then cease to be a visitor altogether. So why should you then limit the period to three months if, in fact, he is, after that period, still a bona fide visitor. As to whether he is a bona fide visitor depends on the circumstances of each case and if it can be shown that he is not a bona fide visitor, whether he is there for a day, or for a month, or for three months, or for any period after that, he should be obliged to apply for a permit. Therefore I suggest to the hon. the Minister that the original form in which this clause was drafted is the correct legal form, the correct humane form and it is the form which I ask him to stand by instead of subjecting it to all sorts of abuses which may be misconstrued. I now come to the last point which I wish to make in connection with this matter. The moment it is suggested to the hon. the Minister that a handicap be placed upon the Coloured people or the Indians, he is only too anxious to accept it, and I suggest to him that that is not a fair attitude for him to adopt as a Minister of this country who is supposed to hold the balance evenly between all sections of our people. Therefore I ask him to stand by the draft of this clause as prepared by his legal advisers and refuse to accept any modifications which cannot be justified legally.

Dr. SMIT: Mr. Chairman, I want to follow up what the hon. member for South Coast (Mr. Mitchell) said to the hon. the Minister just now in regard to the question of these Native hospitals. I want to say that in the other Provinces there are a large number of these institutions run by mission institutions in the same way as they are run in Natal. These institutions are all aided by the State. They receive subsidies from the Provincial Councils, and if these people have to apply for permits or were to be placed in any position of uncertainty it will prejudice hospitalisation so far as the Native population is concerned. Nearly the whole of the hospitalisation for Natives throughout the Union is being conducted by these mission hospitals and I do appeal to the hon. the Minister to take that point into sympathetic consideration. I now want to deal with the amendments of the hon. the Minister to Clause 4 and to say at the outset that I object to these amend-

ments, particularly to the amendment to sub-section (2) (a) of this Clause. Drafted as they are, to my mind, they illustrate the mess in which the hon. the Minister and his advisers find themselves in regard to this Bill. There are no less than six alterations in the wording of this paragraph of this Clause, proposed by the hon. the Minister, and it seems that the hon. the Minister takes a delight in confusing the House in this way. I remember rather a humorous incident in my own career. I once discussed a similar series of amendments with a senior law adviser in the Department of Justice in connection with the alteration of one of our Native laws. I suggested that the existing section of the Act should be deleted entirely and an entirely new clause redrafted embodying the amendments. The law adviser's reply was that it was much easier to get the amendments through in that confused form because hon. members did not follow them and so did not object to them. I suggest that that is the reason for drawing this and other clauses in this confused form, and which takes one quite a long time to put together. I have, however, taken the trouble to rewrite sub-Clause 4 (2) (a) and (d) with the amendments, and they will read as follows—

(2) The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy land or premises in any group area:

(a) as a bona fide servant or employee of the State or a statutory body, or as a domestic servant of any person lawfully occupying the land or premises;

(d) as the bona fide employee (other than a domestic servant) of any person, or as the husband, wife, minor child, or dependant of any person (including a domestic servant or employee) who is lawfully occupying such land or premises: Provided that the provisions of this paragraph shall apply in respect of any group area or any part of any group area only if the Governor-General has by Proclamation in the Gazette declared them to apply in respect of that group or that part thereof, and only to the extent and subject to the conditions (if any) which may be specified in the Proclamation.

The effect of the amendments to sub-paragraph (a) is that automatic exemption for disqualified persons in a group area is now confined to domestic servants unless the Governor-General applies the provisions of sub-paragraph (d). There you have to get a Proclamation issued by the Governor-General granting special exemption to a particular area. Under ordinary circumstances it will be unlawful for a European farmer who finds himself in a white group area to provide accommodation for his non-European farm hands. That is really the position. If the area is declared to be a white area, he will be precluded from providing accommodation for his non-European employees. If we look at the definition of "premises" in the definition clause, we see that that is so. He will be precluded from providing accommodation for his farm hands unless the hon. the Minister is prepared to have a special Proclamation issued which may or may not be subject to conditions allowing the employer to do so. The same would apply to a factory which desires to provide similar facilities for its employees. Here we have the position of the hon. the Minister of Native Affairs approaching employers, owners of factories and other institutions, to provide proper housing for their employees. In this Bill, the hon. the Minister of the Interior comes along and hedges this round with a provision that a special Proclamation must be issued by the Governor-General, which, as I said, may be subject to conditions, before this can be permitted. Another provision that I think is unduly harsh is the exclusion of the husband or wife or other dependants of a servant who is accommodated on his employer's premises, save with the Governor-General's approval by Proclamation. This exclusion of a worker's family has led to many evil consequences in the urban areas. It has often led to a great deal of unrest and disturbance. Therefore I do want the hon. the Minister to give his sympathetic consideration to this aspect of the matter. We are being ruled by Proclamations, regulations, restrictions and permits and if this state of affairs is allowed to continue, it simply means that life will become unbearable.

*Mr. VAN DEN BERG: I listened to the hon. member who has just sat down, and I expected him to inform us whether the idea of his amendment was mainly to promote the idea of apartheid, the idea underlying this Bill. I was curious to know when he moved his amendment, whether he wanted to promote the idea of apartheid, because we understood that they wanted to improve the Bill. I think the House is entitled to know from him whether his idea is to promote compulsory apartheid. He did not tell us so, however, and that being the case I cannot help reminding the hon. member that in the earlier stages of this Bill he stated that he was once and for all opposed to it and that he would fight it at all times and under all conditions. Perhaps he has changed his view, but he has not told us that he has done so. And as the hon. member has

told us that he will fight this Bill by all means in his power and at all times, he must not blame me if I turn down his amendment in anticipation. He said that he was going to do everything in his power to oppose the idea of compulsory apartheid — he was going to do so at all times — and therefore if he now moves an amendment, that amendment condemns itself in advance because the hon. member's idea is to watch out for the best way of wrecking the Bill. Then he comes here and he hopes that the Minister will allow him to remove a brick from the edifice, even if this might only cause a small crack at some future time. No, the hon. member has burnt his boats behind him. There are hon. members opposite who have tried to improve the Bill, and who have succeeded in effecting certain improvements, but the idea of the hon. member's amendment is to damage the Bill's tendency and I therefore hope that the House will not take notice of it and I also hope that his constituents will properly call him to account. He told us an almost interesting story about an argument which he had with a legal adviser on one occasion. I should like to know who that legal adviser was, because he must have been a prophet. The hon. member said that the legal adviser had told him that the more complicated a clause was drafted the easier it was to get it accepted by a member of Parliament. That legal adviser must have been prophetic in realising that that hon. gentleman would one day become a member of Parliament, and would then be as confused as he is today. That is why the hon. member was satisfied on that occasion, and today he apparently still accepts that idea which the legal adviser had in regard to him as a future member of Parliament. The more confused and complicated the thing is, the more acceptable it is to him.

Mr. DAVIDOFF: Mr. Speaker, I would like to draw a comparison between the amendment moved by the hon. member for Benoni (Mr. Lovell) and those moved by the hon. members for Durban (Central) (Col. McMillan) and Durban (Musgrave) (Mr. A. H. J. Eaton). I quite obviously support the amendment of the hon. member for Benoni, and oppose as vigorously as I possibly can, the others.

First of all, in dealing with the deletion of the proviso in sub-clause (d), I want to say again what has so often been said, that as far as the Labour Party is concerned we would like to see a clean and healthy family life for all the people of this country, and not bar, and not divide husband and wife, as is happening under the Urban Areas Act and as will happen under this Bill when it becomes translated into law. We feel that if these provisions apply it will do away with a lot of prostitution and disease that exists in our urban areas, and unless we will ultimately allow our domestic servants and other workers to live together in clean and healthy conditions it is going to make that state of affairs, prostitution and disease, much worse. The effect of the amendment by the hon. member for Benoni is to widen the scope, to widen the right if possible for family life for domestic servants, and not to limit the right, as is contained in the proviso, and it is for that specific reason that I support it.

Now I want to come to the other amendments, those moved by the hon. member for Durban (Central) and the hon. member for Durban (Musgrave). Mr. Chairman, it shocked me to think that any reasonable person, with any essence of humanity, would move amendments of that nature. The rights of people are being very much limited under this Bill, especially so, and how anybody could come along and move amendments of the nature that we are discussing now is beyond all comprehension.

First of all, in dealing with the amendment of the hon. member for Musgrave, I would like to draw that hon. member's attention to this particular fact. We are not concerned with hospitals or nursing homes nor institutions, nor are we concerned with the fact whether they are controlled by the State or by a statutory body or whether they are State-aided; we are concerned about the patients who will have to go to those places, and that is a point that the hon. member for South Coast has missed; we are concerned about the patients. We know — and let us look at facts as they are — there are very few health services in this country, and certainly fewer outside the urban areas, and the State-aided and State-controlled institutions are, in the first place, situated in the urban areas, and they are not sufficient to maintain and take in the patients in their own particular areas. We know there is a tremendous shortage of beds . . .

An HON. MEMBER: [Inaudible.]

Mr. DAVIDOFF: That is the trouble, if you would follow the amendment you would know exactly what it is, but the unfortunate thing is that members on that side of the House are only concerned with political speeches and they do not know what is contained in the Bill. [Interruptions.] If we accept the amendment of the hon. member for Musgrave the position will be this, that no person from any outside area as a patient under emergency conditions will be able to enter any hospital unless it is a State-aided hospital, and all the State-aided hospitals are overloaded — they are full. So that even in an emergency case, where a patient is in extreme danger, he cannot be admitted to a

hospital before a permit is obtained. It is ironical, it is ridiculous, it is impossible — it is incredible, as someone has just said. I can very well understand that in view of these facts the hon. Minister has accepted the amendment, but I certainly fail to understand how the hon. member for Musgrave could have introduced it; to limit the right of the poor, the sick, the needy, to get medical attention is beyond all comprehension — it is the patient we are dealing with, not the institution, and that is what is overlooked.

Then, Sir, the same remarks, almost equally strongly, apply to the amendment moved by the hon. member for Durban (Central). I am sorry he is not present at the moment. I want to put this to the hon. Minister. It has clearly been said already that a bona fide visitor can only be considered as such, and if he is not a bona fide visitor he cannot remain there without a permit. Why, then — and this is the point I would like to put to the hon. Minister, if I could gain his attention for a minute or two — should a bona fide visitor be again limited to ninety days for a visit. It is absurd. For that to come from a teacher, a man who is supposed to bring up the youth of the country, with such prejudices! Again I must say that it is beyond my understanding that the hon. member for Durban (Central) should introduce such an amendment limiting again the rights of people who are bona fide visitors. But the legal point I want to draw the hon. Minister's attention to, if he will listen to me, is this. Paragraph (2) (b) says —

> As a bona fide visitor of any person lawfully residing on the land or premises or as a bona fide guest in an hotel.

If this amendment is accepted it will read "as a bona fide visitor for a period not longer than ninety days". Why should there be any discrimination whatsoever shown between a visitor to a private house and a bona fide guest at an hotel, as is referred to in the same paragraph? The whole thing is ridiculous, it is uncalled for, it is limiting the already very limited rights of these people under the Bill, and I am going to make an appeal to the hon. Minister, if he in his wisdom did not see fit to limit those rights in the first instance, why should he now accept the views as expressed by the two hon. members I have referred to? I want to appeal to him to stand up in the House and say that on reconsideration he is not prepared to accept these despicable amendments.

*Mr. LIEBENBERG: The Labour Party's upright sinner who has just spoken and who accuses all other good people, surely has not read the Bill properly. The Bill puts the position very clearly and it says this in sub-paragraph (2) —

> The provisions of sub-section (1) do not make it illegal for an unqualified person to occupy land or premises in a group area—
>
> (c) if a bona fide patient is in a hospital, nursing institution, asylum or similiar institution.

*An HON. MEMBER: What about the amendment.

*Mr. LIEBENBERG: I know all about the amendment, but this clause is clear. The fact is that unless a provision of this kind is inserted in the law, which will be mercifully applied, as the Minister has assured us, it will mean that a group area may be a long distance away from a nursing institution in another group area. Now the upright, or rather let me say, charitable member of the Labour Party gets up here and wants to provide that if a specific group area is a mile or further away, the nursing institution of another group area must be used. Why not, if a group area is established, work back systematically so that a group area has its own nursing institution? What injustice is there in that? Hon. members of the Labour Party and the hon. member for Cape Western (Mr. Kahn), too, are so very prone to talk about justice and charity, but their charity, in this regard, cannot stand the test.

Mr. FRIELINGHAUS: Mr. Chairman, I want to ask the hon. Minister when he is considering the amendments about State-aided hospitals that he will bear in mind the clinics which are put up by municipalities and divisional councils in country areas; they are put up for the European groups, one might say, but actually they are for the express purpose of controlling tuberculosis and venereal disease amongst the Coloureds and Natives in the surrounding areas. I do hope he will do something so that the good work done by these institutions is in no way handicapped.

Mr. KAHN: Mr. Chairman, this question of nursing homes which was originally included by the hon. Minister in his Bill, creates difficulties not only for the Asiatics, it creates difficulties for the Europeans as well. There is, for example, in District 6 in Cape Town, one of the finest maternity homes in South Africa, which provides maternity services for both Europeans and for Coloureds, although most of the beds are set aside for Coloureds,. The hon. Minister is prosecuting his policy of apartheid with neurotic vigour and Teutonic thoroughness He is going to force separation in these institutions when there will be no alternative provision made, and I can conceive of nothing which reeks more of "man's inhumanity to man" than the kind of

amendment which has come from certain of the Natal members and which, of course, has been readily and greedily accepted by the hon. Minister.

Mr. Chairman, there may be an institution, a nursing home, which normally caters for Europeans only and does not wish to apply in general for a permit of exemption for non-Europeans because it would like to retain in the eyes of the prejudiced, privileged South Africans the reputation of being an institution for Europeans. But there may come an emergency case, and this happens frequently, where a desperate operation which is a matter of life and death to the patient, whether surgical or obstetrical, has to be performed and there is no other hospital bed available; surely the hon. Minister is not going to make it a criminal offence for that European institution which is not armed in advance with a permit of exemption, to accept that dying patient. I think it is disgusting and disgraceful, and it deserves all the invective and the hard adjectives which have been used to describe this particular amendment

That is with reference to the dying. When we come to the dead the hon. Minister's attitude is just the same. The hon. Minister says, for example, you can get a permit in dealing with this question of the cemetery. I might tell the hon. Minister this is a very grave question. [Laughter.] The hon. Minister says that the custodian of the cemetery can get a permit. We are becoming so permit-ridden and so permit-cursed in this country that soon every one of the normal activities of social and political life will be subject to a permit from the Minister. The Minister apparently desires a situation where before you die legally you have to get a permit, and before you can be properly buried you have to get a permit from this Minister.

Mr. BOTHA: When you Communists want to destroy a man you do not even give notice.

Mr. KAHN: Surely that is the best way. Sir, I would like to tell the hon Minister, for example, in Cape Town we have our main cemetery — to which an open invitation is issued [Interruptions.] — where you have alongside the Coloured cemetery, the African cemetery, the Jewish, the Roman Catholic, Europeans, all the different Christian sects. Woltemade falls under the control of a Cemetery Board, but there are other cemeteries, for example, cemeteries belonging to particular religious denominations, like Roman Catholic cemeteries and Moslem cemeteries, which may be in different areas. Surely the board of trustees who occupy, in the legal sense, not the physical sense, that particular cemetery, should have the right to occupy that cemetery without having to get a permit from the hon. Minister. The hon. Minister has an answer to everything — he says you may get a permit. But the whole objection to this Bill is that South Africa does not want to be dependent upon the hon. Minister's permit for everything.

Mr. Chairman, I have also moved an amendment through the hon. member for Cape Eastern (Mrs. Ballinger) in regard to the question of the right to trade and of factories. Now this is the most ludicrous aspect of it all. The hon. Minister refuses to accept my amendment — and this would apply to factories which are owned mainly by Europeans; there are factories which may be owned by Europeans but which may be situated in a group area set aside, say, for Coloureds. The hon. Minister says: "Well, I will give them a permit." But why should it depend upon a permit? The South African Federated Chamber of Industries have drawn attention to the foolishness of this in a circular addressed to all members. Why should there be segregation in respect of the siting of a factory when you have mixed races inside the factory? What earthly difference does it make whether the factory is in a white area or in a Coloured area; to my mind that factory can be in either area without a permit, because inside that factory you won't be having segregation. The Nationalists have not gone so completely mad in this country as to require immediately economic segregation, industrial segregation within the factories. They have not gone completely mad. There is a gleam of sanity, which is very difficult to detect, but it is probably there. Why must you have the hon. Minister's permission before you can own a factory when in any case you are going to have mixed races inside that particular factory? But it reveals this. In 1921 there was an Asiatic Inquiry Commission, and this commission pointed out that it was grossly unfair to try and have trade segregation, and in paragraph 131 the suggestion was made that holders of new licences should be confined to trade in locations or segregated areas. "This," the commission said, "was not reasonable, and does not commend itself to us". It was pointed out in the case, the 1906 case, by the Chief Justice of the Transvaal—

> If the commercial dealings of the Indian trader were to be restricted to the location in which he lived, situated outside the town proper and peopled only by men of his own race, then he might for practical purposes as well not trade at all.

The obvious intention of this clause, Mr. Chairman, is to crush the Indian trader, to crush the non-European trader and the non-European industrialist wherever he is to be found. It is a form of plunder which is being legalised by statute, it is in order to spoliate and to rob them of their factories, of the means which they have built up, and it is

nothing but larceny sanctioned by law to prevent without the permit of the hon. the Minister — because the hon. the Minister is notorious throughout the world as not having any sympathy at all for the non-Europeans or Asiatics; the hon. the Minister has said that his policy is to repatriate the Asiatics . . . [Interruptions.]

An HON. MEMBER: Let them go back to their fatherland, to India.

Mr. KAHN: That is not their fatherland. Ninety per cent. of the Indians in this country today are born in South Africa, and this is their fatherland, and this Minister will never rob them of their fatherland, which is South Africa.

Mr. BOTHA: Why do they call upon India to help them?

Mr. KAHN: Why don't you go to your fatherland, the fatherland of your ancestors? Because you love this country — and so do the Indians who are born in this country, they love South Africa; only their love is a greater, a finer love than the narrow, petty, hating, predatory love of the hon. members on the Government side of the House . . . [Interruptions.]

Mr. Chairman, this clause shows that the Government want to kraal our people industrially into slave labour camps, they want to bring about a process in South Africa of complete segregation and all the concomitant racial hatred that goes with it. [Interruptions.] The Minister of the Interior himself in the past has posed as a great champion who has opposed delegated powers, and in every instance when we seek to relieve him of what to him should be an unwanted responsibility — all this welter of delegated powers that appear to be overburdening him — when we do him the kindness of wanting to retain for Parliament and for automatic right some of the delegated powers which he has, he resists these suggestions. It is no answer for the hon. the Minister to say that the country is satisfied to leave in his biased, in his partial hands the issue of permits. There is not a single non-European in South Africa who trusts the hon. the Minister. The hon. the Minister in this House made a statement that he had been requested by the Malays, for example, to bring about a system of segregation. The lie has been given to the hon. the Minister's words by the official Moslem organisation, the Cape Malay Association, and the Judicial Council, the religious body of the Moslems — they have all emphatically denied that they asked the hon. the Minister to introduce a Group Areas Bill and to bring about . . .

The MINISTER OF THE INTERIOR: I did not say that. I said they asked to be treated as a separate group.

Mr. KAHN: I challenge the hon. the Minister to give the circumstances and to name the Moslem quislings who asked him that they should be treated as a separate group. What they asked the Minister was (a) in respect of certain historical ancient Malay quarters, which . . .

The MINISTER OF THE INTERIOR: They asked to be treated as a separate group. They wanted it under the population register. They mentioned that specifically.

Mr. KAHN: Mr. Chairman, if it was in respect of the population register it is entirely irrelevant to the context in which the hon. the Minister sought to use it in this debate, entirely irrelevant and most misleading. Nor has the hon. the Minister taken us into his confidence as to who spoke on behalf of the Malays, even in respect of the population register. Cannot the Minister unlock his heart and break his silence on this question? [Time limit.]

*Mr. VAN DEN BERG: This is a very pleasant clause, it refers to hospitals, patients and factories and what not. The hon. member for Cape Western (Mr. Kahn), or was it the hon. member for Cape Eastern (Mrs. Ballinger), I am always getting mixed up, as the one has turned to the East such a lot recently, is again trying to abuse his position by making the Minister appear as a most terrible and impossible man in the eyes of India. There he follows in the footsteps of the hon. member for Claremont (Mr. Waterson), who put his foot into it the other day.

*Mr. TIGHY: You have still got your foot in it — don't talk about it.

*Mr. VAN DEN BERG: The hon. member for Cape Western is trying to do now what the hon. member for Claremont has actually done.

*Mr. KAHN: What is that?

*Mr. VAN DEN BERG: I think he has done it very effectively. I believe that if the members of the Labour Party get the opportunity, they will want the Minister to make provision here also for cost-of-living allowances, because they have now put up a long rigmarole about conditions in hospitals, although the Minister had put the position clearly, indicating how he expected developments to take place, and separate amenities to be provided. Where do they get that brainwave from? It is clear that they have only one object in their arguments, and that is to try to wreck the Bill. They are now terribly concerned about the patients. Their hearts bleed for those poor patients. They say that the patients will

be kicked out and the Lord knows where they will have to go. They know that is not so. They know that when this machinery is put into operation in the way the Minister intends doing it, when the time comes there will be no hospitals or institutions where Coloured people and Europeans will be together in the same place. But that the different groups will be provided for in their own areas. Surely they know that.

*Mr. S. J. M. STEYN: Then you must vote against the amendment.

*Mr. VAN DEN BERG: These hon. members are so concerned about the patients —which patients? No, they grasp at every amendment just for one purpose and that is wherever possible to undermine positive and constructive apartheid.

The MINISTER OF THE INTERIOR: I want to make clear the position in regard to the suggestion that I should insert the words "State-aided" as well as "State-controlled". I have made inquiries and I find that the particular case to which the hon. member for Musgrave (Mr. A. H. J. Eaton) referred was in an institution which did get State aid, so if the term "State-aided" is added here, it really does not meet the difficulty. The door would be thrown open too wide. I am also impressed by the argument of the hon. member for Port Elizabeth (South) (Mr. Frielinghaus) in regard to Divisional Council clinics and other institutions of that kind. What I propose to do is to make provision, if they should fall within a group area, that the institution as such would be able to get a permit. Then we can meet all these various cases, not only State-aided, but also municipal-aided, divisional council-aided and all those various classes, and do it in such a manner that we can have some control in the event of abuse, and yet not allow those institutions to die.

Mr. ROBINSON: Will that involve a further amendment?

The MINISTER OF THE INTERIOR: Yes, it may involve a further amendment, because we are now trying to meet the situation which has been suggested to me, which I think is a fair position. I may say that it may not be necessary at all to have a permit for such an institution, because the provisions of this particular clause relate only to a group area, and a group area may be so constituted that these various institutions fall outside it. This will be one of the points which the Board will naturally consider. When they consider the proclamation of a group area they will take into consideration factors such as these and they may exclude them from the group area, and then the provision does not apply.

Mr. VAN DEN HEEVER: Will that be an open area?

The MINISTER OF THE INTERIOR: No, it stays as it is. It will be a controlled area. Clause 4 (2) reads—

> The provisions of sub-section 1 shall not render it unlawful for any disqualified person to occupy land or premises in any group area.

The area in which this institution falls may fall outside the group area, in which case it will not be necessary; if it falls in the group area, then provision can be made that simultaneously with the declaration of a group area, a permit may be given to approved institutions.

Mr. CULL: May I ask you a question? Will individuals be able to go into that area to be admitted into that institution.

The MINISTER OF THE INTERIOR: Yes, if there is an institution having a permit, those persons who normally are not allowed to acquire property there will be able to go as patients. That, I think, meets the difficulties.

Mr. RUSSELL: Can visitors go there, too?

The MINISTER OF THE INTERIOR: Yes, they do not sleep there at night. Visitors can go anywhere in any area. I was under the impression that provision had been made for the granting of a permit generally as in the case of bearer companies and, as suggested by the hon. member for Pretoria (Central) (Mr. van den Heever) in the case of institutions advancing money on mortgage, but I find on reference to my legal advisers that there is no provision of this nature for nursing-homes and institutions of that kind. By reason of the amendment we have made, by taking all nursing-homes out of the ambit of Clause 4, no provision is now made for giving a permit to the institution as such, but I will see to it that that is rectified.

Mr. KAHN: I would like the Minister just to explain what the final position is going to be in regard to nursing homes. Is he proposing to delete the term "nursing home" and to substitute for it "State-controlled" hospitals?

The MINISTER OF THE INTERIOR: Yes, I am accepting the amendment moved by the hon. member for Durban (Musgrave) (Mr. A. H. J. Eaton).

Mr. KAHN: It is deeply to be regretted that the Minister is accepting that amendment. After all, we were assured by the Minister that this Bill represented the end-

product of careful consideration, very exhaustive research, and that it represented as fool proof an attempt as possible to bring about the objects which the Minister had in mind.

The MINISTER OF THE INTERIOR: Hae ye no ambition?

Mr. MUSHET: That is good Scotch.

Mr. KAHN: I have, but what ambition I have the Minister has not got.

The MINISTER OF THE INTERIOR: Thank God.

Mr. VAN DEN HEEVER: Are you in reverse gear?

Mr. KAHN: I want to return to this question of nursing homes, because I can give the Minister instances where in a certain case a very distinguished graduate of the Universities of both Oxford and Cambridge, who was passing by sea round South Africa, on his way to India, became seriously ill at sea a day or so before the particular vessel arrived at Cape Town. The shipping company concerned had an arrangement with a certain nursing home in Cape Town that all patients, such as members of the crew and passengers who took ill, were sent to this particular nursing home. This patient went to this nursing home, for an operation, an acute appendectomy, and a day or so after the operation, when he became conversational again, it was discovered that he was actually a Turk. He had graduated from both those English universities with distinction. I may say he was a barrister, if that would interest the Minister. When it was discovered that he was a Turk he was required to leave immediately, notwithstanding the condition in which he was, and it was very difficult for the doctor in charge, at such short notice, to find another bed for him in a hospital or nursing home in Cape Town, because our nursing homes and hospitals are over-crowded. This particular request has come from one of the Durban members. The most disgraceful hospitals in South Africa, from the point of view of congestion and over-crowding, are to be found in Durban. I have been to Durban hospitals and seen patients on the bed and patients lying on mattresses on the floor under the bed, where the beds have been side by side with but a foot in between. I would ask this Committee to treat this matter seriously because it is a serious matter. In Durban, as I say, the hospital position is absolutely intolerable. What is the harm in a bona fide patient — because that is the preface to this particular clause that it must be a bona fide patient, whether it is an Indian patient or a Coloured patient or a Turk, whatever his race or nationality is — going to a bona fide nursing home while he is being treated, whether surgically or medically. What is the matter with Durban? Has Durban gone completely crazy that they are not prepared to give a haven of refuge to a person whose doctor certifies that he must have surgical or medical attention? Is there not a shred of decency or kindness left in the Durban members, that they would like to turn out into the street a person who is desperately ill and who cannot find a bed anywhere and can get admission in a hospital in respect of which a permit has not been obtained in advance? I say it is absolutely shocking, and if that is a reflection of the Durban morality, the sooner it is flung out of this House and out of this country, the better it will be for everybody concerned. It is reminiscent of the morality of Belsen and Buchenwald, to refuse to allow a very sick patient to go into a nursing home or into a hospital. The hon. the Minister indicated, in the course of his remarks, that the danger of leaving the door ajar, by means of which an Indian can creep into a nursing home or into a hospital when he is desperately ill, arose out of a particular instance, and now the whole nation is to be penalised; national legislation of nation-wide significance and import is introduced now because one Indian managed to make his way into a nursing home; that is the reason why this amendment was moved.

The MINISTER OF THE INTERIOR: Not one.

Mr. VAN DEN HEEVER: In a European area.

Mr. KAHN: To all intents and purposes, the hon. member is the Minister as far as this Bill is concerned. The Minister said that he knew of the case concerned and if it was in fact so serious a danger as to lead to widespread abuse, the Minister . . .

The MINISTER OF THE INTERIOR: The hon. member for Durban (Musgrave) pointed out that it was an institution and how it almost led to a breach of the peace.

Mr. KAHN: The case that the hon. member had in mind was a case where, I believe, the Indian was the proprietor of the institution. He originally lived there. He then had it converted into a nursing home or in an institution and then he stayed there as a patient, but the section says that it must be a bona fide patient, and if that man is not a bona fide patient, he can be put out; he is contravening the section. I am dealing with bona fide sick people; I am dealing with those who are bona fide in need of medical care and attention, and surely the Minister can show

sufficient humanity not to treat the nursing homes in this particular fashion. It is significant that under this Bill a non-European will be allowed into a white group area if he wears the badge of his slavery, if he comes there as a servant, then he is admitted. We know what will follow from this clause. In the course of the next year or two the House will be asked to introduce a pass system to make sure that the people who go into the white group areas are, in fact, white. That will follow from this kind of legislation. You will have a pass system whereby people won't be allowed to go from one area to the other area, and that is the kind of ghetto that we had in Europe, which was a scourge and a disgrace to Europe, in the 19th century.

An HON. MEMBER: That is the story you tell the Natives.

Mr. KAHN: That is the story I learned at school and I went to a Dutch Reformed Church school. That is what went on inside Europe and the hon. member will find that still in the history books. This is the ghetto system; that is all it is. The hon. member for Kimberley (City) (Mr. Oppenheimer) said in his second-reading speech that he is in favour of the principle of compulsory segregation, yet he has penetrated into a non-European area. He has gone to live in the Malay quarter and no doubt a cry will one day go up to have it proclaimed a European area. We will be told that it is the Malays who are penetrating into the European areas. That process goes on and I would like to remind the hon. member for Kimberley (City) that his Jewish ancestors fought in Europe against this dreadful ghetto system and it is scandalous and degrading that he should seek to force people of other races to live in hateful ghettos. [Time limit.]

Mr. MITCHELL: I am sorry I understood the Minister was engaged. I wish the Minister would explain further the position of the permit with regard to these aided hospitals and similar institutions. I am afraid I did not grasp the significance of the explanation which the hon. the Minister gave us. We are in great difficulty about this particular question. When all is said and done, I do not see how these institutions are going to exist merely by means of a permit; are they going to be certain that they will get a permit?

The MINISTER OF THE INTERIOR: The reply is that, firstly, they may not be included in a group area at all . . .

Mr. MITCHELL: No, I realise all that.

The MINISTER OF THE INTERIOR: . . . and, secondly, if they are in a group area, they can get a permit for the institution instead of getting it for any patient. That is all that I have in mind, but I cannot at this stage anticipate what attitude the board is going to adopt. The board will have to consider whether it is a bona fide case. I cannot say that there will be an automatic issue of a permit to every institution, because then hon. members will say that I am dictating to the board what their recommendation should be. All I can say, therefore, is that in institutions of this nature, I will see to it that if a permit is obtained it can be applicable to the institution as such instead of confining it to State-aided institutions. That will also include institutions of the nature which the hon. member for Port Elizabeth (South) (Mr. Frielinghaus) mentioned. That is all I can say at this stage.

Mr. MITCHELL: There is our difficulty then, because I must say quite frankly, Sir, that I am going to appeal to the hon. member for Musgrave (Mr. A. H. J. Eaton) to withdraw his amendment if that is so. There can be no kind of satisfactory security or title or basis for these institutions to carry on, bearing in mind that group areas may be proclaimed from time to time for years and years to come. Those institutions may start off in areas which have not been proclaimed as group areas, but they have the sword of Damocles hanging over their heads. As the years go by any Minister of the Interior at any time in the future can proclaim another group area and if one of these unfortunate institutions happens to fall in that area and there is an unsympathetic Minister, then what happens? The matter does not end with the patients. At the present time we are being asked in Natal to provide institutions and clinical facilities for the training of non-European medical men and non-European nurses, so there again is a further position which arises. I do not know what the future holds in the way of the views of future Ministers of the Interior, where that kind of conception has to be considered, but we are doing something which we think is in the national interest, and quite clearly those are matters that should be considered. Mr. Chairman, you will forgive me if I say once again we are in the middle of a difficulty which shows how necessary it was that this Bill should have been thrashed out in the calm atmosphere of a committee room or before a select committee or a commission of inquiry beforehand, because we now realise the difficulties, and when I think of those hospitals that we are supporting, hospitals that are doing good work, who are gradually going to be dependent upon getting a permit under unspecified circumstances, controlled by unspecified considerations in the minds of unspecified people, then I despair. I say this is a most unfair proposition. It is a most unfair burden to put on the shoulders of those

hospitals and nursing homes and similar institutions which have been carrying on bearing the heat and burden of the day in areas where there has been no help coming outside of missionary sources, and where the State has now ultimately stepped in and is prepared to lend a hand — not for 1950 or for 1951, while this Minister is here, but all future Ministers of the Interior who may decide to proclaim a group area in an area in which one of these institutions falls, and then that institution will have to do the best it can when the attention and the sympathy of the world has gone by, because we will then be busy with other things. Therefore, I am going to appeal to the hon. member for Musgrave in the interests of these institutions, because McCord will be one of them, to withdraw his amendment. Nobody can believe for a moment that at some future date McCord's will not be in what will be a group area for European occupation and ownership. It is inconceivable. That is the only kind of group area that can be proclaimed there, and McCord Hospital falls right in the middle of it. Notwithstanding the evils of the case which the hon. member has in mind — and I say that they are real evils; they are not to be dismissed by a wave of the hand — or simply by shouting at the hon. member and telling him that he is wrong, or that it comes from Durban; that gets us nowhere; they are real evils, but those evils must be met and they can be met in a totally different manner to this, and the power and the responsibility is on the shoulders of the Minister to find the answer to those evils when he has established that they are evils, and it is then his responsibility to deal with them. But now I ask the hon. member if he will give consideration to withdrawing his amendment because, as my hon. friend here points out, there is no provision in the Bill at the present time for permits to be issued to an institution. There is no such provision; we do not know what amendment the hon. member has in mind. I appeal to him this afternoon to let this clause stand over . . .

The MINISTER OF THE INTERIOR: I have told you what the provision is that I intend making. The whole case of the hon. member for Musgrave was based on an incident that took place in regard to an institution that was State-aided. That is the reason for his amendment. You now want to have an amendment which will nullify the very object which the hon. member had in view.

Mr. MITCHELL: It is not my responsibility to frame the provisions of this Bill. That is a responsibility that rests fairly on the shoulders of the Minister.

The MINISTER OF THE INTERIOR: Well, don't oppose other people then who are trying to carry out their responsibility.

Mr. MITCHELL: My hon. friend here has put his case and it is a real difficulty which he faces, but I say this to his honour that he has stated that sooner than jeopardise the interests of all those magnificent institutions that I have referred to he is prepared to withdraw his amendment, and I say there is no provision here for the granting of a permit to an institution. Why doesn't the hon. the Minister listen to us and allow this clause to stand over so that he may give it consideration and then come back to us and tell us how he proposes to deal with it. Surely there is no harm in doing that.

The MINISTER OF THE INTERIOR: I have told you.

Mr. MITCHELL: He has told us that he may be able to find some means of giving a permit to an institution. These institutions cannot exist by means of permits. Well, Sir, I must not exhaust your patience or take up the time of the House, but I appeal to the hon. member for Musgrave to withdraw his amendment.

Mr. A. H. J. EATON: I appreciate the reasonable approach of the hon. member for South Coast (Mr. Mitchell) to this question I am aware of those institutions that already exist. I cannot conceive under any circumstances that a Bill of this kind and the powers that it will give, will nullify the work that those institutions are doing. I have mentioned McCord. There must be at least a £100,000 invested in McCord Hospital. It is doing a remarkably fine job. I cannot understand any board dealing with a matter of this kind nullifying the work of such magnitude unless it can do better itself in some place, but it cannot. I cannot see that this Bill is going to be as harmful as some of my colleagues think. I may be too simple; I may be too frank; too honest in my outlook. I hope not. But let us accept the position. The Minister has said that these institutions that have a long tradition, that have had experience and time on their side will not be stopped from doing the good work that they are doing now. I accept that, and having accepted that, having had the Minister's word, who is there to say that the representative of the Government of our country will go back on his word or that the board will interpret his word in another way? Surely we have to accept the word of high Government executive if we believe in government at all.

The hon. member for the Communist Party — I do not know what constituency he represents — has been most personal. I dismiss his personal attack with the contempt it deserves. He has mis-stated the facts of the case I raised here. He has mis-stated them as a lawyer, as only a lawyer can do, but not a decent lawyer, only as a Communist lawyer could do I dismiss his remarks with the contempt they deserve.

Well, Sir, I am going to have faith in this Bill. I am going to have faith in it to this extent, that those institutions that are now doing good, humane work, for colours other than our own, will continue and with that faith I will accept the position as it is.

First amendment proposed by the Minister of the Interior put and agreed to.

Amendment proposed by Col. McMillan put and Committee divided:

AYES—68:

Abraham, J. H.	Loubser, S. M.
Bekker, G. F. H.	Ludick, A. I.
Bekker, H. T. van G.	Luttig, H. G.
Bezuidenhout, J. T.	Luttig, P. J. H.
Botha, P. W.	Malan, A. I.
Brink, W. D.	Malan, D. F.
Brits, G. P.	Maree, W. A.
Conradie, J. H.	Nel, M. D. C. de W.
Deysel, A. J. B.	Olivier, P. J.
Diederichs, N.	Oost, H.
Döhne, J. L. B.	Papenfus, S. F.
Dönges, T. E.	Pieterse, P. W. A.
Du Pisanie, J.	Potgieter, J. E.
Du Plessis, P. J. C.	Sauer, P. O.
Du Plessis, W. C.	Schoeman, B. J.
Erasmus, F. C.	Scholtz, D. J.
Erasmus, H. S.	Steyn, A.
Erlank, A. E.	Steyn, G. P.
Eyssen, S. H.	Steyn, J. H.
Faurie, W. H.	Strydom, J. G.
Fouché, J. H.	Swart, C. R.
Fouché, J. J.	Uys, D. C. H.
Frates, T. J.	Van den Berg, M. J.
Fullard, G. J.	V. d. Heever, D. J. G.
Grobler, D. C. S.	Van Heerden, D. P.
Havenga, N. C.	Van Niekerk, J. G. W.
Hertzog, A.	Van Rhyn, A. J. R.
Hugo, P. J.	Van Schoor, J. J. F.
Klopper, H. J.	Visser, de V.
Le Roux, P. M. K.	Vosloo, L. J.
Le Roux, S. P.	Warren, S. E.
Liebenberg, J. L. V.	Wilkens, Jacob
Loubser, J. A.	Wilkens, Jan

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

NOES—53:

Abbott, C. B. M.	Gay, L. C.
Ballinger, V. M. L.	Gluckman, H.
Barlow, A. G.	Graaff, de Villiers.
Bloomberg, A.	Hayward, G. N.
Bowker, T. B.	Hepple, A.
Brooke, R. S.	Higgerty, J. W.
Butters, W. R.	Hopewell, A.
Cull, J. A.	Jonker, A. H.
Davidoff, H.	Jordan, R. D. P.
Davis, A.	Kahn, S.
Delport, G. S. P.	Kentridge, M.
Du Toit, R. J.	Lovell, L.
Friedman, B.	Mitchell, D. E.
Frielinghaus, H. O.	Moore, P. A.
Gale, D. J.	Mushet, J. W.
Oosthuizen, O. J.	Sturrock, F. C.
Oppenheimer, H. F.	Tighy, S. J.
Robinson, A. E. P.	Tothill, H. A.
Russell, J. H.	Trollip, A. E.
Shearer, O. L.	Van Coller, C. M.
Smit, D. L.	Van der Byl, P. V. G.
Solomon, B.	Waring, F. W.
Solomon, V. G. F.	Warren, C. M.
Steenkamp, L. S.	Waterson, S. F.
Steyn, C. F.	Williams, H. J.
Strauss, J. G. N.	

Tellers: J. J. Serfontein and J. H. Viljoen.

Amendment accordingly agreed to.

Question put: That the words "nursing home" in line 73, proposed to be omitted, stand part of the clause:

Upon which the Committee divided:

AYES—57:

Abbott, C. B. M.	Kentridge, M.
Allen, F. B.	Lovell, L.
Ballinger, V. M. L.	Mitchell, D. E.
Barlow, A. G.	Moore, P. A.
Bekker, P. B.	Mushet, J. W.
Bell, R. E.	Oosthuizen, O. J.
Bloomberg, A.	Oppenheimer, H. F.
Bowker, T. B.	Robinson, A. E. P.
Brooke, R. S.	Russell, J. H.
Butters, W. R.	Shearer, O. L.
Cull, J. A.	Smit, D. L.
Davidoff, H.	Solomon, B.
Davis, A.	Solomon, V. G. F.
Delport, G. S. P.	Steenkamp, L. S.
Du Toit, R. J.	Steyn, C. F.
Friedman, B.	Strauss, J. G. N.
Frielinghaus, H. O.	Stuart, W. H.
Gale, D. J.	Sturrock, F. C.
Gay, L. C.	Tighy, S. J.
Gluckman, H.	Tothill, H. A.
Graaff, de V.	Trollip, A. E.
Hayward, G. N.	Van Coller, C. M.
Hepple, A.	Van der Byl, P. V. G.
Higgerty, J. W.	Waring, F. W.
Hopewell, A.	Warren, C. M.
Jonker, A. H.	Waterson, S. F.
Jordan, R. D. P.	Williams, H. J.
Kahn, S.	

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

NOES—68:

Abraham, J. H.	Du Pisanie, J.
Bekker, G. F. H.	Du Plessis, P. J. C.
Bekker, H. T. van G.	Du Plessis, W. C.
Bezuidenhout, J. T.	Erasmus, F. C.
Botha, P. W.	Erasmus, H. S.
Brink, W. D.	Erlank, A. E.
Brits, G. P.	Eyssen, S. H.
Conradie, J. H.	Faurie, W. H.
Deysel, A. J. B.	Fouché, J. H
Diederichs, N.	Fouché, J. J.
Döhne, J. L. B.	Frates, T. J.
Dönges, T. E.	Fullard, G. J.

Grobler, D. C. S.	Potgieter, J. E.
Havenga, N. C.	Sauer, P. O.
Hertzog, A.	Schoeman, B. J.
Hugo, P. J.	Scholtz, D. J.
Klopper, H. J.	Steyn, A.
Le Roux, P. M. K.	Steyn, G. P.
Le Roux, S. P.	Steyn, J. H.
Liebenberg, J. L. V.	Strydom, J. G.
Loubser, J. A.	Swart, C. R.
Loubser, S. M.	Uys, D. C. H.
Ludick, A. I.	V. d. Berg, M. J.
Luttig, H. G.	V. d. Heever, D. J. G.
Luttig, P. J. H.	Van Heerden, D. P.
Malan, A. I.	Van Niekerk, J. G. W.
Malan, D. F.	Van Rhyn, A. J. R.
Maree, W. A.	Van Schoor, J. J. F.
Nel, M. D. C. de W.	Visser, de V.
Olivier, P. J.	Vosloo, L. J.
Oost, H.	Warren, S. E.
Papenfus, S. F.	Wilkens, Jacob
Pieterse, P. W. A.	Wilkens, Jan

Tellers: J. J. Serfontein and J. H. Viljoen.

Question accordingly negatived and the words omitted.

Remaining amendments proposed by Mr. A. H. J. Eaton put and agreed to.

Amendments proposed by the Minister of the Interior in lines 1 and 2, page 11, put and agreed to and the amendment proposed by Mr. Lovell put and negatived.

Amendments proposed by the Minister of the Interior in lines 5 and 7 put and agreed to and the amendments proposed by Mr. Sullivan and Mrs Ballinger put and negatived.

Remaining amendment proposed by the Minister of the Interior put and agreed to.

Clause, as amended, put and agreed to.

On Clause 5,

Mr. DAVIS: I have certain amendments on page 737. I wish to withdraw all those amendments and move an amendment in the following terms—

> To omit sub-section (3) and to substitute the following new sub-section—
>
> (3) A testamentary disposition by which any person would acquire or hold any immovable property in contravention of sub-section (1) shall be deemed to be a testamentary disposition of the nett proceeds of such property, and unless the beneficiary is authorised to hold such property under permit, it shall be the duty of the executor of the estate of the deceased to realise the property within a period of one year from the date of the death of the testator.

The intention of this amendment is that where the beneficiary is not entitled to occupy the premises he will not be deprived of the benefit of his inheritance. I understand from the Minister that sub-clause (3) falls away because the Minister will move certain amendments in Clause 22, which makes it unnecessary to include sub-clause (3) in the Bill. In those circumstances I move my amendment which is perfectly clear and not necessary to explain.

The MINISTER OF THE INTERIOR: I have already indicated to the hon. member that I am prepared to accept his amendment. The effect is merely this, that where there is a disposition in a will of property to a person disqualified to own that property, the property does not become intestate. It remains the legacy of the person to whom it was bequeathed, and this Bill will not render it property left intestate. It can still go to the person to whom it is bequeathed, not the property itself, but only the proceeds of the property. Further, the section indicates that the sale by the executor must take place within the period of one year. I am prepared to accept that. I have also indicated to some other members opposite that the present sub-clause (3) has become unnecessary in view of amendments I am moving in a later clause. Then I have certain amendments standing on the Order Paper in my name. I wish to move them. Some are consequential amendments and in regard to the last amendment I want to move it in a somewhat different form. These amendments are the following—

> In line 17, after "of" where it occurs the first time, to insert "a proclamation under"; in line 45, to omit "such property", and to substitute "immovable property", situate in that area"; and to omit all the words after "property" in line 48, to the end of sub-section (2) and to substitute "but the provisions of paragraph (b) of sub-section (1) shall not render it unlawful for any company engaged in mining operations or in operations carried on in a factory as defined in the Factories, Machinery and Building Work Act, 1941 (Act No. 22 of 1941), in which machinery acquired at a price of not less than five thousand pounds has been installed, to hold any immovable property used by such company in connection with such operations".

The last-mentioned is to safeguard the position in regard to mines and factories where the factory has been installed and the mine has been located in an area which becomes a group area. Section 5 (2) provides—

> Sub-section (1) shall apply notwithstanding anything contained in any special or other statutory provision relating to the

acquisition or holding of immovable property . . .

This refers to a group area in terms of paragraph (b) of sub-section (1) of Section 3. That is a provision that they can only retain ownership for a maximum period of ten years. That will not apply in the case of mines and factories mentioned in the proviso I have now moved.

Mr. KAHN: It means a factory as well as a mine?

The MINISTER OF THE INTERIOR: Yes, but in the case of the factory the provision is that the machinery installed must be of a value of not less than £5,000.

Mr. HOPEWELL: Is that the original cost or the value after depreciation?

The MINISTER OF THE INTERIOR: It is the purchase price.

Mr. KAHN: Does it include a shop?

The MINISTER OF THE INTERIOR: No. I think this amendment will ease the working of the Bill, and I hope the Committee will accept this amendment as I have accepted the other amendments presented by hon. members.

Mr. HOPEWELL: Does the £5,000 include the cost of the building?

The MINISTER OF THE INTERIOR: No, that is just the machinery.

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

Evening Sitting.

Col. OOSTHUIZEN: Mr. Chairman, I just want to refer very briefly to the amendment moved by the hon. member for Pretoria (City) (Mr. Davis). I was very pleased to hear that the hon. Minister had accepted the principle of that amendment, and in considering the re-drafting I would like the hon. Minister to listen to what I have to say on this particular point, because I think it is very material.

The amendment moved by the hon. member for Pretoria (City) was to the effect that the executor should be compelled to dispose of any property bequeathed within a period of twelve months, and I would like the hon. Minister to consider these points. It will take a very long time before the provisions of this Bill are known throughout the country and many wills have already been made and are not likely to be amended to conform with the provisions of this Bill. I have in mind a case where there may be a will under which the executor is prohibited from selling the property, or the property may be bequeathed subject to the usufruct in favour of a person entitled to enjoy that usufruct and eventually it is to go to other beneficiaries after that, and that period may extend beyond the twelve months which is contemplated in the amendment. I would like the hon. Minister to consider this, and that is not to make it absolutely implicit to have that property sold within twelve months after the death of the testator, but the board to have the power to extend that period on good cause shown. Otherwise, if the hon. Minister is not prepared to consider the redrafting in that way — which I think would be fair and reasonable — I would suggest to him that if he is determined that the property must be sold within twelve months, he should provide that notwithstanding the provisions in any testamentary disposition that the property shall be sold and that the executor shall have that power to sell the property. Otherwise the executor may find himself in a hopeless position, he may not be able to sell the property in terms of the will because the usufructuary who is entitled to enjoy that usufruct may fall within a certain group area and the property therefore cannot be sold until the expiration of that usufruct. Therefore, I think the period should not be specifically for twelve months; the Minister should have power to extend that period; or otherwise, if that is impossible, then specifically to say in this Bill that notwithstanding any provision to the contrary the executor shall be obliged and shall be compelled to sell the property.

I think the points I have made are worthy of consideration, otherwise great difficulties will arise which are not foreseen at the present moment.

Dr. SMIT: Mr. Chairman, may I ask the hon. Minister what the position will be under Clause 5, with regard to servitudes. These restrictions over the acquisition of immovable property, read with the definition of immovable property contained in Clause 1, are very far-reaching and may have very serious effects on the value of property adjoining a particular group area. As I read it, under Clause 5 (1) (a), it will be unlawful for a disqualified person or company to acquire, or for a disqualified company to continue to hold immovable property in a group area for longer than ten years after the proclaimed date, without a permit from the Minister. The definition of immovable property, under Clause 1, includes any real right or jus in rem, and a real right includes servitudes. These servitudes consist of many rights which the owners of property outside a group area may hold over property inside that area, such as right of way, water rights, a right of pasturage and so forth, and under para-

graph (a) the restriction applies to rights acquired in pursuance of any agreement or testamentary disposition made before the proclaimed date. I submit, Sir, that that goes very, very far indeed, and I would ask the hon. Minister kindly to give us some further light on this point. Is it correct that these rights will be dependent upon a permit that may be withdrawn by the hon. Minister?

The MINISTER OF THE INTERIOR: With regard to the point raised by the hon. member for Port Elizabeth (Central) (Col. Oosthuizen), I would like to say, in the first place, that the Bill does not come into operation immediately. So wills can be altered to bring them into line with the provisions of this Bill.

Where the usufructuary is a disqualified person, then the property will naturally be sold subject to the usufruct. The property will have to be sold if it is left to a person who is disqualified, but subject to the usufruct in favour of a qualified person. That is, the part that is contrary to the law would be sold. In any case, it is one of the provisions of this Bill that a disqualified person cannot hold property.

Col. OOSTHUIZEN: But the will prohibits the executor from selling.

The MINISTER OF THE INTERIOR: Yes, but surely the laws of the country will override the provisions of the will.

Col. OOSTHUIZEN: I should say so.

The MINISTER OF THE INTERIOR: Well, it is known without saying so. You cannot make a will contrary to the provisions of the law of the land. As far as an existing will is concerned, as I say, this does not come into operation immediately, so there is time. But even an existing will will be overridden by the terms of the law. So I do not think there is any need to make that extension; again, it would be opening the door very wide; I think a fair period is twelve months. If a property is left to a disqualified person, I think twelve months is a fair period in which to sell; the executor has twelve months, and I think that would be ample time.

In reply to the hon. member for East London (City) (Dr. Smit), I did not quite understand his query. Is it whether Section 5 prohibits the ownership or the acquisition of property in an area where you are a disqualified person, unless you have a permit? Yes, that is the position.

Dr. SMIT: Supposing I have a property adjoining a group area and I am a disqualified person, but I have a servitude for water, let us say, in that group area. Do I have to have a permit from the hon. the Minister to make use of that servitude? Or suppose I have a right of way. That is also immovable property in terms of the definition in Clause 1. That is really where I feel disturbed.

The MINISTER OF THE INTERIOR: If it is included in the definition of immovable property, that would be the position.

Mr. HOPEWELL: Mr. Chairman, I want to refer the hon. the Minister to this. It is in regard to a factory "in which machinery acquired at a price of not less than £5,000 has been installed". I want to submit to the hon. the Minister that we would like some further definition of "machinery". I trust the hon. the Minister will give this matter his consideration. Does he mean by machinery working machinery, or does he mean machinery and plant? I think the Minister appreciates that the terms have a different meaning in the industrial field. For example, the industrialist today does not just build a building and then decide to put machinery into it. In a modern factory lay-out you decide on your process and you arrange your factory process in such a way that part of it may require twelve different processes. It may require floors. For instance, in the processing industry material which is mixed moves to another process by reason of a gravity process, and it may be on one floor, it may be on another shute, and that would not come under the heading of machinery as machinery is here defined — it goes on to another process in which it is treated further; finally the material in the course of its manufacturing process reaches a finished state. From the time the material starts to the time it is finished it may pass through various stages in the factory where goods pass from one floor to another; it may pass through shutes, over belts, and impedimenta of that kind, which is quite distinct from machinery. Now the actual cost of the machinery may be very small, it may be only £1,000 or £2,000, but the lay-out of the factory, the internal part, might amount to a considerable sum of money, and I submit that these are factors to which the hon. the Minister should give his attention. I suggest that the definition of machinery should include plant and should include such internal portions of the factory which are specifically designed to assist the manufacturing process. I would ask the hon. the Minister to give us some clarification on that point.

The MINISTER OF THE INTERIOR: Mr. Chairman, I do not think that any expense incurred, for instance, in having floors of different lengths, could fairly be said to be expense incurred in connection with machinery. I think the siting of machinery is concerned there. But for the rest, as far as plant is concerned, the interpretation of machinery that will be given, I take it,

will be a fairly liberal interpretation, but it cannot include any expense in connection with a site, nor the building itself — that is not part of it — or the provision of floors at different levels cannot by any stretch of imagination, be included in machinery.

Mr. HOPEWELL: Will you alter your definition to include machinery and plant?

The MINISTER OF THE INTERIOR: I think I can consider that. We can leave this as it is now; machinery seems to have a fairly wide meaning; as long as the hon. member is not under the impression that by introducing — if I do decide to introduce the word "plant" — that that will include anything in connection with the building itself. The definition of "plant" may be so wide that it may include the building itself, and that is not the object of this amendment.

Mr. HOPEWELL: Mr. Chairman, I can perhaps help the hon. the Minister further by giving my reasons for including the word "plant". Quite often in modern factories today the conveyer system plays a very important part. If "machinery" is only going to cover that part which is concerned with the processing then it is a very narrow interpretation, but a conveyer system generally comes under the heading of "plant", it is quite an important part and generally forms a major portion of the costs of the factory equipment, and while I appreciate the fact that the Minister may not be able to give us an answer now. I do suggest that the Minister should consider very seriously the necessity for including machinery and plant, because that is generally understood in industrial circles as having a wider interpretation.

The MINISTER OF THE INTERICR: Would plant include building?

Mr. HOPEWELL: I suggest to the hon. the Minister that before closing the door he should give this matter further consideration.

The MINISTER OF THE INTERIOR: If the hon. member is only concerned about the conveyer belt or anything of that nature, then I can assure him that that is machinery.

Mr. HOPEWELL: That is always the difficulty when we have legislation of this kind. Where we have distillation, the distillation process, a big portion of it is plant. In fact there is no machinery in distillation, and your condensers and your rectifying column, and that sort of thing, does not come under the heading of machinery, and it has not been defined as machinery

The MINISTER OF THE INTERICR: Condensers would be part of machinery.

*Dr. J. H. STEYN: In regard to the proposal of the hon. member for Pinetown (Mr. Hopewell), I should like to draw the Minister's attention to this, that he should not allow himself to be induced to put the definition or the conception of machinery so broadly that it will include all plant and building apparatus and all that sort of thing. An amount of £5,000 is small enough as it is for a factory, and if we allow the definition to be put too widely it will be found that all kinds of small factories — which surely is not intended — will fall under it. I do not know what the Afrikaans translation of "plant" is — sometimes it is translated as "apparaat" or "inrigting", but whatever it may be it must not be stretched too widely to undermine the object of this clause.

Mr. HOPEWELL: Mr. Chairman, I would like to make it quite clear I am in no way trying to undermine the object of the clause, but I do claim to know something about factories and factory layout and production methods, and I have made an objective suggestion to the hon. Minister, I am not trying to undermine this clause. I want to make quite clear what I mean by floors. I don't mean different storeys in a building, but quite often in a factory process you will have one part of the factory process on one floor, and in between one floor and the next you will find landings which carry vats, or carry part of the factory equipment at different levels. I don't mean by floors different storeys in a building. Anyone with an understanding of a factory layout will know what I mean. You might have the factory roof, for example, the height between one floor and another could be 20 feet. Between one storey at 20 feet and the ground floor you might have a platform 10 feet high holding a lot of vats, which are settling vats; you have it in the soap industry.

An HON. MEMBER: That is machinery.

Mr. HOPEWELL: These vats may hold the processed material for certain periods. Someone interjected and said that that platform comes under the heading of machinery. I suggest that the hon. member who made that interjection does not know the factory definition of machinery either under the Factories Act or the Income Tax Act. All I say is that where we have those platforms at different levels which are of a semi-structural nature, they are not part of the building, they are not essential for the building and yet they are essential for the manufacturing process — they should be taken into account and should be included under the all-embracing title of machinery and plant. I am not going to undermine the Minister's clause in any way, I am just going to be constructive It is a reasonable suggestion which I make to

the Minister from my experience of factories and the Factories Act, and I would ask the Minister if he cannot give an answer now, to seriously consider it, because I am not going to undermine his clause, I am just putting a suggestion to him which I think will help him in the implementation of his Act. There are certain factory processes which have a minimum of machinery — I give this as an illustration — they have a minimum of machinery, but quite a lot of the processing is a chemical process which lasts over a period. For example, it has just come to my notice now: How much machinery would the Minister find in the wine industry? Here is an example, and yet there is a tremendous amount of plant. You can go to any winery and see.

I suggest to the hon. Minister to seriously consider my suggestion, which I think is constructive and which will help him in the implementation of his Act.

Mr. MUSHET: Mr. Chairman, I would like to say a couple of words about this matter. The bald statement on machinery is not enough, and I can quite well see the hon. Minister's difficulty in this regard, and I hope he will give consideration to the point and give us a definition which will be of general application. I think, Sir, he will get all the information he wants by a reference to the Income Tax Department. They have a way of deciding on what is machinery and what is plant, and so have the people who administer the Factories Act, and if he would ascertain the usage of the terms in "machinery and plant" the whole matter would be met, and it could very easily be met if he refers to those definitions. I would also say, Sir, that naturally has nothing to do with buildings at all We realise that the hon. Minister wants to keep that apart, and that is all right. But the bald word "machinery" alone is not enough to meet the situation.

I would emphasise these points and ask the hon. Minister to give them his consideration.

Mr. KAHN: May I put a question to the hon. Minister in respect of the succession of property by way of intestacy. There may be cases where a person is directly possessed of certain property as owner in an area set aside for another group; he dies leaving no will, but he has one or two heirs who will be entitled to receive that property by way of intestate succession. The hon. Minister has agreed to accept the amendment of the hon. member for Pretoria (City) (Mr. Davis) to facilitate a testamentary disposition in similar circumstances being effected by requiring the sale of that property within one year and thus entitling the proceeds, not the actual immovable property itself, to come into the hands of the heir or legatee. I would like to ask the Minister what the position is in regard to intestate succession because one does not want to find that the property or its value should then be forfeited to the State merely because the deceased has left no will, and I would like the Minister to explain what the position is in such a case.

The MINISTER OF THE INTERIOR: The point raised by the hon. member is, I think, met by this, that there won't be any testamentary disposition to a particular person. The executor in intestacy would therefore be able to realise the property. There is not a specific beneficiary in terms of the will; he will be able to realise the property and then deal with the proceeds in terms of our laws on intestacy. I think that will be the position in the case mentioned by the hon. member.

Mr. KAHN: Will there be no forfeiture.

The MINISTER OF THE INTERIOR: I do not think there will be any question of forfeiture because there is no provision for forfeiture in that case. There is no beneficiary at the moment. When the person dies intestate his executor holds the property, disposes of it and then he can deal with the proceeds in terms of the law on intestacy.

Amendments put and agreed to.

Clause, as amended, put and agreed to.

On Clause 6,

The MINISTER OF THE INTERIOR: I move the amendment standing in my name —

> In line 6, page 13, to omit "after" and to substitute "in"; and in the same line after "province" to insert "who shall consult any local authority."

I move this amendment in terms of the promise I made in my second-reading speech that in a matter of this nature I want not only to consult the Administrator, but to act jointly with him, that the matter will be one in which the Administrator and the Minister will have to agree, and further that the Administrator will be required to consult with the local authority concerned. I have already given the reasons for this amendment in introducing the second reading, and I now move these amendments standing in my name.

Mr. GAY: I move the amendment standing in my name on page 237 of the Order Paper—

> To omit all the words after "section" in line 5, page 13, to the end of sub-section (4) and to substitute "only with the written consent of the administrator of the province concerned and the approval of

the local authority concerned by resolution, or otherwise only in accordance with the prior approval in each case by resolution of both Houses of Parliament".

The hon. the Minister has gone quite a considerable way towards meeting the case in this particular instance but we feel that the matter should be carried even a stage further. Clause 6 provides for the establishment of governing bodies which will operate in the area controlled by a local authority. The Minister establishes these bodies and he also prescribes the powers and functions of these bodies. In terms of Clause 6 the local authority, under sub-section 3 of that clause, is divested of its own power as far as they have been vested by the Minister in the governing body, i.e., the supervisory power over the governing body itself. There is no clear indication of the constitution or the method of the actual election of the governing body and one of the important points is to know just how that governing body is to be appointed, whether it is to be elected, or just how it is to come into being. It may be that the Minister may be able to reassure us on that point, but until we do get that reassurance, we have to assume that there is a possibility of a very serious overlap between the activities of the governing body and the functions of the local authority. The local authorities' supervisory powers over the governing body are limited by sub-section 2 to such things as may be prescribed by regulation, i.e., by the Minister, and in view of the manner in which such a body, by the powers vested in it, could cut right across the financial stability, for instance, of a local authority, it is important that any authority affected should at least have ample opportunity of pronouncing upon the appointment of such a board, and in knowing something about its powers. The resolution, as framed, aims at safeguarding that right and at giving the local authority a better chance to assist in the working of this Group Areas Act, protecting the interests of its own ratepayers in its own area, and in actual fact the interests of those in the group area as well. In dealing with a very similar amendment to Clause 3, I outlined certain legal obligations which rest upon the elected council of any local authority, not only upon the local authority but upon the Provincial Administration as well, as laid down in the Act of Union. The Minister is now going to consult the administrator and the local authority. If you refer to Section 168 of the Cape Municipal Ordinance, you will see that it lays down very clearly that it vests the whole of the public property in the local authority's area in the elected council of that authority. Sections 170 to 173 prevent the use of any of the land, prevent its alienation, prevent its use, prevent its development, unless a clearly indicated procedure is followed, namely, the procedure of consultation, the consent of the ratepayers, the administrator's consent, and a satisfactory indication that the financial obligations implicit in those services will be safeguarded. Any assignment of the local authority's land or any assignment of the local authority's powers without consent, according to the Ordinance, is declared null and void. But it appears, as far as one can judge from the information in this Bill, that the assignment of certain powers will be necessary in order to establish and develop the group areas. Will the Minister tell us — it may help to clear this up — how he proposes to allocate the responsibility as between the self-governing bodies and the local authorities. It appears that there may be within a local authority area, by the establishment of a group governing body, a very serious conflict when it comes to carrying out the ordinary public services. Anyone who is well versed with the work of local authorities — and the Minister himself has been an acknowledged authority in that respect — knows the very delicate manner in which your financial stability is secured — the carrying out of your public works on a loan basis, whereby you pledge the whole of the assets of your local authority area as security to the people who give you the loan. Just to take one example: Take the City of Cape Town, with its water works, with a reservoir established thirty miles away. You have a network from that reservoir serving the whole local authority area. A portion of that area is taken out and developed as a group area. It is still served from that capital asset, but that particular area will gradually buld up self-government under its own group governing body. The same thing applies to electricity services, to your roads, your public health and to the hundred and one services which are essential to make up the services of a local authority area. We would like to have some clarity on those things to see who is going to retain eventually the legal responsibility for the practical day-by-day running of the particular work. When it comes to finances in the larger towns of the Union that will be affected by the Group Areas Bill, you will have financial obligations running into many millions of pounds. We feel that it is only right that these people who have been putting up those finances should know just where they stand when we are now going to superimprose within the municipal area this other governing body which apparently is going to have certain powers delegated to it by the Minister. We would like to know whether the group governing bodies are to have any financial authority. Will they be able to collect any revenue; will they have any taxing powers? Will they have any powers of expenditure, or will all those powers still devolve upon the elected local authority?

What we are really asked to do at the moment with the information that we have before us is to give the Minister a blank cheque in the establishment of these particular boards, which do not exist in the corresponding Indian legislation, but are now going to be imposed under the Group Areas Bill on the rest of the South African population; to give him a blank cheque which may in the end have very serious repercussions, endangering the whole stability of the set-up of local government in this country. I would like to ask the Minister to give us some information on those points. Will he let us know just what powers they are to have to direct the practical working of the area; the ordinary day-by-day services normally governed by the local authority itself; where do they come into that picture? Would he tell us what he visualises as the ultimate scope and extent of the authority of these governing bodies? What does he visualise as the method of co-ordination between their activities and affairs of local authority? These are all points that require clearing up and I would appreciate it if the Minister could give us this information and the benefit of his studies of this particular problem. Let us know whether he is satisfied in his own mind that that system is going to work. I would like to stress again that the subject goes far beyond the implied intention of the 1946 Indian legislation. Under the Group Areas Bill it is proposed that that Indian legislation, promulgated to deal with a relatively small problem in the country, is now going to be imposed upon the whole population of the Union, and we feel that it is not enough simply to tell us that we are going to take over the 1946 Act and expand it to meet the present conditions.

An HON. MEMBER: Terrible.

Mr. GAY: It may be terrible before some of you are finished with it. If the powers of the governing boards needed very careful examination when they were supposed to deal with the Indian community, then we feel that they need much more careful examination and study before being imposed on the whole community of South Africa. We notice that governing bodies are not to be set up in the case of white group areas. We know that in those areas the statutory type of elected local authority will operate. We would like to ask the Minister whether he visualises that as a long-term policy the governing bodies will in their areas, in the non-European group areas, supersede or take the place of the present system of municipal administration, whether that is one of the things that is visualised as a long-term objective. There are no objections — in fact, we rather welcome the idea — to allowing the inhabitants of any group area to take part in their own control and their own organisation, the building up, as the Minister has termed it, of a spirit of self-reliance. But we feel that if that is to be done, it should be done after the very closest consultation with the local authority concerned before any such body is elected. The whole system under which they operate should be made perfectly clear and co-ordinated with the work of the local authority so that the two do not clash.

The MINISTER OF THE INTERIOR: The matter that we are dealing with is not a matter which can be defined in set limits at this stage. You are dealing with a problem where you have people in the various group areas, of differing intelligence, of differing experience, and you cannot have a hard and fast rule applying to all of them. For that reason one has to make provision which is elastic, which will be able to accommodate both those groups which are just emerging from the state where they are not able to carry out the functions of self-government at all, where they are just beginning to be able to carry out the functions — and naturally you cannot saddle them with responsibilities beyond their capabilities. You may also find a gradual progression in their capacity to execute the functions entrusted to them, and therefore any system under which you seek to set rigid limits to what power shall be given to them now is impossible. The very nature of the problem makes it impossible. I think the hon. member has spoken very fairly and I think he will appreciate that you cannot classify them at this stage and say: "As soon as you get this degree of capacity, these will be your powers." One has to make allowances for a progression in their capacity to carry out the responsibilities of the task of self-government. For that reason the whole matter in each individual case will have to be a matter for regulation. One will have to say: "Well, here is a group within a group area which is capable of exercising some of those powers; let us give them those powers now." Those powers can then be given to them. In the case of other group areas one may not be able to grant those powers to them. Later on, one may be in a position to expand the powers and the duties and the responsibilities of a particular group, but these are all things which you cannot put in any Act, because you are dealing with the human element and you are dealing with people in varying stages of development. But I say again that the people who will be able to give most valuable advice as to what the position is, what the capacity of that particular group is, will be the local authorities, and therefore I make it quite clear that they must be consulted. They must be consulted and their opinion will naturally carry great weight. But I have gone further. I have said that I do not want to be saddled with the responsibility, and therefore I have now put the position in this way, that there must be, as it were, agreement between the

Administrator and the Minister before any of these communities can be called into existence, and I take it that that will also be the position in regard to the powers and the functions which they will have to exercise. I regret very much that I cannot give the hon. member a specific answer to what he has asked, namely, what the powers are going to be. That will depend on the stage of development which that particular community has reached. But it will be after consultation with the local authority and in consultation with the Administrator.

The hon. member has asked whether they will ever be able to develop into one of the recognised forms of local government. Under this Act they cannot do that. This Act makes no provision for it, but there is no reason why, having attained a certain stage of proficiency, having given evidence that they are able to govern themselves, they may not at some later stage, under some provincial legislation, fall under one or other of our recognised forms of local government, either a municipality or a village management board, or a local board. That is a matter for the future. We are merely providing the training here for development in that direction. We cannot at this stage set a limit to that development. We merely say at this stage that we want to train them in the matter of self-government, that we want to train them in the procedure of democratic institutions, and if the hon. member will refer to Clause 36 (1) (b) he will see that it is envisaged that some of those members, at any rate, will be elected members, in other words, there will be some form of election. It may not be feasible, it may not be desirable, at the very beginning to have them all elected members. It may be that they require some guidance from members of the community, either inside or outside it, with more experience. That is a matter which time will determine and which circumstances will determine in each individual case. I think those are more or less the main points which have been raised by the hon. member. I hope the hon. member will understand that we are making an experiment here. It is really an experiment in self-government. We are trying to give this opportunity to those non-European groups and we must naturally feel our way. We cannot say at this stage: "This, and no other, shall be the way along which you will develop". I think if hon. members will share with us the responsibility of helping them along those lines, if they will help us to make this experiment a success — and for that much will depend on the local authority concerned — then I think we can embark on this experiment with confidence. I merely want to say that as far as the right to levy rates is concerned, that position will only be reached at a very late stage of their development. Primarily they will act as an advisory body to the local body concerned, to make them acquainted with the desires and wants of the community within which they are living, and in that sense they will naturally act under the complete supervision of the local authority. Later on they may develop further and further on their own. I do not want to set a period to that development. I think at this stage it must largely be determined by the potentialities which they show for exercising further powers of self-government.

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

> In line 62, to omit "may" and to substitute "shall", and to insert the following new sub-sections to follow sub-section (4):
>
> (5) The members of the governing body of the group for which the group area has been established shall be elected by members of such group in accordance with the provisions of ordinances governing the election of members to local authorities.
>
> (6) No group area falling wholly within the area of jurisdiction of any local authority in the Province of the Cape of Good Hope or of Natal and no portion of a group area falling partly within the area of jurisdiction of such local authority shall, notwithstanding the provisions of any other law, be excised from the area of jurisdiction of such local authority.

The amendment relates to the matter we have just been discussing, i.e. the question of governing bodies for certain non-European group areas. I notice that sub-clause 2 of Clause 6 reads—

> Such governing body may consist wholly or mainly of members of the group for which the group area has been established.

I suggest in my amendment that the word "may" should be deleted, and that the word "shall" should be put in its place, in other words, that the governing body shall consist wholly or mainly of members of the group for which the group area has been established. I think that is a fair way of doing it. If you are having a group area for a non-European group and you do propose to give them some training in democratic procedure, then most of the members of the governing body of that group should be members belonging to the group for which the group area was established. I think that is the principle contained in sub-clause 2. I think the word "may" does not make it absolutely certain and absolutely clear. That is the first part of the amendment. Then I suggest in the next amendment that "the members of the governing

body of the group for which the group area has been established shall be elected by members of such group in accordance with the provisions of ordinances governing the election of members of local authorities". I visualise the following situation, that if the Minister were to establish a governing body consisting of, say, eight members, at least five would have to be members of the non-European group for which the group area has been established, and three could be European members appointed by the Minister, but the five members should be members who are elected by the group for which the group area has been established. We do not know yet what the powers of that governing body will be and that we are leaving to the Minister, because he will be able to say according to the rest of sub-clause 2 what powers and functions that particular body will have. I take it that at first he will give them very simple powers, and later he will develop those powers. If he gives them simple powers of supervision at the beginning, it will be right that the members of that non-European group should be elected by their fellow-members of that group to that particular board. The European members could guide them in the way they should go and advise them, but at least the members of the board, belonging to the group for which the group area was established would be people coming from that particular group area. I suggest that the Minister might consider that amendment. If he does not like the words "in accordance with the provisions of ordinances governing the election of members of local authorities" I am prepared to give way on that and say perhaps "in accordance with regulation", as long as some certainty is provided in the section that the members for which the group area is established shall be elected and not appointed to that board. Let us have some certainty provided in the section that the members will be elected by the group for whom the group area is established, and not be appointed to the board. I am fortified in my request to the Minister by paragraph 8 of the White Paper which was distributed before this Bill was discussed. Paragraph 8 reads—

> The main purpose of the establishment of group areas is twofold, viz., firstly, to bring persons of the same racial origin together for purposes of ownership and occupation, and so to reduce to a minimum racial points of contact and therefore possible racial friction; and, secondly, to permit each racial group to develop along its own lines, according to its language, culture and religion, and to give members of the Native and Coloured groups an opportunity under proper guidance ultimately to assume responsibility for their own local government.

The gradual development of responsibility can be accomplished not by appointing members of the group to the governing body, but by having them elected and giving the governing body very little responsibility in the beginning, and as their experience grows giving them more and more responsibility which they can exercise under supervision. The right of election to the governing body should be given to the members of the group as an earnest on the part of the Minister that there will be some form of democratic procedure for them as a non-European group.

Then I come to the other part of the amendment which is to insert a further sub-section reading as follows—

> (6) No group area falling wholly within the area of jurisdiction of any local authority in the Province of the Cape of Good Hope or of Natal and no portion of a group area falling partly within the area of jurisdiction of such local authority shall, notwithstanding the provisions of any other law, be excised from the area of jurisdiction of such local authority.

The purpose of the amendment is, of course, as appears on the face of it, to see to it that when a group area is established for example for Coloured people on the borders of a municipality such as Cape Town, they shall not be excised, that the group shall not be cut off from the Municipality of Cape Town, but that it shall always come under the jurisdiction of the municipality. The reason why I make this suggestion is this: In the second-reading debate on the Bill, I pointed out the evils which have flowed from what I called financial apartheid, financial segregation which took place in regard to proclaimed Native locations, for example in the Transvaal. I showed that as a result of financial segregation, the cutting-off of the finances of the location from the general revenue fund of the municipality, the poorer section of the community was condemned to pay for its own social services with the result that most of the locations are in the deplorable condition in which we find them. I do not want to see that happen in regard to the group areas. The municipality will have to remain responsible for housing and other amenities in the group area, even if it is for the non-European race. There should be no shifting of the responsibility by cutting out or excising the group area and then saying: We are not responsible; let them stew in their own juice. That is the reason for the amendment. I would like to quote to the Minister an extract from "The Black Man's Burden," by Jan Burger, where he puts the situation very clearly and brings out the points more clearly than I can hope to do in my own words—

The present differences in customs, habits, outlook, moral standards, and social conditions between Europeans and Africans are not due to economic inequality only, and these differences make residential segregation a sound policy for the present. It is not the principle that is wrong; what is wrong is the attitude of Europeans towards the locations, and the fact that segregation provides an admirably easy way by which the relatively wealthy can escape their responsibilities. Locations have been established in South Africa because Europeans required Native labour in the towns and were not prepared to pay the price. Had the European said, in effect: "We require Native labour in our towns, but for various very sound reasons it is inadvisable that Europeans and Natives should live close together; therefore we shall establish separate residential areas and accept full responsibility for both townships, letting white and black share as citizens of one common area"—had the Europeans spoken thus, little exception could be taken to segregation. What they did say was: "We require cheap Native labour in our towns . . .

That applies equally to Coloured labour and to Coloured residential areas—

. . . but we see no reason why we should pay higher rates for the benefit of the Natives; therefore we shall establish separate townships and make them pay for themselves; what is more, we shall ask Parliament to legislate to this effect so that everything that is done can be done legally." In this way the European urban population has achieved a plentiful supply of cheap labour at no expense or inconvenience to itself.

An hon. member says this is a distortion. In the second reading debate I quoted figures to show that this analysis of what has been going on for years is correct. If you cut out the segregated area of non-Europeans from the general revenue of the municipal area, as you have the position today under the Urban Areas Act, and as the position might be under this Act unless we prevent these areas from being excised from the municipal areas, the effect will be to have separate accounts, to have financial apartheid or segregation and not only residential segregation, and the result of that will be that the location will become a slum because the amount earned by the Coloured people who are usually the poorest section, is not sufficient to pay for keeping those areas in proper order and maintaining them sufficiently to prevent them becoming slums. I quoted the figures and I am prepared to quote them again, but I do not wish to weary the House. If you look at the accounts of the large municipalities for the last ten years, you will find that what I am saying is perfectly correct. [Time limit.]

*Mr. LIEBENBERG: I can scarcely accept the true position to be what the hon. member has stated it to be. What is true, is that there has been a terrific influx, particularly during the past 10 years to which the hon. member has referred. That tremendous influx was not anticipated by the municipalities and it was impossible, even with the revenue of strong municipalities, to make headway by providing the necessary facilities for that influx. Look at the shanty towns, for instance, which have developed in the vicinity of the big cities. In my opinion, the municipalities have in the past done their duty as far as possible, but on the other hand we cannot expect the inhabitants of the locations to go entirely scot-free and without the responsibility of having to pay for the services rendered them by the municipalities. I do not think any municipality could have allowed locations to carry on without the necessary amenities in the way of water, sanitation and such like, or would have failed to ensure that as far as possible, decent and reasonable buildings were erected, but I say that the influx made it impossible for everything to be done as one would have liked it. It would be unfortunate if the matter were approached under that impression I do not think it has been approached in that spirit.

Then I come to the other point made by the hon. member, and I feel it is unsound. It amounts to this, that if a group gets a separate control board, other people also have to serve on that control board. If we give them such control boards, why should we not give them the opportunity of choosing their own people to constitute such a board?

*Mr. LOVELL: That is what I want.

*Mr. LIEBENBERG: The hon. member made the point that it would probably be necessary to elect three Europeans to serve on the control board with them.

*Mr. LOVELL: No, they are appointed by the Minister.

*Mr. LIEBENBERG: I feel it is unsound to appoint three Europeans to serve with the non-Europeans on the control board. I consider that this legislation will be designed first of all to give to such a control board minor functions, and as the position improves and they become more experienced to entrust them with proportionately more functions, always under the supervision of the local authorities. The municipality must accept the responsibility for supervision. I do not believe that there will be any idea of cutting such a non-European group off

the municipality and regarding it as a separate unit My view is that the large municipalities will always be regarded as the parent body which will maintain supervision. I therefore consider that the provisions of this Bill are best; that there will be consultations with the Administrator and the local bodies and that regulations will then be drafted in the light of the conditions and that powers will be given to the control board proportionate to the development of the group. As it becomes more experienced, it can be entrusted with proportionately greater responsibility.

Mr. MITCHELL: The amendment moved by the hon. member for Benoni (Mr. Lovell) is to insert two new sub-clauses (5) and (6). Sub-clause (5) will cause difficulty. In regard to sub-clause (6), if the hon. member in his amendment asks that that should be applied to group areas where the local authority asks for the proclamation, then we can support it. In its present form we are in this difficulty that we on this side started from the general basis that when the Government, through its responsible Minister, and acting through the Governor-General, proclaims a group area for any of the non-European peoples, then the Government takes a certain responsibility on itself. That responsibility may not be apparent from this Bill, but we have moved amendments, first in regard to compensation — which was unfortunately ruled out of order — and secondly that alternative accommodation should be provided, which was voted down. We have maintained the consistent attitude throughout in regard to these areas, that if funds should be provided for the maintenance and development, then the Government should provide it, because it is not municipal policy we are debating here and which is being legislated for. It is the policy of this Government which is being applied and which the Government is applying in its own way. Our standpoint is that if the Government imposes a moral obligation upon the taxpayers, it should be upon the Union taxpayers through Government finances. It should not be upon the municipalities, and make the municipal taxpayers pay for it. If the hon. member will move his amendment in such a form that it will apply when the local authority asks for a group area, then we can support him because then the local authority is morally bound, having asked for it, to accept responsibility for its development and maintenance. Let us take the circumstances which may develop in a peri-urban area. Those developments may lead the Government, properly advised by the board — there are no mala fides or an improper decision, but all the formalities are complied with — to establish a group area in a peri-urban area of a neighbouring local authority. We know many local authorities in this country have a big expanse of quite open land. A group area is proclaimed there for the purposes of providing amenities for a Coloured group in a continuous area outside the municipality. Under the hon. member's amendment the local authority will be called upon to provide for the development and maintenance. That will be most unjust. This again proves that we have not had adequate time to apply our minds to all the possible developments, and I view with alarm the obvious circumstances which might arise and in which it may be quite improper to ask a municipal authority to shoulder the burden for the development and maintenance of such a group area. If the local authority asks for a group area, then it must take the burden on its shoulders. If the Government takes the initiative, then the Government has to pay. If the municipality takes the initiative, the municipality has to pay; because it does so with its eyes open and it must show the responsibility.

*Prof. A. I. MALAN: If one analyses what was said by the hon. member who has just sat down, then it must be clear that he has not considered the matter logically. Probably local bodies will welcome it if a group area is established, because they will need such a thing to solve their own difficulties in connection with the various groups. In that case it will answer its purpose and there will be co-operation between the Government and the local body. But if it is impossible for the local body also to benefit by it, then there will be no co-operation. There will be no representations made in that event by the local bodies, and we are going to continue with the same rotten conditions which we now find in some of the big towns in the Transvaal and in the Cape Province. Those conditions will continue. Now one feels that an opportunity is created here to force and compel the local body to co-operate for the establishment of such a group even in their own area. Let me refer to the Natives' Urban Areas Act, as amended from time to time. In that Act there is also provision for a scheme of this kind, but because it has not been compulsory for local bodies to give effect to this, we still have the same conditions in the big cities as we had before that Act was passed — an Act which was intended to put an end to those conditions — and only in one town, which I have mentioned before, has the Act been applied in that way. Under this Bill the position now is that if the town councils themselves do not wish to avail themselves of the provisions of the Act to secure separate areas, a degree of pressure can be exercised to compel them to do so. The conclusion I want to draw is that it does not follow by any means yet that if machinery exists to do a certain thing, the big towns will be willing to make use of that machinery. That

is my objection to the amendment of the hon. member for South Peninsula (Mr. Gay). Because it will mean that the written consent of the town councils must be obtained before the group area can be established, and that means that the carrying out of this Bill will be made difficult. That is the very thing which we do not want. I feel that the hon. member has not fully grasped that aspect of the matter, otherwise he would not have argued in the way he did.

The second point the hon. member mentioned is the kind of control board which will be set up in the group area, and there I agree with the Minister that the regulations should be made as elastic as possible so that different forms of local authorities can be fitted into those areas. Surely the starting point must be that we cannot justify the same type of local government for all the various group areas. We want the local management to fit into the traditional background of the particular group, and if one wants to do that, it is impossible to support the amendment of the hon. member for Benoni (Mr. Lovell). He wants to make sure, even at this stage, that the form of local government in the group area will be elected by a prearranged method. Now let me shortly tell the Committee what happened in Pretoria. There we had a similar difficulty. We had a kind of local group area. That body was to be elected and hon. members know that it was a complete failure because only candidates who were supported by outside interests were elected. I may say that the Communists, in particular, came to the front, and great difficulties were continually experienced. The Native Advisory Board in the location, which was an elected body, was nothing but a source of a continual irritation to the town council. And do hon. members know how we got over that difficulty? We reverted to the traditions of the people living there. We appointed headmen there, and under them we had so-called block leaders and those people nominated the representatives. They were the leaders in that area. And let me tell hon. members what the result was, and I particularly want to tell the hon. member that within a year that body was sympathetically disposed towards the Town Council. There was co-operation. Where we had an advisory body before that, with whom nobody could co-operate, we subsequently got a body with which we were able to co-operate very satisfactorily, and we even got so far that we allowed that body to do certain work in connection with extensions in the location. The consequences were very much to the good of the people in that group. If we are to decide, at this early stage, that such a body is to be elected in a specified way, I am afraid that we are going to get a lot of difficulty. We have not even declared yet how these areas are to be divided, and how can we now lay down what the form of self-government in such an area is to be? No, first of all, we have to see what the conditions of a group area are, and for that reason we must make this provision so wide that the form of government can be adapted to the conditions of an area. There will be difficulties which we cannot anticipate now. With the best will in the world we cannot lay down exactly now how things are to be done, and that being so I welcome the clause as we now have it before us, so that different forms of management can be adapted to the prearranged object that they must be to the benefit of the inhabitants of the group to teach them to take part in their own government.

The hon. member also mentioned a further point, namely, that such a local group must not be outside a municipal area. I agree with him. He spoke about financial apartheid in regard to the accounts, that is to say, to keep the revenue of the location separate from the general revenue of the municipality. I do not know of any areas where this is done. But it is not necessary to provide for a matter of this kind in the Bill. It is more than probable, it is highly probable, that the feelings of the local body itself will not be in favour of this, because if such a group area is established in a municipal area, it will be that municipality mainly which will benefit by it, and it will not want such a group in the municipal area without being able to exercise control over them. The municipality will want to do that itself. The local authority is the very body which will be anxious to retain the management and control, with the full financial implications thereof and I do not think that we should now take up the attitude that the State must assume the responsibility. There may be other group areas where the State will have to act, but I think that it is unnecessary, at this early stage, to provide for all possible eventualities. These things cannot all be provided for in this Bill. We shall find in practice that the local bodies will be anxious to co-operate in regard to group areas, because they in particular will benefit thereby. For those reasons I am unable to support the amendments of the hon. member for Benoni and the hon. member for South Peninsula, and I must support the clause as it stands in the Bill.

Mr. LOVELL: I would like to deal with a few of the points raised by hon. members in regard to my amendment. The first point is that raised by the hon. member for Gezina (Prof. A. I. Malan) in regard to my suggestion that those members belonging to the non-Europeans in the group areas should be elected. I gathered from him that in Pretoria they did not have a very encouraging experience in regard to the election of members of the Native Advisory Board, I take it, established under the Urban Areas

Act. But I believe it is correct that election procedure works quite well in the towns of the Witwatersrand. The superintendent is chairman and the members of the board are elected in accordance with democratic principles under regulations promulgated under the Urban Areas Act. In Durban the position is the same, and in a large number of towns it seems to work quite satisfactorily. We are dealing here not so much with Natives under this Bill. The areas proclaimed as Native areas under the Urban Areas Act are specifically excluded under this Bill. We are dealing with Coloured people; a large number of them will be affected by this Bill, and they are much more developed than the Natives. Many of them are educated. And even among the Natives I say we have a large number of quite successful advisory boards established on the principle of election. I make this suggestion because I feel if we are genuine in our attempt to give the non-Europeans a certain amount of self-government, which perhaps they have not now, we must train them from the beginning in the election of responsible persons. I say we can rather place limitations on the functions of the board in the beginning, instead of on the method of election for appointment of candidates to the board.

Then I come to the point raised by the hon. member for Lydenburg (Mr. Liebenberg). The present section to which I moved an amendment reads as follows—

> Such governing body may consist wholly or mainly of members of the group for which the group area has been established, and shall have such powers and functions as may be prescribed by regulation . . .

What does that mean as it stands in the Bill? It means, I think, quite fairly, that the Minister envisages a governing body consisting wholly or mainly of members of the Coloured group. The words "wholly or mainly" mean that he has in mind that it may be necessary to appoint some European members on the board to sit with the non-European members, otherwise the words "wholly or mainly of members of the group for which the group area has been established" have no significance. That is the principle contained in this clause. I am not attacking that principle.

Mr. LIEBENBERG: That should not be.

Mr. LOVELL: I did not move that. That is laid down in the Bill. Taking that as the principle, I move my amendment in regard to the procedure, not attacking the principle of the clause. If you are going to have members of the group on the governing body in that group area, then I am in favour of election of those members. I think the hon. member for Gezina and I have agreed to differ on that point, perhaps because the experience in some places is unfortunate, whereas in other places it has been fortunate. We can only go forward by the method of trial and error. I think that is the way we have reached the present position as far as the Europeans are concerned. It does not always work out properly either, as we can see from the situation in this Parliament. But mistakes will be made and things will come right in due course. Now I want to say to the hon. member for Natal South Coast (Mr. Mitchell) that I do not mean that group areas shall be established outside a municipality for non-Europeans, for Coloureds, for Indians and even for Natives and that then a municipality shall be saddled with the administration of that group area. That is not what I meant at all. I merely read what I found in this section: "That such governing body shall exercise its powers and functions, subject to the jurisdiction of a municipality." Now I want to put the position in this fashion: Take Cape Town, which has a large number of Coloured residents who are living all over the Cape now, intermingled, so to speak, with the European population. Many of them have a vote in connection with the election of the municipal council which governs them as ordinary residents of the town If you start gathering those people and place them in an area by themselves, in other words, extracting them from areas in which they now live and placing them in a new area within the municipality, or whether you merely declare a group area in a place where they predominantly reside, you have not changed the control over them, because they still remain under the control of the municipality, they are still the responsibility of the municipality, whether they are intermingled with the European population or whether they are extracted. The position remains the same. No greater burden is placed upon a municipality by the establishment of group areas within a municipality, when the municipality was administering the group areas as a mixed area. I do not ask municipalities to carry a greater responsibility. What I want to avert is this, that when this extraction has taken place and when the intermingling has ceased and when the chaff, so to speak, has been removed from the grain, that the municipality should not then come along and say: "We do not want to have the responsibility in respect of a group area of Coloured people which happens to be on our northern border, because we insist that they should look after themselves and be financially responsible for their own welfare." That is what has happened.

Prof. A. I. MALAN: Where?

Mr. LOVELL: In regard to Native locations.

Prof. A. I. MALAN: Where?

Mr. LOVELL: In the Transvaal, all the locations.

Prof. A. I. MALAN: I do not know of a single one.

Mr. LOVELL: It has happened in Benoni, in Bloemfontein, in Boksburg, in Brakpan, Cape Town, Dundee, Durban, Germiston, Kimberley . . .

Prof. A. I. MALAN: Pretoria?

Mr. LOVELL: No, Pretoria does not fall in this category, but most other municipalities are in this list. The accounts of Benoni, for instance, show a surplus.

Prof. A. I. MALAN: The municipality accepts financial responsibility.

Mr. LOVELL: It takes financial responsibility, but it always sees that the Native Revenue Account balances itself and no moneys from the general revenue account go to that fund. The Pretoria municipality is in a different position. They had a deficit of £70,000, because the Pretoria municipality is probably more progressive than most of the other municipalities, but as far as these group areas are concerned I am looking for the basis of equity and justice, the hon. Minister of the Interior spoke about in introducing his Bill, and I say that there should be no exicision of a group area which has been formed by its extraction from the larger community and then shutting them out and saying that they must stew in their own juice. That is why I suggest that if a group area is formed of persons already resident within a municipality, that they should not be excised from the area of jurisdiction of the municipality. That is the reason why I raised that point. The hon. the Minister may not be able to accept it, because it may involve him too rigidly, but if he possibly can, I should be very glad if he could do so.

*The MINISTER OF THE INTERIOR: I cannot accept the amendments proposed by the hon. member for Benoni (Mr. Lovell). The first amendment, where he wants to make it compulsory by substituting the word "can" by "must", is something which I dealt with at the beginning. I pointed out that it was not possible to apply compulsion in respect of these group areas which are in various stages of development. This idea fits in with the first sub-clause which the hon. member wants to add. The idea, of course, is to train these people to govern themselves. As far as possible one has to make use of their own traditions. We need not necessarily try to impose our ways of doing things on them. The hon. member asks that this should be done in accordance with the provisions of the ordinance governing the election of members of local authorities.

*Mr. LOVELL: At the moment is the practice in most towns.

*The MINISTER OF THE INTERIOR: But it is not only for Coloured people, it is also for others, and for that reason we cannot make that provision here. The hon. member perhaps has only one group in mind — this does not mean that the system of holding elections will not be used in certain instances. But that is another fault which I find with the amendment, that it asks that this must be in accordance with the laws of the province governing the election of members of a local authority; but in the Cape, for instance, there are at least four kinds of local authorities. Their rules for elections, their qualifications, etc., differ the one from the other; you have the Divisional Council, the Municipality, the Village Management Board, the Local Board — all different forms of local government, and the system of election is not identical in all of them. For that reason one cannot lay it down here that elections must be held. In addition the holding of elections may possibly result in an area not electing the people who are able to give a lead, who can conduct meetings and give the lead in the local management. One may possibly have to appoint people for that purpose. As the hon. member for Gezina (Prof. A. I. Malan) said, it is possible that a system different from the system of elections may be required and that one perhaps will have to go back to a system more in keeping with the customs of that group. For that reason we do not want to lay down these conditions here. That is the whole idea. We say, that here different groups have to be dealt with, and even various groups within those groups may be in various stages of development. Then I come to his final amendment and I feel that this is also regarded from too narrow an aspect. I appreciate the point which the hon. member wants to make, viz., that it must not be to the detriment of the non-European group. He has in mind the possibility of their being pushed out here. But the whole object of this experiment is to assist them, not to stand in their way, and it may help them, as I have told the hon. member for South Peninsula, it may help them to develop to full self-government. It may take them a long time to develop to that stage, but the hon. member now wants to say here, "You are never allowed to develop, you are never to be separated from the parent body, no matter how far you have developed". In other words, "Even if in terms of provincial legislation you are entitled to ask to become a local government, a local board, or something of that nature, you will never be given that status". He wants to lay down for ever that they shall never develop to complete inde-

pendence. That is not the object of the hon. member's amendment, but that is its effect, and for that reason I cannot accept it either.

In regard to the hon. member for Natal South Coast I want to say that the local authority is responsible for the accommodation of a group which is within its area of jurisdiction, a group which is either within its area of jurisdiction or may be outside that area of jurisdiction, but for the benefit of the local authority itself. In many cases where the group area is established within the area of jurisdiction, a municipality has already financial responsibility in regard to supplying that group with services. Where it is outside, there it may be that people in that particular group area may be wanted to serve the interests of people within the municipality. I think hon. members and the country must learn to realise that group areas and the whole locating of our various racial groups is a part and a major part of town planning in general. Hon. members who are from Durban will remember that they had their post-war planning committee and that, I can almost say one of the most important parts of the report and the work of that planning committee was to have these racial zones. It was part of town planning. They wanted it to be considered as part of town planning, and I say that it is a necessary, an essential, a vital part of town planning; it cannot be divorced from that. Therefore I think it is a responsibility of the local authority. I do not think the hon. member can say that the Government must supply the necessary funds for carrying out a scheme of this nature.

Mr. SULLIVAN: Do you agree with the idea of racial zoning?

The MINISTER OF THE INTERIOR: I do not know the particulars of their plan, but the principle of racial zoning, I take it, is that there should be zones for races and that is the principle of this Bill. I do not know how it was to be applied there, but this I know that they are in favour of zones for the various races and as far as I remember they provide that the zones must be so established that there is an outlet for expansion.

Mr. MITCHELL: Are you talking about my commission's report?

The MINISTER OF THE INTERIOR: No, the Durban municipality, not the provincial one. So my submission is that this is a fair thing to be dealt with from every point of view by the local authority, because, as I say, it is an integral part of your modern town-planning schemes in a multi-racial society like South Africa.

Mr. GAY: The hon. the Minister in a fairly exhaustive reply cleared up a number of the doubts flowing from the establishment of the boards, but there is just one point which I hope he can carry just a stage further. The hon. the Minister has made it clear that the development of the governing bodies will be gradual as they show by experience and their development that they are capable of accepting responsibilities. As they develop and show responsibility, ultimately, in the long-term range, it will be possible to develop them into what you might call statutory local authority bodies in the various grades laid down under the provincial administration systems. That seems a perfectly reasonable line to take. Now the hon. the Minister referred us with regard to the method of appointment and election of these governing bodies in the first instance to Clause 36 of the Group Areas Bill before us, where it provides the form of regulation which may be adapted to cover their election. He also pointed out that in the early stages at any rate of governing bodies it was not intended that these governing bodies should have any financial authority, they should not have the power of levying rates and taxes and that sort of thing. But as such a body developed and became an accredited village management board or local areas board, or whatever the title might be, they would by virtue of that authority, acquire, under the provincial set-up, certain statutory financial powers. I am going think otherwise it would be ultra vires. in order to save time, because it is not actually covered by the clause we are dealing with, but by Clause 36, which also provides for the method of regulation to allow these governing bodies to exercise powers to levy rates and charges. I am going to ask the hon. the Minister if he would consider, in view of the fact that he has outlined the method of the gradual evolution under the provincial administration, whether he would consider deleting the proposed regulations in this particular Bill granting group area governing bodies power to tax-rate and spend. To allow these financial powers to flow as a natural course as the governing bodies develop. As they reach the status of local authority bodies, however small their beginning, they will also automatically acquire certain financial powers through the provincial system and I ask whether the hon. the Minister would be prepared if it comes to Clause 36 to meet us on that point, to delete financial powers suggested to governing bodies as unnecessary at this stage. If he will do that, I think it would go a long way to disarming any further objections on that particular score.

The MINISTER OF THE INTERIOR: I am afraid it is necessary to have that in this Bill, because it is a power to levy rates. I do not think that ordinarily one would be able, unless there is specific pro-

vision in the Bill for regulations permitting the levy of rates, that that could be done. There must be an enabling power, there must be some power under which regulations can be made allowing rates to be levied by the governing body of such a local area. But as the hon. member rightly said that is not a matter that happens immediately and even if it does happen, it will have to start in a very modest way and I want to remind hon. members that as far as any regulations are concerned under this particular sub-paragraph, provision is made for consultation with both the Administrator and the local authority concerned. So we will be able to have the views of the local authority before any regulations are made in respect of any particular group area, when we have to give them the powers under regulations framed in terms of section 36 (1) (b).

Mr. GAY: On a point of explanation. Does the Minister mean that it is necessary to have these powers in order that the governing body can levy rates, or that they can levy rates as they develop and become an accredited local authority?

The MINISTER OF THE INTERIOR: You must have an enabling power before you can allow a body to levy rates. This will be some form of local government. Now a local government before it can levy rates must at any rate have some form of enabling power to do so. You cannot do this by regulation, without an enabling power. I to ask the hon. the Minister whether There must be some enabling power, either in an ordinance or in an Act, otherwise the levying of such rates would be invalid.

Mr. GAY: My point is that that already exists. As a governing body develops say from the governing body stage and comes to the lowest form of local authority administration, a management board, then the enabling ordinance of the provincial authorities, which would create such a board, the enabling authority is already there to authorise that particular body, once it is established, to levy rates. Under those conditions it might be possible to relieve this particular Bill of that provision.

The MINISTER OF THE INTERIOR: I do not think that the levying of rates must be postponed until they have become one or other of the statutory forms of local government. It may be necessary, in order to inculcate a sense of responsibility, to have a small rate levied even before they attain the status of a local authority, and in order to have that legalised, you must have some form of enabling power.

Mr. MITCHELL: May I say this to the hon. the Minister in connection with the point he made of a local authority being responsible, I am not quite sure that the hon. the Minister quite got the point that I am trying to make, but I want to repeat that we on this side of the House have been consistent right through, not only in regard with this Bill but in other matters also. I want to give the hon. the Minister, if I may, an example so that he will understand the position. I am thinking of the case of a place just outside Charlestown in Natal. There, Sir, we have adjacent to it two places, one called Clarice and the other Clarice Extension. My hon. friend, the member for Wonderboom (Mr. Nel), probably already knows about them, and if he does not, no doubt he soon will know all about them. Now, Sir, those are entirely Native areas, and leaving aside the hon. the Minister's amendment for a moment, because I want to use these as an example, I want to say that these two areas are entirely Native. They came about in this fashion. One was a squatter settlement within the borough and it should have been prevented ab initia, but it was not. It was a small local authority with very small resources and they could not cope with the issue which arose. That is by no means unique. In the second case there was a private farm and the owner in contravention of the Squatters Act of 1914 permitted squatting to take place and the authorities of the day did not prevent it, many years ago now, until we had two typical black areas, which the hon. the Minister of Native Affairs and his people will be only too well acquainted with. The whole situation got completely out of hand and for many years now the Native Affairs Department and the province of Natal, the Administration, have battled and tried to retrieve the position. Ultimately there can only be one decision; that area must be a group area for Natives. Nothing else is possible. But now, Sir, I want to make this point. If the local authority which has now got the whole of that area, has to carry the responsibility, let me point out what happens. In passing, I may say that the Administration of Natal insisted on the incorporation of Clarice Extension for public health purposes. The province, through the local health commission, instituted a very careful enquiry, in which they were assisted by the Native Affairs Department, and we found that over 80 per cent. of the adult males from the age of eighteen, being the age for adults, were employed on the Witwatersrand, they were not even employed in Natal. Some of them were employed in Durban and so forth. But 80 per cent. were employed right outside the area of the local authority and the bulk of them outside the province. Of the remaining 20 per cent. a certain number were employed in Charlestown and a certain number were employed in the contiguous adjacent area of Volksrust, also in the Transvaal. The real kernel of the labour force which was employed in

Charlestown proper — speaking from memory — was about 5 per cent. or 6 per cent. Charlestown, with the railway yards and so forth there, took quite a number. There is the type of case I have in mind. It can be patently most unjust to saddle a municipality because it has got a group area established within its borders, owing to the necessities of the case, to say to that local authority: You are now charged with the development, the provision of services and the maintenance of this group area. They had nothing whatsoever to do with the establishment of those settlements in the first instance, they never wanted them, they have been pushed upon them and now they are told to develop them. That is patently unjust. I merely put it to the hon. the Minister that there are these cases. Charlestown, of course, is an example that suits my case, I admit that, and it is possibly an outstanding case, but there are many of a like nature and we on this side of the House have never accepted that when a group area is established within the area of jurisdiction of the local authority, when its very reason there may be due to causes lying entirely outside of the local authority, that the local authority should stand the racket financially.

*Mr. NEL: I am fairly well acquainted with conditions, and I must admit that there is a lot in what the hon. member has said. But we must not forget that if the principle is accepted we shall simply not get any municipality or any local management to take the initiative. If the Government has to make provision, only a very stupid municipality will take the initiative; but we know that in such cases the Government will not be unreasonable. It would be foolish to be unreasonable, and we have the assurance that there will be the necessary co-operation with local government. It is, however, a very dangerous thing to bring about a situation in which a local management can simply wriggle out of its responsibility, and the only result will be that no municipality will be prepared to accept the financial responsibility. It will simply put the burden on the Government and say: "The Government takes the initiative and it is the Government's responsibility." That is the danger of the principle which the hon. member advocates.

Mr. HOPEWELL: The hon. member for Natal South Coast (Mr. Mitchell) has taken an example which is a very good example, but the hon. the Minister might come to the conclusion that this example is an extreme example, and I want to give the hon. the Minister the assurance that it is not an extreme example and one can see that position much nearer to Durban. As the hon. the Minister knows, part of my constituency is in Durban and a large portion of it is inland. The hon. the Minister probably knows the Durban coast very well and with the development of Durban we cannot push these people out to the North Coast or the South Coast, because on the boundary of Durban, both on the South Coast and the North Coast, you have sugar lands and you cannot take those sugar lands away, because you cannot grow sugar anywhere else; it can only be grown on that coastal belt. So you have to go inland. Immediately contiguous to Durban inland are the townships of Westville and Malvern and it is the township of Malvern particularly I want to bring to the notice of the hon. the Minister. There you have an area which is very mixed indeed. You have a population of 5,600 Europeans, 4,200 Asiatics, 100 Coloureds, 3,100 Natives. Now, a big portion of the Malvern boundary joins the Durban boundary and part of Durban's headaches, black spots and so on, are contiguous to Malvern and flow over into Malvern. The tendency will be that as the pressure comes from Durban, for these people to go into Malvern boundary. We have had that from time to time. During the smallpox outbreak some years ago we found the difficulty of cases going over from the Durban boundary to the Malvern boundary. The Malvern Municipality, a small local town board, has not got resources to deal with such problems. Furthermore the majority of the Asiatic and Native population work in Durban. They use the local transport and as a matter of fact the whole of this area of Malvern is contiguous to Durban and all the people, the great majority of the people, depend on Durban for their livelihood. It is only a matter of ten miles from the centre of Durban, right on the Durban boundary. This little town board with very limited resources, if it has to incur the whole expense of clearing up this area, would not be able to afford to do so. It has not the resources and it is certain that the European population, which is in the minority, could not carry this burden. The hon. the Minister will see from the figures that I have quoted that the Europeans are in the minority and yet these people certainly, as far as I know, do not want this area to be declared a Coloured area or a Native area. So they have got this problem right at their doorstep and it is a problem which they cannot clear up alone with their own resources, because most of the people there are working people, people who have a very limited income and they could not carry a heavier tax burden than they carry now. I put that example to the Minister to show that the example given by the hon. member for South Coast is not an isolated example and he will find similar examples in other areas immediately contiguous to Durban. I did stress Malvern because the position is worse in Malvern

than it is in Westville. Westville has only been developed recently, but the position in Malvern is very serious indeed and it is one of the most difficult areas to clear up and it is certainly an area which could not carry the financial responsibility of clearing up that area.

The MINISTER OF THE INTERIOR: The example quoted by the hon. the member for Pinetown (Mr. Hopewell), is a very good example to illustrate what I suggested earlier on that there may be cases in which neighbouring municipalities, neighbouring local authorities, would have to come together and to see the picture against a wider horizon than their own jurisdiction. A case like that, I know it has been brought to my attention, is such a case, and I think there have already been discussions between the municipalities of Malvern, Westville and Durban, but it also shows a very good reason why the amendment of the hon. member for Johannesburg (North) (Mr. P. B. Bekker) had to be rejected. It is a very good example of that, because this labour source there cannot be accommodated within the municipal boundaries of either of those two smaller local authorities and you would have to look, if a group area had to be formed there, that you had a group area which would take in at any rate part of the rural area.

Mr. HOPEWELL: I just want to point out to the hon. the Minister that the matter is not quite as simple as he would have us to believe, because on either side there are big Native reserves, scheduled Native areas, and so to drive inland, you have got to drive inland for nearly 30 miles before you can leave a local authority area.

First amendment proposed by Mr. Lovell put and negatived, first amendment proposed by the Minister of the Interior in line 6, page 13, put and agreed to, and the amendment proposed by Mr. Gay dropped.

Second amendment proposed by the Minister of the Interior in line 6 put and agreed to and remaining amendment proposed by Mr. Lovell put and negatived.

Clause, as amended, put and agreed to.

On Clause 7,

The MINISTER OF THE INTERIOR: I move the amendment standing in my name—

> In line 21, to omit "is", and in the same line, after "Administrator", to insert "is"; and in line 22, after "area", to insert "and may reasonably be required to be carried out by the said local authority".

The last amendment arises from an assurance that I gave as a result of representations made to me by the City Council of Durban. They suggested that something unreasonable, beyond the resources of the local authority, may be recommended by the committee of inquiry, and I then indicated that the normal position would be that the committee of inquiry would naturally take into consideration the financial resources of the local authority concerned before forcing it to carry out any kind of scheme. I assured them that that was the position, but I undertook to make that explicit in the Bill, and I am carrying out my undertaking to the council and I may say that I am informed that this form of amendment meets with the approval of their legal advisers.

Mr. N. G. EATON: I move the amendment standing in my name—

> In line 8, to omit "may" and to substitute "shall"; and in line 16, after "local authority" to insert "and any member of the public resident in such area".

I just want to give the reasons for this amendment. Clause 7 deals with measures to ensure proper municipal administration in certain areas and here it definitely states that the Minister may, "if he is of the opinion" . . . Now to try and give some idea of what may happen before this clause is brought into effect, I must assume that either inspectors appointed under this Act or a governing body will approach the Minister to draw his attention to the fact that a certain area within the jurisdiction of a local authority is not being properly administered, that is a group area other than a European group area, and the Minister, if after hearing such representations, is of the opinion that there is substance in them, in terms of this clause may then take certain steps. Now my first amendment here is that if in the opinion of the Minister there is maladministration, he shall take steps, not "may".

Now the purpose of the second part of my amendment, which is to insert "and any member of the public resident in such area" is this, that if the governing body as established under Section 6 has made representations to the Minister and the Minister in turn has requested the administrator to hold an inquiry and at the inquiry the local authority has been given notice to attend and tender evidence, then it is only right that the representatives of the group in that particular area should be called also to give evidence at that inquiry. The Minister may argue that the administrator has the power to call anybody to give evidence. That may be so but because the clause makes it essential that the local authority be called, we want to make sure

that the body representative of that particular group will have the right to give evidence at such an inquiry at the same time. That is the purpose of the two amendments. It is just to make the clause more positive and more in keeping with what the Minister has said, that he wants this Bill to be a fair and just measure.

The MINISTER OF THE INTERIOR: I would have liked to have been able to accept this amendment, but I do not think it would mean the better working of the Bill. As the Bill now stands, or rather, as the hon. member would like it to be, it would mean that I must — if I am of the opinion that there is not a proper administration in one of these group areas — I must order an inquiry. It may be that I am of that opinion that it is not properly administered, but I may have the information that the resources of the council do not permit of any improvement and therefore I must have some discretion as to whether I would call for an inquiry and have the expense of an inquiry by the Administrator into the question as to the extent in which it is not properly administered and what must be done. I do not think it really means much, because it is still left "in my opinion". I do not think the alteration would mean much, but I may be perfectly honest with myself and say that the administration in that area is not what it should be and I may be perfectly satisfied, too, at the same time that it cannot be improved, having regard to the financial resources of the council in question. Then it would obviously simply be a waste of time and money to ask the Administrator to institute an inquiry. I would be glad if the hon. member would not press his amendment.

Now as far as the other amendment is concerned the hon. member must remember that at such an inquiry the local authority is really in the dock, and therefore provision is made that it must be heard. That is why there is this specific provision. I do not want the Administrator — I do not think he would do it — to hold an inquiry and not give the person whose conduct is being investigated into an opportunity of being heard. So that is put in in all fairness. But I do not want to say to the Administrator: "You must also hear anybody else." The Administrator must conduct that part of it as he wishes, it is not necessary to throw open, to make the Act of such a nature that anybody can come and be heard. I think that in the ordinary way the Administrator, in instituting an inquiry of that nature will allow any interested party at any rate to come along and to make his representations before such a committee. I do not think it is necessary to put it in the Act. It is necessary in the case of the local authority, because the local authority is in a special position. The local authority is the person in the dock, and I want to ensure that at any rate he will have a square deal and that he will have an opportunity of being heard.

Mr. DAVIDOFF: On behalf of the mover of this amendment, I am prepared to concede the first point made by the hon. the Minister. After all it is the Minister who has to be of the opinion that it is necessary, so I am inclined to agree with him that the word "may" must apply and not the word "shall", but in regard to the major portion of the amendment I must disagree with the Minister. I would like to recall what he said in regard to the amendment moved by the hon. member for Benoni (Mr. Lovell) to Clause 6 on the question of governing bodies. When he replied to that amendment and he stated that he could not permit the governing body to be an elected body, he made special reference to the fact that perhaps some people in the group were not sufficiently experienced to undertake local or self-government, but these people are very vitally concerned in any inquiry that may have to be held in terms of this section. They are the people who are most vitally interested. It is their interests that will have to be served primarily because an inquiry will only be called if in the opinion of the Minister the administration of that area's affairs by the local authority is not being conducted in a satisfactory manner, and while it is quite clear — I agree with the Minister — that the local authority will be the people who will be in the dock, nevertheless we submit that these other people who are complainants in the sense in which the local authority is in the dock, should be entitled to be heard. The amendment has been worded rather widely to cover that very point when we say: "And any member of the public resident in such area." I think it will be accepted that they will be represented through perhaps members of the governing body, but we could not narrow it down by saying "governing body". We had to include every resident in that area as the complainant, to use the same analogy as the Minister. I do not think there is anything unfair in that. It is the interests of the residents of that area which have to be watched and in view of the fact that they have no other direct say in the administration in the affairs of that area — and that is an important point to bear in mind — we do submit that the Minister might reconsider the position and permit the insertion of the words suggested because these people have no other means of representation in this area. I accordingly hope the Minister will reconsider the position and accept this amendment.

The MINISTER OF THE INTERIOR: This is merely a question of administration. I do not think one ought to throw the door open so wide and say: "Every resident." After

all, a committee of inquiry is instituted in order to investigate the position. Naturally in the ordinary course, without it being specified here, they would allow anybody who has a complaint to appear before them.

Mr. DAVIDOFF: May I put a question to you? Will you agree to a member for the governing body of the group area being represented in terms of Clause 6?

The MINISTER OF THE INTERIOR: I do not think really it is necessary. Here we have an inquiry instituted by the Administrator. He has reason to believe, or rather the Minister has reason to believe that things are not being done properly. That is merely a suspicion which must now be investigated. How can you say that it has been investigated if you have not given an opportunity tc the committee to make an inquiry. But why put that into the Bill? It seems so unnecessary. The only point I wanted to cover—it might also have been left out but there is a difference in the position — was this, that you must give the man who is being charged an opportunity of explaining; you must make certain of that, but this is a committee which is instituted to investigate a charge of failing to administer the area properly. Really there is not much in it, but sometimes these invitations to the public become very difficult to handle administratively. It may be taken up literally. But I think the hon. member may rest assured that the Administrator will see to it that, when he appoints a committee of inquiry, that committee will inquire into any complaints in the natural course of events. I do not think we ought to belabour the Bill by providing for all kinds of contingencies. Some things should be left to the imagination and to the good sense of the Administrator and to the committee of inquiry.

Amendments put.

Amendments proposed by Mr. N. G. Eaton put and negatived, and amendments proposed by the Minister of the Interior put and agreed to.

Clause, as amended, put and agreed to.

On Clause 8,

Mr. SULLIVAN: This clause refers to transfers within a controlled area. I would like to read the amendment standing in my name—

> To add the following new proviso at the end of sub-section (4):
>
> Provided that if the disqualified person or disqualified company represented himself or itself to be a person or company, as the case may be, duly qualified to enter into such agreement the other party to the agreement shall be entitled to recover damages to the extent that he would have been entitled for breach of contract if the agreement had been valid and was repudiated by the other party thereto on the date it was entered into.

Before moving that I would like to put a consideration to the Minister. I would like to ask the Minister whether he is absolutely satisfied that this clause does not destroy the right of a person to damages, as the result of an illegal agreement which under this clause becomes null and void. I want to put that to the Minister before moving my amendment, to get from him an assurance that he is absolutely satisfied on that point.

At 10.25 p.m. the Deputy Chairman stated that, in accordance with the Sessional Order adopted on the 1st February, 1950, he would report progress and ask leave to sit again.

House Resumed:

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

House to resume in Committee on 9th June.

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

FRIDAY, 9th JUNE, 1950.

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

QUESTIONS.

Cattle Diverted from Maitland to Outside Controlled Area.

I. Mr. HAYWARD asked the Minister of Agriculture:

(1) Whether any cattle consigned to Maitland, Cape Town, have been diverted elsewhere; if so, where;

(2) whether any such cattle have been sent from Maitland to non-controlled areas immediately outside and adjoining the controlled area of Cape Town; if so, (a) how many, (b) why, (c) to whom, and (d) by whom were such cattle diverted; and

(3) whether he will furnish any further information relevant to this matter.

The MINISTER OF AGRICULTURE:

(1) No cattle consigned to Maitland have been diverted elsewhere during the last six months.

(2) No, not at any time.

(3) Falls away.

*Mr. HAYWARD: Arising from the Minister's reply, I merely wish to state that I have definite information that cattle are unloaded at Maitland and then driven outside the controlled area. I would like to know what the Minister's information is?

*The MINISTER OF AGRICULTURE: If the hon. member can get confirmation of that information I shall be glad to receive it. At the moment my information is that it is not happening.

No Subsidy on Oil Cake.

II. Mr. WARING asked the Minister of Agriculture —

(1) On what basis is imported and local oil cake subsidised; and

(2) whether the subsidy is also available to producers who are in a position to import.

The MINISTER OF AGRICULTURE:

(1) No subsidy is paid.

(2) Falls away.

Manufacture of Oil from Coal.

III. Mr. WARING asked the Minister of Economic Affairs:

(1) What progress has been made with the manufacture of oil from coal by the firm or firms who were originally granted licences;

(2) whether the Government has been advised of any inability to proceed with the original programme; if so, what are the reasons which have been submitted; and

(3) whether any approaches have been made to the Government in connection with financial assistance; if so, what was the nature of the proposals.

The MINISTER OF DEFENCE:

(1), (2) and (3) Once the licence has been granted in terms of Section 6 of Act No. 49 of 1947, the project to which it relates becomes a business undertaking of the licencee, concerning which it would be improper for me to give information to the hon. member without the consent of the licencee.

Government of Indian and Round-Table Conference.

IV. Mr. STRAUSS asked the Prime Minister:

(1) Whether his attention has been drawn to a report in the local Press to the effect that in view of the Government's action in regard to the Group Areas Bill, the Governments of India and Pakistan have intimated their decision that they did not intend going on with the proposed round-table talks with the Union Government; and

(2) whether he will make a statement on this matter.

The PRIME MINISTER:

(1) Yes.

(2) The Government of India have intimated their decision not to participate in the Round-table Conference which we had all hoped would take place at an early date and would include representatives of the Government of India. Hon. members will have seen the official statement that appeared in this morning's Press in this connection. A White Paper setting out a paraphrased version of the communications exchanged with the Governments of India and Pakistan is being prepared and will, I hope, be Tabled in the course of the next day or two.

The reply of the Government of Pakistan to the Union Government's proposals concerning the date and venue of a Round Table Conference is awaited.

Mr. KAHN: Arising from the reply given by the hon. the Prime Minister, may I ask whether he will give the House an early opportunity to debate and discuss this important matter?

The PRIME MINISTER: It can be fully discussed on the third reading of the Group Areas Bill and on the Appropriation Bill.

Mr. BARLOW: May I ask the Prime Minister why he did not bring this matter before Parliament instead of giving it to the Press?

Mr. KAHN: In view of what has happened, may I ascertain from the Prime Minister whether it is proposed to continue the negotiations with Pakistan in order to have a bi-lateral conference?

The PRIME MINISTER: The hon. member must place that question on the Order Paper.

Mr. KAHN: I will do so.

V. Mr. HAYWARD—Reply standing over.

VI, VII. Mr. KAHN—Replies standing over.

Levy Funds in Respect of Farm Products.

The MINISTER OF AGRICULTURE replied to Question No. IV, by Capt. Henwood, standing over from 26th May:

Question:

(1) What amounts have accrued to levy funds in respect of (a) cattle, (b) sheep, (c) pigs, (d) maize, (e) cheese, (f) butterfat, (g) industrial milk, (h) citrus fruit, (i) tobacco and (j) wool;

(2) how are such funds invested;

(3) whether the amounts are available at short notice for use by the control boards concerned; and

(4) whether such funds are available for stabilising markets for those products in respect of which such levies have been paid.

Reply:

(1) (a) £586,000 as at the 31st January, 1950.

(b) £324,000 as at the 31st January, 1950.

(c) £96,000 as at the 31st January, 1950.

(d) £571,816 as at the 30th April, 1949. Since 1st May, 1949, no levies have been imposed.

(e) £33,872 as at the 31st January, 1950.

(f) £129,332 as at the 31st January, 1950.

(g) £14,664 as at the 31st January, 1950.

(h) £63,274 as at the 31st January, 1950.

(i) £460,903 as at the 30th April, 1950.

(j) £2,313,719 as at the 30th June, 1949.

(2) (a), (b) and (c) In Government and Escom stocks and also in short-term investments with the Public Debt Commissioners.

(d) The funds are liquid and are used by the board for various purposes, but mainly to pay for mealies received in the elevator system and for mealies held under special storage contracts.

(e), (f) and (g) With the Land Bank on deposit account and with the Public Debt Commissioners.

(h) With the Land Bank on deposit account.

(i), and (j) With the Public Debt Commissioners.

(3) (a), (b) and (c) The stocks are maturing over varying periods and are redeemable through the Public Debt Commissioners at reasonably short notice at current rates.

(d), (e), (f), (g), (h) and (i) Yes.

(j) The funds are controlled by my Department and in so far as they are not on call but invested in Government stocks, they are redeemable at current prices.

(4) Levy funds can be utilised by the various boards for the purposes prescribed in the particular schemes.

Visit of French Mannequins.

The MINISTER OF AGRICULTURE replied to Question No. II, by Mr. Hayward, standing over from 30th May:

Question:

(1) What body is responsible for the arrangements in connection with the proposed visit of a number of French mannequins to exhibit woollen frocks in the Union;

(2) what is the estimated total cost to such body of (a) travelling expenses (i) to and from the Union and (ii) in the Union, (b) salaries and allowances, (c) materials and fashioning of frocks, (d) insurance, (e) accommodation and (f) entertainment;

(3) what is the average cost of the frocks to be exhibited;

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(4) what means of transport will be made available to them for travel (a) to and from the Union and (b) in the Union; and

(5) whether any steps have been taken to make use of the services of South African mannequins; if not, why not.

Reply:

(1) The South African Wool Board.

(2) (a) (i) Approximately £3,300.

(ii) Approximately £540.

(b) £5 per week for the mannequins and £10 per week for the lady in charge.

(c) Nil.

(d) Approximately £140.

(e) Approximately £550.

(f) Nil.

(3) No costs to Wool Board are involved.

(4) (a) and (b) Air transport.

(5) The dresses and accessories were designed overseas for modelling by specially selected mannequins who could not be replaced locally.

Financing Loss on Export of Rye.

The MINISTER OF AGRICULTURE replied to Question No. III, by Mr. Waring, standing over from 30th May:

Question:

In what respect was there a difference in principle in connection with the transactions involving the export of rye and of maize whereby in the one case the loss on the rye exports was a charge on the funds of the Wheat Industry Control Board and in the other the profits on the maize exports were to be paid into the Consolidated Revenue Fund.

Reply:

The loss on rye exports was borne by the Rye Reserve Fund (previously Rye Equalisation Fund) which was especially created to cover inter alia losses on carry-overs and (during the period of transition of prices) any losses on exports.

GROUP AREAS BILL.

First Order read: House to resume in Committee on Group Areas Bill.

House in Committee:

[Progress reported on 8th June, when Clauses 1 and 2 were standing over and Clause 8 was under consideration.]

Mr. SULLIVAN: When the debate was adjourned last evening I was putting certain considerations in regard to this clause to the hon. the Minister. I would like briefly to reiterate what I then said. This clause provides that if any person disposes of a property to a disqualified person or to a disqualified company, then the agreement is null and void. There can be little objection to that in principle. But the clause makes no provision against the possibility that the disqualified person or company might have represented himself, or itself, as being qualified to enter into the agreement for the transfer of the property. The question of fraudulent misrepresentation cannot therefore be ruled out. The purpose of the amendment standing in my name is to see that the aggrieved person shall have the right to recover damages. I am not quite sure whether the common law covers this; and if the Minister can give me a definite assurance that the common law does cover it and ensures the right of such an aggrieved person to damages, then my amendment will not be necessary. I hope the Minister will be able to give me that assurance; and if not, that he will then be prepared to accept my amendment.

There is one other point in connection with this clause. In sub-section (1) it is provided that—

> No person shall, except under the authority of a permit, enter into any agreement . . .

That seems to me to indicate that the permit must be obtained before the agreement is entered into. If that is so, then very serious and obvious practical difficulties will be met with regard to the transfer of property. I want to suggest to the Minister that the wording should be changed to make the agreement possible prior to the issue of a permit, yet made conditional on the permit. These are the two points I would like to put to the Minister.

Dr. SMIT: We will probably not be able to discuss the definitions in Clause 1, owing to the provision of the guillotine, and so I would like to raise something here affecting the classification of companies. I want to ask the Minister how he is going to determine the group classification of persons who control an overseas company operating in South Africa, which in turn may be linked up with an international company. We know that such overseas firms have large financial interests in South Africa in industrial concerns, and sometimes con-

trolling interests. One can imagine, therefore, that transactions in immovable property by such companies will be very precarious, on account of the difficulty of ascertaining the racial classification of such overseas interests. The problem must also extend to purely South African companies whose shares are available to the public. How does the Minister in such cases intend to determine the race group of the shareholders holding a controlling interest in such a company; and how are the owners of property in those areas, who have transactions with the company, to know it? They may be placed in great difficulty and in great danger of the transaction being declared null and void. At present companies operating in non-European areas in Cape Town may be compelled to sell their factories and move elsewhere. I know the Minister will probably say that the difficulty can be overcome by permits. But will an overseas company take the risk of a permit being refused or being withdrawn when it is a question of investing a large amount of money in the country? Surely the clause is going to have the effect of frightening away overseas capital from our shores at a time when we need it most. The Chamber of Industries is very deeply concerned about this, and I hope the hon. the Minister will give the matter further consideration and endeavour to overcome those difficulties which I have brought to his notice.

Mr. LOVELL: I would like to take the second point raised by the hon. member for Berea (Mr. Sullivan) a little further. I think the eventuality he was trying to cover was an eventuality like this. Supposing we have a property in a controlled area which is predominantly a European area, but there are two or three properties still belonging to Coloured persons. The property is put up for auction and only Coloured persons can bid for it, whereas it might be desirable that Europeans should bid for the property, because only a few Coloured properties are left so that gradually the non-Europeans in that area would be removed. Now it seems to me, on a strict reading of the clause, that it will be impossible for the auctioneer to say that he is prepared to accept a bid from a European on condition that a permit will be granted by the Minister. The wording of the clause is so strict that such a condition itself might be regarded as a contravention of the clause. I wonder whether the Minister cannot consider having a proviso to this clause making it possible for the transaction to be entered into provisionally at a sale by public auction, conditional upon the granting of a permit by the Minister to the person who is to acquire the property. I would like the Minister to consider the situation, because far from hindering the object and intention of this Bill it will, I think, improve it.

Mr. MITCHELL: I raised a point under sub-clause (3) where certain officers are deemed to act on behalf and in the interests of the person in whose name the property is registered. We have not yet dealt with the definitions clause, and I think there may be some practical difficulty as far as those officers are concerned. The position is that these officers may not be aware, and I do not see how they can be aware of the classification of the person who is the principal, and there is no power given to them to find out. The sheriff may be acting on behalf of what he deems to be a white man, and when the sale is completed, owing to the definition, that person may be classified in a group where he is not regarded as a white man. We are laying these responsibilities on those officers and we are not giving them the power to find out the classification of the person on whose behalf they are deemed to be acting.

The MINISTER OF THE INTERIOR: In reply to the hon. member for Berea (Mr. Sullivan) I can say that the position is covered by the common law. It will be a case of delictual liability. The person making the misrepresentation will be liable in damages to the person adversely affected. The amendment is really unnecessary, because it will merely be a restatement of what the position is under the common law.

As far as the hon. member for East London (City) (Dr. Smit) is concerned in regard to overseas companies, the position is covered in Clause 17 where provision is made. It is the existing law at the moment. It is an amendment which was approved of by the House at the beginning of the Session. I may say that that clause was drafted in consultation with the parties affected, and they were satisfied at the time. It was really an agreed clause with them that I introduced at the beginning of the Session. There is therefore no question of an overseas company being disturbed by the existence of this clause. They had reason to be perturbed under the old position, but in consultation with the interested parties we have dealt with that position.

In regard to the question put by the hon. member for Benoni (Mr. Lovell) I am informed that there is an Appellate Division decision to the effect that a sale subject to a permit is perfectly valid. That decision was under the 1946 Act, so that that position is covered. Then, while I am on my feet, I want to move the following amendment—

To omit sub-section (4).

Hon. members will remember that sub-section (3) of Clause 5 was deleted, and for the same reason we are now deleting sub-section (4) in this clause. In other words, we do not make an agreement entered into

contrary to this Act null and void. The transfer in terms of such an agreement is not null and void at all. It gives a valid title. But we make provision later on in Clause 22, I think. The amendment of the hon. member for East London (North) (Mr. Gale) was somewhat on those lines. I have gone further, of course, than he has wanted. I am allowing a perfectly valid title to pass. If there is an agreement of this nature, the only dangers that are run by an individual who has entered into an agreement of this nature, are firstly the penalties provided in this Bill and secondly the provisions of Clause 20 as to sale, but the contract is valid and any transfer title which is given in terms of such a contract will also be valid.

Mr. MITCHELL: Before the Minister sits down, will he deal with the question of the messenger of the court, the sheriff or the deputy sheriff, where the property belongs to an individual, not to a company.

Mr. SULLIVAN: In view of the definite assurance of the Minister on the two points I have raised, I shall not move my amendment.

Mr. MITCHELL: I would draw the attention of the Minister to the fact that while he has replied to the hon. member for East London (City) (Dr. Smit) with regard to overseas companies and so forth, perhaps he will clear up the point with regard to the question of officials being designated as agents for certain individuals.

The MINISTER OF THE INTERIOR: The person who disposes of the property will get the permit. It is a question whether he has authority to dispose of the property.

Mr. MITCHELL: But in a forced sale?

The MINISTER OF THE INTERIOR: In a forced sale the person who disposes of it would be the sheriff. He would be the seller of it and he would naturally have full authority to sell. There is no question of a special permit for that. The permit is in favour of the person who will dispose of the property.

Mr. P. B. BEKKER: It does not say so. It says—

> . . shall be deemed to be acting on behalf or in the interest of the person in whose name the property is registered.

The MINISTER OF THE INTERIOR: Hon. members will see that in Clause 14 there is an amendment that I am proposing which widens the scope of that provision. The proposed new sub-section to follow sub-section 4 of Clause 14 reads—

> A permit authorising the acquisition of immovable property may also be issued to the person who disposes of the property . . .

That amendment is printed on page 749.

Mr. P. B. BEKKER: Then it is in conflict with this.

The MINISTER OF THE INTERIOR: No, this says "may". A permit authorising the acquisition "may" also be issued to the person who disposes of the property. I think hon. members will find that this amendment meets the point that they have raised here in regard to Clause 8.

Mr. MITCHELL: Perhaps the hon. member for South Peninsula (Mr. Gay) might help us here, but I have in mind properties being sold for the non-payment of rates.

Mr. GAY: That is so.

Mr. MITCHELL: The law says that there the official is acting for the owner of the property. How does he get the race of the seller in cases of that kind, because it may be very material for the purchaser?

The MINISTER OF THE INTERIOR: The race of the seller is the race of the owner, not the person who disposes of the property.

Mr. MITCHELL: That is so; it is the race of the owner in the controlled area, for example.

The MINISTER OF THE INTERIOR: In a controlled area for occupational purposes it would also be the race of the owner.

Mr. MITCHELL: The owner is a person virtually unknown to the sheriff. The sheriff has to sell that property. How does he give a clear title to the purchaser? Who knows what the race of the seller is?

The MINISTER OF THE INTERIOR: Surely in any sale now you will have to see now whether it is a person from whom you can acquire from a controlled area. It is not only a sale by a sheriff, but anybody who is purchasing in a controlled area in the future, must see to it that he is purchasing from a person of the same race as he himself or he must get a permit. It is not a difficulty that is confined to the sale of a forced sale.

Mr. MITCHELL: No, there are other cases.

The MINISTER OF THE INTERIOR: You have to find out what the race is of the owner from whom you are purchasing. If he does not belong to the same group as you, in a controlled area you have to get a permit. That is the position in Natal today.

If you want to purchase there you must know what the race is of the person from whom you are purchasing. If it is an Asiatic and you are a non-Asiatic then you must get a permit, but the sale can always be subject to a permit, as I have indicated to the hon. member for Benoni (Mr. Lovell). That is a point which has arisen frequently in Natal.

Mr. A. H. J. EATON: It has arisen frequently under the Asiatic Land Tenure Act.

The MINISTER OF THE INTERIOR: That is so.

Amendment put and agreed to.

Clause, as amended, put and agreed to.

On Clause 9,

The MINISTER OF THE INTERIOR: I move the amendment standing in my name on the Order Paper—

> In lines 71 and 72, to omit "unless it lawfully acquired the property from a member or company of such other group."

I think this is one of the amendments that the City Council of Durban desire. It is, I submit, a necessary amendment to clarify the whole position in clause 9. I move the deletion of these words.

Mr. OPPENHEIMER: I would like to raise with the hon. the Minister a point arising in sub-clause (3) of this clause. I think it would really be better dealt with under the definitions, but as I am afraid we may not get so far, I hope I may raise it now. I refer to the question of the controlling interest in the companies. A controlling interest may arise through a loan which has been granted to a company and if that loan is for more than half the capital of that company then the company is deemed to be controlled by the person who granted the loan. I would point out to the hon. the Minister that it very often happens that the value of the company's assets is very much in excess of the nominal capital of the company. That may arise for many reasons but often it happens because shares have been issued at a substantial premium, and it seems to me that the effect which the hon. the Minister is seeking may not be obtained, because a company may be said to be controlled by somebody who has granted a loan to it if that loan is more than half the nominal capital, although it may be only a comparatively small proportion of the actual value of the share capital of the company. I would like to draw the hon. the Minister's attention to the matter, and I hope he may be able to express some views in that regard.

The MINISTER OF THE INTERIOR: May I ask whether the hon. member's question is what must be the extent of the controlling interest?

Mr. OPPENHEIMER: The point is this, that a company is said to be controlled by the holder of debentures in that company or by someone who has granted a loan to the company if the loan is for more than half the nominal share capital of the company. The point is that the nominal share capital of a company may not really represent the value of the assets at all, because the nominal value of the share capital may be very much less than the actual value of those shares and that may sometimes arise through the issue of shares at a premium. It seems to me, therefore, that companies will be said to be controlled, when they are not really controlled at all, which I am sure is not the intention of the hon. the Minister. Have I made the position clear?

The MINISTER OF THE INTERIOR: Yes, I see the hon. member's point. If one accepts the share capital as the basis, then you have something which is fixed and determined. It is something which does not fluctuate. You may, on the other hand, have a company whose shares are below the nominal value, just as you may have companies whose assets are much in excess of the shares and whose shares accordingly are above par. But you want some test which is not of a fluctuating nature, and for that reason we have worded sub-section (3) this way—

> For the purposes of this section a company shall be a company of a group, if a controlling interest in that company is held or deemed to be held by or on behalf or in the interest of a member of that group.

The hon. member has pointed out that there the test is the share capital. That is a certainty, it is not a fluctuating factor. It is a factor which is always the same. It may be that the real value is sometimes higher and in other cases it may be lower. This is something which has a degree of certainty, which the other factor which the hon. member suggests, would not have. It would introduce an element of uncertainty every time you have to decide on a matter of this nature. In think the hon. member has rightly said that the matter really comes under the definition of "controlling interests" — the majority of the controlling shares. We have taken the basis of the shares and not the basis of the assets of the company — not the value of the shares, but the nominal value of the shares as one of the tests.

Mr. OPPENHEIMER: I hope the hon. the Minister will allow me to pursue the matter

a little further. I quite see the difficulty and I must honestly say that I am not able at this stage anyhow, to suggest how it might be got over, but it seems to me that what the hon. the Minister is doing is that in order to get a legal certainty, he is doing something which is really not in accordance with what is obviously the intention of the Bill in this matter. This is not just a matter of imagination or of an improbable possibility, because there are in fact a great many companies who issue shares at very large share premiums. Mining companies particularly make an effort to issue shares at substantial share premiums, and it may very often happen that a loan of half the nominal share capital is contracted and yet it may in no sense amount to a controlling interest in the company. Of course, the thing might also operate in the opposite direction. If a company has made losses its assets may be much less than its nominal share capital and under the Minister's definition it would, for the purposes of this Bill, not be controlled even though it had contracted a loan which while less than half the nominal share capital was more than half the value of the assets. I think there is a real difficulty and I would only ask the Minister if he would be prepared to give the matter his consideration. As I have said, I think this would be much better considered under the definitions, but I am afraid we won't get so far.

Mr. BOWKER: I am sorry that the Minister so readily accepts amendments which are inclined to be more restrictive. I am speaking now of the amendment to omit the words "unless it lawfully acquired a property from a member or company of such other group" in Section (2) Clause 9. I cannot understand why the Minister consents to eliminate these words because it is definitely stated that if a company of any group acquires immovable property in a controlled area, after the commencement of this Act, it shall not hold that property except under the authority of a permit. Why, then, should the company be burdened with further restrictions? I feel that this Bill will be a harvest for the legal fraternity when it becomes law. The debates we have had in this House have shown it to be a most intricate piece of legislation and the Minister himself in the amendments he has introduced and accepted, has demonstrated to the country that this Bill in its present form is even above his comprehension. I want to voice my protest against the acceptance of this amendment. I think it is quite unnecessary to eliminate these words from the clause.

Mr. MOORE: I am not quite clear about the import of sub-section (3) where it speaks of a company. Supposing, for example, the controlling interest in a company is held by another company; in other words, that the company actually owning the property is a subsidiary. The control may be held by another company in South Africa, and that company in turn controlled by an international company overseas. Is it the purpose of this section that every company, not only in South Africa but throughout the world, will be classified in its appropriate group? How is it possible to deal with companies, for instance, in America. A United States company may hold control over a South African subsidiary which owns property. In America the practice is not to register shares in the name of the owner, but in street names, street names being the names of people who belong to trust companies or who operate on the big exchanges in New York. How is it going to be possible to classify the parent company or the ultimate parent company which will own the shares and control the subsidiary? I could give numerous instances.

The MINISTER OF THE INTERIOR: I can only say in reply to the hon. member for Kensington (Mr. Moore) that if any difficulties of that nature do arise — so far they have not arisen — we shall have to see how we can deal with them at the time. At the moment we must try to prevent any evasion of this Act as far as we can. I do not doubt that there will be points of evasion under this Act, as there has been under previous Acts dealing with matters of this kind. As I said in introducing this Bill, we have had a whole process of closing loopholes, finding new loopholes and closing them again. I do not think any person or any draughtsman has yet shown sufficient ingenuity to be able to cope with all the possibilities. But in the case envisaged by the hon. member, after all, there is the question of the general repute of a company of that nature, a company which is so internationally known that it wants to invest money in South Africa, and I think in administration it will be found that the difficulties which in theory may be large, are not so large in practice. I think we shall be able to find some way of getting round it. You cannot circumscribe every particular in this Bill. Clause 17 does try to indicate how far you can proceed along those lines.

In reply to the hon. member for Albany (Mr. Bowker) I may say that the reason for the request that those words be omitted, is because it was pointed out to us that that was one of the possible loopholes under this Bill. You may have a European company owning certain property. They may then acquire property from a non-European. That European company may lawfully acquire property from a non-European in terms of a permit. Then that European company becomes controlled by non-Europeans. At the time the company acquired that property

it was acquired lawfully, but now it has changed its racial character, and unless those words are omitted it would cover a case of that nature, because the property was lawfully acquired from a member or company or such other group; it was lawfully acquired by the European company from a non-European at the time. Since then the European company has altered its racial character and therefore it was represented to us that those words be deleted.

Mr. BOWKER: It would not be necessary for that company to hold the property?

The MINISTER OF THE INTERIOR: No, it is the European company that wanted a permit to purchase from a non-European. Now they have acquired the property lawfully and if these words are not omitted they are now in this position that having altered their character, although it was lawful when they acquired the property they are now no longer qualified persons in regard to that property. That is why these words will have to be omitted. Strong representations were made to us based on actual experience. I am referring to property of a non-European acquired in a predominantly European area, otherwise there would be no difficulty.

As far as the hon. member for Kimberley (City) (Mr. Oppenheimer) is concerned, he will see that in the definition of "controlling interest" we have various alternatives there. The one is "shares representing more than half its share capital" or "shares of a value in excess of half the aggregate value of all its shares". I do not think he has any objection to that. That is really what he is advocating.

Mr. OPPENHEIMER: Yes, it is only (f).

The MINISTER OF THE INTERIOR: Was the hon. member not objecting to (d) as well?

Mr. OPPENHEIMER: It might arise if they were preferent shares, but I do not think that will arise. I was thinking of (f).

The MINISTER OF THE INTERIOR: Paragraph (f) reads —

> Any claim arising from a loan, for an amount in excess of half its share capital or debentures for such an amount.

I will bear in mind the hon. member's suggestion, but he will realise that it is a more fluctuating test; it is more difficult to determine than the simple one of the share capital, i.e., here is your loan and here is your share capital. But I appreciate the point that he has made that the loan, although it may be more than half of the share capital of the company, may only be one-tenth of the value of the shares of the company. I shall bear that in mind.

Mr. HOPEWELL: I would ask the hon. the Minister if he would not consider holding over this Clause 9 in view of the difficulty which the Minister has struck in regard to oversea companies, as illustrated by the hon. member for Kensington (Mr. Moore). I think the further we proceed with this Bill the more we realise that it is not a Group Areas Bill but a Grope Areas Bill, groping from one difficulty to the next. What is going to happen is this, that every person who feels that he is going to be in a prohibited group is going to say: "The way in which we can overcome the provisions of this Act is to see about forming a company outside the borders of the Union as a devious way of getting in again." The hon. member for Kensington has referred to the big American companies who register their shares by streets. But there is no need to go to America. We can just go across the border. A company may be formed in Rhodesia and that company may then come in in that way. They may go to Lourenco Marques, into Portuguese territory. If people want to get an interest in any company and the shareholding company is a means of overcoming the difficulty determined men will find that way and if the Minister wants to make his Bill workable — and he has admitted that this is a real difficulty — he has made that quite clear, and he may not be able to get his answer now — I suggest that the Minister should hold this clause over until he has had an opportunity of examining the position. As a result of the discussion we have had, we have shown the Minister some real difficulties. He has said that every Bill has possible loopholes. As a matter of fact, on an earlier clause, when we put up an amendment he talked about being able to drive a cart and horses through it. Here, I submit, is another case where determined men could drive a cart and horses through this particular section, and if the Minister wants to make this Bill a workable Bill, I do suggest that he should hold this clause over, with a view to seeing whether he can overcome this difficulty.

An HON. MEMBER: Hold the whole Bill over.

The MINISTER OF THE INTERIOR: The difficulty that hon. members have raised, and I have not objected to their discussing it at this stage, is not a difficulty in connection with Clause 9 but in connection with Clause 17. I think the hon. member who raised the matter originally has fairly said that this is not the proper place. Let us wait till we get there.

Mr. BELL: We will never get there.

The MINISTER OF THE INTERIOR: That is not my fault.

Mr. BELL: You introduced the guillotine.

The MINISTER OF THE INTERIOR: I am fully conscious now why hon. members have tried to stall off discussion.

Mr. BELL: This is not stalling.

The MINISTER OF THE INTERIOR: When I saw the division in the ranks of the Opposition yesterday, on certain amendments that were moved on certain clauses, I could well understand why hon. members opposite were more concerned with talking out time on certain subjects than coming to clauses on which they knew there was division in their own ranks.

Dr. STEENKAMP: All right, remove the guillotine and we will show you.

The MINISTER OF THE INTERIOR: There is nothing in regard to the controlling interest in Clause 9. That is a matter which comes either under Clause 17 or under the definition clause, and I do not see that any object will be served by discussing it now.

Dr. FRIEDMAN: Remove the guillotine then.

Mr. MOORE: Mr. Chairman, I can quite understand what the hon. the Minister said: it does apply in some measure to private companies. But under this clause we are dealing, I think, more particularly with public companies. When it comes to this definition, in the explanation given to the hon. member for Kimberley (City) (Mr Oppenheimer), he speaks of "shares of a value". Which value is intended? Is it the nominal value?

The MINISTER OF THE INTERIOR: What clause are you discussing?

Mr. MOORE: Clause 9, sub-section (3). When we speak of "the value of shares", does this definition mean the nominal value or the issued value or the market value at any particular time? Because that is not stated in the definition. As the hon. member for Kimberley (City) has pointed out, that is relevant; it is exceedingly important. I do not wish to indulge in any recriminations about the Bill and how the debate has been conducted, but I do feel that Clause 9 deals particularly with public companies and Clause 17 or 15 with private companies, and I think it is essential that we should get some definite method of dealing with subsidiary companies when the control is outside the Union.

The MINISTER OF THE INTERIOR: Clause 17 does not deal with private companies, it deals with control.

Mr. MOORE: Unless we wish to leave Clause 9 until we come to Clause 17 . . .

The MINISTER OF THE INTERIOR: Why leave it over? There is no need. You can raise all your discussions on Clause 17.

Mr. MOORE: The question of the definition arises in relation to Clause 9, and I want to get this clear. When shares are transferred from one holder to another, from one company to an individual, will the company be described on the transfer form as a company belonging to the white group in the Union of South Africa — that is, if the transfer is effected in London? Are we going to classify all companies in London and all individuals in the United Kingdom according to the South African groups? That is the point.

Mr. BOWKER: Mr. Chairman, I do not understand the hon. the Minister's explanation with regard to sub-section (2). The hon. the Minister tried to explain it, but it appears to me that if a company belonging to a certain group owns a property, under permit, which they purchased from a person belonging to another group, then there is no need for having a permit. I do not understand the need for a permit. I cannot see the necessity for deleting this portion of sub-section (2), and I do hope that the hon. the Minister will give it further consideration and when the Bill gets to Another Place he will reinsert that safeguard.

Mr. HOPEWELL: Mr. Chairman, I submit that this Clause 9 opens up more difficulties. The point made by the hon. member for Kensington (Mr. Moore) with regard to value is an important one. What does the hon. the Minister mean by the "value of the share"? What is his idea? Does it only cover a public company or does it include private companies? The term "company" is an all-embracing term. Does it only cover public companies? Because if it covers private companies the shares are never quoted.

The MINISTER OF THE INTERIOR: The valuation of the shares.

Mr. HOPEWELL: Yes, valuation, but it depends what you mean by valuation. Are you providing for the method by which valuation will take place; because I submit, accepting the hon. the Minister's arguments that a valuation can take place, the effect of a group determination can affect the values, and I submit that the value of a share is not only the value of a company's assets. What determines the value of a share is also its profit-earning capabilities, its prospect for development; a company may have a certain method of manufacture, certain processes of manufacture, certain

techniques — all those factors are factors which determine the value of a share, and its value may be affected if it is going to be transferred to another group. I submit that these factors must be taken into account if we are going to determine the value of a share in a private company. Will the hon. the Minister say if it covers private companies as well?

The MINISTER OF THE INTERIOR: Yes, it covers private companies as well, but the hon. member must not say that my points are not points of substance. The hon. member, I take it, will be the first to realise that for the purposes of succession or death duties you have got to have a value placed on shares of a private company as well. I take it that they define exactly how the valuation is obtained, but I know the usual procedure is to obtain an affidavit from a person saying that he has investigated the matter, that these are the assets and these are the liabilities, and that the shares are valued for the purposes of death duties at such-and-such an amount. I take it the same procedure would apply here, without laying down any particulars. I do not think you must belabour the Bill by putting in all these details. We say here in the definition clause "shares of a value in excess of half the aggregate value of all its shares." In other words, whatever basis of fixing the valuation you adopt, it must be more than half of the total in order to have a controlling interest, and even if your valuation of the shares is not an accurate valuation it would still be correct. If you say the value of your share is £1, and the total number of shares is 100; if you have 50 shares and the value is £1 each that would be £50, and that is more than half the value of the whole. But even if you are wrong and the shares are only worth 10s. each, it would still come to the same thing, because it is the proportion of the value of the shares held by this person in relation to the total shareholding.

Mr. MITCHELL: But the company changes its racial character. That is the main point.

The MINISTER OF THE INTERIOR: It would still be of value then; you must have some kind of value, whatever its race is. I was not aware that if a company whose assets are, say, fixed property in a European area, were to change its racial character that the value of the shares would drop. Why should it? After all, the value of your shares is represented by certain values — certain property that you have, certain assets that you hold — that determines the balance of your assets over your liabilities. I do not know if you can say that your liabilities will be increased if your merely change the racial character of the company . . .

Mr. HOPEWELL: Do you value goodwill and competence?

The MINISTER OF THE INTERIOR: The assets would still be there. As regards the goodwill, surely there again if you have a company operating in a certain district, for as long as it operates there the goodwill is there. Nobody is concerned whether there has been a change of ownership, change of ownership takes place regularly; but the goodwill attaches to that particular property, to that particular site, and it is not connected with ownership at all. The question of ownership does not matter unless it is a notorious swindler who acquires ownership— he may then throw away the goodwill. You pay goodwill, because you think it does not attach to the person of the seller but to the business he has built up in that particular area, and you think you will be able to take it over, and therefore you are prepared to pay for the goodwill.

As far as the definition clause is concerned — the basis of the value, of how it will be valued — I take it it will be the ordinary basis of valuation of shares; if it is a public company and it is quoted on the market, there will be that advantage. But in the same way as you have your valuation of shares for death duty purposes and succession duty purposes, so it will be in this case.

But again I want to point out, Mr. Chairman, that it is the question of the definition that we are discussing now.

Mr. MOORE: Mr. Chairman, I would like to thank the hon. Minister for his explanation. I presume that when we come to the definitions he will introduce an amendment to give that clarification, because it is quite clear now that the hon. Minister means market value. I thought when I first read it that it meant nominal value.

Now I come to the second point. Is it the intention to classify every company which has money invested directly or indirectly in the Union of South Africa? Because indirectly these companies will be interested in other companies, which in turn will be interested in property-holding companies. When that has been answered I should like to know this: Is it the intention to classify every individual who may be a shareholder in such a company, so that when transfer is made it is perfectly clear to which group that shareholder belongs? For example, John Brown in London is John Brown with an address; but we do not know his racial group. Is it the intention that before a South African can have those shares transferred to him that Mr. John Brown in London will have to be classified by our boards?

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

The MINISTER OF THE INTERIOR: In reply to the hon. member I will read Section 17. Nothing is done about a company unless —

> If it appears to the Minister that there is reason to presume that a controlling interest in any company is held by or on behalf or in the interest of any member of any group . . .

then, if he has reason, to believe that —

> . . . he may by notice in writing call upon that company to furnish him, within a period specified in the notice, with such particulars in regard to the control of that company, as may be so specified.

I have got some reason to suspect and I now ask them, "Give me these particulars." I want to see whether my supicions are well-founded or not. If the company fails to comply with any such notice within the said period, or an extended period —

> . . . or the said notice has been complied with, and the Minister is satisfied that a controlling interest in the company was at the date of such notice held by or on behalf or in the interest of any member of any group, he may by notice in the Gazette declare that for the purposes of this Act, it shall be a company wherein a controlling interest is held by or on behalf or in the interest of a member of that group . . .

That is in the Act itself; in these circumstances we classify them. But that is not the end of the matter, because —

> . . . thereupon the company shall for the said purposes be deemed to be such a company, and it shall further for the said purposes be deemed that no controlling interest in the company is held by or on behalf or in the interest of any member or any other group.

But then the section proceeds —

> The company shall be notified of such declaration and may, within a period of two months after a date specified in the notification, apply to any provincial division of the Supreme Court . . . having jurisdiction . . . for an order setting aside the notice . . . referred to in sub-section 2 . . .

If they feel aggrieved by that notice they can go to court —

> . . . and the court may set aside the notice if the company proves that it is not a company wherin a controlling interest was, either at the date of the notice under sub-section (1) or at the date of the notice under sub-section (2), held by or on behalf or in the interest of any member of the group in question.

There are other provisions in sub-section (4), also in sub-section (5), merely as to the procedure which is to be adopted. But the point is that this clause, which I have now read is a clause which has been drafted in consultation with the companies who are interested in this, the overseas companies; they are satisfied with it. We had long discussions with their legal advisers — our legal advisers discussed the matter with them and thrashed it out, and this is the result. It is perfectly satisfactory to them. It is not a matter which has been hastily devised; it is the existing law today, and it is a law which was put on the Statute Book, as I say, after full consultation with the parties who are interested.

Mr. MOORE: I quite appreciate that there are companies that have been consulted but I am thinking of companies that might become property holders in the future; the Minister of Finance is very anxious to interest other companies in South Africa.

There is only this point, that it is rather a pity we had not dealt with Clause 17 before we came to Clause 9. But the definitions have been cleared up and we can raise this matter again when we come to Clause 17, as I am anxious to expedite matters.

Amendment put and agreed to.

Clause, as amended, put and agreed to.

On Clause 10,

Mr. DAVIS: Mr. Chairman, I have an amendment to Clause 10 on page 784 of the Order Paper, after sub-section (3) to add the following new sub-section—

> A testamentary disposition by which any person would acquire a right to occupy any land or premises in contravention of sub-section (1) . . .

which prohibits a disqualified person from occupying the land or premises in a controlled area except under the authority of a permit—

> . . . shall be deemed to be a testamentary disposition of the nett proceeds of the realisation of such right and unless the beneficiary is authorised to occupy such land or premises under permit it shall be the duty of the executor of the estate of the deceased to realise such right within a period of six months from the date of the death of the testator.

This amendment is on the same lines as the amendment which I moved in connection with Clause 5, the only difference being that in Clause 5 it was a right to fixed property, and here it is a right to the occupation of land or premises.

I have discussed this matter with the hon. Minister and I understand he is prepared to accept the amendment. I move—

To add the following new sub-section to follow sub-section (3)—

(4) A testamentary disposition by which any person would acquire a right to occupy any land or premises in contravention of sub-section (1) shall be deemed to be a testamentary disposition of the nett proceeds of the realization of such right and unless the beneficiary is authorised to occupy such land or premises under permit it shall be the duty of the executor of the estate of the deceased to realise such right within a period of six months from the date of the death of the testator.

The MINISTER OF THE INTERIOR: I move the amendment standing in my name—

In line 10, after "agreement", to insert "lawfully"; to omit all the words after "State" in line 29, to the end of paragraph (e) and to substitute "or a statutory body or as a domestic servant of any person lawfully occupying the land or premises;"; to omit paragraph (h) and to substitute the following new paragraph—

(h) as the bona fide employee (other than a domestic servant) of any person or as the husband, wife, minor child or dependant of any person (including a domestic servant or employee), who is lawfully occupying such land or premises: Provided that the Governor-General may by proclamation in the Gazette declare that the provisions of this paragraph shall apply in any portion of the controlled area defined in the proclamation, only to the extent and subject to the conditions (if any) which may be specified in the proclamation.

I want to move a further amendment which is not on the Order Paper; it is merely consequential on the amendment of the hon. member for Durban (Central) (Col. McMillan), which was adopted yesterday—

In line 33, after "visitor" to insert "for a total of not more than ninety days in any calendar year."

The hon. member for Musgrave (Mr. A. H. J. Eaton) is not present and there is a consequential amendment on his amendment to Clause 5. The Committee has already accepted this, and I will move it now—

In line 36, to omit "nursing home"; in line 37, after "institution" to insert "controlled by the State or a statutory body"; and in line 39 after "institution" to insert "so controlled".

Those are all consequential on the amendments adopted by the Committee yesterday.

The amendment moved by the hon. member for Pretoria (City) (Mr. Davis) is also consequential on the amendment which he moved yesterday, and which I accepted. I am prepared to accept that now.

*Dr. DIEDERICHS: I should like to move the amendment standing in my name in a somewhat amended form—

To insert the following new paragraph to follow paragraph (h) of sub-section (2):

(i) under any arrangement for the accommodation of any Native labourer as defined in the Native Labour Regulation Act, 1911 (Act No. 15 of 1911) after his recruitment and before his arrival at the place where he is to work or after his departure, on the expiry of his term of employment, from the same place, and before his arrival at the place of his recruitment by an employer or labour agent, as so defined, lawfully occupying such land or premises.

I just want to point out that certain concerns, especially the mines, recruit Natives in various parts of the country as labourers. Those labourers have to be detained in certain areas before they are moved to their places of employment. The place where they are collected may be an area where they are disqualified from staying. We want to give the recruiters, the employers, an opportunity of keeping their employees there temprorarily until they can move them to their places of employment. I therefore feel that this amendment is necessary, and I beg to move it.

Mr. LOVELL: Mr. Chairman, I would like to move the amendment standing in my name on page 748 of the Order Paper—

To omit all the words after "agreement", in line 19, to the end of paragraph (b) of sub-section (2).

I would like to explain that amendment to the Committee. Clause 10 reads—

No disqualified person shall occupy and no person shall allow any disqualified person to occupy any land or premises in the

controlled area, except under the authority of a permit.

That is sub-clause (1) of Clause 10. Sub-clause (2) says—

The provisions of sub-section (1) shall not render it unlawful for any disqualified person to occupy land or premises . . .

leaving out paragraph (a) and going on to paragraph (b)—

Under any agreement entered into . . . on or before the 24th April, 1950 . . . or under any renewal of any such agreement to which any party thereto is in terms thereof entitled.

I take it that the intention of the clause is to exempt persons who are in occupation of property under a lease ending before the 24th April, 1950, and also to exempt those persons and continue to exempt them if the lease provides that the person occupying the premises has the option to renew it. That can be the only meaning of the phrase "to which any party thereto is in terms thereof entitled." That sounds perfectly reasonable on the face of it, but what has happened in recent times as a result of the Rents Act and various regulations under the Rents Act is that many people occupy a property without a lease. They are there as monthly tenants and their tenancy is secured to them not by virtue of a lease but by virtue of the Statute preventing their ejectment. I would like to ask the Minister what the position will be of those persons who occupy property in terms of monthly verbal agreements, where they are not entitled to renewal of their monthly tenancy, because there is no contract to that effect. I suggest that a large number of occupiers are in that position and they have no option of renewal of the monthly tenancy, but they are secure merely on account of being free from ejectment under the Rents Act. What will be the position of a person who, at the end of May, 1950, finds that his monthly tenancy comes to an end, but he is entitled to remain in occupation and to be free from ejectment under a Statute, although he has no right in terms of the verbal agreement to a renewal of his monthly tenancy? The phrase I have quoted would not entitle him to remain in occupation under this Bill. I submit that the clause should read: "Any person . . . or under any renewal of such agreement." I do not know whether the Minister sees the difficulty in which people will find themselves. I would like to know whether a large number would not be affected if we leave in these words: "To which any party thereto is in terms thereof entitled" at the end of 10 (2) (b).

The MINISTER OF THE INTERIOR: I do not know whether the hon. member for South Coast (Mr. Mitchell) is prepared to accept this amendment. I am not prepared to accept it. As regards the amendment of the hon. member for Randfontein (Dr. Diederichs) I am glad to say that for once I am in complete agreement with the hon. member for South Coast, and I will accept that amendment.

Mr. MITCHELL: In spite of what he said in support of it.

The MINISTER OF THE INTERIOR: That is the tortuous course of the hon. member's logic which I will not attempt to follow. The hon. member for Benoni (Mr. Lovell's) amendment I cannot accept, even though it may have the support of the hon. member for South Coast. The reason is that this sub-section tries to protect existing rights under an agreement entered into before the date mentioned in this Bill. If the agreement provides for an option for renewal, then naturally it is right that that person should be protected. The hon. member's amendment makes it much wider. It protects not only existing rights, but it will really give a right to go on and have indefinite occupation. We are dealing here with occupation. The hon. member will remember that it is not a question that a person having a monthly tenancy will have to leave at the end of the month. The Bill must first be applied. That is the primary requirement. Then there is the further provision that the person will be allowed to occupy, if he has a contract. If a person has an existing contract of tenancy, he can continue to occupy for the period of that contract. If the contract provides for a renewal, he can also continue for the period of that renewal. I think that protects all his existing rights. The hon. member wants to do more. If the person for some reason or other is a disqualified person to occupy, and his tenancy does not protect him for a certain period, then he can still ask for a permit. Then he must have a permit. The whole object is to preserve the existing rights, but not future rights. That is why we have the date 24th April, so that a person could not, in anticipation of this Act, enter into a long-term agreement with an option of renewal for an indefinite period.

Mr. LOVELL: I agree that my amendment is perhaps too wide to cover what the Minister called existing rights. I do not wish my amendment to go further than that. One of the existing rights of a monthly tenant is to remain in occupation as a statutory tenant and not by virtue of a clause in an agreement with the landlord. His right under the Rents Act is a statutory right, and therefore an existing right which should be protected. It may be protected by a permit; I concede that. The object of my amendment is to protect the existing rights under

the statute as well as the righs under an agreement. I do not know when an area will become a controlled area; I presume immediately the Act comes into operation.

The MINISTER OF THE INTERIOR: The Act must first be applied.

Mr. LOVELL: And as soon as it is applied the whole country becomes a controlled area.

The MINISTER OF THE INTERIOR: No, it can be applied in sections.

Mr. LOVELL: At any rate, when the Act is applied to a particular section, existing rights will be interfered with to the extent of statutory rights of tenants to occupy property if they are disqualified persons. I want to protect them as well as those who have rights under lease agreements. That is as far as I wish to go. Could the Minister in this clause protect those rights as well as what he calls the existing rights? These rights are not quite the same as the right under contract, but they are as effective because the statute prevents the owner of the premises from ejecting the tenant. The clause does not protect those rights I describe as existing rights, and that is the reason I move my amendment. My amendment may be too wide, but will the Minister consider a provision to protect the existing rights of tenants to remain what I may term in statutory tenancy, a right they have under the Rents Act? That is an existing right and I want the Minister to consider that.

The MINISTER OF THE INTERIOR: May I just reply to the hon. member for Benoni (Mr. Lovell) and make it clear to him what the nature of the protection is. There is a difference between the two rights.. In the one case you have the contractual right which is completely protected. The other is a right which is based on the housing shortage in the country, and indirectly that has the protection that the permit can be applied for. The fact that the tenant cannot be ejected under the provisions of the Rents Act is a factor that can be taken into consideration when a permit is considered. The point is that it is not a right of the same nature as a contractual right, and it can therefore not claim the same degree of protection as a contractual right. The idea of the clause is to preserve rights under an existing contract, and I do not want to make the ambit wider than that.

First amendment proposed by the Minister of the Interior in line 10 put and agreed to and amendment proposed by Mr. Lovell put and negatived.

Remaining amendments proposed by the Minister of the Interior and the amendments proposed by Dr. Diederichs and Mr. Davis put and agreed to.

Clause, as amended, put and agreed to.

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

Afternoon Sitting.

On Clause 11,

Dr. V. L. SHEARER: I wish to move the amendment standing in my name on the Order Paper—

> To insert the following new sub-section to follow sub-section (3).
>
> (4) Nothwithstanding anything hereinbefore contained, the Province of Natal, except such portions thereof as the Governor-General may by proclamation exclude from the operation of this sub-section, shall be deemed to be a specified area, provided that nothing of this sub-section shall be deemed to refer to any area excluded from a controlled area by sub-section (1).

In respect of this amendment I want to take a leaf out of the Minister's book and issue a challenge, and I am sure he will not take it amiss. In view of the importance of Clause 11, I think we should try to examine precisely its application and its relation to the Bill as a whole and see precisely where we stand. In this Bill, under Clause 38 (3), certain Acts are repealed or amended at a date specified in the proclamation by the Governor-General when the provisions of this Act will come into operation. In effect it means that simultaneously with the repeal of these laws the operation of this Act will be implemented and South Africa will become a controlled area. Now this means that if South Africa is a controlled area, we should then immediately proceed to examine what a controlled area is and what the implications are. If we look at Clause 10 we find that in a controlled area no disqualified person shall occupy, and so on. They are restricted. A disqualified person is defined on page 5, and it refers in a controlled area to a person who is not a member of the same group as the owner of the property or the owner of the premises. A disqualified person is a person who is not in the same group as the owner, and therefore it means that in Natal, where we were enjoying the provisions of the Asiatic Land Tenure Act, both in respect of occupation and acquisition, we find that in the terms of the definition of a disqualified person in a controlled area, that only the type of people who are of the same group as the owner may occupy the premises.

Now what is the position in Natal? There are thousands of properties which will be affected. I think, in order to appreciate that, we must examine the position in respect of the old Borough of Durban, an area of about twelve square miles. As a result of the Broome Commissions, of which there are two, which set out to prove (1) the claim for natural expansion and (2) the claim for the investment of surplus capital, the commissions stated that from 1st October, 1920, to 28 February, 1923, approximately 326 properties were acquired by Indians from Europeans in predominantly European areas, and during the thirteen years prior to that 514 properties were acquired by Indians from Europeans on the same basis. In that small area we have over 840 properties acquired by Indians from Europeans in predominantly European areas. The Commission says that of the 514 properties only 150 were occupied by Indians. That is in a small area of about twelve square miles, comprising the old Borough of Durban. We are now dealing with Greater Durban which is 67 square miles, and what about the whole of Natal? The net result may be that thousands and thousands of properties owned by Indians are occupied by Europeans, and in terms of this definition that, in effect, means that every Indian owner of premises occupied by Europeans can give those Europeans notice to get out and replace them by Indians. That, indeed, will be a calamity for Natal. That implies that on the date when this Act comes into operation, Natal will be a controlled area. The answer is the amendment I have moved, and which is on the Order Paper.

In order to appreciate the amendment we must examine Clause 12, which in effect says—

> That as from a specified date no person who is a member of any group shall occupy, and no person shall allow any such person to occupy land or premises in a specified area which was not lawfully occupied and is not under Section 13 deemed to have been occupied at the said date by a person who is a member of the same group, except under the authority of a permit.

Now, in order to cover precisely that definition, it is essential that Natal should be a specified area simultaneously with the proclamation bringing this Act into operation. In effect it means that in respect of all the properties in Natal owned by Indians and occupied by Europeans, the position of the Europeans will be entrenched, and not only will their position be entrenched under this Act, but a right which they enjoyed under a previous Act will continue to be enjoyed by them. I think it is right. It may be asked why should Natal be selected in this respect. The answer is obvious; because Natal has enjoyed this right since 1946, and if an Act is brought into being, repealing a right enjoyed under a certain Act, then Natal is entitled to ask for an amendment of this nature. Now the position is, and I want to be fair to the Minister and to the board, that the Minister will no doubt hasten to assure me that it will be the intention of the board in terms of this clause to make the declaration in respect of Natal, except for certain scheduled areas. I do want to put it to the Minister, in anticipation of his assurance, that the position will be covered, that while I am indeed grateful and thankful for such an assurance, I, at the same time, want to argue with him on certain points. The first is that in view of the importance of this matter I do not think it is a sufficient safeguard to have a mere ministerial assurance. In other words, rather than to allow it to be a ministerial responsibility, I feel the people of Natal would prefer it to be a parliamentary responsibility in the same way as under the Act of 1946. The Minister, in hastening to give such an assurance, I believe, will admit that an assurance of that nature does not necessarily commit any successor who might follow him in his portfolio. What is more important is that the mere ministerial assurance perhaps at some future date can be altered by some pressure from outside. I mention that point because I feel that if the Minister has to oppose that pressure, then Natal must assume some responsibility with him in opposing that measure. And if that is to be, Natal can only assume that responsibility if it becomes a parliamentary directive under this Bill and not a mere ministerial assurance. With those few words, I would like to move the amendment standing in my name which provides that it becomes a parliamentary directive, that in respect of Natal, except for certain scheduled areas, Natal shall be a specified area and will therefore continue to enjoy the privilege she enjoys under the 1946 Act.

The MINISTER OF THE INTERIOR: The amendment moved by the hon. member for Point (Dr. V. L. Shearer) has been very strongly pressed upon me by the City Council of Durban, and I have given it very careful and earnest consideration. I quite appreciate the position, particularly of Durban, in this matter. I would have preferred to have altered the whole scheme of the Bill to make the normal position that of a specified area, with a specified date for occupation, which will determine the colour of occupation. But we were faced with this difficulty that, firstly, this Bill applies to the whole of South Africa, and even although it was only in 1946 that the Act was passed applying to Natal and in respect of Asiatics only, we are already experiencing difficulty in getting proof of occupation on the specified date. If I made that the general scheme of my Bill then that diffi-

culty, one can imagine, would be very great in a couple of years' time. It is not only that you would require to have a register of the occupiers of the property on the fixed date — that is a very difficult matter — but you would also have to have what you have not got today and that is that today it is sufficient for the occupier merely to say that he is non-Asiatic; that may mean that he is a Coloured or a European. So hon. members will realise that we were faced with this difficulty, that, if we adopted the same principle underlying the 1946 Act, we would have come up against the practical difficulty of proof of occupation on the specified date, which would then have been some date during the year. This matter of proof becomes very difficult with the passing of the years. If the suggestion of the hon. member is accepted, then it will put forward the date from the specified date. The specified date would then be the date on which the proclamation is issued applying this measure to Natal or to any part of Natal. That would be the position, but for a very long period, even after that date, one would still find the difficulty of proof very considerable, because the records that Natal, particularly Durban, have obtained in the meantime in respect of the specified date under the 1946 Act, would not necessarily determine the occupation on the specified date when the proclamation is issued applying this Bill, when it becomes an Act, to Natal. It would again be a different date, and, as I say, it will not be sufficient, because the 1946 Act dealt only with two classes of persons, namely, Asiatics and non-Asiatics. There would not be sufficient information gathered under that Act for the purposes of this Bill. On the other hand, I realise the notorious position existing in Durban particularly. I realise that you have many properties there which are owned by Asiatics and occupied by Europeans. The hon. member wants to protect the Europeans in occupation in such cases; I appreciate that. It would also mean, however, that he would be protecting the converse. He would also be protecting the Indians in occupation of European property all over Natal.

Dr. V. L. SHEARER: Except that you will clear up that position when you declare the group area.

The MINISTER OF THE INTERIOR: Yes, if there is any exclusion when the proclamation is issued. I have given this matter very careful consideration and I have had the advantage of discussing the matter with the legal adviser of the City Council of Durban very fully. He appreciates the difficulties. He appreciates that, however much we would have liked to make the specified area the normal procedure under this measure, form which you can deviate by having a controlled area or having a group area on the one side or the other, there were practical difficulties in the way. He realises the difficulty that you cannot do that generally. Those difficulties, to a lesser extent, also apply to Natal generally and to a still lesser extent they apply to Durban. In Durban, at any rate, I am assured that there is some record, which will obviate the difficulties of proof; that over the years they have collected information which will not make it so difficult as it is at present to establish who was the occupier five years ago or three or two years ago — the actual occupier.

I am giving this background because that is the reason why we have departed from the procedure of having a specified date and determining the right to occupy from the group of the occupier on that specified date. We have foresaken that principle in favour of the principle that it is the group of the owner that determines the group of the occupier. There you have no difficulty. It is an easy matter to see in the Deeds Registry who is the owner of any particular property on any particular date, and then the assumption is that the occupier is of the same group. I have given that background in order to show that although we actually had the Bill drafted in that sense in the first place, we were forced to depart from it, because of the practical difficulties that we encountered. The position, as I say, is less serious in Natal. That would have been for a Union-wide application. In Natal itself, the position is less serious and it is still less serious as far as the municipal area of Durban itself is concerned. There I think the difficulties of proof may perhaps be successfully countered. For those reasons I have decided, after careful consideration, not to accept the amendment of the hon. member for Point in the form in which he has proposed it. But I think that the amendment which I will propose will at any rate meet his case to a very large extent. It would meet it as far as it is practical at the moment, and then I shall give an assurance as far as that is possible, as to Ministerial action. I appreciate that in putting forward the amendment that I am going to put forward, I remove a very good reason for keeping this Government in power. I quite appreciate the concern of hon. members on the opposite side that whatever this Government may do when the proclamation applying this Act to Natal is published, they are very uncertain as to what will happen if another Government came into power. I appreciate that concern, and I realise that purely from a party point of view, and from a national point of view as well, it might have been better to have left the matter to Ministerial action in the very certain conviction that Natal would know on which side its bread was buttered.

Mr. MITCHELL: You wait and see.

The MINISTER OF THE INTERIOR: That is merely by the way. I know the hon. member for South Coast (Mr. Mitchell) is already showing signs of nervousness.

Mr. MITCHELL: Don't be provocative.

The MINISTER OF THE INTERIOR: What I want to do then is to move an amendment in these terms—

> In line 57, after "shall", to insert "subject to the provisions of sub-section (2) of Section 12"; and to insert the following new sub-section to follow sub-section (2):
>
> (3) Upon the application of the provisions of this Act under sub-section (1) of Section 37 in respect of any area in the province of Natal which consists of or includes the municipal area of Durban, it shall be deemed that a proclamation under this section has been issued, declaring that the provisions of Sections 12 and 13 shall apply in the said municipal area, as from the date from which the provisions of this Act are applied in respect of such first-mentioned area.

Mr. MITCHELL: Will you read that again?

Dr. V. L. SHEARER: That is nice butter for Durban, but what about the rest of Natal?

The MINISTER OF THE INTERIOR: I will come to the rest of Natal.

Mr. MITCHELL: He is trying to split the United Party.

The MINISTER OF THE INTERIOR —

> Upon the application of the provisions of this Act under sub-section 1 of Section 37 in respect of any area in the province of Natal which consists of or includes the municipal area of Durban it shall be deemed that the proclamation under this section has been issued declaring that the provisions of section 12 and 13 shall apply in the said municipal area as from the date from which the provisions of this Act are applied in respect of such first-mentioned area.

The affect of this amendment would be that simultaneously with the application of the provisions of this Bill, when it becomes an Act to any part of Natal which includes the municipality or Durban, there would not be any need for a separate, even though simultaneous, proclamation excluding the municipality of Durban or any other part or rather putting them under the provisions of sections 12 and 13. Instead of having a specific proclamation simultaneous with the proclamation applying this Act, we now say that automatically when the Act is applied, this proclamation shall be deemed to have been issued in respect of this area. The former was the undertaking that I gave to the City Council of Durban. I gave them this undertaking, as far as it was possible for me to give an undertaking of this nature, that before this Act is applied to Natal I shall see to it that they have due notice of the fact, and secondly that being aware of the general position, I shall not disapprove of any recommendations by the Board simultaneously to issue a proclamation declaring Natal or any part thereof a specified area. As I say, in view of the difficulties of proof in parts outside Durban, I am confining the amendment itself only to the Durban municipality, but this undertaking that I gave will still apply in respect of the rest of Natal. I cannot, of course, speak for the board, but with the notorious position existing at present in many parts of Natal — the hon. member has referred more particularly to Durban — and having regard to the dislocation which the omission to issue a proclamation of this kind declaring it a specified area, will cause, I cannot conceive the board recommending any retrograde step, any step which is a step backwards from the position which Natal has already achieved under the 1946 Act, and that applies also to the Transvaal. They are also in the same position and if they ask me to issue such a proclamation they will be given notice, and then I will see to it that the status quo under the 1946 Act is not disturbed as far as I am concerned. In saying that I want it to be clearly understood that I am merely speaking as Minister and as a representative of the Government. Hon. members will be aware that the Board will have to make investigations and make a recommendation. I can only undertake that if such a recommendation is made, I shall not disapprove of it. I think that is the furthest that I can go. As I have said, the position being as it is, the object being as far as possible to maintain the status quo, I can scarcely conceive of the Board making a recommendation which would in effect place the rest of Natal in a worse position than they might be under the 1946 Act which will then be superseded by the new Act. But hon. members will see that in the case of Durban I am doing it now specifically, because I think they are in a better position than the rest of Natal in regard to the matter of proof. I think they will be able, more successfully than the rest of Natal, or the Transvaal, to meet the difficulties of proving occupation on a specified date. That is one reason why I am applying it specifically to them, but naturally they may themselves desire that part of this area which is now automatically included by virtue of the proclamation applying the Act to Natal, they may ask that part of that existing specified area shall be relegated to

the status of a controlled area. They have the right to apply for a proclamation excluding any part which is now a specified area from being a specified area when the new Act is applied. On the other hand any part of the rest of Natal, as soon as the Act is applied, is at liberty to apply to the Board to declare any area, particularly the area which now enjoys protection under the 1946 Act, as an area enjoying the same protection under this Act. They are at liberty to ask for that recommendation and if that recommendation is made, I shall not disprove of it. As far as the rest of Natal is concerned, it places them in this position, that they will see how far they are able to overcome the practical difficulties connected with proof of the nature of occupation on the fixed date. It will give them some time to prepare the necessary records, and then when the proclamation is made applying this Act to any part of Natal outside Durban, then they will have notice of it and they will be in a position to make their recommendations to the Board before the proclamation is issued. I do not think I can go further than that. It meets the substance, as far as the practical difficulties allow, of the amendment moved by the hon. member. I am not without a suspicion that even Durban does not fully appreciate the practical difficulties to which I have alluded, but they are prepared to take the risk. They have made specific representations in that regard and for that reason I am prepared to grant it to them to ensure that, even if the very unlikely event happens that this Government is superseded by another Government, they will still be secure in the knowledge that they are a specified area.

Mr. SULLIVAN: If he Minister's very ingenious statement followed by his amendment this afternoon, proves anything, it proves firstly that he realises to some extent the difficulties of racial penetration in the Durban area. It proves again that he is prepared to meet those difficulties some distance along the road; but it proves above all how ill-considered, how poorly constructed, how premature, is this legislation before the House.

*Mr. BOTHA: That is the old story.

Mr. SULLIVAN: I was one of those who, during the Second Reading debate, made the assertion that I believed that the Asiatic Land Tenure Act of 1946 as amended, and if suitably further amended, would give the people of Natal greater protection than any protection provided under this Bill. The Minister has proved that contention up to the hilt this afternoon in his retreat from the position he took when he challenged, and poured ridicule on, the attitude of the members from Natal. As the Bill now stands, if Durban is declared a controlled area, the properties throughout Durban and the Durban area, now owned by Indians, can be used, after the eviction of European tenants and occupiers, for Indian occupation. Some of us knew that at the second reading.

The MINISTER OF THE INTERIOR: Did you?

Mr. SULLIVAN: Yes, and we were very sincere on that point; the Minister apparently was not. Consequently, today we have an amendment which will not meet the position of the Durban people so satisfactorily as the amendment of the hon. member for Point (Dr. V. L. Shearer). We must remember that the Natal position is different from the position in any other part of the Union. The Minister admits that. We already have our group areas in Durban and its environs. Those group areas were built up under the 1946 Asiatic Land Tenure Act. In those group areas we have segregation and protection against penetration. Those areas are in process of formation. They should be allowed to grow without the interruption provided for under this Bill.

The MINISTER OF THE INTERIOR: But the Bill is not there yet.

Mr. SULLIVAN: The consequence is that we feel that the application of this Bill will rob the Durban Europeans, in particular, of that segregation and security and protection that they are enjoying at the present time. The Miniser has admitted as much in the way in which he spoke to his own amendment. I believe he has minimised the danger of the position in Durban.

Based on an official paper I have in my hand, I want to deal with certain aspects of this penetration to bring home the full force of our argument that this Bill in its application to Durban is really a misnomer; and, as it stands at present, unamended in this particular, it is a positive danger to the European population of Durban.

The MINISTER OF THE INTERIOR: You get the Durban Council . . .

Mr. SULLIVAN: The Minister has had his say, Mr. Chairman.

The MINISTER OF THE INTERIOR: You get the Durban Council to request me to take them out of this Bill.

Mr. SULLIVAN: Now I want to quote from a City Council official document the position exactly as it is—

> There is today a large extent of vacant land in the European areas in Durban which has been bought and is owned by Indians, presumably for investment or speculation purposes.

Under this Bill such Indian owners can subdivide such land, and can sell it to Indian purchasers. Under this Bill as it stands they would be free to build and take occupation of dwellings upon it, all without requiring a permit . . .

The MINISTER OF THE INTERIOR: Are they Indian-owned?

Mr. SULLIVAN: . . . or they can build flats and put in Indian tenants.

The MINISTER OF THE INTERIOR: Are they Indian-owned?

Mr. SULLIVAN: I have just read so to that effect. In other words, an Indian settlement, in some cases of a 100 acres or more, could spring up at any time in the heart of the Durban area. That could happen under this Bill—

> In every case of the isolated penetration the Indian owner of a small cottage or ordinary dwellinghouse will be entitled to demolish it and replace it with a block of flats, for example, and let every flat to an Indian tenant.

That can happen under this Bill. A single case of penetration will thus be multiplied many times and an intolerable situation will develop. And then the third point I want to emphasise is that—

> In the present controlled areas of Durban there are large tracts of undeveloped land into which the city is likely to expand in the future. Some of these are owned by Indians, others by Europeans. But many of them were leased at a fixed rate to Indians for market gardening and like purposes, and were accordingly lawfully occupied by Indians.

This is the point I want to emphasise, namely that the Indian-owned properties under the Bill can now be lawfully occupied by Indian farmers in a European area. That is the actual position as it will develop, if this House agrees to pass this Bill. Even with the suggested amendment of the hon. the Minister of the Interior, that may happen. He issued a challenge to the Natal members on this question. The hon. member for Durban (Point) accepted this challenge. We realised the danger of this Bill to the existing position in Durban. We realised that it will undo the good effect of the 1946 Asiatic Land Tenure Act. Although the Minister's amendment goes part of the way to meet our objections, the only way in which it can be met is by his fully and unreservedly accepting the amendment of the hon. member for Durban (Point).

It is time that it was realised in this House, particularly in view of the points that have been made by the Durban members, that we have been on sound grounds in the objections we have made to this ill-considered, prematurely introduced and half-baked measure now before the House.

Mrs. BENSON: I feel I must support the hon. member for Point (Dr. V. L. Shearer) in his amendment and also that hon. member for Durban (Berea) (Mr. Sullivan). Though I appreciate what the hon. the Minister has said, I know the position so well in Durban that I feel that we have not the protection that we have even today under the Asiatic Land Tenure Act. Today we have dozens of homes — I do not think I am wrong in saying hundreds — in some of the best European areas that have been occupied by Europeans and are still occupied by Europeans, previously owned by Europeans, but now owned by Indians. Unless we can have some protection by those areas being particularly specified areas, it means that those people can all be given notice and be put out, and Indians can take occupation. Some hon. members may feel possibly that we have greater interest in Natal, but that is because the position arose there that whole streets were becoming Indian-owned and that was why we felt we had to apply to the then government to give some protection to those people who did not want to sell their homes, to gain a few more hundred pounds. Their homes meant more to them.

In this Bill I see a grave danger unless we can feel that we have more protection than we have at present, and I say we should have more. I do not think we are unreasonable in the amendment put forward by the hon. member for Point. We all realise the position. We realise the extent of Indian penetration more so than anybody else in this House, and we are here today to appeal for safety and protection for those European people who would not be put out unless they have the protection of certified areas. I do hope the Minister will try in some way to give us an absolute assurance embodied in this Bill, so that we can go back knowing that at least through this Bill the position has not been made worse, but that it has been made better. We have for many years been perturbed over the penetration of the Indians in many parts of Durban. No street, no matter how valuable the houses in that street, has been exempt from Indian penetration. I hope the Minister will give that assurance, because we in Natal are very perturbed to think that we may lose some of the protection for people's homes, and those in occupation that they already have under the present Asiatic Land Tenure Act.

Mr. MITCHELL: I do not want to keep the Committee long, but I understand that recently a deputation or a representative

from Natal spent a considerable time with the Minister and then went back to Natal and told the people that they had considerably more protection under this Bill than under the Asiatic Land Tenure Act.

The MINISTER OF THE INTERIOR: Of course they have.

Mr. MITCHELL: The Minister is making his amendment apply to Durban because of the relative ease to obtain proof of occupation at a certain date, and not to other parts of Natal. This gentleman then went back to the Natal Municipal Association and he gave them a resume of what had transpired. He told them they could rest assured that the municipal areas outside Durban will enjoy greater protection under this Bill than under the Asiatic Land Tenure Act. I do hope the Minister will give us some statement of precisely where we have further protection under this Bill, which we did not have under the Asiatic Land Tenure Act.

The MINISTER OF THE INTERIOR: Yes, I will.

Mr. MITCHELL: Now the Minister is putting forward an amendment in regard to Durban. Why did he not come forward with this amendment on the second reading?

The MINISTER OF THE INTERIOR: That is not the place for amendments.

Mr. MITCHELL: The Minister has now moved his amendment in the Committee Stage, prompted by a private member, the member for Point (Dr. V. L. Shearer). We want him to explain to us: (a) Where Durban has more protection under this Bill than under the Asiatic Land Tenure Act; and (b) where the outside municipalities will enjoy greater protection than under the Asiatic Land Tenure Act. Because, may I say that this emissary from Durban came here to put the case of the Natal Municipal Association, and he claimed that what he had imbibed in knowledge in connection with the Government's intentions, honesty and principles, he had obtained from the Minister himself. If the Minister can convince that hon. gentleman, then we are entitled to ask him to let us into the secret.

The MINISTER OF THE INTERIOR: The hon. member for Berea (Mr. Sullivan) has really been tilting at windmills. He is in the position that he has to rehabilitate himself. He is tilting at windmills and if he has any historical or literary sense, he will know that that pastime is not a very lucrative one. He is very enamoured of the 1946 Act, and so is the hon. member for South Coast (Mr. Mitchell). They ask me in what respect this Bill is better than the 1946 Act. I should have imagined at any rate, that members from Natal would have made a study of the 1946 Act and also of this Bill before they came here and proclaimed their ignorance in this House.

The hon. member for Berea has taken one point and has compared the final form of the 1946 Act with one of the preliminary stages under the 1950 Act.

Mr. SULLIVAN: A vital point.

The MINISTER OF THE INTERIOR: But the comparison is all wrong. The hon. member has spoken as if Natal will be a controlled area and will forever be a controlled area. He has forgotten that in this Bill there is provision for a group area; he has forgotten that in this Bill there is provision for a specified area. If a specified area is declared, then even on that one point there is no difference at all between this Bill and the 1946 Act, on that particular point.

Mr. SULLIVAN: When the Bill is promulgated, then the whole country becomes a controlled area.

The MINISTER OF THE INTERIOR: As soon as the Bill is applied to an area it becomes a controlled area; but there is no reason why simultaneously a portion cannot be cut out of that controlled area and made a specified area.

Mr. SULLIVAN: Saul of Tarsus.

The MINISTER OF THE INTERIOR: I do not know whether the hon. member is talking about Saul or the Gadarene swine. I warn the hon. member that there are high cliffs in Durban as well! I want to come back to the point the hon. member made. It is one of the hon. member's first and fundamental mistakes that in trying to compare the two Acts, he compares the first stage of the one with the final stage of the other.

Mr. SULLIVAN: That is a legal quibble.

The MINISTER OF THE INTERIOR: It is not a legal quibble; it is a practical fact, and the hon. member ought to know it if he knows his Bill. That is not the only point. What provision is there under the 1946 Act for cleaning up the red spots in Durban?

Mr. SULLIVAN: You were answered on that. It will be a gradual process.

The MINISTER OF THE INTERIOR: There is no guarantee that there will ever be a cleaned area in Durban, and the hon. Leader of the Opposition stated that when introducing the 1946 Act.

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Mr. SULLIVAN: You could have amended the 1946 Act.

The MINISTER OF THE INTERIOR: I am doing much more than amending the 1946 Act. I am superseding the 1946 Act and putting in its place a scheme of things under which Durban will be able at some time in the future to say: This is a European area, this is an Asiatic area, this is a Native area. There is no provision of that kind in the 1946 Act. Does the hon. member want that state of affairs to continue? He himself is one of the people who agreed with me that under the 1946 Act all you had was legalised penetration. I stated that here, and nobody raised his voice against it. The only thing the 1946 Act did in that regard was to legalise penetration. Look at the picture you have in Durban. The hon. member had the map here the other day, and let him tell me what provision there is in the 1946 Act for cleaning up those red spots in the European areas in Durban? He knows there is no provision in that Act.

Mr. SULLIVAN: But look at the position before 1946.

The MINISTER OF THE INTERIOR: I am not speaking about the position before 1946. I am comparing the 1946 Act with the 1950 Bill.

Mr. SULLIVAN: You must do that to get the right perspective.

The MINISTER OF THE INTERIOR: The hon. member has never had a perspective or otherwise he would not have spoken so much nonsense on this matter. The 1946 Act did not make provision for that, and provision is made in this Bill. What segregation is there in the 1946 Act? His Leader admitted that no area in Durban was set aside exclusively for Indians. There is no segregation. You have only two parts; the one is the free-for-all, and the other part where you have the status quo maintained. In other words, you have to maintain the existing ratio of mixture. You have to perpetuate the residential juxtaposition. That is what you have under the 1946 Act.

Mr. SULLIVAN: And that is exactly what you will have under this Bill.

The MINISTER OF THE INTERIOR: The hon. member must not assume the mantle of the prophet. Let him first see how this Bill works, and let me give him the assurance that people who have studied this Bill and who know Durban are satisfied that this Bill will achieve its object and it will achieve that object in a much shorter time than under the 1946 Act, which would have been eternity, as far as I can see. The hon. member forgets that the little debating point he made here this morning falls away as soon as a controlled area is proclaimed a specified area. Then there is nothing left of his argument. What the hon. member for Point is in effect asking is that we should declare a controlled area a specified area.

Mr. SULLIVAN: Do that.

The MINISTER OF THE INTERIOR: In other words, the 1950 Act contains the provision for proclaiming a controlled area a specified area.

Mr. SULLIVAN: You are now creating an entirely new position.

The MINISTER OF THE INTERIOR: You have the machinery in this Bill. The only difficulty is that the hon. member for Point and the other members who have made these representations are not so happy about who may be my successor. They do not want to leave it to that chance. That is why he has moved an amendment that it should be included in the Bill that the controlled area, when declared in Natal, should simultaneously be declared a specified area. But in my very amendment I say that there shall be deemed to be a proclamation under the existing Bill. Instead of having a special separate proclamation to make it a specified area, we say that when a proclamation is issued to make it a controlled area, there shall be deemed to be a proclamation under the Bill to make it a specified area. The hon. member will see that there is no ground for his argument whatsover. The provision that has been asked for is merely to apply it now, instead of doing it at some future date, to give the certainty now, because this Government might not be there in future. That is the only reason.

Mr. SULLIVAN: If you extend the guillotine for another twenty hours you will not know your own Bill.

The MINISTER OF THE INTERIOR: The hon. member has argued on the one basis that there is only one area under this Bill, only a controlled area; that there is no means of going beyond that. That is his argument. If he thinks that is the type of argument he will put across in Durban then he is grossly mistaken, because let me give the hon. member for Berea the assurance that there are people in Durban who have made a very thorough study of this Bill. If he is so certain that this Bill takes us no further than the 1946 Act, then I want to challenge him in this way: Let him get the responsible people in Durban —people who can speak on behalf of Durban —to ask me to allow Durban to be left out of this Bill and to remain under the 1946 Act.

Mr. N. G. EATON: I do not think the hon. the Minister has been quite fair in giving his reasons for agreeing to put forward his amendment. I do not think that the reason for the amendment was that he might be moved from his office. That is the reason he gave for the amendment. I make that observation without any further comment. I want to say that I do agree with the Minister that this particular Bill will give Durban at any rate something which I indicated in my second-reading speech, that is, the ultimate power to remove the "red spots". I accept that. I do not agree altogether with the hon. member for Point (Dr. V. L. Shearer) or the hon. member for Berea (Mr. Sullivan).

An HON. MEMBER: Tell them that.

Mr. N. G. EATON: I think it is necessary that we should be fair when fairness is due. From my particular point of view my objections on the second reading of this Bill were based on the amendments put forward by the Labour Party. I will admit that I did not realise at the time that there was that danger in a controlled area, as was explained by the hon. member for Point. I did not appreciate that danger at the time. But I do appreciate this fact, that the Bill did provide measures which could overcome, even if the Minister had not moved his amendment, the position that would eventuate. In other words, I saw the ultimate group areas as a possibility . . .

The MINISTER OF THE INTERIOR: Hear, hear. I forgot to mention that.

Mr. N. G. EATON: That point, as far as I was concerned, met the difficulty Durban is experiencing at present. I want to make the point clear that my objections to the Bill are still tied up with the amendments put forward by the Labour Party. Our amendment was ruled out of order in view of its financial implications, and for that reason I cannot discuss it any further. But I do feel that in a case of this sort that is of such serious import to Parliament, we should give credit where credit is due.

The CHAIRMAN: Does the hon. member for Point (Dr. V. L. Shearer) wish to withdraw his amendment?

Dr. V. L. SHEARER: I think I should thank the hon. the Minister, particularly in regard to Durban. The Minister has certainly gone far in respect of Durban. I am sorry that he has not seen fit to accept the amendment in regard to the whole of Natal. I suppose with a reasonable approach to the problem, one must accept the difficulties he has put forward in regard to accepting that amendment. At the same time, I do accept the Minister's assurance, as far as the attitude of the board is concerned, that as and when they find it possible to overcome the difficulty of finding precisely who the previous occupier was, they will direct that that position be cleared up. Perhaps I must go even a little further and say that while I am grateful that the Minister has moved this amendment, it has been due to the insistence by this side of the House. I appreciate the difficulties the Minister has mentioned. I also wish to say that as I see this Bill, it goes very much further than the 1946 Act. There can be no doubt about that. But, and it is a very big "but". And now I speak for Durban only. But we have been assured that Durban will be a specified area. But for that assurance and but for the amendment moved in this Bill, the Bill as it stood would have been a further form of legalised penetration in Durban. Now that the Minister has come forward and moved an amendment to my amendment, and has accepted the principle adumbrated in my amendment, and has merely for one purpose or another applied it for the time being only to Durban, I think Durban might say that this Bill, as amended by the Minister on representations from this side of the House, is much better than the 1946 Act. That was the big "but".

The MINISTER OF THE INTERIOR: What about the group areas?

Dr. V. L. SHEARER: I know about the group areas. I know there are these other measures that will come in time, the cleaning up of the islands, group areas for Coloureds, group areas to remove this terrible threat of racial friction. But they could all have been discounted if this had not been put forward and if Durban did not have the benefit of this parliamentary correction in the Bill itself, in regard to specified areas. In view of the Minister's amendment, I have pleasure in withdrawing my amendment.

Amendments proposed by the Minister of the Interior put and agreed to.

With leave of the Committee, the amendment proposed by Dr. V. L. Shearer was withdrawn.

Clause, as amended, put and agreed to.

On Clause 13,

Mr. VAN COLLER: On this clause I wish to move the following amendment—

To omit all the words after "Minister" in line 71 to the end of sub-section (5) and to substitute "shall be deemed to have determined accordingly"; and in line 76, after "period" to insert "not exceeding three months from the date of a written application".

The sub-clause will then read as follows—

(5) If the title deed of any building, land or premises in a specified area contains any condition which prohibits or restricts the occupation thereof by persons of one or more groups, the Minister shall be deemed to have determined accordingly.

(6) The Minister may, whenever for any reason he deems it expedient to do so, postpone the making of a determination under sub-section (2) or paragraph (b) of sub-section (3) for such period not exceeding three monts from the date of a written application as he may deem fit.

I would like to tell the hon. the Minister that I move this amendment primarily and purely and simply to expediate and facilitate the administration. When a group area is proclaimed, it may be that in the title deeds of landed property you have all the conditions in regard to ownership and occupation, which are contained in the terms of the proclamation. If that is the case, I do not see how there can be any evasion such as evidently is feared under the first sub-section I wish to amend. Let me give an illustration. Take the suburb of Pinelands. There you have a condition in the title deeds that no person other than a European, that is, no Indian, Coloured person or Native, can own or occupy premises there. When a proclamation is issued declaring that area a group area, the title deeds of those properties already comply with the conditions contained in the proclamation that no other person than a European may occupy or own property in that particular suburb. I may say that my amendment is also favoured by the conveyancers because the Registrar will have the proclamation in the Deeds Office, and he will be able to know that the conditions of the title deed comply with the conditions mentioned in the proclamation. It will save considerable time and expedite in that way the transport of property, if my amendment is accepted instead of accepting the clause as proposed by the Minister, because it will then not be necessary to write to Pretoria to get a determination by the Minister. I move my amendment simply to expedite the matter and to prevent delay in transfer. I hope it will be possible for the Minister to accept the amendment as I have moved it.

In regard to the second amendment, I wish to point out that in the clause we find these words "sub-section (2) or paragraph (b)". The word "or" seems to be a printer's error. The whole idea is that there should not be an unreasonable time taken by the Minister in making a determination, that there should be no unnecessary delay. I would ask the hon. Minister to consider the matter, and in the interests of all concerned I hope he will accept the amendments which I have moved.

The MINISTER OF THE INTERIOR: Mr. Chairman, I appreciate the spirit in which the hon. member has moved this amendment and I appreciate his reasons for doing so, too, but there are practical difficulties in the way of accepting the amendment. In the first place it is not so easy to say, as he wants us to say, that the conditions "shall be deemed to have determined accordingly". The words he wants taken out are "that the Minister shall not make any determination under Sub-section (3) which would be contrary to any such condition". He says in such a case the Minister "shall be deemed to have determined accordingly". Why I say it is not so easy is because very often the conditions do not coincide with the classes, the various groups of persons under the Bill. You may have an anti-Asiatic clause. That would not prevent transfer to a Coloured person or to a Native; it is merely anti-Asiatic. So it is very difficult to say that condition can be deemed to have been made by the Minister.

Mr. VAN COLLER: The Minister does not appreciate what I suggest. I mean when the conditions of title correspond with the conditions of the proclamation — under those circumstances.

The MINISTER OF THE INTERIOR: Yes, that is so, but the hon. member will see that it is rather difficult at this stage, when we do not know what sub-groups may be formed. The difficulty is, firstly, that you have not got all your groups defined at this stage, secondly, that the coverage of the condition may differ from the coverage of any particular group decided here. If the hon. member means that it must only be confined to cases where there is exact coverage between the two — I take it there would not be many such cases, because it would be anti all the other classes; it would have to be anti-Coloured and anti-Native, and then you could say it was European. It is only in those cases, then, that I can consider the matter. I think that there will not be many such generally exclusive cases whether for the European group or for the other group. Usually you find that it is only one part of another group that is excluded by such a condition, and in practice it will not arise very often. But where there is an exact coincidence between the phraseology of the condition and the wideness of the class or group, then I can consider the matter.

Then the hon. member has referred to sub-section (2) in sub-paragraph (6) as a misprint, as a mistake. That is so, and I am indebted to the hon. member for

drawing my attention to it. Instead of "sub-section (2)" in line 75 it should read "paragraph (b) of sub-section (1)".

With regard to the first amendment that the hon. member has proposed, I also want to point out that that is actually the existing law. We have simply taken it over from the 1946 Act — the whole sub-clause (5), in which his amendment is contained. It does not necessarily mean that it is perfect, because it has been taken over from the 1946 Act. I think the hon. member will agree with me that even the 1946 Act is open to improvement. I will therefore consider that phraseology and see whether anything can be done in the more limited sense, only when the expressions are completely coincident.

Then the other amendment of the hon. member is—

> In line 76 to insert the words "not exceeding three months from the date of a written application".

That, I want to point out, is also the existing law as it stands; we have simply taken it over, and it was inserted last year for a particular reason. It was found that there may be large areas, there may be an undeveloped tract of land comprising 20 morgen belonging, for instance, to a European or to an Asiatic. The owner wants a determination, he wants to build a house in one corner of it. He asks for a determination for the whole 20 morgen and we thought it was inadvisable to give him a determination over the whole 20 morgen, so we postpone any determination as far as the rest of it is concerned and go into the question of whether he is entitled to a determination for the part on which he is going to build his property. There may be town planning schemes in regard to the rest, and we may queer the pitch of such schemes if we make a determination in respect of a large tract of undeveloped land. That is the reason why we introduced this amendment last year, and we cannot, in those circumstances, limit the period in which we can postpone it to three months. The hon. member will see that it may take much longer.

Mr. VAN COLLER: Make it six months, make it a definite time.

The MINISTER OF THE INTERIOR: No, we meet the applicant's specific case, but before we determine for the whole area we want to find out what the likelihood is of town planning schemes, and so forth, which may cut across any determination he may want. And there is no reason why he should have that determination at this stage, there is no reason unless he want to cut it up for a township, and then, of course, it will not be regarded as a large undeveloped tract, it will be in the form of a township, where we can go into the matter at once. But the hon. member will see we do not want to stand in the way of any legitimate progress of a town planning scheme by making a determination which will stand in the way of a scheme which may not yet have come to full fruition in the minds of the local authorities, but which they are still contemplating. For that reason we put in this amendment last year, and I would be glad if the hon. member will not press that amendment of his.

As far as the first amendment is concerned, I will consider that; let us pass it now, and I will see whether we can make it in the narrower terms, perhaps, so that it avoids the practical difficulties that I have stated, and at the same time saves the time which the hon. member has referred to. I therefore move —

> In line 75, to omit "(3)" and to substitute "(1)" and an amendment in the Afrikaans version which did not occur in the English version.

First amendment proposed by Mr. van Coller in lines 71 and 72 put and negatived and amendment proposed by the Minister of the Interior in line 75 put and agreed to.

Remaining amendment proposed by Mr. van Coller put and negatived.

Clause, as amended, put and agreed to.

On Clause 14,

*Mr. VAN DEN HEEVER: I wish to move the amendment appearing on the Order Paper in my name. I believe I stated clearly yesterday what the intention was and I do not think it is necessary to go into it any further at this stage. I think it is clear to hon. members. I move —

> In line 2, page 21, after "sixteen" to insert "or authorising an institution the business or part of the business of which it is to advance money on mortgage, to acquire immovable property mortgaged in its favour".

*The MINISTER OF THE INTERIOR: I am prepared to accept the amendment of the hon. member for Pretoria (Central) (Mr. van den Heever), with an amendment, and I move—

> In line 34, after "determine" to insert "(including, in the case of a permit authorising the organisation of immovable property, a condition providing that the holder of the permit shall not dispose of the property concerned to any person other than a person belonging to the same group

as the person from whom such holder acquires the property);" to insert the following new sub-section to follow sub-section (4)—

(5) A permit authorising the acquisition of immovable property may also be issued to the person who disposes of the property, and may in such a case authorise the acquisition of the property by any person who is a member of a group specified in the permit or by a company wherein a controlling interest is held or deemed to be held by or on behalf or in the interest of any such person;

to omit all the words after "premises" in line 16, page 21, down to and including ten in line 18 and to substitute "by any employee"; in line 19, to omit "such"; in line 21, after "any" to insert "number and"; and to insert the following new sub-section to follow sub-section (6)—

(7) A permit authorisiing the occupation of any land or premises by any person as a patient in or inmate of any institution, may be issued to the institution, and may authorise the occupation of such land or premises by all bona fide patients in or inmates of such institution who are members of any group specified in the permit.

and an amendment in the Afrikaans version which did not occur in the English version.

The reason for this is that it is bound up with the amendment which the hon. member has moved, namely, to insert in Clause 14 (5) the words "or which authorises an institution whose business or portion of whose business consists of the lending of money on mortgage to obtain possession of immovable property which is bonded in its favour." As it now reads a European building society holding a mortgage over a non-European property may possibly, in terms of the proposal, purchase non-European property in a non-European area. It can do so under a general permit. But then, if it has purchased such property under a general permit, there is a danger of its selling it again to a European, because that building society legally owns that property. He may sell the property to a European and in that way there may be European penetration into a non-European community. I therefore move my amendment in respect of the permits, to insert certain conditions so that the holder of a permit will not be allowed to dispose of such property to any person other than an individual belonging to the same group as the person from whom the holder has secured that property. The legal advisers are of opinion that for safety's sake we should insert something definite here, so that the holder will be limited in regard to the sale, and will only be allowed to sell to a person belonging to the same group as the person from whom he has bought the property. The idea of the building societies is in the first instance to be granted this opportunity so that they will not run the risk of losing bonds which they have given on properties. They now get a permit which will enable them without any difficulty to buy up the property in execution; it is not necessary for them then to obtain a special permit, but if they buy in the property from a race which is different from their own race, they cannot sell it to people of the same race as their own, but they can only sell to members of the race from whom they have bought the property. I think it is reasonable to insert such a condition. The great point which the building societies want is not so much to secure means which will enable them to penetrate, but they only want time if such a property does come into their hands, possibly entirely against their wishes, to dispose of it without necessarily having to sell it by public auction. Now they have the right. They can sell but only to a person belonging to the same race as the individual from whom they have bought it, and I think that is fair.

*Maj. VAN DER BYL: If they buy from a non-European?

*The MINISTER OF THE INTERIOR: Then they can only sell to the non-European. If the property they buy in is the property of a non-European, then they cannot sell it to anyone except a non-European. Within a certain time, which is laid down in the permit, but which can perhaps be extended. They have to sell, and if they want to let it out on hire in the meantime, they can only let to a non-European where the property is the property of a non-European. In other words, this concession to building societies must not be a means of altering the nature, as far as race is concerned, of an area. For that reason while I accept the amendment of the hon. member for Pretoria (Central) I should like to have it amended.

Then there is a further amendment which I want to move, arising out of the discussion which took place here yesterday about patients in hospitals and similar institutions. I want to insert a new sub-clause after sub-clause 6, to read as follows—

A permit authorising the occupation of any land or premises by any person as a patient in or inmate of any institution, may be issued to the institution, and may authorise the occupation of such land or premises by all bona fide patients in or inmates of such institution who are members of any group specified in the permit.

This will remove the difficulty which was referred to yesterday and also the difficulty which the hon. member for Port Elizabeth (South) (Mr. Frielinghaus) raised, if it should ever occur, about a clinic. I do not think it is necessary because in a clinic there is no "occupation" by a patient. He goes there, he stays for a night, and then he leaves again. But where a patient stays a night we can cover the position and we can do so by issuing a permit to the institution, and not necessarily to the individual himself. I therefore move.

Dr. SMIT: Is it quite clear that this is not confined to hospitals or nursing institutions which are under the control of the State?

*The MINISTER OF THE INTERIOR: There is no qualification here. State controlled institutions automatically do not need a permit.

Dr. SMIT: State-aided hospitals will consequently also come under it.

*The MINISTER OF THE INTERIOR: Yes, under the new sub-clause 8.

Mr. MITCHELL: Perhaps the hon. Minister will consider, Sir — I merely ask the question — wether there is a possible conflict between paragraph (b) of sub-section (2) —

> authorising any person to acquire, hold or occupy any land . . .

whether there is any conflict between that and the amendment on page 749 on the Order Paper, your new sub-section (5) to follow sub-section (4) —

> A permit authorising the acquisition of immovable property may also be issued . . .

The point is that these may be issued in a controlled area or a group area. For the purposes of the controlled area they may not be issued in conflict with any restriction registered against title. They may not be issued contrary to any restriction registered against title.

The MINISTER OF THE INTERIOR: The amendment reads —

> A permit authorising the occupation . . .

Mr. MITCHELL: Where is that to be inserted?

The MINISTER OF THE INTERIOR: To follow on sub-section 6 —

> A permit authorising the occupation of any land or permises by any person as a patient in or inmate of any institution, may be issued to the institution, and may authorise the occupation of such land or premises by all bona fide patients in or inmates of such institution who are members of any group specified in the permit.

It is only for occupation.

Mr. BLOOMBERG: As I understand the proposed amendments which the hon. the Minister is going to accept in regard to sub-clause (5) of clause 15, he is prepared to accept the amendment standing in the name of the hon. member for Pretoria (Central) (Mr. van den Heever) with the additional safeguards which he has enumerated but which we have not yet read. I gather that from the hon. the Minister's statement. Whilst that does not go as far as the suggestion put to the hon. the Minister in the course of the earlier debate, it is some concession in favour of institutions whose business it is to advance money on mortgage, and to that extent it meets part of the criticism hat came from this side of he House. But I want to ask the hon. the Minister whether in these circumstances he is not prepared to extend this concession to a person whose business it is to advance money on mortgage subject to the safeguards that the hon. the Minister has enumerated in regard to institutions. It seems to me that it is a little unfair to grant these concessions to institutions and to preclude the individual whose business it is to lend money on mortgage from obtaining similar concessions. The hon. the Minister's suggestion earlier on that that might lead to malpractices on the part of individuals can really have no bearing on the matter, because the Minister himself has imposed even upon institutions additional safeguards. I do not know whether I am making myself clear. He has not accepted the entire amendment as suggested by the hon. member for Pretoria (Central) but he has gone further. Whilst accepting it he has gone further and has added certain safeguards restricting those institutions to certain methods by which they can afterwards deal with the property. I do suggest in all seriousness that these restrictions can also be imposed upon individuals, and it seems a little unfair to grant to institutions the facilities to obtain a permit to deal with properties which they are forced to buy to safeguard their security and not to give the same facility to individuals. To my own knowledge there are many persons in this town, as indeed throughout the length and breadth of the country, whose sources of income are dependent entirely on the revenue that they receive by way of interest on money that they have invested in mortgage bonds. They are private individuals and in many instances they have made it their business to advance money on mortgage. In principle it seems to me quite wrong that

while this facility is given to institutions it is denied to private individuals who make similar investments. I want to emphasise again that the hon. the Minister himself has sufficient safeguards to prevent any malpractices on the part of the institutions with regard to properties that they are forced to buy in, and I do suggest to the hon. Minister that he can very well impose those same safeguards in the case of individuals. Here we have a case where they are not deemed to have a permit; here is a case where they have to apply to the Minister to obtain a permit. The hon. the Minister in granting such a permit can impose any conditions he likes. I therefore do earnestly suggest to the hon. the Minister that the same facilities that he has conceded to institutions, although perhaps reluctantly, but at any rate he has conceded them, should be conceded to private individuals. I commend to the Minister the suggestion that the amendment moved by the hon. member for Pretoria (Central) can be amended somewhat so as to include a person whose business it is to lend money on mortgage. I repeat that there is no fear at all of any malpractice resulting, because the prohibitions that the hon. the Minister has imposed upon institutions can very well be applied to private individuals, and I commend that very seriously to the hon. the Minister's attention.

Prof. A. I. MALAN: There seems to me to be something missing in sub-clause 5 of clause 14, which has just been moved by the hon. the Minister. This is in connection with the obtaining of immovable property. Hon. members will see that there is no protection extended to the bond holder, and for that reason I want to move as an amendment to the new sub-section (5) proposed by the Minister of the Interior—

> In the second line, after "property" to insert "or on application of a person in whose favour the property is mortgaged."

*The CHAIRMAN: Order, order! I am not quite sure which amendment the hon. mem- is moving now.

*Prof. A. I. MALAN: It is in sub-clause 5, appearing on page 753 of the Votes (Afrikaans).

*The CHAIRMAN: Where are these words to be inserted?

*Prof. A. I. MALAN: They are to be inserted in line 2 of sub-clause 5.

*The CHAIRMAN: Is that the amendment of the hon. member for Pretoria (Central) (Mr. van den Heever).

*Prof. A. I. MALAN: No that is the new clause proposed by the hon. the Minister. This will also meet the difficulty of the hon. member for Castle (Mr. Bloomberg).

Maj. VAN DER BYL: I would like to support what the hon. member for Cape Town (Castle) (Mr. Bloomberg) ha, said. Surely the same facilities that exten'ed to institutions . . .

An HON MEMBER: That has all been fixed up.

Maj. VAN DER BYL: Yes, since the amendment has been moved, but the hon. member for Castle raised this point and I want to support what he said.

Mr. G. F. H. BEKKER: But he is satisfied.

Maj. VAN DER BYL: I do not know whether you are making the speech or whether I am. The hon. member's suggestion is that not only should those facilities also be extended to an individual who makes it his business to advance money on mortgage but that that facility should be given also to the private individual. That is the point. While I am on my feet I would point out to the Minister that he must realise now how this Bill is going to affect land values. I am thinking of a house in a Cape Town suburb. It is a very big house with large grounds but there is a definite and large number of Coloured people living in that area and sooner or later it might well be declared a group area for Coloureds, in which case no Coloured man could ever buy that house. It would be sold at tens of thousands of pounds today, and anybody who had a bond on that, even if he had an extended period within which to sell, would never find a buyer under that particular group to purchase the house at that price.

Mr. G. P. STEYN: [Inaudible.]

Maj. VAN DER BYL: Sir, that is the sort of complete nonsense that hon. members give voice to when they talk about things that they do not understand. Mr. Chairman, may I just be allowed to put my point?

The CHAIRMAN: Order, order!

Maj. VAN DER BYL: I am being interrupted in this way by a member who is Deputy Chairman of Committees. The point is this, that the particular place I have in mind lies in its own grounds, probably five or ten acres of land. The encroachment of Coloured people from the outside does not affect the value of that house or land at the moment. Although there may be Coloured people or Asiatics on its perimeter,

the land is so big that the house is perfectly occupiable by any European because of the size of its ground. But if that became a Coloured group area then that property and that land could only be sold to Coloureds, in which case the value of that property would go down. [Interjections.] Sir, these people have not got the foggiest idea of the implications of this Bill, and that is why they won't give us a chance to discuss it before a Select Committee. These interjections only go to show the ignorance of hon. members on that side as to the contents of this Bill. They can only think in terms of politics and have no idea of the other implications involved.

Mr. GAY: I want to refer to the other side of the case as put by the hon. member for Gardens (Dr. . . .

An HON. MEMBER: By the hon. member for Castle (Mr. Bloomberg).

Mr. GAY: . . . by the hon. member for Castle and supported by the hon. member for Gezina (Prof. A. I. Malan). They have put the case of the bond-holder who will be penalised as a result of the introduction of this measure. I support their view, but I want to also put the case to the hon. the Minister of the individual who borrowed the money. The small man who with his life savings, plus a bond, has invested in property to cover him in his old age and who lives on the income of that property. Now as the result of the restrictions imposed by this Bill, if that property happens to be classified in a group area where the price is reduced, he stands to lose the whole of his investment where the bond-holder, in order to protect his own interests, is forced to call up his bond. It may be that a forced sale under the conditions which will exist immediately after this Bill comes into operation, will not allow the raising of sufficient capital to repay the bond and his own investment, thereby resulting in a complete loss of the individual's life savings. That was the ordinary commercial practice obtaining in this country, as we understood it, borrowing in perfectly good faith, and with a good safeguard for the return of the money owing under that bond. But due to a change in the national policy, not to a change of the policy of the bond-holder or of the individual, the value of the property depreciates and the man is forced to sell. I want to point out to the hon. the Minister that under this clause he has very wide discretionary powers in the issue of these permits. It lays down that the permit covers the acquisition of property by any group or individual in any controlled or specified area, a position which will apply in a case like this. Under Clause 2 (a) he has the right to consider cases where hardship would be inflicted. I put it to him that it would be the most acute hardship in the world for an individual whose life savings are tied up in a property to have to forfeit it as the result of the change in the national policy and I want to ask the Minister whether it is possible to introduce, either here or at some other appropriate stage of the Bill, adequate protection for that type of individual, protection which might come from two sources. If the Government of the country is satisfied that owing to a change in the national conditions, through no fault of his own, the individual is penalised, the State should compensate him for the loss he suffers. That is the one way in which it might be done. The other way is this, that the Minister might issue a permit — and this is a fairly drastic remedy, but then the whole Bill is based on drastic measures — and then apply some form of moratorium to protect an individual in a case of this nature. Where the security given by him was adequate he should be protected in the panic which will undoubtedly ensue in the property market when this Bill becomes law. That individual should be protected until such time as the property market becomes stable again. There is no question; it is already happening. Institutions and individuals are already warning people that they are going to call up their bonds in areas which might be affected, and you are not going to have a dozen or two people affected. This thing is going to affect thousands of people right throughout the country, thousands of Europeans, not only Coloured people. Our friends on the other side are very keen in supporting the white element of this country. Here is a chance for them to do something to support the decent white section of this country, to see that they are not robbed of their life savings and that they are not ruined as a result of the depreciation which must take place as the result of the passing of this measure. I put it to the Minister in all sincerity that here is a chance to provide some sort of protection so that the bond-holder will know that he is safe and so that the poor devil who has invested his money in that property will know that he is going to be protected. He must not wait and see what is going to happen; he must not adopt a Micawber-like attitude as he is doing in all the other things and believe that something is bound to turn up. Let us provide some protection now.

Mr. FRIELINGHAUS: I think it is very gratifying to see the light of day dawning on the face of the hon. the Minister in connection with this plea that the hon. member for Castle (Mr. Bloomberg) has put and for which this side has been battling for some time, but somehow we could not get it across to the Minister. I give credit to the hon. member for Gezina (Prof. A. I. Malan) whose amendment we fully support. It is what we have been battling for the whole time.

Mr. G. F. H. BEKKER: You are trying to steal his thunder.

Mr. FRIELINGHAUS: We are not talking about wool now; we are talking about mortgage bonds. I want to impress upon the Minister that many trust companies are investing the funds of windows and small people. These people have given their money to a trust company or some other company for investment. Very often those trust companies and other companies invest those savings, but the mortgage bond is put in the name of the individual whose savings have been advanced to the mortgagor, and for that reason it is so essential that this protection should also be granted to the individual mortgagee. We are not talking now about the parasite who may engage in all sorts of malpractices but most of these trust companies are handling trust money, representing the savings of small men and very often these bonds are made out in the name of the individual himself and not in the name of the trust company. I think I saw a gleam of hope when the hon. member for Gezina moved that amendment; I thought the Minister would accept it. We on this side have been battling on for two days on this very point. Let us give credit to both sides. We on this side have argued on this point for two days so we deserve some credit and some credit is due to the hon. member for Gezina for his amendment, which took him a minute to move. However, it does not matter who gets the credit. We are quite satisfied as long as the people are protected; we are not out to claim any special credit for what we may do; we are trying to protect the people whom we are sent here to protect. That is all that interests us. We do not mind who gets credit as long as the job is done and I do trust that the Minister will accept the amendment of the hon. member for Gezina which will give the protection which we have been struggling for for two days.

*The MINISTER OF THE INTERIOR: I just want to say that I accept the amendment proposed by the hon. member for Pretoria (Central) (Mr. van den Heever) and the amendment thereto proposed by the hon. member for Gezina (Prof. A. I. Malan).

Amendment proposed by the Minister of the Interior, in line 34, put and agreed to.

Amendment proposed by Prof. A. I. Malan on the new sub-section (5), proposed by the Minister of the Interior, put and agreed to.

New sub-section (5), as amended, put and agreed to.

Amendments proposed by Mr. van den Heever and remaining amendments proposed by the Minister of the Interior, put and agreed to.

Clause, as amended, put and agreed to.

On Clause 15,

Mr. HOPEWELL: Before I move any of the printed amendments to this clause, I would formally move that this clause be omitted and in doing so I would ask the Minister if he can advance any reason why this clause has been inserted in the Bill.

The CHAIRMAN: Order, order! The proper course is for the hon. member to advance his arguments against the clause and to vote against it.

Mr. HOPEWELL: I submit that this clause as it stands should be omitted because there seems to be no valid reason why private companies should be singled out for special attention. If the Minister wishes to make a special attack on private companies I submit that all he will succeed in doing is to force private companies to convert themselves into public companies, and in future companies wishing to own properties and enjoy the advantage of being public companies will register the company with seven subscribers to comply with the terms of the Companies Act. To all intents and purposes it will be a private company but in terms of the Companies Act it will be a public company, and I would suggest to the Minister that unless he can give us good reasons why this clause should be inserted, this clause should be omitted, and before moving the amendment already printed, I would like to hear the Minister's reasons for the insertion of this particular clause.

Mr. MOORE: I should like to add this to what the hon. member for Pinetown (Mr. Hopewell) has said. According to the definitions given in the first clause, "company" includes any private company, and then it proceeds to give us the further definition according to the Companies Act. It does not appear as though there is any really valid reason for including a clause like Clause 15 which makes special provision in the case of private companies, because if there are companies in this category that wish to evade any penalty which may be imposed upon them, they will simply convert their company into a public company, as companies have done in South Africa, in order to avoid paying the excessive taxation applicable to private companies. That we are all familiar with; that has been happening over the last five years. Thousands of companies have been converted from private companies into public companies, and there does not seem to be any valid reason why Clause 15 should be included. Possibly

there is some reason which the Minister may have, where there are private companies with one, two or three shareholders, for whom they wish to make special provision.

Mr. BLOOMBERG: I rise to support the objections which have come from this side of the House in relation to this clause, and I am going to listen with a great deal of interest to what the hon. the Minister says in justification for incorporating in a Bill of this nature this particular clause. I wonder whether the hon. the Minister realises the implications that may be involved in allowing this clause to remain undisturbed. In terms of this clause the Minister provides that where in a private company any share or any debenture is held by a disqualified person, that share or debenture shall be forfeited to the State.

An HON. MEMBER: That comes later under the amendment we are going to deal with.

Mr. BLOOMBERG: No, but I want to show the iniquity of the whole situation.

Mr. MITCHELL: Talk about the weather for the moment, while the Minister is consulting his advisers.

Mr. BLOOMBERG: I was saying to the Minister that under the provisions of this clause any private company owning immovable property, in which any share or any debenture of that company is held by a disqualified person, finds itself in this position that such share or debenture may be forfeited to the State. This may have most serious repercussions and particularly in the Cape. I know of one case that just comes to my mind casually where a private company has been formed with an issued capital of £5,000. That company was formed for the purpose of conducting certain business, and in the course of conducting that business, that company had to acquire immovable property. It acquired immovable property from a Malay family and as part of the consideration in the transaction that Malay family was given 10 per cent. of the issued shares. That means that 90 per cent. of the issued shares of that private company are held at the moment by Europeans living in the Cape, who have carried on business here for many years, and 10 per cent, is retained as an investment by the members of this Malay family for the benefit of their children. Now look at the effect of this clause. Merely because a minority shareholding in this company is held by disqualified persons this minority shareholding may be forfeited to the State.

Now can you imagine anything more iniquitous. I can understand the hon. the Minister saying that in respect of any private company where the majority shareholding is held by disqualified persons that provision should be made for forfeiture. But surely not where any share is held by a disqualified individual . . .

Mr. VAN DEN HEEVER: Will you accept the amendment of the hon. member for Randfontein (Dr. Diederichs) which is on the Order Paper?

Mr. BLOOMBERG: I want to hear the hon. the Minister's justification for this original clause. I want to know whether there is any justification. I want to give the hon. the Minister another instance of how dangerous it would be to allow the clause to remain in its present form. A very well known firm of attorneys in this city — the hon. the Minister knows the firm very well — has had for many years as one of their clerks a Coloured man, a person who, under our new laws, would fall into the category of a Coloured person. There is no question about that. He was a very respectable Coloured man. In most of the companies that were registered by this firm of attorneys — I want to say that they are an Afrikaans-speaking firm of attorneys who have acted for previous Governments on many occasions — they allowed their clerks, as is usual, to take up a nominal share for the purpose of getting the requisite number of subscribers for the company, as the hon. the Minister will appreciate, in terms of the Companies Law. Now this so-called Coloured man, this clerk, would become a nominal shareholder and have one share in a company with a capital of perhaps tens of thousands of pounds. Now look how dangerous that position is because he would now obviously be a disqualified person in terms of this clause. It would mean that if that company became the owner of immovable property, they would run the danger of that share being forfeited to the State. I cannot imagine a more iniquitous result from a clause of this nature. Before any amendments are considered I would like to hear from the hon. the Minister what justification there can possibly be for incorporating into the Bill a clause of this nature.

The MINISTER OF THE INTERIOR: Mr. Chairman, I have been very interested to hear of the dire results which will flow from this clause. Hon. members who are such prophets of doom are apparently not aware that this is a clause which has been in existence for the last 31 years.

Mr. FRIELINGHAUS: That does not justify it.

The MINISTER OF THE INTERIOR: If hon. members would look at the Asiatic Land and Trading Amendment Act of Transvaal, 1919 . . .

Mr. BLOOMBERG: There the hon. the Minister goes to the Transvaal again. I am dealing with the Cape.

The MINISTER OF THE INTERIOR: The principle is just the same. Why did we not hear any of these woeful results in the Transvaal? The Act of 1919 was applicable to the Transvaal, to the ownership of land in the Transvaal, but the provisions are almost identical to those in this clause.

Mr. ABBOTT: There are no Coloured shareholders there.

The MINISTER OF THE INTERIOR: Sub-section (5) is new and as hon. members will see that this sub-section in the Bill merely makes the provision more narrow. It reads—

> For the purposes of this section no person shall, by reason of the establishment of a group area, be a disqualified person in relation to immovable property in that area, unless that area is in terms of a proclamation under paragraph (b) of sub-section (1) of Section 3, a group area for ownership.

That is the only part that is new. The rest is merely a paraphrase of Sections 3 to 5 of that Act. It has existed all these years.

Mr. HOPEWELL: Only in the Transvaal.

The MINISTER OF THE INTERIOR: Yes, in the Transvaal, but the point is this, that in the Transvaal it has existed all these years and it has not had these results to which hon. members have referred to.

Mr. HOPEWELL: Did the Transvaal Act say "private companies"?

The MINISTER OF THE INTERIOR: The Transvaal Act says "a private company". That is what I am saying. Let me read it to you—

> Whenever any private company holds any fixed property, any shares in or debentures of such company, held by or pledged to an Asiatic or an Asiatic company, or any person on behalf or in the interests of an Asiatic, . . . shall be forfeited to the State.

Now I want to say to hon. members that I am really not impressed by all this argument of what will happen in a case like this, but I want to remind hon. members at the same time that, firstly, there is a protection to people who hold such shares now. It is only for the future. Hon. members will see that according to sub-section (3)—

> The provisions of sub-sections (1) and (2) shall not apply in respect of any shares in or debentures of a private company—
>
> (a) which are held immediately after the commencement of this Act by a disqualified person or a disqualified company, or immediately after the date specified in the relevant proclamation under paragraph (b) of sub-section (1) of Section 3 by a person who or a company which, as a result of such proclamation, becomes a disqualified person or a disqualified company in relation to any immovable property held by such private company, while such shares or debentures are held by such person or company; or
>
> (b) which are held by a disqualified person, if he inherited it from a disqualified person who lawfully held them; or
>
> (c) which are held by a disqualified person who or a disqualified company which lawfully holds any other shares in or debentures of that company, if such person or company acquired such first-mentioned shares or debentures from a disqualified person who or a disqualified company which lawfuly held them.

Hon. members will therefore see that there is protection for the existing position. Hon. members will also see that I intend moving an amendment and I intend moving the amendment now standing in my name, viz.—

> In line 55, to omit "shall" . . .

. . . that it shall be forfeited — that is the language of the 1919 Act. I am now proposing to omit the word "shall" and to substitute—

> . . . may, after not less than three months' notice in writing to the person or company concerned, be declared by the Minister to".

Hon. members will see that I have mitigated the rigours of the Transvaal law very considerably. Instead of having the automatic forfeitures to the State, I said no, it is a permissive forfeiture and only after notice to the person concerned.

Mr. BLOOMBERG: During that three months can he dispose of it?

The MINISTER OF THE INTERIOR: Naturally, if it goes into the correct hands, I have no concern with it. I have merely got to see that it does not get into a disqualified person's hands.

Mr. BLOOMBERG: After expiration of the notice.

The MINISTER OF THE INTERIOR: I give him notice and if he does that, good and well. I have no action against him. He is not holding shares as a disqualified person. Hon. members will therefore, I think, agree with me that this . . .

Mr. P. B. BEKKER: Did that Act not follow on the case of Ritch and Sons where it was proved that Indians were buying in shares with the object specifically of getting hold of immovable property. It was an evasion of the law.

The MINISTER OF THE INTERIOR: Yes, I dare say that it was one of the attempts to stop a loophole, but I do not intend to open a loophole which was stopped by the 1919 Act. I do not know as a result of which case this legislation was introduced, but I am quite prepared to accept that there was some evasion of the law by this device of forming a private company and in that way evading the provisons of the law was resorted to and resulted in this Act being passed. That shows how necessary it is not to open it again. What I have done, as I have said, is in every respect to mitigate the harshness of that law, so that it shall not bear hardly on anybody. I am protecting persons who, at the date when this Bill becomes law, have any shares of that nature in their hands. I am extending it, as hon. members will see from sub-paragraph (b) of sub-section (2), to heirs and I am not making it an automatic forfeiture to the State. I am making it a permissive thing after three months' notice. So I think that hon. members will agree that I am trying to preserve the defence against that evasion of the law, whilst mitigating, as far as possible, any chance of the harsh application of the law. I move —

> In line 55, to omit "shall", and to substitute "may, after not less than three months' notice in writing to the person or company concerned, be declared by the Minister to".

Mr. FRIELINGHAUS: Mr. Chairman, I may be a little bit dense, but may I ask the hon. the Minister if he could explain the difference between a private and a public company? I will tell him why. There are many companies in existence today, particularly trust companies, which over the last four or five years were one year private companies, the next year public companies, the next year again private companies, as far as the Receiver of Revenue is concerned. Now I just want to know whether the hon. the Minister has consulted the Treasury in regard to how this will apply. Why are they picking out private companies which can easily be public companies the very next year, with the position, so far as shareholders are concerned, exactly the same. There is just a mere nominal difference. We know what trouble we have had with regard to taxation by private companies being singled out, which was most unfair, and a tremendous number of companies which would not have altered their status altered it merely to fit in and get rid of the unfairness of the incidence of the taxation. I would like to ask the hon. the Minister, in this question of private and public companies, how is it going to affect him. He can ask the Commissioner for Inland Revenue and he will be informed that it has been the case that a company is a private company one year and a public company the next year, and he does not know whether they are private or public companies. It is a very difficult thing for him to make up his mind as to what they are going to be.

Mr. VAN DEN HEEVER: The Registrar of Companies knows that.

Mr. FRIELINGHAUS: Never mind the Registrar of Companies. I am talking about things which actually happened. One year the company is taxed as a private company and the next year as a public company and the next year it is again taxed as a private company.

An HON. MEMBER: It is impossible.

The CHAIRMAN: Order, order!

Mr. FRIELINGHAUS: It is not impossible. It is an actual fact.

The CHAIRMAN: The hon. member must address the Chair.

Mr. FRIELINGHAUS: I apologise, Mr. Chairman. I am only seeking information and I am only telling the hon. the Minister of actual facts in regard to taxation which occurred in so far as the Commissioner of Inland Revenue is concerned, and he has great difficulty in deciding whether a company is a private company or a public company. How far is this position going to affect the proviso in the Bill?

*Mr. VAN DEN HEEVER: It seems to me that the hon. member for Kensington (Mr. Moore) is now getting scared of a thing under which he has lived for 31 years, because I am under the impression that he has lived in the Transvaal for 31 years, and this law has been in existence in the Transvaal for all these years. I must say that I am sorry that the hon. the Minister wants to change the word "must" into "may." I personally know that as far as the Indian community are concerned, they are up to any trick in the Transvaal to get possession of land.

*Mr. FRIELINGHAUS: Why only in the Transvaal?

*Mr. VAN DEN HEEVER: I do not know what is going on in Port Elizabeth, but if I am to judge from what I am told, the hon. member should support me. The legal position is that if a company is no longer a private company but for taxation purposes becomes a public company, it no longer comes under this clause. Then what is the hon. member worried about? Then surely it is still a public company? But I want to say this that as regards a public company one has to give a great deal more information to the Receiver of Revenue and to the Registrar of Companies than in the case of private companies, and one enjoys a considerable amount of protection.

I should like to hear from the hon. member for Pinetown (Mr. Hopewell) in what way Indians in Natal have become owners of land. Have they bought it all openly, or do they also form syndicates and private companies? That is their way in the Transvaal. The Indian starts a private company, he holds all the shares in the company; even people who become directors in the company are usually Europeans and the Indian gives each of them a share which qualifies them to become directors; his own name is not disclosed; perhaps he has a kind of bearer share, and in that way they become the owners of land. That is the sort of thing which one has to prevent, and it has been prevented to a large extent by the 1919 Act to which the hon. the Minister has referred, and I hope they are not going to tamper with the principles of that Act.

Mr. HOPEWELL: Mr. Chairman, there is a point I made in my earlier enquiries which the hon. the Minister omitted to reply to, and that was as to how the hon. the Minister will overcome the difficulty when a private company, to get round the difficulties of this section, decides to change itself into a public company. That is the obvious device to use, and it can be done quite easily. A private company by just altering their memorandum and articles becomes a public company. I asked the hon. the Minister that specifically, and before I move my amendment I shall be obliged if the hon. the Minister will reply to that point which he obviously omitted to do during the course of his reply to points raised earlier.

The MINISTER OF THE INTERIOR: Mr. Chairman, I can only say that the device which the ingenuity of the hon. member for Pinetown (Mr. Hopewell) has now discovered has not been resorted to to such a considerable extent that it has been found necessary to alter the 1919 Act. It is quite true that a private company may convert itself into a public company. That is quite possible, but if that device is used to evade the law, well let us see that it happens first. There are other provisions against companies in general, but I take it that the reason why this Act was passed in 1919 was because that was the specific device adopted prior to 1919 in order to escape the provisions of the Asiatic laws. It has not been found necessary to extend the ambit of those provisions to public companies since then. That is all I can say. It may be that, put wise by the suggestion of the hon. member for Pinetown, a new loophole is discovered. We will have to deal with it if anybody makes use of it. At the moment I can merely say that we are satisfied that this has been successful so far as that it is not necessary at this stage to provide anything further than this.

Mr. FRIELINGHAUS: You ask the hon. the Minister of Finance what has been going on.

The MINISTER OF THE INTERIOR: The hon. member for Port Elizabeth South (Mr. Frielinghaus) asked me whether I had consulted the Treasury in regard to this matter. I have not consulted them at all, because this 1919 Act has been in existence all that time. It has apparently not been found necessary to make any amendments to it, and I think we can leave well alone until something bad does happen and then we shall have to deal with it. At the moment it has stood the test of 31 years, and let us therefore see whether it will not stand a further test.

Mr. HOPEWELL: The hon. the Minister has suggested that some special ingenuity was required to think of this way of overcoming the difficulty. I do not know whether the hon. the Minister was trying to be facetious at my expense, but I was trying to be constructive.

The MINISTER OF THE INTERIOR: I was complimenting you on it.

Mr. HOPEWELL: Mr. Chairman, it was no particular ingenuity on my part. If the hon. the Minister will refer to the records of the Registrar of Companies he will find that over the past few years there have been hundreds of companies which have changed from private to public companies because they saw certain legal advantages in doing so. Furthermore I would suggest to the hon. the Minister—he has referred to this Act of 31 years ago—that companies are not being registered under that Act today. Perhaps I should ask the hon. the Minister whether companies are today being registered under that Act

which is a Transvaal Provincial Act. Is not the position today that companies are no longer registered under that Act, but under the provisions of the Companies Act of 1926? And that applies to companies which were in existence 31 years ago. Since 1926 all companies which have been registered have had to be registered under the Companies Act of 1926. That Act may have stood the test of time for companies which were registered 31 years ago, but how many companies are still registered under that Act?

The MINISTER OF THE INTERIOR: Not under this Act, but any private company.

Mr. HOPEWELL: I have suggested a way in which it can be overcome, with no other object than to show one of the weaknesses of this Bill. If I have failed to do that and subsequently the weakness is discovered by someone else, the hon. the Minister will be the first one to say to us, on this side of the House, if we criticised it, why did you not raise it when this matter was being discussed in Committee. That will be the argument of the hon. the Minister. He will say, you sat in this House, you saw the clause being passed and you failed to raise the matter in Committee. But when we raised this matter in Committee, which is the proper place to raise it, we are told by the hon. the Minister that we are not being constructive.

The MINISTER OF THE INTERIOR: I have not said that.

Mr. HOPEWELL: If that is not the hon. the Minister's insinuation, I accept his remark that it is not so. I will now move, on behalf of the hon. member for Fort Beaufort (Mr. V. G. F. Solomon) the following amendment which I suggest gives greater relief. It follows the lines of the hon. the Minister's amendment, but it goes further than his and gives further relief. This is the amendment in the name of the hon. member for Fort Beaufort which appears on pages 772-3 of the Votes and Proceedings. It reads—

> In lines 55 and 56, to omit "shall be forfeited to the State" and to substitute "may not be held except under the authority of a permit and if no permit has been granted the Minister may notify the secretary and every director of the company and the holder of the share or debenture concerned and any pledgee thereof that he requires the share or debenture concerned and any pledge redeemed within two years, and if such holder neglects to do so such share or debenture shall be deemed to be immovable property for the purpose of Section 20: Provided that the provisions of this section shall not prejudice the rights of a bona fide pledge as security for a debt or loan of money"; in line 59, after "property" to insert "upon being required by the Minister in writing to do so"; in lines 59 and 60, after "whenever" to insert "he is aware that" and to omit sub-section (4).

I submit, Mr. Chairman, that this amendment has the same object in view as that which the hon. the Minister has in mind, but it gives the private company shareholder who is in default of the Minister's requirements under the Act more time within which to get rid of his share and protect his position. I submit that the amendment of the hon. Minister, as now moved, only gives the person concerned three months within which to dispose of his share. As the hon. the Minister knows there is not nearly so ready a market for private company shares as there is for public company shares. The shareholder concerned might be caught at a time particularly when there is a tightness of money and have difficulty in getting rid of his share. He may even have to sacrifice it at great loss to himself. The hon. member for Cape Town Castle (Mr. Bloomberg) has instanced the case of the Malay family which held one-tenth of the shareholding. I submit in a case like that that particular person would be at the mercy of 90 per cent. shareholders. As the hon. the Minister knows in private companies, the shareholders are restricted in regard to the disposal of their shares. In terms of the articles they must offer their shares to the existing shareholders in the company. Now if there is only one other shareholder in a company such as this, they would have to offer their shares to him first, unless the hon. the Minister of course intends to give some relief. Maybe it is the intention of the hon. the Minister to give that private company shareholder relief so that he can sell his shares to anybody. In other words is it the intention of the hon. the Minister, in terms of this section, to give that private shareholder the authority to override the articles of the company. As the Companies Act now stands, that shareholder, when he gets the hon. the Minister's three months' notice—if there is only one other shareholder in the company—must offer his shares to that other shareholder. If that other shareholder is not prepared to buy, and will not offer him anything for his shares, the whole of that person's shareholding will be valueless, because he will have great difficulty in disposing of it in three months. It may be that that it is the intention of the hon. the Minister to give that shareholder the right to override the Companies

Act, to override the articles and to offer his shares to anyone. I submit as it now stands . . .

Mr. S. E. WARREN: [Inaudible.]

Mr. HOPEWELL: This is a serious matter, and I wish that the hon. member for Swellendam (Mr. S. E. Warren) would keep quiet. This is a serious matter which concerns the rights of people, the minority rights and the minority rights of this House are important even today. I suggest that the hon. the Minister should make it quite clear that if he insists on his amendment providing for only three months' notice, then it is far too short a period for minority rights. In regard to private companies, I made the position quite clear and the hon. the Minister knows the position, and it may possibly be that a minority shareholder—he will only have three months—might have only one person with whom to negotiate. In other words, his share is forfeit without compensation at all or could be so if the controlling shareholder was merciless in this matter. I submit further that that is not a unique case and that it is not improbable. I submit that if the hon. the Minister will accept the amendment which I have suggested, and a consequential amendment would be the omission of sub-section (4) of this clause, it would give the hon. the Minister the control he requires and at the same time it would give the minority shareholder relief in regard to the time in which he can dispose of his share, if not to the principal shareholder, then to a wider market if such wider market can be found. I submit that that would be a fairer way of dealing with the position, and I trust that the hon. the Minister will give it his very careful consideration.

The MINISTER OF THE INTERIOR: Mr. Chairman, I do not want to appear to be impatient, but I would be glad if hon. members would co-operate by not putting forward arguments which are not based on the Bill as it stands. The bulk of the argument used by the hon. member who has just sat down was based on the fact that the person gets three months' notice and that that is too short a period. My amendment provides "not less than three months' notice in writing" which, of course, makes a world of difference. The hon. member says, in putting the position, that he cannot do it within three months, but there is no reason why the Minister should not give additional time if the position is put before him. There is no reason why he should not grant a longer period.

Mr. HOPEWELL: Why not accept our amendment?

The MINISTER OF THE INTERIOR: There is no reason why he will not get an extension of the period if good cause is shown for it. But the hon. member comes and argues on false premises.

Mr. HOPEWELL: No, no.

The MINISTER OF THE INTERIOR: The hon. member's argument was based on the fact that he would get three months' notice, and that he had to sell within three months. The correct position is that it is not less than three months. I do not want to appear to be impatient; I appreciate the efforts of the hon. members to be helpful, but I do say that they should look a little more carefully at the Bill before building up an argument, as they have done, on false premises of that nature. I would also like to point out this to the hon. member. He says that the 1919 Act to which I referred just now was apparently based on the Transvaal law. This Act is a Union Act, it is not a provincial Ordinance. There is no definition in that Act of "private "companies and we know that the 1926 Act was the first consolidated Companies Act for the whole country. We also know that it mostly follows on the basis of the Transvaal Act. The Transvaal Act was the model. The Union Act follows it largely. But even if that is not the case, a private company in an Act like this would mean something which, according to the laws of the land, is a private company and since 1926, at any rate, this is the type of private company. This Act of 1919 then has stood the test since 1926 when all the provision was there for changing from a private to a public company, and yet it has not been found necessary to bring about any change in the law. Hon. members are raising "spooks" here and pursuing them. That is really not necessary. Hon members, I can quite understand, thought that this clause was a brand new idea. I admit that it sounds new, but now they find that it is something that has been in existence for 31 years! I have stepped down that provision somewhat and I am making it very much more acceptable by my amendment. I really do not know why hon. members persist. The position of the person who, even after this Act is passed, becomes a member of such a private company seems to me to be quite clear. He is protected. If he has got to get out of it, he must be given notice of at least three months within which to sell. But let me also say that anybody who, at the passing of this Act, or rather when it comes into operation, is already a member of such a company, as the hon. member for Cape Town (Castle) (Mr. Bloomberg) explained, is protected. In future anybody who becomes a member of such a questionable, from a legal point of view, of such a questionable private company, does so with his eyes open. I cannot see what the quarrel of hon.

members is. I really think we should get on with this Bill now.

Mr. MOORE: Mr. Chairman, I should like to refer briefly to what the hon. member for Port Elizabeth (South) (Mr. Frielinghaus) said. He raised this question of the meaning of private companies, and in recent years, let me say, the Commissioner for Inland Revenue has not been prepared to accept the ordinary meaning of private companies, as laid down in the Act. What the hon. member has said is perfectly correct. It has often been a matter of interpretation and I should like the hon. the Minister to state clearly to us that he accepts the definition laid down in the 1926 Act. There is no definition given in this Bill.

Mr. VAN DEN HEEVER: If there is a definition given in one Act, why have a similar definition in another Act?

Mr. MOORE: I should like to know what is actually intended by the term "private company." If you are prepared to accept 50 shareholders, one of whom holds 99 per cent. of the capital and the other 49 hold 1 per cent. of the capital, is that going to be a public company to satisfy the hon. the Minister? If there were 51 shareholders, it would then be a public company and we would be quite satisfied. I am not much impressed by this argument of the hon. the Minister that three months will be the minimum. If the hon. the Minister is in real earnest about this period, why not accept the amendment moved by the hon. member for Pinetown (Mr. Hopewell) and make two years the minimum as the hon. member suggested? Make two years the minimum and then have discretion within that period. There is no reason why the hon. the Minister should settle on a period of three months and then say: "I shall be a good fellow, I shall give an extension if necessary." Why should we place that power in the hands of the hon. Minister? It is only embarrassing to him and completely unnecessary. I therefore urge upon the hon. the Minister to accept the amendment of the hon. member for Pinetown.

Mr. FRIELINGHAUS: I do not want to prolong the discussion, but the hon. the Minister keeps on saying that because nothing has happened in 31 years in connection with this matter, why should it happen now. He is going to wait. In the same way private companies for years and years did nothing until a method was brought in in regard to taxation, which suddenly made them wake up to the fact that "Hallo, here is something, and we have to switch over from private companies to public companies" and three or four years ago literally hundreds and hundreds of private companies went over to public companies, and may I suggest that the hon. the Minister should confer with the Minister of Finance, and then the Minister of Finance will corroborate that what I am saying is correct that a fault has occurred in the taxation of companies, which forced private companies to turn into public companies, although they remained exactly the same as they were before. Merely for taxation purposes did they change into public companies. And in the same way with this Bill coming in, exactly the same thing may arise, and last, but no means least, may I again urge the hon. the Minister to accept the amendment moved by the hon. member for Pinetown (Mr. Hopewell) and give this extension of longer than three months, at any rate make it a year, so that there will be full opportunity and no hardships entailed by people who are in possession of such shares.

*The MINISTER OF THE INTERIOR: I just want to say that the 1919 Act to which I have referred was amended in 1932 and Clauses 3 and 5 were put in 1932, that is to say, they were put in after the 1936 Companies' Act, and the argument of the hon. member for Pinetown (Mr. Hopewell) that this could perhaps have come under some other definition therefore falls away entirely. I assume that any court, if it had to interpret the words "private company" here would say: "What is a private company in terms of the Companies' Act of 1926"? It would take that test, because no other definition is laid down here. That would therefore be the position. I just mention this to make it clear that these parts were inserted in 1932 and there can therefore be no misunderstanding about it, but I also mention it because it strengthens my argument that these clauses were put in after the 1926 Companies' Act.

Mr. BLOOMBERG: I accept what the hon. the Minister has said in regard to the Act applicable to land tenure in Transvaal and I agree with him, Sir, that the amendments introduced in 1932, subsequent to the 1926 Company Act, will be the interpretation of "private company" under the Act. I do not share the view expressed by some hon. members here that there may be difficulties in regard to the interpretation of Section 15 where these private companies convert themselves into public companies. I would just remind them that there are many public companies registered as such under the provisions of the Companies Law which for the purpose of taxation are taxed as private companies. But that is a different aspect entirely in regard to company registration. I would go further and say that if there is substance in the point

raised with regard to the conversion of these private companies into public companies, then I would take up the attitude that if they can evade this clause, let them do so. God knows that the law is onerous enough, and if there is a loophole, well let them try and get the benefit of it. But there is another aspect of the matter which greatly weighs with me. The amendment which the hon. the Minister has suggested, and which is standing in his name on the Order Paper, namely, that he wants to alter the compulsory formula to a permissive one and only after not less than three months' notice has been given, is a step in the right direction, but I do suggest to the hon. the Minister that it does not go far enough, and for these reasons: This deals with private companies, registered as such under the Companies Act of 1926. Now private companies under that Act have the privilege of creating their own articles of association and you, Mr. Chairman, will, in your other capacity as a professional man, know, and I am sure that the hon. the Minister will know that many private companies have provisions in their articles of association prohibiting the sale of shares by one shareholder to anyone else who is not a shareholder in the company. Indeed, I want to say this, that in about 90 per cent. of the articles of private companies there is a direct prohibition in the articles precluding any sale of shares except to registered shareholders of the company. Further, in many articles there is contained the provision that in the event of the selling shareholder not being able to come to terms with the purchasing shareholder as to the price of those shares, arbitration shall ensue. But there are many memorandums of articles of association which contain no such provision, which merely compel an intending seller of shares to offer them to the remaining shareholders and to nobody else. It must be obvious to the hon. the Minister that unless you give some protection to a minority shareholder as envisaged in this section, then he falls absolutely at the mercy of the remaining shareholder.

Mr. S. E. WARREN: That is always so.

Mr. BLOOMBERG: The hon. member begins to see the point, but in ordinary circumstances he is not forced to sell; here under this Bill the Minister can force a man to sell. I am glad that the hon. member for Swellendam (Mr. S. E. Warren) is now taking a lively interest in this matter. Let us assume that I am a minority shareholder, that I have a 10 per cent. interest in a private company and the articles of that company prohibit me from selling to anyone but who is a shareholder. Very well, if I cannot come to terms with a possible buyer about the price, I do not sell, then there is no harm done. But in this case the hon. the Minister whether he does it in three months or six months or two years, can compel the minority shareholder to sell under this Bill, he obliges him to sell in terms of the law, because if he does not sell within the period stipulated by the hon. the Minister, he forfeits those shares to the State.

The MINISTER OF THE INTERIOR: He went into the company with open eyes.

Mr. BLOOMBERG: I am talking of existing shareholders.

The MINISTER OF THE INTERIOR: They are protected.

Mr. BLOOMBERG: To a very limited extent. The point I want to make is that they are compelled to sell and they will be at the uncontrolled mercy of the remaining shareholders. I strongly suggest in those circumstances that the hon. the Minister should make some provision in this amended clause, either on the lines suggested by the hon. member who moved this amendment, or on the lines generally as follows: That if in the event of it being proved to the satisfaction of the Minister that a minority shareholder cannot sell by reason of the articles of association of his company, the Minister may then grant to him a special permit and that that permit shall be subject to such conditions as the hon. the Minister may impose under Clause 14. The Minister may impose under Clause 14 the prohibition to sell shares to anyone else but people falling in the category which is entitled to hold such shares. I put this in all seriousness to the Minister, because otherwise, unwittingly, you may impose unnecessary hardships on minority shareholders. I want to mention again the case which I referred to before, the case of the Malay family who to my knowledge for at least 25 years has held a minority share in a property-owning company. Why should they be compelled by the Minister to sell their share at almost slaughter prices to the European shareholders in that company? Why should they not have the right by a permit issued by the Minister, to retain the shares in the family for such a period as the Minister may determine, and subject to the condition that they will only be entitled to sell those shares to Europeans when they want to sell? Surely that would have the same effect, and I want to ask the hon. the Minister to go into this matter. We are pleading the cause of people who are adversely affected by the provisions of this clause, and I do appeal to the hon. the Minister to reconsider this matter on the lines I have suggested, first, to extend the period of three months, and if he cannot

do that, then at least to consider making it possible for such shares to be held under permit, subject to the provisions which the hon. the Minister may impose.

Mr. S. E. WARREN: I listened to the last speaker. The Minister told him that if one formed a company and one of the conditions laid down was that the shares must be sold only to other shareholders, one would know that to be the position and one would take such a risk. Whether you have to sell your shares on account of poverty, and because you need the money, or for some other reason, you take the risk. Now let me say this to the hon. member, that whether you make it two years or three years is not going to help. He is compelled to sell and he has to sell to those people, and they avail themselves of the opportunity, and they can wait two or three years if necessary. So it is no use postponing it. It is an ordinary business risk which one takes. If you form a company and you undertake together with other shareholders only to sell to the rest of the shareholders, if you want to sell, then there is a reason for it, and you take the risk and must therefore be prepared to face any resulting loss because you know when joining the company that that is the position. But there may be something in it that in such a case you may lose. You may perhaps get people who are out to fleece others, but then it is no use allowing two years. The individual then lives under conditions where he knows for two years that he is going to be fleeced in two years' time. There is no provision in the law that he must dispose of it within three months. The law says "not less than three months." It may be three years or four years, and the period is left to the Minister's discretion. It is not correct that the Bill provides for it to be done within such a period. Our laws are full of provisions of that kind, and which Minister has ever refused if there is good reason for it? We are passing laws year after year containing similar provisions, and which Minister has ever refused if you come along with a good reason? I have never seen it. It is not limited to one year; if necessary the Minister can give two or three years. But if it is limited to one or two years in this Bill, then the Minister has to carry out the law and he can not give more time. That is the position. It is the duty of the Opposition, of course, to oppose, but I consider that if the Minister, who is responsible, says that he does not see his way to comply with the request of the Opposition, and if he gives his reasons, hon. members should not keep on urging him and urging him all the time. It looks very much like obstruction. Things are going better this afternoon; those people whose only object is to insult the Minister have gone out, except one of them who has not spoken yet, and we have made a little progress, but the position is simply this, that if the Minister says that he does not see his way to accept the proposals of the other side, and if the arguments have been put forward from both sides, then it is no use keeping at it all the time. It is simply a waste of time and money.

Mr. HOPEWELL: The hon. member for Swellendam has given us very good reasons why we should continue this discussion. We have had the experience in this House that quite often when the Minister has advanced an objection and we have continued with our discussions, that the Minister has seen our point of view and has conceded certain things, and this Bill is full of amendments which are the result of discussions, and good government is based on discussion.

Mr. S. E. WARREN: The Minister does not think so.

Mr. HOPEWELL: Well, the discussions are on record and in due time the hon. member may have an opportunity of reading his Hansard and then he will find that the Minister has in many cases acted on our suggestions. I do want to ask the hon. the Minister to reconsider this matter again. Our case is not based on false premises, as the Minister suggested. I realise that it says "not less than three months", but I want to point out to the hon. the Minister that one has the experience when dealing with administrative departments, that the general tendency is where a certain period, such as three months, is mentioned, that is regarded as the period, and then there is the greatest difficulty of getting an extension. The amendment which we have moved from our side does make the position more elastic, and I suggest that the Minister should consider it. We do not lose sight of the point in the Minister's amendment, but I do suggest that if the Minister is not prepared to accept our amendment, for the benefit of his own administrative department that he should make the three months period a longer period, because the tendency will be to regard the three months period as a fixed period, and one will have great difficulty in getting the department to grant an extension. For those reasons I ask the hon. the Minister to consider our proposal.

Mr. MOORE: There is one point on which I should like an elucidation from the hon. the Minister: The end of the third paragraph, sub-section (1), where it states that shares shall be forfeited to the State. What is going to happen when the State has received the shares in a private company? Will the Minister, representing the State, retain those shares, and become a shareholder in such a private company? We

already have the following kinds of Government investments in South Africa: we have the Government entering into an enterprise as the sole owner and shareholder of a public company, or rather a Government company: we have the Government entering into partnership with private enterprise in the case of the Klipfontein Organic Products Corporation; and in the case of the Klipfontein Company as well, we have given the company a right to buy shares in other companies and to hold minority shares in public companies; and now we are bringing our Government to hold shares in a private company. I should like to know what is the Minister's intention in regard to the disposal of these shares. If he intends to sell them, why not give the two years to the original shareholder and give him the opportunity to sell? If he is merely going to hold them, why not let the original shareholder hold them? I cannot see the reason for this.

Mr. BLOOMBERG: I just want to follow-on the case put by the last speaker, because if the hon. the Minister is not prepared to accept the further amendment that I have indicated here, then I am afraid that he will find that his Bill falls very short. He will have to then make a further provision in this Bill compelling private companies to accept the Government as a shareholder, because, Mr. Chairman, you know and I am sure the hon. Minister knows, that in terms of the articles of association of most private companies, the right to take in shareholders is reserved to the remaining shareholders, and irrespective as to whether the Government can in terms of this new law compel a minority shareholder to forfeit his share to the State, as the Minister intends that he shall, the Minister will find himself in this position that he can do absolutely nothing with those shares, because the remaining shareholders under the existing law can refuse to accept the Government as a shareholder. Now if the hon. Minister wants to remain adamant in regard to this matter, if he does not want to accept our very reasonable suggestion, then I feel that he will have to go further and introduce a further sub-clause in this Bill, whereby he will have to seek an amendment to the Company Law and compel remaining shareholders to accept the State as a minority shareholder in a private company, notwithstanding the provisions of their Articles.

The MINISTER OF THE INTERIOR: Why has that not been found necessary under the 1919 Act?

Mr. BLOOMBERG: Because, as the Minister rightly pointed out, the 1919 Act, as amended in 1932, has had little applicability in the Transvaal; it has not been applied in the sense that any matter has been taken to court. The position in that case is that the 1919 Act was introduced to make provision for land tenure by Indians, by Asiatics, and Coloured persons in the Transvaal. It relates to the occupation and acquisition of land in the Transvaal by Asiatics and Coloured persons. Now the later Act of 1932 merely made a provision in regard to companies by reason of the circumstances that the hon. member for Johannesburg (North) (Mr. P. B. Bekker) indicated, where they found that a European father with his son were apparently buying property in the name of a company and selling their shares to Indian shareholders. That Bill was introduced in 1932 and there does not appear to have been any other contravention of that law. But I do suggest to the hon. Minister that this Bill is likely to apply with a great deal more force throughout the Union than the 1919 Act in the Transvaal, and particularly in the Cape. Now if the hon. Minister is determined that there shall be this forfeiture after a lapse of time, then I think he ought to be very, very careful in what his Government is going to do with these shares and whether they can enforce their rights as minority shareholders in a private company where the articles of association vest such a discretionary right in the remaining shareholders. I do think that that is a matter that the hon. Minister might bear in mind. But I repeat, as I said a minute ago, that all this will be unnecessary if the hon. Minister would be prepared to accept some form of amendment, on the lines if the minority shareholder can prove to the hon. Minister that he is now being placed at the mercy of the majority shareholders; the hon. Minister should be in a position to grant a permit to him, on such conditions as he may impose, entitling him for a limited period to retain those shares and then only to sell them to the category which lawfully may hold such shares. This would be some protection for such shareholders. I do suggest that this is an aspect which the hon. Minister may very well consider before he rushes through the provisions of this clause.

Mr. FRIELINGHAUS: Mr. Chairman, is the Minister not going to answer that question? It is a very important point, because there are many companies, I know, who refuse to sell their shares to people overseas, because they want their shareholders to be resident in South Africa, or particularly in the area in which this company has its head office, in order that they may bring in business. I will not say that the Government may not be a very good shareholder, but I think most companies would not care to have the Government as a shareholder.

The MINISTER OF THE INTERIOR: They can buy the shares from the Government.

Mr. FRIELINGHAUS: I do not refer to this particular Government, but any bally Government.

The MINISTER OF THE INTERIOR: Then it would be good business to buy up the shares.

Mr. FRIELINGHAUS: Oh, you mean to sell to somebody else?

The MINISTER OF THE INTERIOR: Other members would buy the shares if they do not like the Government as a shareholder.

Mr. FRIELINGHAUS: Then you are going to sell?

The MINISTER OF THE INTERIOR: What would we do with them?

Mr. FRIELINGHAUS: That is what we are asking.

Question put: That the word "shall" in line 55, proposed to be omitted, stand part of the Clause, which was negatived and the word omitted.

The insertion of the words proposed to be substituted by the Minister of the Interior was put and the Committee divided:

AYES—64:

Abraham, J. H.	Le Roux, P. M. K.
Bekker, G. F. H.	Le Roux, S. P.
Bekker, H. T. van G.	Liebenberg, J. L. V.
Bezuidenhout, J. T.	Loock, J. H.
Botha, P. W.	Loubser, J. A.
Brink, W. D.	Loubser, S. M.
Brits, G. P.	Ludick, A. I.
Conradie, D. G.	Luttig, H. G.
Conradie, J. H.	Luttig, P. J. H.
Deysel, A. J. B.	Malan, A. I.
Diederichs, N.	Maree, W. A.
Döhne, J. L. B.	Mentz, F. E.
Dönges, T. E.	Nel, M. D. C. de W.
Du Pisanie, J.	Olivier, P. J.
Du Plessis, P. J. C.	Oost, H.
Du Plessis, W. C.	Papenfus, S. F.
Erasmus, F. C.	Pieterse, P. W. A.
Erasmus, H. S.	Sauer, P. O.
Erlank, A. E.	Scholtz, D. J.
Eyssen, S. H.	Stals, A. J.
Faurie, W. H.	Steyn, A.
Fouché, J. H.	Steyn, J. H.
Fouché, J. J.	Swart, C. R.
Frates, T. J.	Van den Berg, M. J.
Fullard, G. J.	V. d. Heever, D. J. G.
Hertzog, A.	Van Heerden, D. P.
Hugo, P. J.	Van Niekerk, J. G. W.
Klopper, H. J.	Van Rhyn, A. J. R.
Van Schoor, J. J. F.	Warren, S. E.
Viljoen, J. H.	Wilkens, Jacob.
Visser, de V.	Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—56:

Abbott, C. B. M.	Kentridge, M.
Allen, F. B.	Lovell, L.
Ballinger, V. M. L.	McMillan, N. D.
Bekker, P. B.	Mitchell, D. E.
Bell, R. E.	Moore, P. A.
Benson, E. A.	Mushet, J. W.
Bloomberg, A.	Russell, J. H.
Bowker, T. B.	Shearer, O. L.
Brooke, R. S.	Shearer, V. L.
Butters, W. R.	Smit, D. L.
Christie, J.	Solomon, B.
Davidoff, H.	Solomon, V. G. F.
Davis, A.	Steenkamp, L. S.
Du Toit, R. J.	Steyn, C. F.
Eaton, N. G.	Strauss, J. G. N.
Friedman, B.	Stuart, W. H.
Frielinghaus, H. O.	Sturrock, F. C.
Gale, D. J.	Sullivan, J. R.
Gay, L. C.	Tighy, S. J.
Graaff, de Villiers	Tothill, H A.
Hayward, G. N.	Trollip, A. E.
Hepple, A.	Van Coller, C. M.
Higgerty, J. W.	Van der Byl, P. V. G.
Hopewell, A.	Waring, F. W.
Jonker, A. H.	Warren, C. M.
Jordan, R. D. P.	Waterson, S. F.
Kahn, S.	Williams, H. J.

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

The insertion of the words accordingly agreed to, and the first amendment proposed by Mr. Hopewell dropped.

The amendment proposed by Mr. Hopewell in line 59 was put and the Committee divided:

AYES—56:

Abbott, C. B. M.	Graaff, de Villiers.
Allen, F. B.	Hayward, G. N.
Ballinger, V. M. L.	Hepple, A.
Bekker, P. B.	Higgerty, J. W.
Bell, R. E.	Hopewell, A.
Benson, E. A.	Jonker, A. H.
Bloomberg, A.	Jordan, R. D. P.
Bowker, T. B.	Kahn, S.
Brooke, R. S.	Kentridge, M.
Butters, W. R.	Lovell, L.
Christie, J.	McMillan, N. D.
Davidoff, H.	Mitchell, D. E.
Davis, A.	Moore, P. A.
Du Toit, R. J.	Mushet, J. W.
Eaton, N. G.	Russell, J. H.
Friedman, B.	Shearer, O. L.
Frielinghaus, H. O.	Shearer, V. L.
Gale, D. J.	Smit, D. L.
Gay, L. C.	Solomon, B.

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Solomon, V. G. F.	Tothill, H. A.
Steenkamp, L. S.	Trollip, A. E.
Steyn, C. F.	Van Coller, C. M.
Strauss, J. G. N.	Van der Byl, P. V. G.
Stuart, W. H.	Waring, F. W.
Sturrock, F. C.	Warren, C. M.
Sullivan, J. R.	Waterson, S. F.
Tighy, S. J.	Williams, H. J.

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

NOES—64:

Abraham, J. H.	Loock, J. H.
Bekker, G. F. H.	Loubser, J. A.
Bekker, H. T. van G.	Loubser, S. M.
Bezuidenhout, J. T.	Ludick, A. I.
Botha, P. W.	Luttig, H. G.
Brink, W. D.	Luttig, P. J. H.
Brits, G. P.	Malan, A. I.
Conradie, D. G.	Maree, W. A.
Conradie, J. H.	Mentz, F. E.
Deysel, A. J. B.	Nel, M. D. C. de W.
Diederichs, N.	Olivier, P. J.
Döhne, J. L. B.	Oost, H.
Dönges, T. E.	Papenfus, S. F.
Du Pisanie, J.	Pieterse, P. W. A.
Du Plessis, P. J. C.	Sauer, P. O.
Du Plessis, W. C.	Scholtz, D. J.
Erasmus, F. C.	Stals, A. J.
Erasmus, H. S.	Steyn, A.
Erlank, A. E.	Steyn, J. H.
Eyssen, S. H.	Swart, C. R.
Faurie, W. H.	Van den Berg, M. J.
Fouché, J. H.	V. d. Heever, D. J. G.
Fouché, J. J.	Van Heerden, D. P.
Frates, T. J.	Van Niekerk, J. G. W.
Fullard, G. J.	Van Rhyn, A. J. R.
Hertzog, A.	Van Schoor, J. J. F.
Hugo, P. J.	Viljoen, J. H.
Klopper, H. J.	Visser, de V.
Le Roux, P. M. K.	Warren, S. E.
Le Roux, S. P.	Wilkens, Jacob.
Liebenberg, J. L. V.	Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

Amendment accordingly negatived.

The remaining amendments proposed by Mr. Hopewell were put and negatived.

Clause, as amended, put and agreed to.

On Clause 16,

Mr. HOPEWELL: I suggest to the hon. the Minister that this clause be omitted. The full protection which the hon. the Minister is seeking to obtain is given to him in Clause 17, and I suggest to the hon. the Minister that this clause as framed could not be implemented.

*Dr. DIEDERICHS: I wish to move the amendment standing in my name—

In line 25, after "has" to insert "to an extent of more than one-third of its shares, share warrants or debentures".

The reason for this is that as the clause now stands companies owning bearer shares are prohibited from owning immovable property in a group area or a controlled area without permits. This provision detrimentally affects many companies, and we feel that they are perhaps penalised unnecessarily. For that reason we want to move that a company which owns no more than one-third of its shares, share certificates or debentures in the form of bearer shares, will come under a different category. I just want to add that one cannot make it more than one-third. because by making it more the control of some companies may possibly be endangered, if even under the one-third there should be a danger, the Minister has the power under Clause 17 (1) to take the necessary action. I therefore move this amendment.

Agreed to.

Clause, as amended, put and agreed.

On Clause 17,

The MINISTER OF THE INTERIOR: I move—

In line 3, page 25, to omit "paragraph", and to substitute "sub-section".

Agreed to.

Clause, as amended, put and agreed to.

On Clause 20,

The MINISTER OF THE INTERIOR: I move—

In lines 32 and 33 to omit "or in pursuance of any agreement, which is null and void in terms of this Act"; in line 40, after "provision" ,to insert "or is registered in favour of any person who is in terms of any such provision debarred from holding it,"; in line 45, after "concerned" to insert "and to the holder of any registered mortgage bond over the property,"; in line 47, after "Minister", to insert "after consultation with the mortgagee"; and in the same line, after "or", to insert "if the property has not been so sold, within such period, not being less than one month, as the Minister may allow, then"; in line 56, after "five" to insert "or in Section 9" and to insert the following new sub-section to follow sub-section (8):

(9) A sale under this section shall, for the purpose of sub-section (5) of

Section 24 of the Building Societies Act, 1934 (Act No. 62 of 1934), be deemed to be a sale in execution.

This is an additional amendment arising out of the amendment which we have adopted to Clauses 5 and 8, and which we shall expand further in Clause 22. The object is not to render these clauses invalid but only to make the penalty provisions applicable.

Amendment put and agreed to.

Clause, as amended, put and agreed to.

On Clause 21,

The MINISTER OF THE INTERIOR: I wish to move the following amendment—

In line 31, after "within", where it occurs the second time, to insert "any specified area referred to in Section 11, any defined area referred to in sub-section (3) of Section 13 or"; and in line 32, after "area" to insert "which is".

Agreed to.

Clause, as amended, put and agreed to.

On Clause 22,

The MINISTER OF THE INTERIOR: If this clause is negatived I will move the amendment standing in my name, as well as a further amendment to sub-section 2.

Clause put and negatived.

On new clause to follow Clause 21,

The MINISTER OF THE INTERIOR: I now move—

That the following be a new clause to follow Clause 21:

22 (1) The officer in charge of any deeds registry shall not register any transfer of immovable property situated in the controlled area or in any group area, unless the requirements prescribed under paragraph (d) of sub-section (1) of Section 36 have been complied with and the transferee has submitted to him such further proof as he may require that the transferee may lawfully acquire and hold such immovable property in terms of this Act.

(2) If any immovable property is registered in the name of any person who may not lawfully acquire or hold such property in terms of this Act, the registration shall, subject to any penalty which may be incurred under this Act and to the provisions of Section 20, not be invalid by reason of the provisions of this Act.

This is the last of a series of amendments to substitute the position that any acquisition of property in contravention of this Act, or any agreement leading up to that, is invalid. The agreement itself is not invalid. Any transfer based on that agreement is not made invalid, and this now makes it perfectly clear that it may be held as valid, subject merely to the penalties provided in this Act and to the provisions of Section 20. Those are the conditions of the sale of property in certain circumstances.

Mr. BLOOMBERG: I would like to ask the hon. the Minister what the effect is of the last portion of the amendment, on a transfer actually registered in the Deeds Registry in contravention of the provisions of this clause.

The MINISTER OF THE INTERIOR: The transfer is valid.

Mr. BLOOMBERG: And what are the consequential effects then if you introduce the provisions of Section 20?

The MINISTER OF THE INTERIOR: The only danger you incur, if you have it transferred in your own name, being a disqualified person, would be the penalties under the Act and the provisions of Section 20. The idea is to protect the person selling the property to a disqualified person. If the disqualified person has no title to it, the title is still registered in the name of the seller, and the seller then has the purchase price and also the property registered in his name. This is to prevent any position like that arising.

New clause put and agreed to.

On Clause 23,

The MINISTER OF THE INTERIOR: I move the amendment standing in my name—

To omit sub-section (1) and to substitute the following new sub-sections:

(1) If any officer entrusted by or under any law with the issue of any licence to carry on any business, trade or occupation, to whom an application for the issue or renewal of any such licence has been made, has reason to believe that the proposed holder of the licence or the person or persons who will be in actual control of the business, trade or occupation to be licensed, may not lawfully carry on the business, trade or occupation on

the premises whereon it is to be carried on, he shall not issue or renew the licence unless the applicant proves that such holder and the said person or persons may lawfully carry on the business, trade or occupation on the said premises.

(2) Any such licence issued to or renewed in the name of a person who may not lawfully carry on the business, trade or occupation to which the licence relates, on the premises whereon it is to be carried on, shall be invalid, and if at any time any person who may not lawfully carry on such business, trade or occupation on the said premises, is in actual control of such business, trade or occupation, the licence shall lapse.;

in lines 53 and 54, to omit "decision of the officer concerned", and to substitute "issue, renewal or refusal, as the case may be,"; in line 57, to omit "any evidence which such officer heard", and to substitute "evidence in regard to the matter before him;"; and in line 58, after "(b)" to insert "declare to be invalid or".

This is simply a matter of procedure . . .

Mr. TIGHY: More and more amendments. It will look elegant.

The MINISTER OF THE INTERIOR: It is to bring it into line with the hon. member for Johannesburg (West) (Mr. Tighy).

Mr. TIGHY: I believe there is only about five minutes left before we will all be guillotined. The Minister says he has moved this amendment to apply to the member for Johannesburg (West).

The MINISTER OF THE INTERIOR: I said to make it as elegant as the member for Johannesburg (West).

Mr. TIGHY: Let me assure the Minister that all these amendments prove that we have a half-baked Minister and a half-baked Bill. Secondly, if there is anything that will prove to South Africa that this Bill is nothing more or less than a piece of political bluff . . .

The CHAIRMAN: The hon. member must confine himself to Clause 23.

Mr. TIGHY: I am doing that, Sir. Let me assure the Minister in the third place that the people who will suffer under this Bill will be his own Nationalist Party supporters.

Amendments put and agreed to.

Clause, as amended, put and agreed to.

On Clause 24,

Mr. DAVIDOFF: We now come to the clause to which the Minister has referred as the kingpin of the whole Bill. I hope that while we are discussing this clause the heavy axe will not fall on our heads. But, Sir, I differ from the Minister. Clause 24 is not the kingpin of the whole Bill. The Minister himself is the kingpin throughout the whole Bill. I want to move the amendments standing in my name on page 750 of the Order Paper—

In line 73, to omit "appointed by the Minister" and to substitute "of which a member each shall be appointed by the administrator in the executive committee of each of the four provinces of the Union and the remaining three by the Minister. The members appointed by the Minister shall be appointed by reason of their peculiar knowledge respectively of the requirements of each of the three groups referred to in Section 4."; to omit sub-section (3) and to substitute the following new sub-section:

(3) Members of the board appointed by the administrator in executive committee shall hold office for a period of five years and the members nominated by the Minister shall be appointed for such period not exceeding five years as the Minister may determine at the time of his appointment and any member whose office has become vacant (otherwise than under sub-section (4)) shall be eligible for re-appointment.

and to add at the end of sub-section (5) "by the officer who nominated such person.".

It must be appreciated that the composition of the board is a very important matter although it may be a blind. The powers of the board are very wide, and if we refer to Clause 26, it shows quite clearly that the Minister has to give consideration to the reports of the board. The board again has vast powers and they contain the tyrannical powers given to the gestapo, the inspectors. I maintain this is a very important matter indeed. During the discussion on the second reading the Minister asked for suggestions from this side as to how the board should be constituted. It must be conceded and I think everybody will concede, that the administrators of the provinces and the local authorities throughout the provinces will have very much to do with the functioning of this board, and it is for that reason that we offer this suggestion to the Minister, that of the seven members four should be appointed

by the administrators of the provinces, one for each province to be appointed by the administrator of that province. In regard to the other three members of the board it is our suggestion that one should be appointed for each of the groups A, B and C, on account of his particular knowledge of the requirements of that group. That is the suggestion followed by the Government in regard to the nomination of senators, and we suggest that it should be done in this case, to appoint the board on a wide national basis. This directly shows the Minister how a board of this nature should be appointed, and if it is done on that basis we suggest that the board will be representative of the people most concerned with the functioning of the board.

Mr. KAHN: I would like to move the amendment standing in my name—

> In line 73, after "members" to insert "of whom at least two shall be Natives, two shall be Coloured and two shall be white".

The Minister has said that this is an impartial Bill which is not racial discriminatory in character, because everybody is dealt with in the same way. Everybody can be kraaled into separate locations, and therefore, according to the Minister, there is no racial discrimination. If there is to be an equal racial basis, there should be representation for the African people, the main racial group in the country, for the white people, and for the Coloured people. Otherwise the Minister's remarks are nothing but pious cant. The Minister is fooling nobody when he says that all races are treated equally, unless all races are equally represented on the board and the board has full power. In 1834 when the slaves were liberated, compensation was given to the farmers for the loss of their slaves. In 1950 the descendants of the slaves are being robbed of their property and their rights, no compensation is provided for and they are not given an equal opportunity of representation on this particular board.

The Prime Minister in the course of the correspondence which has been exchanged with the Government of India, has given that assurance. He has said that this Bill cannot be regarded as a measure of discrimination against the Indian citizens of South Africa, because the Bill treats all races impartially. We have contended that this is a Bill that sets up different castes in South Africa, which sets generous areas for whites, ghettos for Coloureds and locations for Africans. That the Minister, of course, has denied. But if the Minister is sincere in his attempt to convince the world that all races will get equal treatment under this Bill, then it is absolutely essential that there must be a representation given to everyone of the affected racial groups of the country. It may be said why I have provided for only six members of this board to come from specific races, and that I have left the seventh one open. That is quite correct. I do want to leave some scope for the Minister. After all, the Minister will feel psychologically frustrated if he cannot exercise tyrannical and dictatorial discretion in every single clause of the Bill. I do not want to be responsible for any psychological frustration of the hon. the Minister. His powers of wielding arbitrary discretion must not be entirely impaired, otherwise it might have dreadfully explosive consequences. I have, therefore, left one member of the board where the Minister may have a free run. The second reason why I am doing it is that there is provision in this Bill in respect of the Africans and the Coloured people for the Minister to proclaim, through the Governor-General, sub-groups. The Minister might make Moslems a sub-group although the Moslems have repudiated the Minister . . .

At 6.16 p.m., in accordance with paragraph (1) of the resolution adopted by the House on the 26th May, the business under consideration was interrupted by the Chairman and the amendments proposed by Mr. Davidoff and Mr. Kahn dropped.

Clause 24, as printed, put and agreed to.

On Clause 26,

The MINISTER OF THE INTERIOR: I move—

> In line 47, at the commencement of the Clause to insert "No proclamation under sub-section (2) of Section 2, sub-section (1) of Section 3, paragraph (d) of sub-section (2) of Section 4, paragraph (h) of sub-section (2) or sub-section (3) of Section 10, sub-section (1) of Section 11 or sub-section (3) of Section 13, shall be issued, withdrawn or amended, and"; and in line 49, to omit "he" and to substitute "the Minister".

Agreed to.

Clause, as amended, put and agreed to.

On Clause 27,

The MINISTER OF THE INTERIOR: I move—

> To omit sub-paragraphs (i) and (ii) of paragraph (a) and to substitute "any proclamation referred to in Section 26;"; in line 69, after "(1)" to insert "other than the issue of or the amendment of

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the conditions of any permit under paragraph (c) of sub-section (5) of Section 14)"; to add the following new proviso at the end of sub-section (2):

Provided that the Minister may direct the board—

(a) in any particular case or in any class of case specified by him, to publish any such notice in such other manner than in such a newspaper, as he may determine; and

(b) in the case of an application for a permit authorising the acquisition of mortgaged immovable property in a group area by a disqualified person or a disqualified company from a disqualified person or a disqualified company of the same group, to dispense with the publication of any such notice;

in line 15, to omit "(7)" and to substitute "(8)"; and to omit all the words after "proclamation" in line 17, down to and including "or" in line 20, and to substitute "referred to in Section 26 (other than a proclamation under sub-section (1) of Section (3) or to any matter referred to in"; to insert the following new sub-section to follow sub-section (4):

(5) The board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of Section 3, without taking into consideration whether or not suitable accommodation will be available outside the area concerned, for persons whose occupation of land or premises in that area would be rendered unlawful by such proclamation.

Agreed to.

Clause, as amended, put and agreed to.

Clause 31, as printed, put and the Committee divided:

AYES—62:

Abraham, J. H.	Du Plessis, W. C.
Bekker, G. F. H.	Erasmus, H. S.
Bekker, H. T. van G.	Erlank, A. E.
Bezuidenhout, J. T.	Eyssen, S. H.
Botha, P. W.	Faurie, W. H.
Brink, W. D.	Fouché, J. H.
Brits, G. P.	Fouché, J. J.
Conradie, J. H.	Frates, T. J.
Deysel, A. J. B.	Fullard, G. J.
Diederichs, N.	Hertzog, A.
Döhne, J. L. B.	Hugo, P. J.
Dönges, T. E.	Klopper, H. J.
Du Pisanie, J.	Le Roux, P. M. K.
Du Plessis, P. J. C.	Le Roux, S. P.
Liebenberg, J. L. V.	Scholtz, D. J.
Loock, J. H.	Stals, A. J.
Loubser, J. A.	Steyn, A.
Loubser, S. M.	Steyn, G. P.
Ludick, A. I.	Swart, C. R.
Luttig, H. G.	Van den Berg, M. J.
Luttig, P. J. H.	V. d. Heever, D. J. G.
Malan, A. I.	Van Heerden, D. P.
Maree, W. A.	Van Niekerk, J. G. W.
Mentz, F. E.	Van Rhyn, A. J. R.
Nel, M. D. C. de W.	Van Schoor, J. J. F.
Olivier, P. J.	Viljoen, J. H.
Oost, H.	Visser, de V.
Papenfus, S. F.	Warren, S. E.
Pieterse, P. W. A.	Wilkens, Jacob.
Sauer, P. O.	Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—56:

Abbott, C. B. M.	Kentridge, M.
Allen, F. B.	Lovell, L.
Ballinger, V. M. L.	McMillan, N. D.
Bekker, P. B.	Mitchell, D. E.
Bell, R. E.	Moore, P. A.
Benson, E. A.	Mushet, J. W.
Bloomberg, A.	Russell, J. H.
Bowker, T. B.	Shearer, O. L.
Brooke, R. S.	Shearer, V. L.
Butters, W. R.	Smit, D. L.
Christie, J.	Solomon, B.
Davidoff, H.	Solomon, V. G. F.
Davis, A.	Steenkamp, L. S.
Du Toit, R. J.	Steyn, C. F.
Eaton, N. G.	Strauss, J. G. N.
Friedman, B.	Stuart, W. H.
Frielinghaus, H. O.	Sturrock, F. C.
Gale, D. J.	Sullivan, J. R.
Gay, L. C.	Tighy, S. J.
Graaff, de V.	Tothill, H. A.
Hayward, G. N.	Trollip, A. E.
Hepple, A.	Van Coller, C. M.
Higgerty, J. W.	Van der Byl, P. V. G.
Hopewell, A.	Waring, F. W.
Jonker, A. H.	Warren, C. M.
Jordan, R. D. P.	Waterson, S. F.
Kahn, S.	Williams, H. J.

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

Clause accordingly agreed to.

On Clause 34,

The MINISTER OF THE INTERIOR: I move—

In line 72, to omit "may" and to substitute "shall".

Agreed to.

Clause, as amended, put and the Committee divided:

AYES—62:

Abraham, J. H.	Loubser, J. A.
Bekker, G. F. H.	Loubser, S. M.
Bekker, H. T. v. G.	Ludick, A. I.
Bezuidenhout, J. T.	Luttig, H. G.
Botha, P. W.	Luttig, P. J. H.
Brink, W. D.	Malan, A. I.
Brits, G. P.	Maree, W. A.
Conradie, J. H.	Mentz, F. E.
Deysel, A. J. B.	Nel, M. D. C. de W.
Diederichs, N.	Olivier, P. J.
Döhne, J. L. B.	Oost, H.
Dönges, T. E.	Papenfus, S. F.
Du Pisanie, J.	Pieterse, P. W. A.
Du Plessis, P. J. C.	Sauer, P. O.
Du Plessis, W. C.	Scholtz, D. J.
Erasmus, H. S.	Stals, A. J.
Erlank, A. E.	Steyn, A.
Eyssen, S. H.	Steyn, G. P.
Faurie, W. H.	Swart, C. R.
Fouché, J. H.	Van den Berg, M. J.
Fouché, J. J.	V. d. Heever, D. J. G.
Frates, T. J.	Van Heerden, D. P.
Fullard, G. J.	Van Niekerk, J. G. W.
Hertzog, A.	Van Rhyn, A. J. R.
Hugo, P. J.	Van Schoor, J. J. F.
Klopper, H. J.	Viljoen, J. H.
Le Roux, P. M. K.	Visser, de V.
Le Roux, S. P.	Warren, S. E.
Liebenberg, J. L. V.	Wilkens, Jacob.
Loock, J. H.	Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—55:

Abbott, C. B. M.	Kentridge, M.
Allen, F. B.	Lovell, L.
Ballinger, V. M. L.	McMillan, N. D.
Bekker, P. B.	Mitchell, D. E.
Bell, R. E.	Moore, P. A.
Benson, E. A.	Mushet, J. W.
Bloomberg, A.	Russell, J. H.
Bowker, T. B	Shearer, O. L.
Brooke, R. S.	Smit, D. L.
Butters, W. R.	Solomon, B.
Christie, J.	Solomon, V. G. F.
Davidoff, H.	Steenkamp, L. S.
Davis, A.	Steyn, C. F.
Du Toit, R. J.	Strauss, J. G. N.
Eaton, N. G.	Stuart, W. H.
Friedman, B.	Sturrock, F. C.
Frielinghaus, H. O.	Sullivan, J. R.
Gale, D. J.	Tighy, S. J.
Gay, L. C.	Tothill, H. A.
Graaff, de Villiers	Trollip, A. E.
Hayward, G. N.	Van Coller, C. M.
Hepple, A.	Van der Byl, P. V. G.
Higgerty, J. W.	Waring, F. W.
Hopewell, A.	Warren, C. M.
Jonker, A. H.	Waterson, S. F.
Jordan, R. D. P.	Williams, H. J.
Kahn, S.	

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

Clause, as amended, accordingly agreed to.

On Clause 35,

The MINISTER OF THE INTERIOR: I move—

In lines 11 and 12, to omit "or by general acceptance and repute is", and to substitute "is or is generally accepted as"; and in lines 16 and 17, to omit "by general acceptance and repute", and to substitute "is not generally accepted as"; and in line 24, after "by", to insert "or on behalf or in the interest of".

Agreed to.

Clause, as amended, put and agreed to.

On Clause 36,

The MINISTER OF THE INTERIOR: I move—

In line 59, after "province" to insert "and any local authority".

Agreed to.

Clause, as amended, put and agreed to.

On Clause 37,

The MINISTER OF THE INTERIOR: I move—

In line 67, after "Hope" to insert "Natal or Transvaal"; in lines 70 and 71, to omit "the said province" and to substitute "any of the said provinces." and to insert the following sub-section to follow sub-section (1):

(2) For the purposes of sub-section (1), the territories referred to as the Northern Districts in Section 3 of the Northern Districts Annexation Act, 1902 (Act No. 1 of 1902) of Natal, shall be deemed to be included in the province of Transvaal.

Agreed to.

Clause, as amended, put and agreed to.

On Clause 38,

The MINISTER OF THE INTERIOR: I move—

To omit sub-sections (3) and (4) and to substitute the following new sub-sections:

(3) As from the date fixed under Section 37 for the province of Natal or for any area in that province, the laws specified in the First Schedule shall, in their application in that province or in any such area, as the case may be, be

amended to the extent set out in the second column of that Schedule.

(4) As from the date fixed under Section 37 for the province of Transvaal or for any area in that province, the laws specified in the Second Schedule shall, in their application in that province or in any such area, as the case may be, be repealed and amended to the extent set out in the Second Column of that Schedule.

(5) For the purposes of sub-section (3) and (4), the territories referred to as the Northern Districts in Section 3 of the Northern Districts Annexation Act, 1902 (Act No. 1 of 1902) of Natal, shall be deemed to be included in the province of Transvaal.";

in line 31, after "Hope" to insert "Natal or Transvaal"; and to insert the following new sub-section to follow sub-section (5):

(6) Nothing in this Act contained shall affect in any way the application of the "provisions of the Diplomatic Immunities Act, 1932 (Act No. 9 of 1932).

Agreed to.

Clause, as amended, put and agreed to.

The Committee reverted to the clauses standing over.

On Clause 1,

The MINISTER OF THE INTERIOR: I move—

In the definition of "immovable property", in line 27, page 5, after "include" to insert "any right to any mineral (including any right to prospect for or to dig or mine any mineral) or a lease or sublease of any such right or"; and an amendment in the Afrikaans version which did not occur in the English version.

Agreed to.

Clause, as amended, put and the Committee divided:

AYES—85:

Abraham, J. H.	Conradie, J. H.
Bekker, G. F. H.	Davis, A.
Bell, R. E.	Deysel, A. J. B.
Bezuidenhout, J. T.	Diederichs, N.
Botha, P. W.	Döhne, J. L. B.
Brink, W. D.	Dönges, T. E.
Brits, G. P.	Du Pisanie, J.
Brooke, R. S.	Du Plessis, P. J. C.
Du Plessis, W. C.	Olivier, P. J.
Erasmus, H. S.	Oost, H.
Erlank, A. E.	Papenfus, S. F.
Eyssen, S. H.	Russell, J. H.
Faurie, W. H.	Sauer, P. O.
Fouché, J. H.	Scholtz, D. J.
Fouché, J. J.	Shearer, O. L.
Frates, T. J.	Shearer, V. L.
Frielinghaus, H. O.	Solomon, V. G. F.
Fullard, G. J.	Stals, A. J.
Graaff, de Villiers.	Steenkamp, L. S.
Hayward, G. N.	Steyn, A.
Hertzog, A.	Steyn, C. F.
Higgerty, J. W.	Steyn, G. P.
Hopewell, A.	Strauss, J. G. N.
Hugo, P. J.	Sturrock, F. C.
Jordan, R. D. P.	Sullivan, J. R.
Klopper, H. J.	Sutter, G. J.
Le Roux, P. M. K.	Swart, C. R.
Le Roux, S. P.	Tothill, H. A.
Liebenberg, J. L. V.	Trollip, A. E.
Loock, J. H.	Van Coller, C. M.
Loubser, J. A.	Van den Berg, M. J.
Loubser, S. M.	V. d. Heever, D. J. G.
Ludick, A. I.	Van Niekerk, J. G. W.
Luttig, H. G.	Van Rhyn, A. J. R.
Luttig, P. J. H.	Van Schoor, J. J. F.
Malan, A. I.	Viljoen, J. H.
Maree, W. A.	Visser, de V.
Mentz, F. E.	Warren, C. M.
Mitchell, D. E.	Warren, S. E.
Mortifee, A. W. S.	Wilkens, Jacob.
Mushet, J. W.	Wilkens, Jan
Nel, M. D. C. de W.	

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—12:

Ballinger, V. M. L.	Hepple, A.
Bloomberg, A.	Jonker, A. H.
Bowker, T. B.	Lovell, L.
Christie, J.	Solomon, B.
Gay, L. C.	Stuart, W. H.

Tellers: H. Davidoff and S. Kahn.

Clause, as amended, accordingly agreed to.

On Clause 2,

The MINISTER OF THE INTERIOR: I move—

In lines 70 and 71, to omit "by general acceptance and repute is" and to substitute "is generally accepted as"; and in line 73, to omit "by general acceptance and repute" and to substitute "generally accepted as"; and in lines 74 and 75, to omit "sub-paragraphs (ii) and (iii)" and to substitute ..sub-paragraph (ii)"; in line 76 to omit "(c)", and to substitute "(d)"; and to omit paragraphs (b) and (c) of sub-section (1) and to substitute the following new paragraphs:

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(b) a Native group, in which shall be included—

(i) any person who in fact is, or is generally accepted as a member of an aboriginal race or tribe of Africa, other than a person who is, in terms of sub-paragraph (ii) of paragraph (c), a member of the Coloured group; and

(ii) any woman to whichever race, tribe or class she may belong, between whom and a person who is, in terms of sub-paragraph (i), a member of a Native group, there exists a marriage or who cohabits with such a person;

(c) a Coloured group, in which shall be included—

(i) any person who is not a member of the white group or of the Native group; and

(ii) any woman, to whichever race, tribe or class she may belong, between whom and a person who is, in terms of sub-paragraph (i), a member of the Coloured group, there exists a marriage, or who cohabits with such a person; and

Agreed to.

Clause 2, as amended, put and a division called.

As fewer than ten members (viz., Mrs. Ballinger and Messrs. Bloomberg, Kahn, Stuart and Dr. Smit) voted against the clause, the Chairman declared it agreed to.

On the First Schedule,

The MINISTER OF THE INTERIOR: I move—

In the third item of the second column, to omit "sixteen".

Agreed to.

Schedule, as amended, put and agreed to.

On the Second Schedule,

The MINISTER OF THE INTERIOR: I move—

In the penultimate item of the second column, to omit "sixteen" and to substitute "seventeen"; and an amendment in the Afrikaans version which did not occur in the English version.

Agreed to.

Schedule, as amended, put and agreed to.

The Title of the Bill having been agreed to,

House Resumed:

The CHAIRMAN reported the Bill with amendments.

Amendments to be considered on 12th June.

On the motion of the Minister of Transport, the House adjourned at 6.55 p.m.

MONDAY, 12th JUNE, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

BUSINESS OF THE HOUSE.

*The PRIME MINISTER: I move—

That—

(1) As from Wednesday, 14th June, this House shall meet at a quarter-past ten o'clock a.m. instead of at eleven o'clock a.m. on Mondays, Wednesdays, Thursdays and Fridays; and

(2) As from Saturday, 17th June, Saturdays shall be included as sitting days, Government business to have precedence; and that on such days the House shall meet at a quarter-past ten o'clock a.m.; and that if business be not sooner concluded Mr. Speaker shall adjourn the House at a quarter to one o'clock p.m.

The motion before the House does not require any further explanation or recommendation. The matter has been discussed by the various parties and their Whips, and it has been arranged on this basis. I hope, therefore, that there will be no difficulty about its acceptance.

*Mr. STRAUSS: That depends on the remaining business for the Session.

*The PRIME MINISTER: That is not the basis on which the agreement was arrived at.

*Mr. STRAUSS: Will you tell us which business must still be disposed of?

*The PRIME MINISTER: It is reasonable to expect me at this stage to explain more definitely what exactly has to be done this Session. I would ask hon. members to look

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at today's Order Paper. The first Order is the Report Stage on the Group Areas Bill. This is under discussion and it has to be passed. No. 2 is the adjourned debate on the motion for the House to go into Committee of Ways and Means. This also is under discussion and has to pass. The third is for the House to resume in Committee on the Silicosis Bill. This also has reached the Committee Stage and has to be passed. No. 4 is the second reading of the Finance Bill; this also has to be passed. Then we come to No. 5, the Companies Act Amendment Bill. This will be placed before the House and if it is found that there are differences of opinion about it, it will not be proceeded with this Session. I, therefore, only announce it tentatively. No. 6 is the Dairy Industry Control Amendment Bill. This has reached the Committee Stage and has to be disposed of. No. 7 is "House to go into Committee on Railways and Harbours Appropriation Bill". This Bill, obviously, has to be passed. Then, it was intimated earlier on that No. 8, the Commercial Navigation Bill, would have to be passed this Session. It would appear, however, that there is an element in this Bill in respect of which there are differences of opinion, and we are, therefore, relinquishing it. No. 9 is the Marketing Act Amendment Bill. As regards this Bill, it contains many provisions which should be passed this Session, and we hope they will not prove to be contentious. No. 10 is the Appropriation Bill, which obviously has to be passed. Then No. 11, the Bill on the Suppression of Communism. This also has to pass. Then No. 13, second reading of the Bill dealing with Native builders. This had also been announced earlier on as one of the measures which would have to go through, but we are leaving it over. No. 14 is the Natal Native High Court Act Amendment Bill. It is expected that there will be no opposition to this, in which case it will be passed. If it should lead to discussion or difference of opinion, it will have to stand over. It does not appear to be contentious, however. Then I come to No. 27, the Rents Bill. This Bill has stood over from last year and it has been before a Select Committee. Hon. members know what the course of events has been in regard to this measure, and we feel that the interested parties and the public generally should not be kept in a state of uncertainty about this subject. It will therefore have to go through. Then No. 30, the South-West Africa Act Amendment Bill, was announced some time ago as having to go through. This will be held over. Then we have No. 31, House to go into Committee on Nurses Act Amendment Bill. That will also be allowed to stand over. Then I come to No. 33, the Fertilisers, Cattlefood, Seeds and Means Act Amendment Bill. It appears from informal discussions between the parties that there is a difference of opinion on one point. The Minister in charge of the Bill is prepared to delete such points on which opinions differ, because, particularly in view of the shortage of fertilisers, it is essential in the interest of the farming community, for the Bill to be adopted. I understand that the point at issue is on the question of seeds and he is prepared to delete the contentious part so that the adoption of the Bill may be made possible in order to provide for an urgent need in the country. That is all in so far as these Bills are concerned. I hope, however, that there will be no objection to the Bill, of which I have given notice for Wednesday, the Bill to amend the South Africa Act, 1909, and that that will also be adopted.

*Mr. STRAUSS: What is it?

*The PRIME MINISTER: It provides for the enlargement of the Cabinet. I hope that that will be agreed to by the Opposition.

*Mr. STRAUSS: We shall make our attitude clear at the appropriate time.

*The PRIME MINISTER: Then there is a matter standing over, which has already been discussed, and which, if it is not passed, will mean that a very necessary measure will lapse. I refer to the adjourned debate on the extension of the law dealing with housing emergency powers. This matter has been discussed at some length and I am afraid, if I may make bold to say so, that a good deal of the discussion has been unnecessary. Part of the discussion went back as far as Noah's Ark. That I think was unnecessary, and if it can be avoided in the further discussion, the proposals can be passed in a very short space of time.

*Mr. STRAUSS: When do you hope that the Session will end?

*The PRIME MINISTER: I think we should see to it that the Session does not end later than Friday, the 23rd of this month. I hope that all the business will have been disposed of by then. I move.

*Mr. SERFONTEIN: I second.

Mr. STRAUSS: Mr. Speaker, I would like to say that normally this side of the House would have no objection to morning sittings starting earlier than they do now, namely at 10.15 instead of 11 o'clock. That is a procedure which was quite normal in the past. It is a procedure which was followed when this side of the House was in power. The same goes with regard to morning sittings.

An HON. MEMBER: Saturday sittings.

Mr. STRAUSS: Yes, we sat on Saturdays too. But those extensions took place only right at the end of the Session when it was clear that the House would sit for a very short time still. But the technique is becoming established now of pushing through highly contentious legislation by bringing it in at the tail-end of the Session and not telling the House and the country why that legislation is urgent. That is something new. That we did not have in the past. That is the kind of thing we on this side of the House feel really is an outrage of Parliament. One wonders, with the pace with which the Government is driving the House and driving the House with regard to this kind of legislation, whether there is not some design in order to make Parliament not answer to its purpose, to make the parliamentary machine break down. We find that even today a new Bill was given notice of. We find that a different technique is springing up also. The Government comes to the Opposition and in spite of forcing through measures with the guillotine, in spite of driving measures through by this unparliamentary method of putting us in a strait jacket—the Government comes to the Opposition and says: Here we have a fine piece of legislation, but unfortunately we can only put it through if it is an agreed measure. Now, Mr. Speaker, you know what has happened? There have been cases where this side has indicated in regard to particular measures, that they would involve some discussion. We did not indicate that they were not agreed measures. I am referring more particularly to the Public Holidays Bill. We indicated that there would be some discussion from this side. In other words, we indicated that this side wanted to carry out its normal function as an Opposition to dicuss the matters that come before Parliament. And do you know, Sir, what has happened as a result of that? As a result of that the Government organ, "Die Burger," has told the public that the Bill is not coming on this Session because the United Party is opposing it. The paper goes further and declares that Kruger Day will not be a public holiday this year because the United Party is opposing the Bill. It is shocking to find that kind of mendacious journalism. It is that side that wants to set up a Press Commission, and that is the type of misrepresentation that is happening from that side. We never for a moment said we were opposing the Public Holidays Bill. Our Whips indicated, after they had discussed the matter with me, to the Whips on the other side, that there would be some discussion.

But look at the mentality the hon. the Prime Minister has revealed here this morning. He says that the Companies (Amendment) Bill is a very necessary piece of amending legislation. But he adds that it is tentative and we will only proceed with it if it is an agreed measure. Again he is trying to place the onus entirely on this side of the House. He comes with the formidable piece of legislation, the Marketing (Amendment) Bill, No. 9 on the Order Paper. This is a Bill with a large number of clauses.

The MINISTER OF THE INTERIOR: Do you want to proceed with the other two Bills, the Merchant Shipping Bill and the Public Holidays Bill?

Mr. STRAUSS: Mr. Speaker, the behaviour of the hon. Minister of the Interior is really becoming ludicrous. He is asking us on this side whether we wish to proceed with the Public Holidays Bill and the Merchant Shipping Bill. Was it not the hon. the Minister of Finance who the other day replied most indignantly that the question of what Bills should be proceeded with was the prerogative of the Government? Now this Minister comes along and asks us whether we would like to proceed with this Bill or with that Bill. Why does he not ask us whether we wish to proceed with the Group Areas Bill; then we will very soon tell him what our attitude is. I can tell him what our attitude is in regard to the Merchant Shipping Bill and the Public Holidays Bill. Our attitude in regard to those Bills is the same as it is in regard to other Bills, that this side of the House should be treated in a proper way and that we should have every opportunity of discussing those Bills, even if we agreed with the principle and with 90 per cent. of the details. If there are observations this side of the House wishes to make, we should have every opportunity to make them. This is a debating assembly. This is not a place where the Government introduces Bills and where we simply sit silent and pass those Bills one after the other. That seems to be the conception the hon. the Prime Minister has of Parliament; that seems to be the conception of the Minister of the Interior, who has let the cat out of the bag very badly.

Take the Marketing (Amendment) Bill—I am coming back to that. This is the Bill on which a commission sat for a very long time. Most important provisions are contained in this Bill. There is a large number of clauses. If I remember correctly, there are 24 clauses, and the Prime Minister does not tell us what the Government is finally going to do with this Bill. What he says is this: He hopes it will not be contentious. Is that the way to treat Parliament at the end of a Session? The House is being driven in morning sittings. We are sitting over twelve hours a day, and then the Prime Minister says he hopes the Bill will not be contentious and that we will be able to put it through in this short time. The same

happened in regard to No. 14, the Natal Native High Court (Amendment) Bill. He says it will go through if there is no discussion. We do not mind sitting here to do the work of the country; we do not mind sitting here to do the work of Parliament. What we do object to is forcing through the pernicious legislation we have had before us, ill-digested and half-baked legislation forced through at a shocking pace. What we object to, is the Government telling us: This is a good Bill, but if there is any discussion it will not go through. And they then tell the country that this side is the cause of the Bill not going through and not being placed on the Statute Book. That is an outrage on Parliament and we do object to that.

Take this other measure the Prime Minister mentioned, the adjourned debate on the continuation of the Housing Emergency Powers, Act No. 45 of 1945. Does the Government expect us, with the shocking condition in which they have landed the housing programme of the country, to let this motion go through without discussion? Now the Prime Minister says that if there is any further discussion, that would have to drop. He wants to place a stigma on us for discussing the matter. The country is watching the Prime Minister and the Government very carefully indeed with regard to the attitude they adopt towards the work of this House. The country is watching them very carefully and the country does not see signs of any great love for democracy in the way this House is being driven.

Take the Fertilizers, Farm Feeds, Seeds and Remedies (Amendment) Bill. They will remove what is contentious. But who is to judge of what is contentious before this House has had the time to consider the details of the Bill? We have not the time to give our attention to any matter as fully as we desire, in the interests of the people we represent. I am reminded here by my colleague that the Minister came forward and said that there was nothing at all contentious in that Bill. He said certain groups interested in it had agreed on it. That is not quite correct. But now the Minister comes forward . . . (Interruptions.) Let the Whips on the other side understand that groups do not speak with the authority of Parliament; that groups do not run Parliament. That is the Fascist idea, and we do not see the matter in that light. Now the Minister comes forward and suggests that the contentious matter in the Bill can be removed. No, Sir, we protest against the way the hon. the Prime Minister is treating this House and the country. He comes forward with drastic sitting hours, more than twelve hours per day, for the members and for the personnel. And even now he is not in a position to say exactly what programme must go through. I think the hon. the Prime Minister, when he rises to reply to this debate, must tell us exactly what the Government intends to put through and what the Government does not intend to put through.

Mr. CHRISTIE: I have the feeling that the Government has the obsession in its mind that if this Chamber wishes to debate a Bill that comes before the House, that in itself is an indication that they cannot go ahead with that legislation. I have never known such a view to be taken of the proceedings of Parliament. The Government speaks about the Bill being an agreed Bill, and then takes up the attitude that there should be no discussion. That is a most impossible position for Parliament to take up. Surely Parliament agree substantially with the principles of a Bill and still require discussion on that Bill in order to indicate what amendments are necessary and to elaborate what the intentions of the Bill are, and what Parliament would like to see in the Bill. Surely this is trifling with Parliament. The Government is endeavouring during the last two weeks to make Parliament just a rubber stamp. We cannot subscribe to that interpretation of what an agreed measure is. Take, for instance, the Rents Bill, to which the hon. the Prime Minister has referred. I think every section of the House wants the Rents Bill, but to say that there must be no discussion in order to get through the Rents Bill, surely that again is trifling with the intelligence of the House. This is the second session that we find that Bills affecting the most fundamental rights of the people are introduced towards the end of the session and that the guillotine is applied. Surely the Government cannot have it every way. I want to protest most strongly against the methods adopted by the Government. We know that another Bill is to be introduced, a Bill affecting the most fundamental human rights and there again the Government proposes to introduce the guillotine. I do not want to anticipate the guillotine motion, but I say that that measure is almost certain to create discord and distress in our land. Surely it is essential that unlimited discussion should take place on Bills affecting the fundamental rights of our people. We say that we are prepared to stay here until the legislative programme of the Government has been put through.

Mr. S. E. WARREN: You have to do so.

Mr. CHRISTIE: My hon. friend says that we have to do so. We are prepared to stay but again one wants to protest against the denial of full debate with regard to all these matters coming before the House. If there are important measures which must be put through, let the Government revert to the established, recognised system of having continuous debate until those measures have

been put through. That is the only correct way when we are dealing with measures which are of vital importance to the country. We want to issue a strong protest against the attitude of the Government with regard to Parliament's work in the next two weeks.

Mr. WARING: I wish to protest against an interjection which the hon. the Prime Minister made while the hon. member who started the debate on this side of the House was speaking. The Prime Minister suggested that he was wasting time. I do this because we are entitled to put in a few words of protest, and I would remind the Prime Minister that the hon. the Minister of Lands, the hon. the Minister of Justice and the hon. the Prime Minister himself took advantage of every opportunity in the past in an attempt to obtain some clarity with regard to the remaining work of the session. I want to protest most strongly against the new tactics which are being adopted on the Government benches, and I want to issue this challenge to the Government. We are prepared to stay here until all the essential legislation has been put through. The new technique which is being adopted on the other side is this: Hon. members on the other side waste the time of the House and then when they find that important measures cannot be put through this session, we are told that this or that measure cannot be put through because there is going to be opposition to it. We are not going to fall for that technique. The hon. the Prime Minister referred to the Fertiliser, Farm Feeds, Seeds and Remedies Amendment Bill, and he said that this Bill, as to the Seeds part, is contentious, but that part dealing with the fertilisers will be put through because the object of it is to get fertilisers for the farmers. I think the hon. the Prime Minister has not been given the right information. The reason why there is a shortage of fertilisers is because of the exchange position. I think the hon. the Minister of Agriculture mentioned that 80 per cent. of the fertiliser requirements of the country should be available because that was the exchange that was allocated. But when we speak about the question of fertilisers when this Bill comes forward what will be the new technique that will be adopted in the platteland? The people in the platteland will be told that the Opposition tried to prevent the farmers from getting fertilisers.

Mr. H. T. VAN G. BEKKER: That is silly.

Mr. WARING: No, it is not silly. The hon. member for Kimberley (District) (Mr. H. T. van G. Bekker) probably has not read Die Burger. What does Die Burger say about the Public Holidays? They say that the Opposition are opposed to Kruger Day, which is not the truth. The position is, as I understand it, that when it was suggested that this measure should be put through as an agreed measure without debate, this side of the House indicated that there would be some debate; because we indicated that it was straightaway suggested that we were opposed to Kruger Day. Take the Shipping Bill. We regard that Bill as most important. Why are the Government not prepared to carry on with the Shipping Bill? The reason is that they are not prepared to carry on the proper government of the country. They want to finish on the 23rd. We are prepared to stay here to get the business of the House done, even though the other side wasted the time of the House at the beginning of the session. Sir, we say that we can see the new technique which is being evolved. Their new technique is to introduce political legislation at the beginning of the session and then to come along at the last minute and come forward with important measures which should have been introduced earlier in the session. Take the amendments to the Marketing Act to which the Minister of Agriculture referred. Some of those amendments, which are being made as the result of the Commission's report are necessary, but there will probably be some debate from various sides of the House, not only this side, because the Bill does not put into effect all the recommendations of the Marketing Act Commission. In some cases the Bill gives effect to the majority recommendations, in other cases it gives effect to the minority recommendations. I was a member of the Commission and I was opposed to some of the recommendations. Am I to be muzzled? Here again the Government technique is to say that that measure could not be put through because the Opposition intended to oppose it and there was no time to carry on with the measure. The Opposition will be blamed for holding up the proper government of the country.

The MINISTER OF AGRICULTURE: Is that a guilty conscience.

Mr. WARING: Sir, we are prepared to stay here. We are prepared to thrash out our difficulties on those points on which we do not agree. I want to say to the Prime Minister that if he wants to carry on with the legislation to which he has referred, let him carry on with it. If the Farm Fertilisers and Seeds Bill is regarded as a sound measure in every respect—and I presume it was introduced with that purpose—well, let the Government carry on with it. Mr. Speaker is always in a position to rule out unnecessary repetition. Let us get on with our work, but do not let hon. members on the Government benches use their press in an attempt to distort the attitude of the Opposition. Do not let them try to create the impression in the country

that important legislation which should have been put through, but which was not put through, was not attended to because the Opposition would not allow it to go through. The Minister of Finance has said that the Government controls what legislation should go through, and that is so. The Government does control it and they must see that it does go through, and they can put it through by carrying on with the work of Parliament in the recognised way.

Mr. HEPPLE: When the hon. the Prime Minister gave us a list of the measures which the Government hopes to put through this session, I was amazed, because it appears now that what this House is attempting to do is to deal with as much legislation in the remaining ten days as we have handled in the past ten weeks. At this stage of the session when the mood of everyone is to get home, when everybody is tired, we are now told that we have been wasting the time of the House and we are being asked to rush through this legislation. As long as six weeks ago I saw the hon. the Minister of Finance making impatient gestures from his bench, saying that it was time the session came to an end, but since then no less than 16 new measures have come before the House. What is happening now is that we are having the guillotine placed on contentious legislation and in order to complete the work of this House we are going to have the guillotine on another important measure which is coming forward this week. Take the Rents Bill. That Bill has been before the House for a long time, being pushed further and further back on the Order Paper, until it is left for the last few days of the session. The hon. the Minister in charge of this measure knows very well that it is a very contentious matter. I must presume, looking at the amount of time which is being devoted to some of these measures, that we are going to have the guillotine on the Rents Bill, and I would like to know if there is going to be a guillotine on the Rents Bill. This is a most contentious measure. It is a measure which requires a lot of argument because there are opposing points of view on it. I am beginning to wonder why this particular measure is being pushed to the bottom of the Order Paper, at the tail end of the session. Will it be neglected again, and will we again get a half-baked measure? But more important than all that is this, that when this session ends we are going to go away from Parliament knowing that we have not given sufficient and serious attention to all these measures that we are trying to cram into the last few days and hours of the session. I think it is a disgrace and it is making a mockery of this House.

*Mr. TIGHY: I merely want to raise the question of the Rents' Bill this morning. When the Minister introduced this Bill a few months ago, I asked him whether he could give us an indication when the Bill would be discussed. He could not do so. The Prime Minister said this morning that the history of the Bill was known to hon. members. That Bill was on the Order Paper last year. When it had to be discussed the hon. the Minister of the Interior got up and introduced his Nationality Bill. Those ideological measures are always given precedence over practical measures. This year, when the Minister of Public Health introduced the Rents Bill again, the Minister of the Interior again jumped in with his Registration Bill. That ideological Bill again had to get precedence. It seems to me that the Cabinet is always giving the Minister of the Interior preference over the others. He is always given precedence to pilot these political measures through the House, so that important legislation is invariably held over. I do not know whether the hon. the Prime Minister knows the extent of the damage which people have suffered in the last two years through this Bill having had to stand over. A tremendous amount of damage has been suffered by people. The hon. member for Rosettenville (Mr. Hepple) said at this stage we do not know whether we are going to have enough time to discuss the Bill in the way it should be discussed. The Prime Minister may think perhaps that this is a Bill on which we all think alike. A Bill with which the whole House is satisfied. I want to assure him that morning that there is going to be a tremendous difference of opinion on it not merely between the various parties, but between individual members. There are members on his own benches who feel very strongly about certain provisions of that Bill; we are getting near the end of the session now and this essential bread and butter bill, which affects people's personal interests has to stand over for the sake of political matters.

While speaking on this motion, I would like to touch on another aspect of the question. I wonder why this House cannot start morning sittings earlier in the session, and so shorten the session. The reason which is always adduced is that the Select Committees sit in the mornings, and that the House therefore cannot meet in the mornings. I think the time has arrived for us to go into the whole procedure and to see whether we cannot make some improvements.

*Mr. H. S. ERASMUS: Make a proposal.

*Mr. TIGHY: I should like to suggest that the Prime Minister during the recess appoint a few of his members, in consultation with members on this side, to go into the whole question of procedure. The Rules under which we work today are I do not know how old. They are completely out-of-date. I

think if we study our Standing Rules and Orders we shall find that we can make many amendments which will lead to saving the time of the House and the time of hon. members. Take this question of Select Committees. Why cannot we consider letting Select Committees sit during the recess. We did it in regard to the Marketing Act. Are there any insuperable difficulties? Surely we can make arrangements to compensate members who have to serve on Select Committees during the recess, even if this should require passing legislation. We would discuss Railway matters, matter of financial policy and other questions during the recess. In that way we would be able to save a tremendous amount of time. I feel that the present policy of keeping members here for six months and to overload them in the last few weeks, is most unsound. The legislation which we pass here in that period cannot receive the attention which it should have, and I think the time has come for this House to give its serious attention to our Standing Rules and Orders and our procedure to see whether our rules are not antiquated. By doing so we shall be able to facilitate and expedite the business of this House.

Mr. KENTRIDGE: I wonder whether hon. members on the other side who pretend to have a great regard for our Parliamentary institution and for democracy would get up and declare in this House that the method pursued by the Government in rushing through important Bills at the tail-end of the session is showing any respect for this House. I say that this Government is showing disrespect for this House, but there we have a number of yes-men who are prepared to swallow everything the Government does. Here we have a number of Bills which they themselves are anxious to have passed. I refer to the Marketing Amendment Bill, the Fertilisers Amendment Bill and the Public Holidays Amendment Bill. They are very anxious to have these measures passed, yet they have allowed the Government which they are so blindly supporting to leave those measures until the very end of the session, and then they come along and say, "If you are going to speak on these Bills we are going to drop them". They want those Bills, but they have allowed the Government to adopt the attitude of saying that this House is no longer a deliberative assembly; that we have no right to discuss matters; all we have to do is simply to pass measures which the Government wants to put on the Statute Book. Our friends are prepared to allow these measures to be dropped if there is to be any discussion on them. There are still some members of this House who believe in expressing their views and who believe in treating Parliament as a deliberative assembly. Surely the Government should have pursued quite a different method. They should have taken Bills which are of economic interest, Bills which may effect the cost of living, and Bills which may tend generally to improve the lot of the people, in the early part of the session. Those Bills should have been taken first, while there was an opportunity to discuss them fully. I agree with the hon. member for Rosettenville (Mr. Hepple). Take the case of the Rents Bill. That measure has now come before the House for the second session. It was before the House last session, and last session the Government found that they could not carry on with it. It was introduced at the beginning of this session, and at the beginning of this session the Bill was so bad, that the United Party and the Labour Party opposed it, and as the result of our Opposition, the Bill was dropped for the time being, and a new Bill was introduced. Even the new Bill which was introduced by the hon. the Minister is not a perfect Bill; it is a Bill which requires a good deal of discussion. It is introduced at the tail-end of the session and if it is to be passed at all, it will have to be rushed through and the resulting measure will be one which will neither satisfy the House nor the country. Surely that is not the way to treat Parliament. I must say that the country has been looking with some hope to the Minister of Finance, as many of us have been looking to him, to stand up for the rights of Parliament and for the rights of democracy. He himself sits there so subdued at the present moment that he is simply a submissive tool of the Nationalist Party. I submit, Sir, that that is something which is derogatory to Parliament; it is derogatory to the Minister of Finance and it is something about which the Public will not be very happy. What is happening now is that important legislation which should have been dealt with in the early part of the session, has been left over for the tail-end of the session, and we have been given an ultimatum—for that is really what it is—that if we dare open our mouths on these Bills the Government is going to drop them. But ideological Bills, Bills which are tending in the direction of Nazism in South Africa—whether the Minister of Finance likes it or not—whether we like it or not, whether the public likes it or not, those Bills are going to be rushed through with the guillotine and the gag, and every real measure of importance, every measure which is of some benefit to the country is going to be dropped. I submit that that is a definite indication that the Government is out to abolish Parliament at he earliest possible moment because they are denying us an opportunity to discuss measures which come before the House and they are giving the country the impression that we are really wasting time when we discuss these measures.

Mr. BARLOW: This session, probably more than any session of Parliament we have ever had since Union, has been a session in which an enormous amount of undigested legislation has been put before us. I must say that the present Opposition is the most accommodating Opposition any Government in this country has ever had. We have met the Government on every point. But never before have I heard Ministers making such long speeches, in introducing Bills or in introducing their particular votes. Take the hon. the Minister of Agriculture. The Minister of Agriculture took, I do not know, how many hours. Similarly the Minister of Economic Affairs took an enormous amount of time. It did not seem to matter much to hon. members on the other side. I have come to the conclusion that the Nationalist Party is an extremely good party on the platform and an extremely bad Party in Parliament. They are an emotional Party. They can go on to the platform and talk about the Native question and other questions, but when it comes to any economic questions, they are stumped.

An HON. MEMBER: Are you referring to your party?

Mr. BARLOW: No, Hansard tells that tale. Right throughout the dreary waste of Hanhard you can see that the Nationalist Party has never been able to face up to the economic situation when it has been discussed in the House. Time after time our young men on this side have brought forward questions which one would have liked to see discussed in a proper legislative manner as a Parliment should do, but we have never had anything like that from the other side. All they have done has been to talk about "Kaffer boeties" and Communism and things of that kind, and their legislation shows it. The Nationalist Party instead of being led quietly in this House by an old, ex perienced politician like the Minister of Finance, is being led by the Minister of the Interior who has run away with ideological ideas. Here we are going to get a measure which is going to alter the constitution of South Africa, the South Africa Act, the most precious thing we have, is going to be altered and we are told that we have to swallow that in ten minutes. There are going to be three new Ministers. I do not mind their having three new Ministers, if they can find them. but can they find them? They cannot find them. There are only four or five who measure up to standard. You will know, Mr. Speaker, as an old Parliamentarian that there are only four or five Ministers who measure up to anything like the old standards of Ministers, men like Charlie Malan ...

Mr. SPEAKER: Order, order. That really has nothing to do with the proposal.

Mr. BARLOW: I do not know ...

Mr. SPEAKER: I do know and I must ask the hon. member when I try to adress him, just to give me an opportunity of telling him what I intend saying. All I intend saying is that the measure must still come before the House. We cannot now start mentioning the names of people who are no longer there. That is not the question before the House, and if I may be allowed to say so, I think it would be a good thing for the Prime Minister to give the other side notice through the Whips as to what legislation it is still proposed to put before the House. We have been discussing this motion for over an hour, which would not have happened if the Whips had been given notice as to what was going to happen. I think it would save a lot of time if the Whips are given notice of what measures are still to b taken.

Mr. BARLOW: I think what you have said in your dignified and calm way bears out our criticism of the other side, but you have done it in a nicer way than I could put it. The trouble is, Sir, that the Prime Minister does not know how to lead Parliament. He was a very good Minister of the Interior in the old days, but he has no idea of how to lead Parliament. I do not think that is so much his fault but the trouble is that his Ministers and his Whips do not give him the right information. I have noticed that from his speeches in the country districts. His facts are all wrong. He went to his own constituency the other day and made solemn promises about some things. He does not know what he is talking about. He is a sort of Useless Eustace; he goes right off the mark altogether, and that holds up the House. It is a very bad thing when you have a Prime Minister like that, and we find the same position in connection with External Affairs. The Country at the present moment is in a crisis. This House in the next two weeks should be allowed to have a very great debate on U.N.O. which is attacking us. But we must go home and nothing has been said about U.N.O. where our name actually stinks. It is not our fault and it is not the fault of our friends on the other side, but they do not seem to know what is going on in the world. They do not seem to know that this world is today in a more dangerous position than it has ever been. Great forces are massing in the East, but we have no opportunity of discussing these things. The newspapers discuss it; the whole country is discussing it, but this Parliament says nothing about it. No wonder the people outside are beginning to say that the Parliament of South Africa does not measure up to the Parliaments of other countries. We stand far behind other Parliaments like the Parliaments of Great Britain and Canada. Why?

It is because we are getting the wrong legislation. Take your Rents Bill. The Rents Bill is a most contentious measure; it is the most contentious measure that has ever been put before the House. To discuss the Rents Bill properly you would have to have at least two or three weeks, but the gentlemen on the other side do not care. They are not interested in the poor devil who is living in a garage. No, they want to go home. The cry we hear all day is "huis-toe, huis-toe". Their own people are suffering, because to a large extent it is the poorer people who vote for the Nationalist Party; I admit that and those poor people are suffering. They haven't got a hope, but our friends who become emotional on the platforms, what do they say? They want to force this Bill through at once without any discussion. What is the reaction in the country? There is already the reaction that is taking place in my old home town, which is probably one of the fortresses of the Government.

An HON. MEMBER: Which is that?

Mr. BARLOW: Bloemfontein. There was an election there the other day. Four leading members of the Nationalist Party, not so many weeks ago, were wiped off the slate in the municipal elections. Why? Not because we have been so wonderful but because they have been so bad they have not lived up to their 1948 promises, and I say if the Prime Minister thinks that we are not going to play the game and that legislation should be rushed through in this way, let him pass it and go to the country. Let us go home and go to the country, and what do you think the result will be then? [Interjection.] The hon. member for Kimberley (District) (Mr. H. T. van G. Bekker) won't come back.

Mr. H. T. VAN G. BEKKER: You sang the the same tune before the last election. We do not hear anything from the hon. Minister of Agriculture. Take the question of erosion. The most important thing in South Africa is erosion. One would have thought the hon. Minister would get up and say, This is what the people have been doing; here is a map on erosion; try this system. But not a word does he say about it! The country is washing away to the sea, but the hon. Minister of Agriculture does not care; he is not interested. The hon. Minister of Lands has a meeting every week-end, and he never talks about erosion—it is always party, petty, piffling politics. Take yesterday for instance; he talked about Communism; he is always making statements about Communism. Why does he not tell the truth? But he never talks about soil erosion. Take the question that I put to the Minister of Finance, the very grave question of the cost of living today. Does the Minister of Finance recognise that it is almost impossible for a man with £50 or £60 a month to live, that they are having a terrible time in the cities, that they are starving—but not a word from the Government. You would think that they would say, Look here we are trying to do this and trying to do that to help, and the members of Parliament will tell you about it from their platforms. But no, not a word. Not a single word about the cost of living, nothing about erosion (interruptions). Then there is this all-embracing question in South Africa relating to Black and White. I would have thought another Minister would get up before we go away and say, This is what our Government has done about Black and White. But they say nothing. This Government is a hopelessly incompetent and rotten Government. That is why the country wants to get rid of it. I know numbers of men who voted against them in the last election who were Nationalists, told me . . .

Mr. SPEAKER: Order, order!

An HON. MEMBER: Sit down.

Mr. BARLOW: I won't sit down. The hon. member cannot get me to sit down (interruptions).

Dr. VAN NIEROP: I move—

That the question be now put.

Upon which the House divided.

Ayes—72.

Abraham, J. H.	Hertzog, A.
Bekker, G. F. H.	Hugo, P. J.
Bekker, H. T. v. G.	Jansen, E. G.
Bezuidenhout, J. T.	Klopper, H. J.
Boltman, F. H.	Le Roux, P. M. K.
Botha, P. W.	Le Roux, S. P.
Brink, W. D.	Liebenberg, J. L. V.
Brits, G. P.	Loock, J. H.
Conradie, D. G.	Loubser, J. A.
Conradie, J. H.	Loubser, S. M.
Deysel, A. J. B.	Louw, E. H.
Diederichs, N.	Ludick, A. I.
Döhne, J. L. B.	Luttig, H. G.
Dönges, T. E.	Luttig, P. J. H.
Du Pisanie, J.	Malan, A. I.
Du Plessis, P. J. C.	Malan, D. F.
Du Plessis, W. C.	Maree, W. A.
Erasmus, F. C.	Mentz, F. E.
Erasmus, H. S.	Nel, M. D. C. de W.
Erlank, A. E.	Olivier, P. J.
Eyssen, S. H.	Papenfus, S. F.
Faurie, W. H.	Pieterse, P. W. A.
Fouché, J. H.	Schoeman, B. J.
Fouché, J. J.	Scholtz, D. J.
Frates, T. J.	Stals, A. J.
Fullard, G. J.	Steyn, A.
Grobler, D. C. S.	Steyn, G. P.
Havenga, N. C.	Steyn, J. H.

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

Swart, C. R.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
Van Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Viljoen, J. H.
Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob.
Wilkens, Jan.

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—54.

Abbott, C. B. M.
Allen, F. B.
Ballinger, V. M. L.
Barlow, A. G.
Bekker, P. B.
Bell, R. E.
Benson, E. A.
Bloomberg, A.
Bowker, T. B.
Brooke, R. S.
Butters, W. R.
Davidoff, H.
Davis, A.
Delport, G. S. P.
Du Toit, R. J.
Eaton, A. H. J.
Eaton, N. G.
Friedman, B.
Frielinghaus, H. O.
Gale, D. J.
Gay, L. C.
Graaff, de Villiers
Hayward, G. N.
Hepple, A.
Higgerty, J. W.
Jonker, A. H.
Jordan, R. D. P.
Kentridge, M.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Mushet, J. W.
Oosthuizen, O. J.
Russell, J. H.
Shearer, O. L.
Shearer, V. L.
Smit, D. L.
Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Strauss, J. G. N.
Stuart, W. H.
Sturrock, F. C.
Sullivan, J. R.
Tighy, S. J.
Tothill, H. A.
Van Coller, C. M.
Van der Byl, P. V. G.
Waring, F. W.
Warren, C. M.
Waterson, S. F.
Williams, H. J.

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

Motion accordingly agreed to.

Original motion put and the House divided.

Ayes—71.

Abraham, J. H.
Bekker, H. T. van G.
Bekker, P. B.
Bezuidenhout, J. T.
Boltman, F. H.
Botha, P. W.
Brink, W. D.
Brits, G. P.
Conradie, D. G.
Conradie, J. H.
Deysel, A. J. B.
Diederichs, N.
Döhne, J. L. B.
Dönges, T. E.
Du Pisanie, J.
Du Plessis, P. J. C.
Du Plessis, W. C.
Erasmus, F. C.
Erasmus, H. S.
Erlank, A. E.
Eyssen, S. H.
Faurie, W. H.
Fouché, J. H.
Fouché, J. J.
Frates, T. J.
Fullard, G. J.
Grobler, D. C. S.
Havenga, N. C.
Hertzog, A.
Hugo, P. J.
Jansen, E. G.
Klopper, H. J.
Le Roux, P. M. K.
Le Roux, S. P.
Liebenberg, J. L. V.
Loock, J. H.
Loubser, J. A.
Loubser, S. M.
Louw, E. H.
Ludick, A. I.
Luttig, H. G.
Luttig, P. J. H.
Malan, A. I.
Malan, D. F.
Maree, W. A.
Mentz, F. E.
Nel, M. D. C. de W.
Olivier, P. J.
Papenfus, S. F.
Pieterse, P. W. A.
Schoeman, B. J.
Scholtz, D. J.
Stals, A. J.
Steyn, A.
Steyn, G. P.
Steyn, J. H.
Swart, C. R.
Uys, D. C. H.
Van den Berg, M. J.
V. d. Heever, D. J. G.
Van Heerden, D. P.
Van Niekerk, J. G. W.
Van Rhyn, A. J. R.
Van Schoor, J. J. F.
Viljoen, J. H.
Visser, de V.
Vosloo, L. J.
Warren, S. E.
Wilkens, Jacob
Wilkens, Jan

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—55.

Abbott, C. B. M.
Allen, F. B.
Ballinger, V. M. L.
Barlow, A. G.
Bekker, P. B.
Bell, R. E.
Benson, E. A.
Bloomberg, A.
Bowker, T. B.
Brooke, R. S.
Butters, W. R.
Christie, J.
Davidoff, H.
Davis, A.
Delport, G. S. P.
Du Toit, R. J.
Eaton, A. H. J.
Eaton, N. G.
Friedman, B.
Frielinghaus, H. O.
Gale, D. J.
Gay, L. C.
Graaff, de Villiers
Hayward, G. N.
Hepple, A.
Higgerty, J. W.
Jonker, A. H.
Jordan, R. D. P.
Kentridge, M.
McMillan, N. D.
Mitchell, D. E.
Moore, P. A.
Mushet, J. W.
Oosthuizen, O. J.
Russell, J. H.
Shearer, O. L.
Shearer, V. L.
Smit, D. L.
Solomon, B.
Solomon, V. G. F.
Steenkamp, L. S.
Strauss, J. G. N.
Stuart, W. H.
Sturrock, F. C.
Sullivan, J. R.
Tighy, S. J.
Tothill, H. A.
Van Coller, C. M.
Van der Byl, P. V. G.
Waring, F. W.
Warren, C. M.
Waterson, S. F.
Williams, H. J.

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

Motion accordingly agreed to.

AGRICULTURAL PRODUCE EXPORT AMENDMENT BILL.

The MINISTER OF AGRICULTURE: I move—

For leave to introduce a Bill to amend the Agricultural Produce Export Act, 1917.

Mr. SERFONTEIN: I second.

Agreed to.

The MINISTER OF AGRICULTURE: I move—

That the Bill be now read a first time.

Mr. SERFONTEIN: I second.

Mr. BARLOW: Mr. Speaker . . .

Mr. SPEAKER: Order! There is no discussion on this motion.

Mr. BARLOW: On a point of order, am I not allowed to object to giving leave?

Mr. SPEAKER: Order, order! I am sorry I cannot allow any discussion; leave was given, and that portion of the motion has already been disposed of.

Mr. HIGGERTY: Mr. Speaker, on a point of order. Although it may not be customary, surely an hon. member who desires to raise a point on the first reading can do so?

Mr. SPEAKER: No, he cannot.

Mr. HIGGERTY: I have heard discussions in this House on the first reading.

Mr. SPEAKER: Order, order! No discussion is allowed. I proceed to put the question.

Motion put and agreed to.

Bill read a first time; second reading on 14th June.

POPULATION REGISTRATION BILL.

Mr. SPEAKER communicated a Message from the Hon. the Senate transmitting the Population Registration Bill passed by the House of Assembly and in which the Hon. the Senate has made certain amendments, and desiring the concurrence of the House of Assembly in such amendments.

Amendments to be considered on 13th June.

GROUP AREAS BILL.

First Order read: Report Stage, Group Areas Bill.

Amendments considered.

Amendments in Clauses 1 and 2, put and agreed to.

On New Clause to follow Clause 2,

Mr. FRIELINGHAUS: Mr. Speaker, I wish to move the amendment standing in the name of the hon. member for Fort Beaufort (Mr. V. G. F. Solomon), as follows—

That the following be a New Clause to follow Clause 2:

3. For the purpose of protecting his security at a sale in execution or a sale by the executor of the estate which is being administered as an insolvent estate in terms of the Administration of Estates Act, 1913 (Act No. 24 of 1913) a liquidator appointed in terms of the Companies Act 1926 (Act No. 46 of 1926) a liquidator or trustee acting in terms of the Farmers' Assistance Act 1935 (Act No. 48 of 1935) or a trustee under the Insolvency Act 1936 (Act No. 24 of 1936) a mortgagee holding a mortgage bond over such property shall be deemed to have been granted a permit by the Minister entitling him to acquire the said property notwithstanding anything to the contrary contained in this

In moving this amendment I make no apologies for again having to appeal to the hon. Minister to try and do something to make this very undesirable Bill, shall we say, a little more practical, and in doing so I refer to the question of protection for those mortgagees — and may I say as well as mortgagors — in connection with the sale of property. I know that the hon. Minister's argument for objecting to this appeal that we make, is that the automatic permit may be misused by a dishonest individual. Well, it is a very sad state of affairs if we have got to let the whole country suffer for the sake of a few bad individuals, and I want to make this quite clear, that our idea in pushing this amendment is for the protection, as I say, of the poorer classes. The hon. Minister I do not think quite appreciates this point — Mr. Speaker, I cannot hear myself speak for the buzz of conversation going on. [Interruptions.]

Mr. SPEAKER: Order, order!

Mr. FRIELINGHAUS: Mr. Speaker, I feel I want to refer to one point. Here we are striving, and if only the hon. Minister will realise it we are doing our best to help him to improve this Bill, and, unfortunately, the Minister of Lands is not here, and I am sorry, because he struts round the country and tells people how we are holding up these various Bills, how we object to them, whereas we are actually advocating alterations in this Bill which will improve it considerably.

The hon. Minister has not given us one valid reason why he will not grant this privilege to the bondholder, and may I say that it is not only in the bondholder's interests but also in the interests of the poor unfortunate individual who is at the other end of the picture.

An HON. MEMBER: The mortgagor.

Mr. FRIELINGHAUS: When I ask the hon. Minister to take note of this amendment, to grant this for five years, I am prepared to consider what the hon. member for Cape Town (Castle) (Mr. Bloomberg) proposed, and if the hon. Minister will try and help us in this matter I am quite prepared to alter the period in which a man can hold the property, from five years to six months, and in doing so I feel sure the hon. Minister therefore cannot object, for any sound reason, to granting that automatic privilege. The only reason the hon. Minister gave for objecting to this was the reason of the dishonest individual. I wonder if the hon. Minister realises what this is going to mean to the poorer classes? Because it is the poorer individual who is going to suffer. The rich people are in a position to watch these affairs far more easily than the ordinary poorer class people — they are business people and in the course of their business they read of and they know of sales and other things that are going on — and it is for that very reason that we are making an appeal to the hon. Minister to allow this amendment to go through. The hon. member for Cape Town (Castle) has stressed this very strenuously, he has given very valid reasons for this amendment being accepted, and somehow or other I cannot quite understand why the hon. Minister will not accept it. We feel that here is a question which is simply one of fair play and protection for people who under this Act may be severely handicapped, and as we have argued before, they might lose their life savings. Very often a man mortgages his property, and he will take £2,000 on mortgage over his property, which may be well worth £5,000. The man who loans the £2,000 is certainly not going to try and get that property at a lower value unless . . . Mr. Speaker, I merely halted because I do feel that I want to do all I can to try and get the hon. Minister to listen and to fall into line with us in this particular matter.

The MINISTER OF THE INTERIOR: So far you have not said anything which has not been repeated already.

Mr. FRIELINGHAUS: I do not think we can sufficiently stress our endeavours to protect the poorer people of this country, not only as regards their life savings, but to enable them to get bonds on their properties, and no amount of repetition will be sufficient if the hon. Minister is going to be adamant and refuse to see, or to give adequate reason why an amendment of this sort cannot be accepted. I appeal to him again to give us a valid reason why an amendment of this kind cannot be accepted, and we on this side being reasonable, will be prepared to accept such an explanation if satisfactory. But until he can give us that reason we cannot in fairness to those for whom we are trying to speak, leave the matter in abeyance; and as regards the argument of repetition I feel that no repetition will be necessary if the hon. Minister will only soften his heart and see the point that we are trying to make. It is for nobody else but the poor man that we are speaking — cannot he see that — both the mortgagee and the mortgagor, who are both interested in this, and if he does not know it I might mention that the first time the Indian Bill came into force I know of companies which immediately clamped down on giving any mortgage bonds at all as far as the Indians were concerned; and under this Bill it is going to be exactly the same with the problem that looms ahead in granting loans. I suggest that the hon. Minister should realise that, and if he has got any feeling at all for these poor people — and a lot of them are people who are solely dependent for their housing on being able to get loans to enable them to put up buildings, or for others to put them up — he will try and meet us. It is no good saying no one will be affected, that these people will still give loans — they will not, Mr. Speaker, and the Minister knows it full well, and if he will only do what we ask we are quite sure that when he talks about repetition and the rest of it, there will be very little repetition if he will signify his willingness to try and meet us in this respect.

I again submit in moving this amendment, and whilst I am prepared to accept in order to try and meet the hon. Minister's wishes, that the period be six months in which a person may hold the ground, so as to give him plenty of time in which to get a proper permit, that the Minister should accept it because he is quite ready to give a permit beforehand, he has told us that, why is he not able to give it automatically for six months, and within that time insist on a man getting a permit of another description?

I submit that to the hon. Minister for his consideration.

Mr. GALE: I second the amendment moved by the hon. member for Port Elizabeth (South) (Mr. Frielinghaus), and I do trust that the hon. the Minister in giving consideration to this matter, will not think, or even say, that he has heard these arguments before for the reason that this particular matter involves a very large section of the investing public. And I do suggest to the hon. the Minister that although certain arguments may have been previously heard by him, it is his duty in this matter in particular again to apply his mind to the arguments which are raised on behalf of a very large section of the public, to see whether it is not possible for him to realise the great importance of this matter to that large section of the public, and if possible, to change his mind. I suggest that when these arguments are put forward by this side the

hon. the Minister should apply a fresh mind, if I may say so, to those arguments to see whether it is not possible to meet the wishes of this side of the House. That big section of the public to whom I am referring, is the investing section of the public. It is that section of the public who usually put their money into land or buildings or dwellings, because it is not every member of the public who desires to invest his money in shares. There are not many people who know much about shares, and it is usual for them to desire to find an investment and to turn their minds to something that is tangible, like fixed property, where they know their money is in this particular investment and they can see the fixed property and how their investment is rising in value or otherwise. As has also been stated, this investing public includes a number of people who make these investments in landed property as their sole business. There is quite a number of people who have put their life savings in investments in land and property. Consequently it is their sole business and they rely entirely for their livelihood on that particular type of investment. It is a very important section of the public. There are in that section widows who have been left a certain amount of money from their deceased husbands' estates, and what better investment can they have than putting their money in landed property where they can see their tangible security? I say this is a very important section of the public, and it is necessary again for the Minister to apply his mind again to the protection of that particular section of the public. It can quite easily be conceived that people who had previously invested in property, which may by the operation of this Bill be included in a controlled area, and consequently the owners of the property may be disqualified — it is quite conceivable that those people may find themselves by a stroke of ill-luck which commenced on 26th May, 1948, with the advent of this Government and which culminated in the passage of this Bill — that by that stroke of ill-luck these unfortunate investors find themselves in the position that the property in which they have invested may be declared within a disqualified area and consequently their investment appears somewhat unsound, simply on account of the operation of this Bill. I say those people should have the protection of the hon. the Minister, and the safeguards which have been suggested in the amendment are safeguards which are very reasonable indeed. The hon. member for Castle (Mr. Bloomberg), when he moved his amendment previously, suggested a period of five years during which they will have that limited opportunity, when the mortgagee has had to purchase a propery in order to protect his security, to dispose of it. But when the Minister interjected and said that that period was unreasonable, the hon. member for Castle was prepared to water down his amendment to six months. Actually the period of five years was put into the amendment because it appears in the Building Societies' Act, where building societies are not allowed by the Act to hold properties for more than five years; it was therefore considered a reasonable period to include in the amendment. But the Minister did not accept that, and I suggest to him, if he gives this matter consideration, he can accept this reasonable period of six months in the amendment, so that the mortgagee who purchases the property will have a period of six months to dispose of it.

I would like to put a question to the legal members on the other side. I refer to the hon. member for Swellendam (Mr. S. E. Warren), whom I regret is not in the House. There is also the hon. Deputy Chairman of Committees; I regret to see he is not in the House either. But there are other legally qualified members on the other side, and I would like to put this question to them: How will they advise their clients in a matter of this nature? A client has his money invested in a property, and by the operation of this Bill when it becomes an Act on the Statute Book, there may be a very distinct disadvantage in that investment. Will they advise their clients not to invest money in property in particular areas? How will they in the ordinary practice of their profession be able to know how the Minister will demarcate the group areas in the country? I think those members who are legally trained, should bring their minds to bear on this particular problem, because it will be a very great problem in their own practice. Even if they do not do this type of business in their profession, I would like to ask them how they would like having their own money invested in insecure properties of that nature. I suggest that they themselves would not like to invest their money on such an insecure basis, and that they must realise, if they support this Bill, that there will be repercussions in regard to investments on landed property. I suggest to those members on the other side — and I know there are many of them — who are in the happy position of having investments on fixed property, that they consider very seriously what the position is and see whether it is not possible for them to recommend to the Minister and possibly persuade him to adopt the safeguard contained in this particular amendment.

The basis on which this amendment stands, is that the mortgagee for the purpose of protecting his security, should be deemed to have a permit. Now the Minister, in terms of another section, can issue a permit. He has told us at the second-reading stage of the Bill that he has that power. But, Sir, the Minister, although he can give a permit, may also attach to it certain conditions and I

would like the hon. the Minister to give us his attention for a moment on this question of the conditions, because in terms of the Bill as presently before the House, he may issue a permit and may attach certain conditions to it. Has the hon. the Minister indicated to this House what those conditions might be? As far as I am aware, he has not stated any conditions whatever. He has not told us and he has not taken this House into his confidence. He has not stated what type of conditions he might impose in regard to these permits. I suggest that the hon. Minister should give some indication of the conditions which he proposes to attach or which he has in the back of his mind. Or are we on this side of the House to assume that only nationally-minded mortgagees will be entitled to permits issued by the Minister?

Mr. W. C. DU PLESSIS: Do not be silly.

Mr. GALE: The hon. member for Standerton (Mr. W. C. du Plessis) says I must not be silly. I am quite sure he cannot give the answer and tell us what conditions the Minister has in mind. I say that Parliament in regard to this particular matter should be informed by the Minister in regard to what conditions he is going to impose on a permit.

The MINISTER OF THE INTERIOR: You have suggested one.

Mr. GALE: I have suggested one.

The MINISTER OF THE INTERIOR: And that is the one which is silly.

Mr. GALE: The Minister says the one I suggested is silly. I am prepared to believe the Minister in that respect, but it is only by going to extremes that we can get the Minister to answer and to inform us what he really has in mind. For that reason I put forward this suggestion which the Minister has characterised as being silly. I do trust the hon. the Minister will tell us, perhaps with the assistance of the hon. member for Standerton, what these conditions really will be.

Mr. W. C. DU PLESSIS: He needs no assistance.

Mr. GALE: Then in regard to these permits that are to be issued, quite apart from the conditions to be imposed, we know there usually is a great amount of delay in the issue of permits by a Government Department. It may be that the delay is unavoidable in certain instances. But time is a factor in this particular case, and it is of the utmost importance to the investing public. If the experience the public has had from this Government, where there has been great delay in replying to correspondence, is going to continue in future in regard to the issue of permits, one can quite visualise that a property will have been sold in execution two or three months or longer, before the mortgagee receives his permit. There is, unfortunately, all that red tape. And when time is the essence of the issue, I suggest that the Minister might quite easily overcome that difficulty by adopting the suggestion basic to this amendment, and that is that a mortgagee when he desires to protect his security at a sale in execution, should automatically be deemed to have a permit to buy it at that sale in execution.

I suggest to the Minister that at this late stage he should not throw confusion and chaos into the money-lending market, to confuse people who at the present moment are prepared to lend money on fixed property, because they are already confused to a very large extent as a result of the rovisions of this Bill. They are afraid, with the result that the borrowing public, those who want to purchase houses and who wish to become owners, are very afraid indeed to obtain this money, for the simple reason that this Bill places the mortgagor and the mortgagee in a very difficult position. The Minister in his wisdom has made certain concessions to institutions. Well, Sir, why he should make these concessions to institutions and not to private individuals, is really beyond my comprehension.

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

Afternoon Sitting.

Mr. GALE: When the House adjourned for lunch, I was drawing the attention of the House to the fact that the Minister had granted certain concessions to financial institutions in connection with this matter of permits being issued, namely that where a financial institution had a bond on a property, the owner of which was a person disqualified in terms of the Act in that particular area, that financil institution would get a permit in advance to buy in the property at a sale in execution. Now, Mr. Speaker, we say the Minister is prepared to have regard to the trouble which institutions will have, because in regard to these institutions, for instance, the building societies, they have an association which was in a position to make representations to the Minister. In fact, I think the concession which has been granted by the Minister was a direct result of the fact that the Association of Building Societies made representations to him along those lines. But the ordinary man in the street who gains his livelihood by the fact that he invests in property, is not in a position to bind himself with others into an association and therefore to make representations to the Minister. As I say, the hon. the Minister should regard the troubles of the man in the street in the same light

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as those of the financial institutions. There is no doubt about it that the financial institutions can afford to be the loser at times. Naturally, one does not desire financial institutions to lose money invested on first bond, but I think it is well known that the financial institutions are more able to stand the strain of periodical losses in regard to property bonded to them than the ordinary individual. Consequently there is that strength in financial institutions which the Minister should, if he makes concessions to financial institutions, take also into consideration and make those concessions to private individuals.

There is another point in this connection to which I would like to draw attention. As far as these financial institutions are concerned, to whom the Minister has made concessions, they are in a better position by reason of the staff at their disposal, to watch the notices in the papers in regard to bonded properties which have to be sold in execution. The ordinary private individual cannot spend his time looking through notices in the paper to see whether property bonded to him has to be sold in execution. These institutions are in a better position and in a stronger financial position. They have sufficient staff to look after their interests, and if the Minister grants concessions to them then I say a fortiori the Minister should also grant the concessions involved in the amendment before us to private individuals.

I want to stress that the opening words of this amendment are to this effect—

> That for the purpose of protecting his security at a sale in execution . . .

It is only for that purpose that these concessions are required. It is for the purpose of protecting security at a sale in execution, and for no other purpose whatever, that this side asks the Minister to grant an automatic permit. We are putting it in a watertight compartment in order to protect the rights of the private mortgagee who has advanced money on a property which under this Act falls within a disqualified area. I say, Sir, that these opening words are fundamental not only to the rights of the individual, but they are the foundation of the amendment moved by the hon. member for Port Elizabeth (South). No investor wants to hold property in a disqualified area or wants to be the owner of a bond on a property held by a disqualified person in a controlled area. People do not go out of their way to run up against the law. They do not want to be in that position because they want to own property or a bond there, but they are in this position because of the operation of this Act. In those instances where there is no mens rea and where the mortgagee does not want to own the property, the Minister should regard him with sympathy and should allow him to protect his security by purchasing the property that has been mortgaged to him, and to be able to hold it for a period of six months as we propose in this amendment. I have had occasion earlier to compliment the Minister for his sagacity in accepting reasonable amendments from this side, and I appeal to him with confidence to accept this amendment.

Mr. BLOOMBERG: I rise to support the principle enunciated in the amendment moved by the hon. member for Port Elizabeth (South) (Mr. Frielinghaus) in this new clause. But in order to meet the objections raised by the hon. the Minister in the Committee Stage, I propose to submit to the House amendments to the proposed new clause. I propose the following amendments to the new proposed clause —

> In the fist line, after "execution" to insert "or a sale in terms of Section 20 of this Act"; to omit "five years" and to substitute "six months"; and to add the following proviso:
>
> Provided always that such mortgagee shall not be entitled to occupy such property if he is a disqualified person in respect thereof, or if his occupancy would be a violation of any condition in the title of such property: Provided that for all purposes save occupation and save as above he shall be deemed to belong to the group of the person from whom he bought it.

Now, Mr. Speaker, for the benefit of those hon. members who would like to have the proposed amendments before them more clearly, I would ask them to turn to page 762 of the Votes and Proceedings. The new clause, as amended by my amendments, will then read as follows—

> For the purpose of protecting his security at a sale in execution or a sale in terms of Section 20 of this Act or by the executor of the estate which is being administered as an insolvent estate in terms of the Administration of Estates Act, 1913 (Act No. 24 of 1913), a liquidator appointed in terms of the Companies Act, 1926 (Act No. 46 of 1926), a liquidator or trustee acting in terms of the Farmers' Assistance Act, 1935 (Act No. 48 of 1935), or a trustee under the Insolvency Act, 1936 (Act No. 24 of 1936), a mortgagee holding a mortgage bond over such property shall be deemed to have been granted a permit by the Minister entitling him to acquire the said property notwithstanding anything to the contrary contained in this Act, but in the event of such mortgagee purchasing such property he shall not hold the property for a period exceeding six months

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without a permit issued by the Minister, provided always that such mortgagee shall not be entitled to occupy such property if he is a disqualified person in respect thereof.

I propose to move this amendment on the lines I have indicated. I would like briefly to indicate to the House the effect of this amendment. The provisions of this new clause will only take effect upon a forced realisation of a mortgaged property in circumstances outlined in this clause. In other words, in the case of a forced realisation, either as the result of a sale of the property in execution or as the result of the sale of the property by an executor in a deceased estate where he has to deal with the estate as an insolvent one or in the case of a sale of the property by a trustee in insolvency or by a liquidator in a company liquidation or by a trustee under the Farmer's Relief Act, then the innocent bondholder shall be deemed to have acquired from the Minister a permit entitling him for the purpose of protecting his security under the bond, to purchase the mortgaged property. That, briefly, is the effect of this amendment. But we have gone further and we have added certain safeguards to meet the objections raised by the hon. the Minister in this matter. Those safeguards are briefly as follows: That where an innocent bondholder is obliged in order to protect his security and in the circumstances which I have outlined, in the case of a forced realisation, to buy in his mortgaged property, then he should not be entitled to hold that property for a period exceeding six months, without first having obtained from the hon. the Minister a permit entitling him to hold such property; and we say where an innocent mortgagee in those circumstances, is obliged to buy in the property in order to protect his security, an additional safeguard should be imposed, that is to say, that he shall not have the right to occupy that property if in terms of this Act he is a disqualified person in respect of the area in which that property is situated. We go a step further in order to meet another objection raised by the hon. the Minister, and we say that if in fact the occupation by that innocent mortgagee of that property would constitute a violation of the title deeds of that property, then he shall again be prohibited from occupying that property in violation of any anti-colour or any anti-race provisions contained in the title deeds of the property. Then finally, we go further and we say that save for occupation and save for the circumstances I have outlined, if an innocent bondholder is forced to buy in a property he shall be deemed to belong to the same group as the person from whom he bought it. In other words, if a European buys a property from a Coloured mortgagor, then he shall not be entitled eventually to sell that property to anyone else but a Coloured person so that he will not clash with the group area that the Minister proposes to establish; and likewise in the very heinous case outlined by the hon. the Minister, where a Coloured mortgagee has to buy in a property from a European, he will be precluded under the provisions of this clause from eventually selling that property to anyone else but a European. I mention this in detail so that hon. members of this House may realise how far we have gone in order to meet the specious objections raised by the hon. the Minister to what I submit is a very important safeguard protecting the vested interests of this country. The hon. the Minister, in the course of our discussions on this very clause in the Committee Stage indicated that he felt that I was over-stating the case when I said that this Bill will affect most adversely the property market of this country, and particularly the property market of the Cape. I indicated, as I propose to indicate now, that this Bill without a safeguard, such as we have proposed in this new clause, will affect most adversely any property in any mixed area, i.e., an area which may be declared a European or a non-European area in terms of this Bill; and in the case of the Cape particularly, and in the case of the mother city of South Africa more particularly, the value of a vast number of properties are going to be adversely affected, because I have already instanced to this House how a considerable portion of the landed property occupied in Cape Town might very well fall into one or other of the categories enumerated in this Bill. In those circumstances, it was felt that we should do everything possible to safeguard vested interests and in order to help the bona fide investor who, without any prior knowledge of this Bill has invested his money in property falling in mixed areas, and which may under this measure be declared either a European area or a non-European area as the case may be. I want to tell the Minister that when I told him that property in the city of Cape Town was going to be most adversely affected by the provisions of this Bill that was no exaggeration at all. Indeed, the position is unfortunately worse than I envisaged. During the last few days since the public had an opportunity of hearing in greater detail the provisions of this clause, I have been inundated with inquiries by people who are afraid as to what is going to happen to their bona fide investments in landed property in those mixed areas. I want to assure you, Sir, that there are countless people who have invested their life savings by way of buying properties and by way of mortgages on properties in these areas which are known as mixed areas in Cape Town. These people are greatly perturbed as to what is going to happen to those investments in future if the hon. the Minister

is going to remain adamant in his attitude towards our suggestion that this clause should be incorporated in this Bill.

I would like to give the Minister one example which came to my notice on Friday afternoon to show how the attitude of the Minister is greatly perturbing the minds of bona fide investors in this city. On Friday afternoon an individual, who will be nameless but who is well known to the hon. the Minister personally, came to see me in this House. He told me that his firm had a landed property within a stone's throw of the Magistrates' Court of Cape Town, within a stone's throw of the Revenue Buildings of Cape Town; that this property was municipally valued at £13,150, and that this individual had managed without any difficulty at all, some years ago, and before anyone knew of the contents of this Bill, to obtain a first mortgage bond on this property in an amount of £8,000. When it became known that this property was likely to fall into one or other of the categories enumerated in this Bill, i.e., in a mixed area, and that in due course it may be declared a property exclusively for Europeans or exclusively for non-Europeans, the mortgagee naturally became worried about the situation and gave notice to the mortgagor calling up the bond, of £8,000, as he was entitled to do. It will surprise the House when I tell you, Sir, that this individual has raised Heaven and earth during the last three weeks in an attempt to get this bond substituted by a similar investment from some other trust company or some other financial house. But he finds that a deaf ear has been turned to his entreaties. He is unable to raise this bond with the result that today he is in this position that he has to go and realise other securities in order to meet the claim for the payment of this bond which expires within about three months' time. That is only one of countless instances where the investing public is absolutely scared as to what is to be the outcome of their investments in the circumstances envisaged in the Bill. This is an instance that only came to my knowledge on Friday, but I mention this as a further example to the hon. the Minister in order to try and indicate to him how the property market in the Cape, and particularly in Cape Town, is going to be most adversely affected in these mixed areas unless the Minister adopts a reasonable attitude towards some of the suggestions which have come from this side of the House. I do suggest that this amendment which I propose now meets every one of the objections which the Minister has raised in his adamant attitude towards the pleas that came from this side of the House. This clause, as amended by me now, is designed to ameliorate the grave position which exists in Cape Town today. It has no ulterior motive at all. It is designed to meet this grave position which I have indicated, and it is designed exclusively and entirely with one object, and that is to give to the bona fide investor, who invests his money on mortgage, some measure of protection. We have no ulterior motive at all in submitting this. It is purely for the purpose of giving some protection to the bona fide investor. I am sure that if hon. members were not bound by caucus decisions and party loyalty there are many members on that side of the House, many business men, who would realise immediately that the plea that I am putting up for the bona fide investor is a reasonable one and would wholeheartedly vote for it. I do appeal to the hon. the Minister even at this late stage. I am sure if he would leave this to the free vote of the House, he would see that the vast majority of the House would support this clause. What are the objections that the Minister has raised to this very reasonable clause? We have, after all, made every concession to him. We ask, Sir, that the bona fide bondholder, the bona fide investor, should be deemed to have been given a temporary permit to entitle him to buy in his property in order to protect his security if that property is sold in forced realisation. We impose the condition that he should not have the right to remain the owner of that property for more than six months, without first having obtained from the hon. the Minister a permit entitling him to do so. We impose the condition that he shall not have the right to occupy that property, if by occupying it he is a disqualified person in relation to that property; we impose the condition that he shall not have the right to occupy that property if his occupancy of that property is a violation of any condition contained in the title deeds of that property. We impose the further prohibition that he shall not have the right to deal with that property with any person unless that person is in the same group as the person from whom he acquired it. I do submit that we have made every possible concession to the hon. the Minister. We have met every objection that he has raised in this matter, and I want to ask the Minister to say with clarity when he answers this portion of the debate, what his objections are to meeting the situation on these amended lines. The only answer which so far has emerged from the Minister has been this: He has indicated that if this clause in its original form were allowed to become part and parcel of this Act, it would enable a fraudulent bondholder with ill-intent to become the owner of property in contravention of the provisions of this Act. I do not for a single moment accept that. I do not accept that as being a valid reason why we should reject the proposal which has as its aim the desire to safeguard the interests of bona fide investors in this country. There is no law — I say this to the hon. the Minister; as a lawyer he

will know this — there is no law that Parliament can impose which cannot be broken by some means or other. You do not introduce legislation for the purpose of meeting a situation where a fraudulent bondholder or a fraudulent individual with ulterior motives is bent on breaking that law. I do submit that a law should be introduced for the purpose of giving protection to the honest individual, to the honest investor, to the bona fide investor, to the man who has a vested interest in this country and who has acquired that vested right without knowledge of legislation of this sort. I do say this to the hon. the Minister that his sole argument for refusing to accept our amendment, namely, that it would pave the way to a fraudulent bondholder to become the owner of the property, is on which will not be accepted by this House and will not be accepted by this country. The Minister has to do something to protect the rights of bona fide investors, and I do suggest to the hon. the Minister that by accepting a clause on the lines that I have proposed here with all these safeguards, he is giving some measure of security to the bona fide investor, and he is making it extremely difficult for any bondholder to act with any fraudulent intent, on the lines visualised by the hon. the Minister. I want to say this, that every one of the safeguards I have introduced in this proposed amendment, answers with absolute clarity every one of the objections raised by the Minister. It prevents a fraudulent bondholder from acting on the lines mentioned by the Minister. It prevents anyone with evil intent from becoming the owner or occupier of property in a prohibited area, that is an area in which he is not entitled to live or occupy property. But I want to go a step further and I want to say this, that if the hon. the Minister is not satisfied with the safeguards which we have incorporated in this proposed new clause, if he feels that we have not gone far enough in making these proposals so as to prevent the fraudulent bondholder from acting on the lines indicated by the Minister, then my answer to the Minister is this, that he has the remedy in his own hands. Under this clause the man who is forced to buy in this property in order to protect his security, is obliged within a period of six months to apply to the hon. the Minister for a permit, and if, Sir, you will refer to Clause 14 of the Bill, you will find that the hon. the Minister has sole discretionary powers whether he issues such a permit or not. He is the only one who will have the eventual say as to whether or not a permit should be issued, and what is more, the provisions as contained in Clause 14 of the Bill entitle the Minister to issue that permit subject to such conditions as he, the Minister, may determine. Now I want to ask the hon. the Minister what greater safeguards can he have than the safeguards I have mentioned, the safeguards which are already incorporated in this proposed new clause; the safeguard prohibiting the individual from owning or occupying property in a prohibited area, and moreover, the safeguard which he holds in his own hands, in terms of Clause 14, whereby he need only issue that permit subject to such conditions which he himself will determine. I do suggest to the hon. the Minister that if after having analysed the position, if, after having given consideration to the position, on the lines I have suggested this afternoon, he still remains adamant in his attitude, he cannot blame us if we are driven to the irresistible conclusion that this Bill is designed purely for a political purpose, in order to deprive the Coloured people of the Cape of their homes and of their properties, and in order to drive them into kraals as they will be driven under this Bill when it becomes law. I urge that aspect because unless the Minister is prepared to give this House some valid reason, reasons that any reasonable person can accept for his refusal to accept an amendment on the lines that we have indicated, then we are driven to that irresistible conclusion.

Now, Sir, during the course of the Committee Stage, and as a result of the plea that we put up for the bona fide investor, the hon. the Minister, reluctantly, it is true, agreed to accept two amendments moved by members on his side of the House. Whether that was by design or not, I do not know. However, he appeared to be reluctant in accepting them. Those amendments were amendments to sub-clause 5 of Clause 15, which gave the right to financial institutions whose business it was to grant loans on mortgage bonds, to acquire the property after they had obtained a permit from the Minister. Then after other members on this side and I had made a plea to the Minister to extend that provision so as to include private investors, too, so as not to put them at a disadvantage in relation to building societies and other financial institutions, the Minister again reluctantly accepted the amendment extending the provisions of Clause 15 so as to incorporate private persons as well as institutions. I said then, and I say now, that that was a step in the right direction. I do not mind whether the credit for that amendment is given to this side of the House or to that side. Our only object is to secure some law which can be administered, some law which will give a measure of justice to the bona fide investors of this country, and I do not mind if the Minister claims the credit for that for his side of the House. I have no objection, and I did say, and I say again, that that was a step in the right direction. It was a step in the right direction in this sense that it gave an opportunity to bondholders, whether the bonds are held by institutions or by

private individuals, to acquire from the Minister a permit to buy landed property. But that does not go far enough. In this amendment we ask that provisions should be incorporated under this Bill, whereby the bondholder shall be deemed to have a permit so that if under circumstances of forced realisation a property is sold, and it has only come to the knowledge of the bondholder at a late stage when there is no time to apply for a permit, he should have the right to buy in that property for the protection of his security, and then to have six months to acquire from the Minister a permit. During that period the Minister will have the right to see whether this property should eventually pass into the hands of Europeans or into the hands of non-Europeans as the case may be, and he may impose in that permit such conditions as he alone is entitled to impose, in terms of Clause 14 of the Bill. I do suggest that this amending clause is necessary; it is a necessary provision of the Bill; it is necessary in order to give the inherent right to a bondholder to protect his security. I do seriously suggest to the hon. the Minister that a provision of this sort is necessary in this law and is particularly necessary in an area like Cape Town. I have indicated how already it is extremely difficult for any person to obtain a bond in an area which is a mixed area, in an area which is likely under this measure to become a European or a non-European area. The uncertainty that exists as to the eventual fate of that property precludes anyone from obtaining any substantial bond on a porperty in a mixed area at the moment. I have indicated at previous stages of the discussion on this Bill, that this Bill affects the Coloured people in this province considerably. An omission on the part of the Minister to incorporate a provision of this sort in the Bill will prevent any Coloured man from obtaining a mortgage bond in respect of any home that he proposes to buy for himself and his family. Already as the result of this Bill, the door has been closed to them, and so far as the Coloured community is concerned, the House can accept it from me that it will be a very rare instance for any Coloured man to acquire a property on which he has to take a mortgage bond. It is already extremely difficult for any Coloured person to obtain a mortgage bond in Cape Town. That apparently does not weigh with the hon. the Minister and certain members of the Cabinet. I venture to suggest that this Bill is designed entirely against the Coloured community of this Province, so that the Coloured aspect of the matter does not weigh with them at all. But I want to tell the hon. the Minister that in addition to the innumerable number of Coloured persons who are going to be so adversely affected, there are countless Europeans in the Cape who are going to be affected. There are hundreds upon hundreds of investors who have given money on loan by way of mortgage bond on properties falling in mixed areas, and those investors are Europeans — Europeans who the hon. the Minister and his party seek to protect. Those are the people who are going to be affected, because unless we introduce a provision of this sort entitling those bona fide investors to be deemed to have a permit to acquire the property to protect their security, their security in many instances may not be worth the paper it is written on. I put forward this plea therefore also on behalf of the European investors. For the moment I am prepared to disregard the Coloured aspect entirely. I am putting forward this plea to the Minister now on behalf of those countless European investors whose rights are likely to be gravely affected, adversely affected, unless special protection is given to them and it is for them as well as the non-Europeans that I ask the hon. the Minister to reconsider the matter. I say again that the Minister can take all the credit for it. We want no credit at all for introducing a protective measure of this sort, but I do suggest, Sir, that it is necessary in the interests of these bona fide European investors that this protection should be given to them, because I repeat that in the event of their not receiving that protection, in the event of these people not receiving what they are definitely entitled to receive by way of protection, their vested interests in mortgage bonds will completely disappear. They are not likely to grant any more bonds in respect of properties in mixed areas where the future destiny of the property concerned is uncertain. For those reasons I seriously suggest to the hon. the Minister that he should give further thought to the plea that we have made to introduce some provision in this Bill on the lines that we have indicated in this amendment.

I conclude by saying again that in this amendment we have given every possible protection to the hon. the Minister to meet the case that he has envisaged of a fraudulent bondholder acting on the lines he has indicated. We have introduced every safeguard to prevent a man from acting in a fraudulent manner, and above all the Minister in his own hands holds the key to the situation because under the provisions of Clause 14 he can impose such conditions as he himself may determine with regard to a permit to any bondholder who may be forced to buy in a property in order to protect his interests. Finally, I want to emphasise one aspect and that is that this new clause will not have general applicability. It will only apply to those cases where a bona fide investor is forced to buy in the property in order to protect his security. I do appeal to the Minister to accept our amendment as a reasonable measure of protection to bona fide investors in this country.

Mr. MUSHET: I second, and in doing so I appeal to the hon. the Minister at this late stage of the consideration of the Bill, to reconsider the decision he took the other day. Earlier on, when the amendment was originally moved, the Minister seemed to treat the representations made to him, shall I say, in not too earnest a manner. When the hon. member for Port Elizabeth (South) (Mr. Frielinghaus) introduced the amendment, the Minister said he was advancing no new arguments at all. It appears that the Minister came to a decision on Friday on the arguments which were then adduced. I do not know if he will agree that new arguments have been advanced now. Two speakers have already spoken on this clause, and I do not know whether the Minister will agree that new arguments have been adduced, but I want to say this: We are surprised indeed at the attitude of the Minister on Friday. But on the other hand, we can understand his position. He had been getting it from all sides. He had a difficult Bill to pilot through and he was in the midst of attacks from all sides and it was difficult for him to apply that calm judgment . . .

The MINISTER OF THE INTERIOR: You mean from all sides of the United Party.

Mr. MUSHET: There were some ricochet bullets from his own side.

The MINISTER OF THE INTERIOR: Their force had been spent.

Mr. MUSHET: I do not know; sometimes ricochet bullets are more dangerous. Be that as it may. The thing is this, that we can understand that the Minister was not his usual calm self when he had to make decisions, particularly on this clause which was debated so ably and fully on Friday. And I was hoping that after a quiet week-end —I do not know how he spent the week-end, but I hope it was a "plesierige naweek" — I was hoping that after a pleasant week-end he would come back to the House with his mind refreshed and a vision of things in their true perspective.

The MINISTER OF THE INTERIOR: And my patience restored.

Mr. MUSHET: And the moment this amendment was brought up he would get up and accept it. I appeal to him from this point of view. We must understand that this legislation on this particular point perhaps affects the Mother City of South Africa, affects the City of Cape Town more than any other centre in the Union. I hope he will agree that that is so. I hope hon. members will give me a chance. I cannot see the Minister for the waving hands of the chief Whip of his party. The Minister will agree that this legislation on this particular point affects the Mother City more than any other city in the Union. I can give him the assurance, as a member representing a Peninsula seat, that this amendment we moved the other day, because it was refused by the Minister, has caused an enormous amount of perturbation to the Mother City. They cannot understand how a reasonable Minister could not accept that amendment. We have had in the speech by the hon. member for Castle (Mr. Bloomberg) a very practical speech made by a very practical person, a man who is right in the business, in contact with this kind of thing as his profession in his everyday life. He has had many representations made to him to bring home to him the importance and seriousness of the position. I consider, Sir, that a member of the type of the hon. member for Castle is perhaps the most expert man the Minister could get to advise him on this particular matter. Now we know how this Minister is always very keen to have the best possible evidence before him, before he comes to a decision. I submit, Sir, that this afternoon he has had again brought before him evidence of first-class importance, that he cannot lightly lay aside. It is expert evidence from the Mother City of South Africa, where this clause of the Bill causes more trouble and anxiety and, if I may say so, fear and uncertainty than any other centre in the Union.

I submit, in the circumstances, that the Minister should listen to the voice of the Mother City of South Africa, which is worse hit by this Bill than any other city in the Union. He should listen to the expert evidence given and make his decision, not as a politician, not even like a Nationalist Minister, but like a judge on the bench, with all the evidence before him, making a decision on that evidence. As a layman I see the matter this way. It has been argued from the legal standpoint by two quite eminent legal men on this side of the House. They have looked at the legislation from the point of view of their clients and potential clients, and the investing public. The point is that the mortgage bond up to now has been one of the most safeguarded forms of investment in South Africa that a person could possibly have. I understand that a South African mortgage bond is regarded as one of the highest forms of investments from the point of view of safeguard, of any investment in any country in the world. This legislation before the House is doing away with certain of those safeguards that certain mortgages had until this legislation came before the House. That is so. I understand the Minister says that in the nature of things he cannot help that. As far as this Government is concerned, ideologies come first. They are bringing this Bill forward in order to implement certain ideologies they have. They believe that those ideologies are

of great value to South Africa, and they ask the public of South Africa to make sacrifices. There can be no doubt about it that this legislation will cause the public of South Africa to make very great sacrifices indeed. In this particular instance the public is asked to make sacrifices. We on this side of the House say that safeguards in general have been taken away from this form of investment, but there still are some safeguards we can put in. If you adopt our amendment, you are putting some safeguards in the place of the safeguards you are taking away. Now surely, it should be elementary for any statesmanlike view of a situation like this that when you take away safeguards, you should put as many safeguards as possible in their place. If you remove a safeguard, then it is elementary, if you have the opportunity of doing so, of putting another safeguard in its place, even if it is not quite as good. Broadly, that is all the Minister is asked to do here. This legislation is taking away safeguards from this form of investment in South Africa, and we are showing a way in regard to a particular type of mortgage, where he can put another safeguard in their place; and in those circumstances I think the case put forward by the Opposition is absolutely unanswerable. I do not want to hold up the House, but I will put it to the Minister to reconsider the position. There is nothing political in this. We are only asking that a safeguard which the Minister can easily give them, should be given to individuals who find themselves in the position described by the last speaker and the speaker before him. In giving them this safeguard, it does not destroy anything in the Bill. The Minister does not do any disservice to any principle in the Bill. All the principles of his Bill will remain as they were before. But at the same time, by accepting this amendment, he will do justice to people to whom he would otherwise do an injustice. He is putting back a safeguard on a form of investment that in this country for years and generations has been inviolate. We ask him in these circumstances to give that safeguard back. This legislation is taking away a safeguard, and we ask him to give something back although it is not as good as the original safeguard. We plead with him to do this elementary justice, and he will also be doing himself a service in showing this House and the public that when a proper case is brought forward he is prepared to listen to it.

Mr. GAY: Mr. Speaker, I want again to ask the hon. Minister whether it is not possible in this amendment, not only to agree to protect the bondholder, but to afford some form of protection to the borrower as well. As a result of this Bill a complete change is coming about in the existing basis of property and land-ownership and titles. It must result in very important changes in the investment value of properties. We find that that is already taking place, and so the bondholder and the man who borrows the money require some measure of protection, protection as I said in the Committee Stage, at least until the country has settled down to some stabilisation point after the panic into which the Bill has thrown the country.

The amendment asks for certain safeguards, and I strongly urge the Minister also to protect, when he meets those reasonable requests, the man who has borrowed the money and to see to it that he also receives protection and is safeguarded. There are many thousands of people affected, some of them small people who have invested their life savings in one or two houses to provide for their old age and have taken up bonds to develop and expand their properties. Now, as a result of this Group Areas Bill, they find that what was a perfectly satisfactory security is no longer so satisfactory, that the value of their property is being depreciated and the bondholder and the owner of the property are placed in jeopardy. The bondholder, as has been stated by the hon. member for Castle (Mr. Bloomberg) and other speakers, is often dealing with trust funds and he has no alternative. He has to call up the bond. That is not a suggestion; it is a fact. It has already taken place on a fairly considerable scale, and it will take place on the growing scale of a snowball once the rot sets in. There is no question of that. The borrower finds himself facing a forced sale. He either faces that or liquidation, and in either case he faces the loss of a life's saving. He may recover enough to repay the bondholder; but what about his own investment; must he lose that altogether? I want to point out that both the bondholder and the borrower are facing that position not through any action on their part. The security they gave and the investment they put up were perfectly sound and remain sound. But the whole position has been changed as a result of national legislation in which neither of those two parties to the contract had any say at all. It seems perfectly unjust that either of them should suffer as a result of legislation over which they have no say, legislation which has altered the whole financial basis of the property market of the country. I suggest, therefore, that some reasonable action should be taken to protect that particular section of the community who have invested their life savings in property among the smaller people and who now find themselves faced with ruination.

I would ask the hon. Minister, in considering the request put before him by this side of the House, to do so in a most reasonable light. This is an amendment which is warranted by the circumstances. He should extend it not only to cover the bondholder,

but to give reasonable protection to the borrower himself until such time as the property market is stabilised. There are two ways in which it can be done, either by moratorium or by compensations on the part of the State. The Minister may have a better way of doing it, but I would in all sincerity ask him to inform the House when he replies, as to what he proposes to do to protect the thousands of citizens of this country who are now facing ruination as a result of this Bill, and through no fault of their own. The hon. Minister may say again that we have produced nothing new and that we have merely repeated what was said in the Committee Stage. That may be so. But as I said before, we are handicapped. We cannot say anything new. We are tied to a statement of fact and we cannot change fact. This is something we believe affects the welfare of the whole of South Africa, and whether it is in the Committee Stage or this stage, we are compelled to stick to that particular line. We will not change our ground for political kudos. We say what we think is right. If it is not new, it is at least something which in the interest of South Africa warrants the most serious attention of the Minister, and in this particular case a little more sympathetic consideration than what we have had from him up to now.

*The MINISTER OF THE INTERIOR: I just want to have it on record that we have now been listening for more than an hour and a quarter to a repetition of the debate which we had during the Committee Stage. No new arguments have been raised today; no argument which had not been raised during the Committee Stage, and I want to have it on record that this proves that hon. members opposite are more concerned over the three hours set down for the consideration of the amendments being fully occupied than about dealing with the merits of the Bill. It is also striking that those hon. members who moved this amendment in the Committee Stage and who advocated it there, have not had the courage to repeat their arguments here. They have found other members opposite, the hon. member for Port Elizabeth (South) (Mr. Frielinghaus), and the hon. member for East London (North) (Mr. Gale). The hon. member for Cape Town (Castle) (Mr. Bloomberg), however, does not mind repeating what he has already said in the Committee Stage. The others feel rather ashamed to repeat what they have said before, but the hon. member for Castle has not allowed himself to be held back by sentiments of that kind.

Let me go a little further, however. The members who proposed this amendment, put it on the Order Paper. It is identical to the amendment which they proposed in the Committee Stage, in the same crude and unacceptable form. In spite of the dangers to which I referred in the Committee Stage when I said that this whole Bill would be exposed to evasion and that it would be destroyed if the amendment was accepted, in spite of this the hon. member who moved the amendment proposed the same amendment at this stage of the Bill. He urged that the amendment, exactly as it stood here, should be accepted. The second speaker opposite gave way a little. He said that the five years might be only six months. He gave way as far as that, but he did not by any means go to the extent of conceding what had been conceded in the Committee Stage. Those two members argued on the proposal as it appeared on the Order Paper. Then the third speaker came along, the hon. member for Castle, and in his speech we had a repetition of what we had had during the Committee Stage, the same precautions and guarantees which he was driven to in Committee in consequence of the criticism from this side. He was forced from his original position and he was forced to retire every time until the original proposal was eventually amended to such an extent that it had become totally unrecognisable. That same process took place again here today. The hon. member for Castle comes here and says that he is prepared to make the proposal of the hon. member for Port Elizabeth (South) subject to all these guarantees; in the first place the bondholder must not have the right to buy in the property and to hold it for a longer period than six months without a permit. Secondly, the man who buys it in must not occupy it if it is in a wrong group area. Thirdly, he is not allowed to sell it to another group if the title deed contains any conditions to the contrary. Fourthly, he is not allowed to sell it to a person other than the person from whom he has bought it. That is as far as he got — just as far as he got in the Committee Stage. But in the Committee Stage he did go further and he said that no sale should take place within a period of six months unless there was a permit allowing him to do so. Will he still say the same thing?

Mr. BLOOMBERG: Yes, to test your sincerity.

*The MINISTER OF THE INTERIOR: So the hon. member is prepared again to insert all those guarantees in his amendment to which he was driven in the Committee Stage. He is now prepared to accept amendments which will render the position much more difficult and much more irritating to the individual concerned than the provisions of the Bill itself. He has retired so far from his original proposal that he has got close to the provisions of the Bill, and in order to bring his proposals still closer he is making the position more difficult and more irritating now for the building societies than the Bill

which we have before us. In the Bill we have a provision in Clause 14 (5) — I am dealing first with the building societies now and later on I shall come to the private bondholder — and that provision allows the building society to obtain what we may call a general permit. It will not be necessary for the building society to apply for a permit in respect of some particular property, which it will have to do if the hon. member's amendment is accepted. It can ask for a permit in respect of immovable property in an area stipulated in the permit. It can ask for it, for instance, for an area like the Cape Town magisterial area, in respect of properties on which it has mortgages. The building society can obtain a block permit. Secondly it can get a permit in respect of immovable property generally on which it has bonds.

Mr. MITCHELL: What about the individual bondholder?

*The MINISTER OF THE INTERIOR: The hon. member does not understand; I said that I would come later to the individual bondholder. I am now dealing with the building societies. It has been argued that this Bill will cause a restriction in regard to the supply of money for the purchase and the building of houses in non-European areas by building societies. That is the point I am dealing with. We can give such a building society a permit, containing the necessary conditions, in respect of a whole block, as I have already explained. If the hon. member's amendment is adopted, the building society has to come and ask for a permit in respect of every property over which it has a bond. Instead of that, we have inserted a provision that the building society can apply for a permit in advance to cover all the properties over which it has bonds in a particular area. We will issue such a permit, and in terms of Clause 14 (1) that permit will be subject to the following condition —

> (a) direct that a permit be issued, subject to such conditions as he may determine, to be signed by an officer thereto appointed by him, including (in the case of a permit authorising the obtaining of immovable property) a condition which provides that the holder of the permit must not dispose of the particular property to any person other than a person belonging to the same group as the person from whom such holder has obtained that property.

We shall grant the permit and this condition can be laid down if it is considered necessary. In some cases it will not be considered necessary. Let me explain this a little further. We may have an Indian building society holding a bond on a European property in a European area. The building society calls the bond up, and then such a general permit will not give it the right to buy the land in and to sell it to an Indian. If the original proposal of the hon. member for Port Elizabeth (South) is accepted, the position in a case of that type will be that an Indian building society which has a bond on a European property in an exclusively European area, can call in the bond, buy in the property, entirely in terms of the law, and then sell it again to an Indian. It can also allow the property to be occupied by an Indian. That is the meaning of that amendment as it stands. That is what that hon. member wants, and I therefor say that we forced those members in the Committee Stage to retire from their position. They had to relinquish the one trench after the other as they were driven back by the cold logic of facts. Now they are in their last ditch, and now the amendment is in such form, after the proposal of the hon. member for Castle, that it no longer constitutes a trench or a bulwark for the building societies. The building societies now are much better off under this Bill than they would be under that amendment. If that amendment is accepted, the building societies will in every instance have to come and ask for a permit in respect of every individual bond, whereas under the Bill they are entitled to get a permit, subject to certain conditions, which will enable them to buy in any property on which they have a bond, in a specific area, and to sell it within a certain period.

We find, therefore, that those members are back exactly where they were in the Committee Stage. That is the position which we had reached then. I used the same arguments then and I must apologise to the House for having to repeat them. But I want to record the position very clearly that the building societies are now much better off under the provisions of the Bill than under the amendment proposed by hon. members opposite. If we accept the amendment with all the alterations proposed by the hon. member for Castle, we are going to make conditions more irritating for the building societies. We shall be causing them more worry than the position in which they will find themselves under this Bill.

I also want to say a few words about the private bondholder. We have also met him. We have provided that in regard to any sale in terms of Clause 20 he has to receive notice and he has to be consulted. He has the right to say how he wants to have it done. But in terms of Clause 14 (5) we have also said this, that a permit for the purpose of obtaining immovable property can be issued to him in respect of the property on which he has a bond. The provision reads as follows —

> A permit authorising the acquisition of immovable property can also be issued to

the person disposing of the property, or, on application, to a person in favour of whom the property is bonded.

In other words, your private bondholder can now come in advance and say: "Look here, I have a bond on this property; I may be forced to buy it in; it is in an area where I am not allowed to buy; give me a permit in advance for the purchase of that property"; then we can give it with such conditions attached that it will not eventually mean a change in the "race-nature" of the property. Against that we can guard, and he, therefore, is protected. He knows in advance that he can get a permit, that he need not be afraid, as the hon. member for Cape Town (Castle) and the hon. member for East London (City) (Dr. Smit) have said — he need not be afraid of waking up one morning and finding that his property is being sold, while he has no permit. He can get that in advance. He is fully protected.

Just a few words about the remarks of the hon. member for Port Elizabeth (South) (Mr. Frielinghaus). He spoke about the protection of the poor people. That was his great argument. It is this very Bill, however, which is going to protect the poor man. Your rich man, as I have said, can buy residential apartheid at a price, a price which in many cases is above the poor man's ability. We want to give the poor man the opportunity of also being protected, and that is why we have this provision here so that it is not available only for the rich, but also for the poor. I want to repeat that the argument in regard to the poor man is the very argument on which this Bill is to a large extent based. We want to protect his requirements and we want his ideals to be realised in the Bill and not just the ideals of the rich man. And so we come back again to the point that it is impossible to accept the amendment and automatically to give a permit. We feel that the protection of the bondholder is effectively achieved under this system which we have here in the Bill, with the amendments which I have inserted; but in their stubbornness hon. members opposite want to have it in the form which they have proposed, and in that form we are not certain that people will not be exposed to the dangers which I have mentioned.

The hon. member for Cape Town (Castle) spoke about the collapse of the property market and the depreciation in the value of properties. I do not know whether he has read an interview in the "Argus" with a man who is competent to speak on this subject; that person gave it as his considered opinion that the effect of this Bill would not be to depreciate the value of property, but that the result would be an improvement and an increase in the value of property.

Mr. BLOOMBERG: He does not know what he is talking about — ask any property agent in this town.

*The MINISTER OF THE INTERIOR: The hon. member imagines that he knows everything. In spite of what the hon. member for Vasco (Mr. Mushet) has said, I am not prepared to accept him as an authority on this subject. I know that if there is one man in this House who wants to wreck this Bill, it is the hon. member for Cape Town (Castle). He has stated it openly, and I have praised him for having had the courage to say it openly, but then he must not imagine that we are so stupid as to accept the ideas which he has ventilated for the improvement of this Bill — he must not imagine that we are going to accept those ideas without looking for something sinister behind them. Let me say this to the hon. member — any common-sense individual will tell him that the thing which has made the market so uncertain, the thing which has made the security of mortgages so uncertain in the past is this, that bonds have been given on property in completely white areas. The security of the property is good, but in a few months the property next door is bought by a non-European, with the result that the security on the other property immediately starts to depreciate. It is with a view to improving that position, with a view to avoiding it in the future and with a view to providing security there that this Bill has been introduced. This Bill wants to provide security, it wants to produce certainty in the market. Where an individual has given a bond on property in a mixed area today, I do not think he has been so stupid as not to have taken into account the fact that the value of that property is lower because of its being in a mixed area. If he is not stupid he has discounted his investment in advance in view of surrounding conditions, because he knows that if the property is sold it will not realise the same price as an identical house would realise if situated in an exclusively European area. Any hon. member with a knowledge of these things will admit that it is so, and it is on these facts that the man who has a knowledge of the Cape property market gave that interview to the "Argus". For these reasons I am unable to accept the amendment.

Mr. BLOOMBERG: May I ask the Minister if he seriously contends that properties which under his Bill can only be sold to non-Europeans are not going to depreciate in value in Cape Town?

*The MINISTER OF THE INTERIOR: If they are in a group area which is proclaimed as a group area for non-Europeans, then the value of those properties has already depreciated. I may say that hon. members opposite, and I can mention names, have come to

me with representations from their constituents to say that the difficulty today is that the value of property drops immediately a non-European buys a property in a European area. But if the area is an established mixed area, then any man with common sense knows that the value is lower. That is the argument on which we base this Bill, and it will create certainty, security in the market, and it will prevent fluctuations in future. If this Bill had been passed 20, 30 or 40 years ago, many people would not have lost their money on bonds on properties which have gone down in value through the penetration of non-Europeans in the area where they have taken their bonds.

Amendments put and negatived.

New clause put and negatived.

Mr. ALLEN: I move —

That the following be a new clause to follow Clause 2:

3. Whenever in terms of the provisions of this Act a person in lawful occupation of premises or immovable property is required to vacate the same then and in such event (notwithstanding anything to the contrary in any other such provision) no offence shall be committed by such person and no order of ejectment shall be granted in respect of such occupation until and unless the board has satisfied itself that suitable land or premises as the case may be is available for lawful occupation by the person concerned and his dependants and an offer of such alternative accommodation has been made to him and has been refused or has not been accepted by him 14 days after the date upon which the offer was communicated to him.

Mr. Speaker, I wish to move the new Clause 3 which appears on page 800 of the Votes and Proceedings in the name of the hon. member for Fort Beaufort (Mr. V. G. F. Solomon). In order to make the clause clear, on the lines suggested by the hon. the Minister, I propose as an amendment, after the word "property" in the second line, to insert "which is by this Act made unlawful". I make no apology this afternoon for repeating, in a measure, the arguments I adduced during the Committee Stage of this Bill. I would rather emphasise than omit some of those arguments in the hope that the hon. the Minister has, during the week-end, reconsidered his attitude in connection with the clause as proposed during the Committee Stage. I think that the hon. the Minister will agree that availability of or provision for alternative accommodation for legally disqualified persons should be fundamental in the application of this measure. It is for this reason that we press again upon the attention of the hon. the Minister the desirability of providing, as in this new clause, to the effect that in the case of such persons no offence shall be committed and no order of ejectment shall be granted in respect of such disqualified occupation until and unless the Board has satisfied itself that suitable land or premises, as the case may be, is available for lawful occupation by the person concerned and his dependants and an offer of such alternative accommodation has been made to him and has been refused or or has not been accepted by him 14 days after the date upon which the offer was communicated to him. I repeat this because I want to impress it indelibly upon the mind of the hon. the Minister and because I understood that he was prepared in a measure to consider what was represented to him during the Committee Stage. Surely it is reasonable and just that such a provision should be made in the Bill, for it would reduce hardship in very many cases. As the hon. the Minister has said, we are interested, the whole House is interested, in any measure that affects the principle of social justice. We consider that the absence of such a provision as is provided in the new clause, would be unjust to many of the people who would be affected. Now we know the position in regard to tenants in group areas, tenants who would be disqualified under this measure. They are allowed to remain in occupation not more than one year after the proclamation constituting a group area. But as we said during the Committee Stage, and the position was accepted by the hon. the Minister, the general lack of housing, particularly in the large urban areas of the Union presents a great problem, a great obstacle, which will stand in the way of a satisfactory handling of this measure. The hon. the Minister, in reply to the representations put forward by this side of the House, said that this matter of the provision of housing was implicit in the Bill and he promised to make that consideration explicit.

The MINISTER OF THE INTERIOR: Something to be taken into consideration.

Mr. ALLEN: The hon. the Minister made, to my mind, a definite promise, after he had accepted the principle and said that he was agreeable to provision being made in the Bill. If I have heard him wrongly, I apologise, but to my mind it was definitely stated . . .

The MINISTER OF THE INTERIOR: Whatever I promised I have carried out.

Mr. ALLEN: Is it in the Bill?

The MINISTER OF THE INTERIOR: It is in the Bill and was accepted by the Committee.

Mr. ALLEN: Then I withdraw what I have said. I was going to follow up on that. There was an amendment standing in the name of the hon. member for Wonderboom (Mr. M. C. de W. Nel) which evidently the hon. the Minister took over, but I do not remember it being actually moved in the Committee Stage. I am quite prepared to withdraw any unfair statement in regard to the action of the hon. the Minister, because I assume that he has gone as far as he stated he could go. But at that time, when I replied to the debate on the amendment, I indicated that it was not sufficient for the purposes we had in hand. We would like to know, on this side of the House, whether the Board would be required to report specifically upon the question of alternative housing or whether it would simply be an indirect statement from the Board covering the whole position and a general recommendation. We regard this question of housing in the larger areas of the Union so important that we consider that the Board should be required to report especially upon it, particularly in the earlier stages or until the question of housing has been more satisfactorily dealt with. Even that would only deal with the broad principle. We consider that the Board would not be able to meet specific cases of hardship. Therefore we press for a clause in this Bill on the lines proposed today which would provide for cases of proved hardship. Coupled with this matter of tenants of houses owned by others, is that of tenants who are owners of their own houses, Europeans and non-Europeans. The hon. the Minister, in his reply during the Committee Stage, argued that there should be an incentive in this measure for people to show initiative and self-reliance. He said that they should bestir themselves. Now I want to say to the hon. the Minister that many a young couple saved and stinted and showed initiative and self-reliance in order to provide for the home in which they now live, and their occupation of those homes, in connection with which they have shown self-reliance and initiative and enterprise through sacrifice is in danger under the provisions of this Bill. And it was apparent during the discussion on the previous amendment proposed from this side of the House today that their savings invested in those homes are at stake as well. Now I ask the hon. the Minister whether cases such as those I have indicated in respect of owner-tenants should not receive special relief, at any rate during the lifetime of the present owners, as in the case of ownership. This would apply to Europeans as well as to non-Europeans, including the Coloured people of the Cape, and it has particular reference to the latter. If this is done, I suggest to the hon. the Minister that the Bill would only be modified in respect of owner-occupiers justifying special treatment. Could the hon. the Minister give some assurance that some such action would be taken under the permit system? We trust that the representations that are made in connection with this clause will receive his very sympathetic consideration and that something will be done in order to alleviate the cases of hardship to which I have referred this afternoon.

Mr. SULLIVAN: Mr. Speaker, I have pleasure in seconding the amendment proposed by the hon. member for Roodepoort (Mr. Allen). There is a general opinion that probably the most disturbing feature about the legislation which the hon. the Minister is piloting through this House is the disturbance of occupation that will be created on a large scale for both Europeans and non-Europeans by the establishment of group areas over the coming years. I believe, I realise, that the hon. the Minister is sympathetic towards the tenor and import of the amendment now before this House. He gave us, on Friday afternoon, some indication as to how he felt on this matter. It was recently brought home to him that if the whole country, including the Natal area, were declared a controlled area, then Indian property owners in Natal would be given the right, under the proclamation declaring the area a controlled area, to evict European tenants and replace them with Indians. Had that really been permitted to be the full effect of this Bill, then the migration of people, with the consequent serious social disturbances, would have occurred on a gigantic scale.

The hon. the Minister, however, attempted to meet the position and, to the relief of the people of Durban, that possibility has been, I believe to some extent though not fully, removed. Now the establishment of the group areas — with which I agree in principle, provided their establishment is accompanied by a planned system of uplift — can mean the migration to other areas, under compulsion, under duress, of Europeans and non-Europeans. There seem to me, to make the matter simple and clear, to be two kinds of group areas involved. One in which the Europeans must cease to occupy. I take for an example the city which I have the honour to represent — the city of Durban. There we have large numbers of poorer Europeans, workers generally, who have built up their homes in what have now become preponderantly non-European areas. There is no doubt that when the hon. the Minister begins to proclaim group areas that these particular areas which I now have in mind will be proclaimed non-European areas. That will mean in the near future the abandonment by the Europeans of the homes they have bought, either by sale or by transfer, to an Indian tenant. It means for these Europeans the sacrifice of ownership, the sacrifice of occupation and security and the sacrifice of reasonable comfort.

Now one of the reasons for my supporting this amendment is to assure that some form of compensation will be ensured by this measure for such displaced persons. It calls specifically for the provision, under special terms of this Bill which we want to see inserted, of alternative accommodation. The position of the group areas, therefore, from which Europeans must go is by no means satisfactory in terms of the present provisions of the Bill.

The second kind of group area is one from which non-Europeans must go. This is going to mean hardship on a very much larger scale. Those of us who know the urban areas realise that large numbers of non-Europeans will be forced to move. The Durban City Council, in a document they gave to the hon. the Minister, some little time ago, when he was considering, not the introduction of this Bill but the amendment of the Asiatic Land Tenure Bill, had in mind the hardships that could be caused; and which we are trying to overcome in this amendment. The suggestion of the Durban City Council to the hon. the Minister was that, in an effort to Europeanise the present controlled areas by the ultimate removal of all Asiatics from those areas, there would be cases of hardship. I quote from the document in that connection. I am sorry that the hon. the Minister is not listening to this point, because I regard it as important; and we do want, if we possibly can, to get from him this afternoon, something definite in regard to this amendment. I believe he realises as we do that it is probably the most important amendment on the Order Paper for his consideration. The Durban City Council, as I was saying, had in mind the probability of hardship to be created by some such measure as this. They wanted established what they termed "reserved areas", in which ultimately no non-European would have any title at all to ownership. I quote from the document—

> There would be some very special cases in which such a general rule — that in "reserved" areas there may be no transfer except to Europeans — would have to be relaxed. Such cases would be the case of the widow and children of a deceased non-European occupier of property, who bona fide lived upon it with the deceased during his lifetime: and the widow or the heir of a deceased owner of business premises.

I quote that, not to ask that some similar provision to that be inserted in this measure, but merely because it is a very emphatic indication as to the need of some provision against the hardships that will definitely be involved in this measure in the establishment of group areas. Where are these people —non-European people mainly, as well as Europeans—to go once they are displaced? That is the question before the House this afternoon. Usually they are not owners of the property they now occupy; and the social disturbance in removing them can reasonably be expected to have reactions on industry and commerce. As a matter of fact in a very important document, to which I believe sufficient attention has not been devoted, sent to the hon. the Minister a few days ago — I have a copy of it here — is a letter from the South African Federated Chamber of Industries to the hon. the Minister of the Interior. It is pointed out very definitely what the dangers involved in this migration of people and of property and of factories are. The letter emphasises that in this way—

> In the foreseeable future the application of the group area provisions as at present drafted will compel many firms, particularly in the Cape, to dispose of their land and factories because of their situation, unless they obtain special authorisation by way of a permit to continue to hold and occupy their factories. The capital which will be lost, through European owners being forced to dispose of their premises to members of the other races in whose areas the premises happen to be situate, may well be enormous. But even accepting as we do that no Minister now or in the future, is likely to apply these provisions harshly, we do maintain that industrialists who perforce must operate under dispensation of a permit would be extremely hesitant to expand or modernise their factories, and they would undoubtedly encounter grave difficulty in raising fresh capital if this were necessary, as is very often the case under modern business conditions.

Another paragraph of the document reads—

> We realise that the Group Areas Bill is of the greatest national importance, affecting all sections of the community, but we submit that its actual incidence, when implemented, will in all probability be found to have a more profound effect upon industry than any other section of the community.

Where the factories go the workers must go. All this connotes in the interests of industry and trade, as well as in the interest of the workers themselves, that a planned occupation in order to establish a group area, planned before the group area is established, is an absolute necessity. Therefore I want to emphasise the necessary accompaniment to a Bill of this nature. They are entirely lacking in this Bill. There should be, I repeat, a planned occupation in the new areas to which the transfer of population is to be made. That calls for adequate housing schemes. It calls for the provision

of schools, for the provision of hospitals, for the planning of public works, for the planning of factory localities . . .

Mr. MITCHELL: Who is going to pay for all that?

Mr. SULLIVAN: . . . and for the planning of amenities. All that is part and parcel of this Bill and implied in it. The absence of these accompaniments from a measure of this kind, knowing that it is backed by the compulsion of the law renders this Bill unacceptable. The provision of such planned occupation is an absolute necessity unless we are going to run the country socially into chaos as the result of the agitation of this Bill. Sir, this Bill is so revolutionary and so far-reaching that only the wisest, planned transfer of the population who are to be affected by this Bill, can avoid the gravest difficulties. If this were done, if this amendment were accepted, if the principle of the amendment were accepted and written into the Bill then the Bill would lose much of its harshness. I second the amendment.

Mr. DAVIS: I agree with the hon. member for Berea (Mr. Sullivan) that this amendment is the most important of all the amendments that we have put on the Order Paper at this stage of the Bill and it is important because it will stamp this Bill as an inhuman document if the Minister does not accept it. What is the effect of this amendment? It means that you are not going to take people from their homes and throw them with their wives and children into the street, without finding them some alternative accommodation. [Laughter.]

The MINISTER OF THE INTERIOR: What nonsense.

Mr. DAVIS: That is the position; it is no good the Minister laughing about the matter.

The MINISTER OF THE INTERIOR: I am laughing at your nonsense.

Mr. DAVIS: That is the point of this amendment. The Minister is treating the Opposition as if they are a lot of fools; as if they do not know what they are about. But they know better what they are about than the Minister knows what he is about, and I would like to tell the Minister that in this Bill the good repute of South Africa is at stake. It is not only the repute of South Africa, and it is this particular provision which is going to stamp this Bill as a brutal document or a human document, a document which is introduced by a civilised Parliament or a Parliament which does not care what it does with its own people. What we have to consider in this Bill is this. Is the Minister in times of peace trying to create displaced persons in South Africa, without all the consequent problems being provided for? He is throwing people out of their homes, he is not finding any other accommodation for them and if this Bill is to be carried into effect it is going to create the greatest chaos in this country. If it is not to be carried into effect, let the Minister say so and then we will know that it is nothing but a great bluff as far as the people are concerned. I do not believe that it is a bluff. I believe the Minister intends to carry it into effect, and therefore what is wrong in asking him to provide in the case of persons who are thrown out of their homes, that there should be alternative accommodation that can absorb them before he takes such drastic action. I know that the Minister regards the matter with a cynical indifference which creates amusement both as far as he is concerned and on the part of his followers, but let me tell him that this is something much more than that. It goes to the root of the happiness of thousands of families in South Africa, and it is time that he realised that he is bringing or that he may bring misery to so many people. It is because we ask him to mitigate the possibility of that, that we ask him to adopt what is a humane, a decent and a civilised provision and a provision which it seems to me any man worthy of the name of white man would adopt before he enforces the provisions of this Bill upon people who do not have the good fortune to be white.

Capt. BUTTERS: Judging by the amusement with which the remarks made by the last speaker have been received, it is quite obvious that members on the Government benches do not appreciate what this Bill means to a very large section of the community, not only white but Coloured and Native. The words which have just been uttered by my hon. friend who has just sat down are by no means extravagant, and I would commend to hon. members on the other side, a little more sympathy when they consider the amendment which is before the House, and that they should realise the disintegration, the upsetting effect, which is inevitable if this Bill which is now before the House is brought into operation. Very little imagination is necessary to visualise the distress which must ensue from the ejectment of people who own or occupy dwellings in areas in which they will not be able to continue to live if this Bill becomes law. In addition to the distressing effect upon the families concerned, the financial loss to them must surely be considered by anyone who has a human outlook or who does not wish to bludgeon his fellow-citizens into submission. I have living in my constituency — and every member on this side living in the Cape, at any rate, has in his constituency — people who through thrift over a long period of years have purchased the homes

in which they are residing. They have, in addition, in a large number of cases, those who purchased houses in which other members of their community are residing. It seems to me unfair, unjust and inhuman to take away from those people the properties which they have purchased and not give them something in return or to make alternative accommodation available to them. I I can imagine nothing more unjust or unfair than the action contemplated under this Bill, and in spite of the reputation which the present Government has of bludgeoning legislation through the House, I am indeed surprised that a Bill of this nature has been placed before us, contemplating as it does the action which we are trying to avert by the amendment proposed by the hon. member for Roodepoort (Mr. Allen). This Bill seriously affects the rights of a large number not only of Europeans but of Coloured people, and whilst the amendment does provide some alleviation from the harshness of the Bill as printed, it is still in my opinion a very unsatisfactory and a very harsh measure to enforce upon the public. It is an established fact that it will take many years to put right the shortage of housing. The existing position will not be relieved for many years to come. Where are these people to be sent? Where are they to go when they are ejected or are not allowed to live in the houses which they have occupied for so many years. Where are they to go. Are they to be forced to build pondokkies such as we have today on the Cape Flats — thousands and thousands of pondokkies, tin shanties and other structures, accommodating people who are not able to find other accommodation. Are these decent, self-respecting Coloured people, for example, also to be subjected to similar conditions because of the effect of this Bill? The hon. member for Berea (Mr. Sullivan) referred to the communication which has been issued by the Federated Chamber of Industries. In that regard I want to refer to the fact that in Wynberg, for instance, an enormous shirt factory has just been completed at a cost of approximately £250,000. Surrounding the factory are housed thousands of Coloured people, and if this area is to be declared one in which a European establishment cannot function, what is to happen to that factory and the money invested in it?

The MINISTER OF THE INTERIOR: Read the Bill.

Capt. BUTTERS: I have read it.

The MINISTER OF THE INTERIOR: Then the answer is in Clause 5 (2).

Capt. BUTTERS: That, Sir, and many other problems are worrying not only industrialists but other people who take a broad view of the position existing in this country, and who have a reasonable outlook upon the problems facing us. I think we on this side of the House generally accept the principle that there must be group areas, but time is needed in order that there shall be no injustice or harshness in the administration of the Bill. The amendment before the House provides some amelioration from the harsh terms of the Bill, and I hope that the Minister will see his way clear to accept it, so that people placed in the position where they may be ejected from their properties, will have alternative accommodation provided for them.

Mr. DAVIDOFF: I would like to draw the attention of the House to the fact that the Labour Party at the very outset drew attention to the fact that one of the most material factors should be the provision of alternative suitable and convenient housing. The House will remember that at the second reading an amendment was moved by the hon. member for Benoni (Mr. Lovell) to the effect that this Bill be not passed until safeguards were introduced to impose financial responsibility on public bodies including the State, for providing alternative accommodation and residential amenities for persons evicted as occupants from any area. We were the first ones to raise this point, and it seems to be rather strange that at this stage the United Party should become so hot and bothered about it.

Mr. RUSSELL: But you convinced us by your arguments at the second reading.

Mr. DAVIDOFF: I am pleased to hear that, but it does seem strange that they should come forward with this plea at this stage. I want to go further and point out that at the Committee Stage the same hon. member moved an amendment asking for the provision of adequate, suitable and convenient accommodation for people evicted from any area or property. The only response to that has been a half measure, and I want to appeal to the Minister to consider this aspect of the amendment. I do not know whether all the members of the United Party who have spoken in this debate have seen the amendment to Clause 27, sub-clause (5). The amendment that has been agreed to by the Minister reads as follows—

> The Board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of Section 3, without taking into consideration whether or not suitable accommodation will be available outside the area concerned for persons whose occupation of land or premises in that area, would be rendered unlawful by such proclamation.

This does make a certain amount of progress. It does not go as far as we want, and I am sure at the present stage it does

not go as far as the United Party wants. The intention is merely this that the Board shall not advise the Minister unless suitable accommodation has been provided. That does not go nearly far enough. We do not want to see only suitable alternative accommodation. That accommodation, Sir, must be adequate; it must be convenient. It must be convenient in this respect that if a group area is going to be proclaimed for, shall we say, the Coloured population of the Cape, it must be so conveniently situated that the people who will be compelled to live there will find it convenient to allow their children to travel to and from that area for educational purposes; it must be convenient in another respect; it must be so contiguous to their places of employment that it will not inconvenience them in so far as employment is concerned, and I do submit again that the amendment that was moved by the hon. the Minister to Clause 27 does not go far enough. After all, it is appreciated, and the hon. the Minister has told the House that this Bill when it is translated into law will not and cannot come into operation for a considerable number of years. As a matter of fact, I say quite unhesitatingly that the time of this House could far more conveniently and profitably have been occupied with more important legislation than the Group Areas Bill and it would have made no difference whatever if this Group Areas Bill, although in principle we have said that we agree with it, had stood over until next Session. There is no immediate need to pass this Bill. It could well have been left over for next Session or two Sessions hence, and the fact of the matter is simply this that true effect cannot be given, as the Minister himself has assured us, to it for some considerable period. Taking that into account why should Parliament make arrangements for possible contingencies that may arise at that time? This amendment does not go nearly far enough to meet the case of the Labour Party. The hon. the Minister, in reply to our previous amendment, stated quite openly that the Government was concerned about the poor man, that they are doing everything to protect the interest of the poor man. The poor man so far as that section was concerned was nevertheless the property owner. What we are talking about under this section is not the property owner, we are talking about the tenant. He requires much more protection than the people referred to in the previous amendment and what has been done does not offer the full protection that we seek. The amendment which is now being considered to some extent goes further, and I would ask the hon. the Minister if he cannot even at this stage, consider the question of widening the provisions of subclause (5) to meet those cases of hardship which have been referred to not only by that side of the House but the cases of hardship that we contemplate, and that the amendment should go further, and that the Board should not advise the Minister only if such accommodation is not obtainable, but that the board should go further and certify that adequate, suitable and convenient alternative accommodation is available. We want the Board to certify that that is so before any effect will be given to it — not merely as is contained in sub-section (5).

Mrs. BERTHA SOLOMON: The hon. the Minister has sufficient imagination to realise the state of mind of people who will be deprived of the place in which they are living, without any kind of suitable alternative accommodation being made available to them, and I know that it is because of that that the Minister has, as he said, made explicit in sub-section (5) what he contended all along was implicit in the Bill, to wit that nobody should be pushed out of his home without alternative accommodation. But I for one would have been a good deal happier if he had not made this implicit declaration in such general terms. For instance, sub-clause (5) simply says that the board shall not advise the Minister in regard to the issue of a proclamation without taking into consideration whether or not suitable accommodation will be available outside the area concerned for persons whose occupation of land or premises in that area would be rendered unlawful by such proclamation. The clause simply says "without taking to consideration", but it does not make it compulsory for the board to ascertain whether in fact there is such alternative accommodation available. Take this hypothetical case. Let us assume that the board decides that there are white spots in a predominantly black area, or black spots in a predominantly white area. The board may think it is undesirable, as indeed we all think it is undesirable, but the board may think that in the interests of the general scheme itself, it is much more important to eliminate the black or the white spots from an area than to wait for alternative accommodation for those who are to be removed from that area. I have in mind a particular position in my constituency. There, in the middle of Jeppes, which is a white area — there is no doubt about that — the Johannesburg municipality in its wisdom some twelve or fifteen years ago established some Native hostels. There are in those Native hostels anything from 20,000 to 30,000 Natives, but the whole of the area roundabout is a white area. These hostels were established in the teeth of the objections of the white inhabitants of that area, and hundreds of my constituents feared that the effect of the establishment of those hostels would be that the value of the houses in that area would drop. What is the position now? Those Natives who are there now are put there by the municipality; they are not

mine Natives. They are mostly single Natives who work in industry. Now what is the position going to be? As I say, this is predominantly a white area, save for these hostels. What is going to happen? There are at least 30,000 Natives in that area, all living in hostels. It seems to me that the Minister should put into this clause an imperative that the Board shall not proclaim an area or advise the Minister to proclaim an area unless it is satisfied that suitable alternative accommodation is available. If that were the case, the board would not be able to shift those Natives, unless they could put them into alternative hostels in a Native area. Assuming that the Board may say, which I think it should do, that it is important to eliminate these black spots from white areas, and that they are therefore going to declare this a white area as it is, what is going to happen to those Natives if the council has no other hostels? They will overcrowd places like Moroka and other places.

Mr. MITCHELL: The Minister doesn't care.

Mrs. BERTHA SOLOMON: It would make what is today an appalling situation in Johannesburg even worse by pouring 30,000 extra Natives into Moroka, Pimville and the Western area townships. That is my trouble, and as far as my constituents are concerned, it is a really vital problem. They want that area to be proclaimed a white area, but in the interests of decency and for the safety of Johannesburg they want to make it imperative that the Board shall not do so, without seeing that the municipality or the Government — I do not care which — provides hostel accommodation for those self-same Natives in another area, so that they do not overcrowd the existing overcrowed Native locations. That seems to me to be absolutely essential. I think that the Minister, if he were to have a look at the kind of overcrowding that is taking place in Johannesburg at the moment, both in the poorer white areas and in the Native areas, would feel that he has not done enough here to implement what I think are his genuine wishes and that is that nobody should be turned out of his home without adequate alternative accommodation. I think the whole House feels that undue hardship should not be inflicted on anybody by this Bill or any other Bill that this House passes, but the Group Areas Bill is one which is going to impose terrific hardships. It has always been suggested that those hardships will be confined mainly to the Cape and to Natal, but I do want to assure the House that there are many areas in Johannesburg, too, where the results of this Bill, when it is put into operation, will create considerable hardship, and I do ask the Minister, even at this late stage to take into consideration the amendment moved by the hon. member for Roodepoort (Mr. Allen). The suggestion made by the hon. member for Berea (Mr. Sullivan) seems to me to be fair, that you should set up Native townships and Coloured townships and Indian townships all contiguous to your big towns, and only when you have established those should you establish group areas for them, so that there shall be no undue hardship.

Mr. BOWKER: When I spoke in the Committee Stage of this Bill I stressed the importance of this amendment. In that it would, if accepted, remove the atmosphere of uncertainty and fear which would naturally exist in proclaimed group areas. The Minister in reply stated that the Slums Act made no provision for the accommodation of those who had to vacate their property. He said that no hardship was inflicted under that Act, because the ejectment never took place unless there was suitable accommodation. In that way the Minister endeavoured to assure us that the provisions of this Group areas Bill would not be enforced unless there was suitable alternative accommodation. Well, if that is the Minister's view, I cannot see any reason why the Minister should not accept this amendment. I think this is an excellent amendment and it is in keeping with the Minister's expressed point of view. As I have suggested we must remove this atmosphere of uncertainty and fear. It is this atmosphere of uncertainty that pervades this country today that is doing so much harm. It is on account of this uncertainty that we are so unpopular in the councils of the world, and we cannot afford to provoke people who are under our guardianship because they look to us as protectors and leaders in South Africa.

As regards the policy envisaged in this Bill I want to say that it is the policy carried out today in all our towns as initiated under the policy of the United Party. Under the policy of the previous Government this separation was taking place as fast as houses could be provided for people. The Minister has given us no indication that houses are to be built at a faster rate in order to provide accommodation for people when they are ejected from their homes under the Group Areas Act. And there is no doubt, if some provision is not made for houses for people who are to be ejected under the provisions of the Group Areas Act, we will have this uncertainty and unhappiness among our population who are to be affected by this Bill. You know here in Cape Town how people of various ethnic groups are living in confusion in the city and you will also appreciate the fear that will be engendered in their minds. These people will fear that the date is not far distant when they will be forced to live on the mountainsides like baboons, just the same as so many of our Coloured

people are living today on the slopes of Lion's Head. I have a paper here in which the writer says—

> I went to see a fight between a baboon and a bulldog. At the end of the fight the baboon lay dead and the dog had to be destroyed.

We have to be very careful in regard to this matter. We may carry out our purpose but we may be doomed just like that bulldog. In this pamphlet the writer says further—

> If the forgotten factor is supported, we will make the hardest iron as soft as snow and if team work becomes a reality, life will rise again. Otherwise it will go down into the darkness.

Now the hon. the Minister has every opportunity of providing team work in this Bill. The hon. the Minister knows that the policy of this side of the House when in Government was that the various groups should live in separate areas. We know also that the people themselves who have to live in separate areas are also in agreement with this policy. If we ever had an opportunity of working as a community to bring about this purpose, we have it today. Instead of that this Government comes along with its policy of apartheid which it is trying to further and brings in legislation of a controversial nature at the close of the Session, while most important legislation will most likely be jettisoned. This Government regards this legislation as their pledge to the people in keeping with their policy of apartheid. People are thinking more of food and the prices that they have to pay for it. Food must come before housing and if this Government will only pay more attention to the needs of the poorer people as regards the food they need, we shall have happier people in this country. If they do this they may become a popular government, but if they persist in legislation of this nature, there is no doubt that the end will be as stated in the final phrase in this pamphlet which I have here which reads: "Otherwise it will go down into the darkness." And even though this Government is ejected at the next general election this country will suffer wounds from which it may never recover.

Mr. KENTRIDGE: Mr. Speaker, I hope that the hon. the Minister in spite of the determined silence on the part of his supporters, will pay some attention to the suggestions that have been made, to the appeals that have been made to him by this side of the House, and try to see that in so far as this clause is concerned, that some provision shall be made to accommodate those people who will be displaced under the provisions of this Act. Now it is true, and I want to admit it at once, that the hon. the Minister has made some slight improvement in the Bill by inserting the provision in sub-section (5) to Clause 27, which as a matter of fact the hon. the Minister had mentioned he would do. But the effect of that provision is quite inadequate unless the Minister is prepared, and I hope he will be prepared at this late stage to insert another amendment under which he will be obliged in terms of the law to act upon the advice of the Board. Unless he does that the recommendation of the board is of very little value. I have looked in vain right through this Bill to see whether there is any provision in terms of which the Minister has to act on the advice of the Board. If the hon. the Minister is not obliged to act on the advice of the Board, then sub-section (5) of Clause 27 is of very little value. Now unlike my hon. friend the member for Edenvale (Mr. Davidoff) — I am sorry he is not in the House at present — I do not propose and I am sure the United Party does not propose to deal with this matter from the point of view of party advantage. We look at it from the point of view of national justice and whether my hon. friend the member for Edenvale wants to seek some political advantage for his party is a matter of very little concern. The issue before this House and the country is whether we are going to still further aggravate the difficulties which already exist in this country on the subject of housing. I would like to ask the hon. the Minister whether he will agree to provide in the Bill that he shall be bound by the report, by the advice and by the recommendations of the board. If he is not going to be bound by the recommendation of the board, sub-section (5) of Clause 27 is of no value at all. The second point I want to ask the hon. the Minister is whether he has consulted the Minister of Health on the subject of housing and on the subject of making provision for those people who will be displaced under the Bill. I do not think he has consulted his colleague because I know that the Minister of Health is very concerned about the present unsatisfactory position in the country regarding housing.

Mr. RUSSELL: This is a displaced persons Bill.

Mr. KENTRIDGE: We know that in Report No. 5 of the Social and Economic Planning Council it is laid down that as a result of considerable investigation on their part they are of the opinion that within 15 years from the date of that report — a number of years have already passed since the report was issued — it would be necessary in this country to double the number of houses available for the people of this country. Today the position is actually worse, it has deteriorated since that time, and that being

the case, is the hon. the Minister now going by this policy of wholesale displacement, to put people in an even worse position than they are at the moment through the inadequate housing policy of the Government. I take the case . . .

HON. MEMBERS: [Inaudible.]

Mr. KENTRIDGE: My hon. friends over there should go into a Punch and Judy show, carrying on the way they are doing. That is their attitude in this House. They are not concerned with the well-being of the people in this country. I want to tell the hon. Minister this. We have recently had trouble in Johannesburg in connection with Newclare. One of the causes of that trouble has been the condition under which the non-European people there have been living. Now it is interesting to note that that area, the Western Township, was originally set up as a Native township, and there is a case where the penetration has taken place not on the part of the non-European people into a European area, but where the European people have penetrated into a non-European area. That is what has happened in that particular township. There is moreover a growing demand on the part of the people of Johannesburg that that Native township should be cleared and that it should become a European area — a demand which I feel under present conditions they are probably justified in asking for. But let me tell the hon. the Minister that the people of Johannesburg realise that such a clearing-up and the re-establishment of a township somewhere else, particularly for the Natives who will be displaced, will involve an expenditure of £10,000,000. There is at present no indication either on the part of the Government or on the part of the local authority that they would be prepared to spend that sum of £10,000,000. I do not think that if the hon. the Minister made inquiries from the Johannesburg Municipality or from the residents in that area, he will find that they will be prepared to take up the unreasonable attitude of saying: Clear those people out regardless of whether there is other accommodation available for them or not. Surely in the first place there must be some alternative accommodation found so far as those people are concerned. It applies not only to the non-Europeans but it applies also to the Europeans who will be displaced from areas which are declared group areas. I say without any hesitation that if the hon. the Minister has any consideration for social justice, if he has consideration for the well-being of the people, he will agree to the principle that before thousands and thousands of people are cleared out of the area in which they live, alternative accommodation shall in the first instance be provided for them. Unless that is done our present housing difficulties, our present slums, the present overcrowding with its evils of disease, crime and squalor, will become very much worse than they are now. And I say that the hon. the Minister and the Government will be responsible for making those conditions so much worse than they are at present. I am sure that even the hon. the Minister, who seems to put down the iron curtain in front of his brain so that he need not pay any attention to the arguments advanced by members of the Opposition, in his heart of hearts does not want to do unnecessary injustice, and therefore I submit that he should even at this late hour take into consideration the amendment which was suggested and put forward on behalf of the hon. member for Fort Beaufort (Mr. V. G. F. Solomon) and in that way see that no further injustice is done.

*Mr. HAYWARD: Before I proceed, I want to say that I am in favour of different residential areas for different classes of the population. But this must be brought about without additional burdens being imposed on the different sections of the population, particularly, as I have said before, in regard to the people in my constituency where there has been a tremendous influx to the industrial city of Port Elizabeth and where there is such a serious shortage of houses for Europeans and non-Europeans. We do not want the position to be aggravated for those people, and provision must be made so that when people are compelled to settle down in a different area, alternative accommodation will be available for them. I therefore feel that we are not justified in passing this Bill without making the necessary provision in that respect. The position is this — that if people are forced to leave this or that part, they will have to go and live further away. This involves their having to travel longer distances to get to their work, and this imposes a heavier burden on them. As far as housing is concerned, the position is chronic, and I should like to quote something from a newspaper to show the Minister how the population of Port Elizabeth is increasing, which is proved by the number of schoolchildren who have to be housed—

> The school position in Port Elizabeth was becoming critical, the "Post" was told today. One school, granted a new building in April, already needs seven new classrooms. Although waiting lists grew daily, one junior school could not take a single extra child in 1951.

Schools and extra classrooms do not come under this House, but I just quote this to show the huge shortage there is. I hope that the Minister will even at this late stage take steps so that proper provision may be made that the inhabitants of an area which is proclaimed as a group area different from what it was, can be assured of proper housing before the law is applied to them.

The MINISTER OF THE INTERIOR: Mr. Speaker, the arguments of hon. members on the other side and their appeals to my good nature have all been based on the idea that there is going to be a mass disturbance of the population. The hon. member for Troyeville (Mr. Kentridge) for example spoke of "the wholesale displacement of persons."

Mr. RUSSELL: This is a displaced persons' Bill.

The MINISTER OF THE INTERIOR: There may be a displaced member for Woodstock before long.

Mr. RUSSELL: What about Worcester?

The MINISTER OF THE INTERIOR: The hon. members' basis is all wrong, because it is a basis which is not to be found in the Bill at all. May I again explain briefly the basis of this Bill. Firstly you have the controlled area and the specified area. In regard to the controlled area there need be no displacement at all of an existing occupier until he is displaced by his landlord. In the case of an owner, he can stay there, if he is the owner of the property, as long as he lives. He can stay in that controlled area in his own home until it is declared a group area.

Mr. SULLIVAN: Irrespective of the group?

The MINISTER OF THE INTERIOR: Until it becomes a group area he can stay there. It is a controlled area. It is only when it becomes a group area that he has got to move and that is the second stage. I take it that the hon. member for Roodepoort (Mr. Allen) agrees that his argument is directed not so much against the controlled or the specified area but against the group area?

Mr. ALLEN: Yes.

The MINISTER OF THE INTERIOR: Very well, that is his approach to it and I shall now deal with it from that point of view. As far as the group area is concerned, applied to that particular locality, and secondly, after the Act has been applied to again it will depend on when the Act is that part of the country, when a group area will be established there. When a group area is established in terms of this Bill, the person who is in occupation in an area in which he would be a disqualified person, is not required to remove himself immediately. As far as occupation is concerned he must be given notice of at least twelve months. Hon. members will therefore see that there is not a mass disturbance of population over the whole of South Africa at one point of time as soon as this Bill becomes law. There is nothing of that kind.

Mr. KENTRIDGE: It is within your discretion.

The MINISTER OF THE INTERIOR: It is not a question of my discretion. It is a practical question of what can be done. You cannot have the whole country declared a group area immediately. The first group areas that will be declared will be those areas where the population is exclusively of the one or the other group, either Europeans or non-Europeans. That will be necessary to ensure safety and security for the people who are already living there. We want to peg the position in order to give them security, so that they know that the neighbourhood in which they are now living — if it is a neighbourhood which is now exclusively European or non-European as the case may be — will remain so. Those are the first type of cases where you will have your group areas declared.

Mr. SULLIVAN: And the mixed areas will remain for the future.

The MINISTER OF THE INTERIOR: No, the mixed areas, I say, cannot be done immediately. Surely hon. members never expected that we would be able to do all this immediately. Certain of the mixed areas will be tackled immediately.

Mr. SULLIVAN: What will happen to them, that is the point?

The MINISTER OF THE INTERIOR: But you cannot have all of them tackled immediately; you cannot have a mass disturbance, you cannot have a mass displacement. And now the third point that comes in when you have this group area declared is that a time has to be set which shall not be less than twelve months. Now there is the opportunity for hon. members to come and say what other provision is there. Local authorities can come along and make representations. The hon. member for Jeppes (Mrs. Bertha Solomon) can come along, if she is concerned, and say there must be no group area there at all. She can come along and make her representations. As is now provided in sub-section (5) of Clause 27 the board will take into consideration the question of the availability of alternative accommodation. The sub-section reads—

> The board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of Section 3 . . .

that is the proclamation of a group area . . .

> without taking into consideration whether or not suitable accommodation will be available outside the area concerned, for persons whose occupation of land or

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premises in that area would be rendered unlawful by such proclamation.

That is the stage and one of the factors which the board will have to take into consideration is whether there will be accommodation available within twelve months or two years, or whatever the specified period may be. Depending upon what is put before them, they will determine what is the period to be specified in the proclamation.

Mr. SULLIVAN: That will apply only to the mixed areas.

The MINISTER OF THE INTERIOR: No. It will apply to any area. It cannot be less than twelve months. It will depend entirely upon what the factors are which are placed before the board. This is one of the factors that must be taken into consideration by the board. I said I thought it was implicit in their task, but I was prepared to make it explicit. Even assuming all that has happened and you still have an individual case of hardship, that something has gone wrong, that the accommodation which the board thought would be available in a year or in two years' or three years' time, is not there, then there is still the permit system to ensure that there is no undue hardship. Hon. members are barking up the wrong tree. They are trying to demonstrate, I think to the country, that there are more ways than one of killing this Bill. They are trying to kill it with what they consider to be kindness. I do not think it will be interpreted in that way by the country. They are barking up the wrong tree. All this is provided for in the Act, but it is all provided for at the right time. In this Bill it would be inappropriate to provide for anything in the nature of what hon. members are asking for in this amendment.

Mr. MITCHELL: And in a specified area?

The MINISTER OF THE INTERIOR: In a specified area it is the same.

At 4.55 p.m., in accordance with paragraph (2) of the resolution adopted by the House on the 26th May, the business under consideration was interrupted by Mr. Speaker and the new clause proposed by Mr. Allen dropped.

The MINISTER OF THE INTERIOR: I move—

In Clause 3, line 47, to omit "for a group other than the white group".

Mr. POTGIETER: I second.

Agreed to.

The MINISTER OF THE INTERIOR: I move, as an unopposed motion—

In Clause 11, page 19, line 15, after "proclamation" to insert "issued or deemed to have been issued,".

Mr. POTGIETER: I second.

Agreed to.

The MINISTER OF THE INTERIOR: I move—

In Clause 12, line 25, to omit "and (h)" and to substitute "(h) and (i)".

Mr. POTGIETER: I second.

Agreed to.

The MINISTER OF THE INTERIOR: I move, as an unopposed motion—

In Clause 14, page 23, line 74, after "may", where it first occurs, to insert "also".

Mr. POTGIETER: I second.

Agreed to.

The MINISTER OF THE INTERIOR: I move—

In Clause 33 to add at the end: "including a proclamation deemed to have been issued under Section 11."

Mr. POTGIETER: I second.

Agreed to.

Question put: That the Bill, as amended, be adopted, which was agreed to.

Bill to be read a third time on 13th June.

TAXATION PROPOSALS.

Second Order read: Adjourned debate on motion for House to go into Committee of Ways and Means, to be resumed

[Debate on motion by the Minister of Finance, adjourned on 6th June, resumed.]

Mr. BELL: When this debate was adjourned some days ago I was in the middle of dealing with the taxation proposals under the Income Tax Act, namely, that portion of the Third Schedule of the Act which allows the reduction of incomes, such as incomes from farms, details of which are set out in the Act and which I read to the House, and I had got to the stage of saying what an inequitable position could arise and did arise from the extraordinary feature that this expenditure could only be redeemed by way of a percentage on

the gross income, an item of accounting unrelated to the expenditure. I explained, Sir, that in the case of depreciation and amortisation the usual procedure was to allow each year a percentage based upon the actual expenditure until it was finally depreciated or amortised. In this case 30 per cent. applied to the income, and varied considerably according to the income.

I raise this point as one of considerable importance because it included in the type of expenditure covered by this provision of the Act, expenditure on soil conservation, which is a matter of considerable import this country. I have before me a memorandum on this subject which has been submitted to me by certain farmers, and in this they say—

> We think there are very few farms today in the country farmed by bona fide farmers still in an unimproved state, but the main issue before the farmer today is soil conservation and conservation of the flood water. In practice it is found very difficult to get big schemes approved by the Government Departments, purely on account of the fact that the Government does not handle sufficient funds to meet this obligation. It is found that big . . .

The MINISTER OF FINANCE: Is that true now?

Mr. BELL: Yes, I am coming to it—

> It is found that big schemes have been submitted estimated at a cost of £2,000 to £3,000, and those that are not turned down as being uneconomical have been on a waiting list for approval for many months. There are quite a considerable number of farmers who would still be prepared to build up these schemes for soil conservation and conservation of water, provided that the cost thereof could be set-off against farming income. But as the Income Tax Act now stands they cannot construct these big capital works because they still have to pay income tax on the cost thereof. This has been the practical experience of farmers in the North-West over a number of years.

This memorandum emanates from the Cape Province, as you will no doubt have gathered. The hon. Minister asked me whether I think this is true. Well . . .

The MINISTER OF FINANCE: No, what I said was, the allegation that these schemes were not progressing fast enough because there were no funds.

Mr. BELL: The hon. Minister probably inferred that from what I have read out without having the explanation, Sir. This is the problem, that facing the farming community in this country is this fact, that the effect of this extraordinary provision of the Income Tax Act, is to produce this hesitancy towards improving farms and towards encouraging the individual to carry out soil conservation and other schemes likely to develop the agricultural potentialities of the country. I think that soil conservation and the conservation of flood waters is one of the matters uppermost in the minds of the farmers of the country today. And not only the farmers, but it is the opinion of the townsfolk also. We all realise the very great importance of food production; that is realised throughout the length and breadth of the land, and if there is something, some provision in this Taxation Act now which is operating towards hesitancy, towards retardation in the progress of soil conservation schemes, then I say to the hon. Minister that it will cost him nothing, it will mean nothing to remove it, and from the point of view of the country it will be a step forward, a big step for the future.

There is not only that point: there is also the point of equity. It is desirable in our income tax to aim at percentage equity wherever possible. The anomalous position here arises because there may be two farmers adjoining each other. They may embark on schemes together of expenditure on soil conservation, they may both have very promising crops. Something may come along to destroy the crops of one farmer and not the other. The one farmer will have a good income, he will then allocate 30 per cent. of that income against the expenditure he has incurred. The unfortunate farmer has no income, his expenditure has gone, he is not ever able to derive a recoupment of that expenditure. It seems absurd, because it produces complete inequity in the case of those two farmers. When I spoke the other day, Sir, the hon. Minister of Agriculture, by way of interjection asked what I proposed in this matter. I think this matter is easily solved. I see no difficulty whatever. It can be solved in one or two ways. It can either be provided that if the 30 per cent. of the income is not adequate to cover the expenditure during the year and there is an excess of expenditure over the amount so allowed, that excess could be carried forward to a subsequent year and recouped from a subsequent year's income. I put that forward as my first proposal, and my grounds for doing so are in the same Income Tax Act. Because, as I explained to the House in the earlier part of my speech, where the purchase of cattle is involved the allowance is up to 100 per cent. of the gross income — 100 per cent., Sir, not 30 per cent. — and any surplus over the 100 per cent. may be carried forward to a subsequent year. That is in the Act, in the same schedule, and all I say is why

felt, for the purposes of this investment and also with a view to a certain further undertaking which I.D.C. has in mind — and which is of considerable magnitude — that the money would be secured more easily, and on more favourable terms, as in the case of Iscor, if the debentures were guaranteed by the State.

Mr. MUSHET: Can you mention these bigger undertakings?

The MINISTER OF ECONOMIC AFFAIRS: A total of £16,000,000 is asked for in Clause 29.

Mr. MUSHET: You say that there are some big undertakings that they have in mind. Can you indicate what these are?

The MINISTER OF ECONOMIC AFFAIRS: Negotiations are proceeding at present in connection with a certain undertaking, and it is expected that if these negotiations succeed, an amount of up to £15,000,000 will be required by the I.D.C., and it is with a view to such an eventuality, that the House is now asked to approve of the same principle as was approved of in the case of the amendment to the Iscor Act, to an amount not exceeding £16,000,000.

At 10.25 p.m. the Chairman stated that in accordance with the Sessional Order adopted on the 1st February, 1950, he would report progress and ask leave to sit again.

House Resumed:

The CHAIRMAN reported progress and asked leave to sit again.

House to resume in Committee on 13th June.

Mr. SPEAKER adjourend the House at 10.27 p.m.

TUESDAY, 13th JUNE, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

QUESTIONS

Selling of National Houses.

I. Sir DE VILLIERS GRAAFF asked the Minister of Health:

(1) Whether any national houses have been sold to tenants; and, if so,

(2) whether any allowance was made in respect of rentals previously paid, in determining the selling price.

The MINISTER OF HEALTH:

(1) Yes.

(2) No.

Round-Table Conference with Pakistan.

II. Mr. KAHN asked the Prime Minister:

Whether the Government intends to continue negotiations for the holding of a round-table conference on the question of Indian citizens in the Union with only the Pakistan Government, notwithstanding the withdrawal of the Government of India.

The PRIME MINISTER:

Subsequent to the preliminary talks held in Cape Town in February of this year between representatives of Pakistan, India and the Union, negotiations were initiated by the Union in regard to fixing a suitable time and place for the round-table conference to which the three Governments had agreed. A reply is still awaited from the Government of Pakistan to the Union Government's latest proposals in this regard.

III. Mr. KAHN—Reply standing over.

IV. Mr. HAYWARD—Reply standing over.

Refusal of Permits to Indians to Study at Wits.

The MINISTER OF THE INTERIOR replied to Question No. VII, by Mr. Kahn, standing over from 9th June:

Question:

(1) Whether his Department has refused to extend the permits of two Natal Indian students studying at the University of the Witwatersrand;

(2) (a) what are the names of the students and (b) what courses are they registered as studying;

(3) whether either of them are studying under scholarships; and, if so, what scholarships; and

(4) for what reasons has the Department refused to renew the permits.

Reply:

(1) Yes.

(2) (a) Essop Ahmed Lockhat and Satchuthanandhan Kistasamy Naidu.

(b) Arts (both).

(3) The Registrar of the Witwatersrand University stated that a bursary had been awarded to E. A. Lockhat by the Indian Students Bursary Committee. No information is available in regard to any bursary held by S. K. Naidu.

(4) Neither of these two persons obtained prior permission to attend a university outside their province of domicile and their cases only came to notice after they had enrolled as students. Moreover the University of Natal has a special non-European section which is able to provide Indian students with a full course of study in the Faculty of Arts.

Mr. KAHN: Will the hon. the Minister tell us what harm would have been done if this student had been allowed to study at the University of the Witwatersrand where he had a scholarship?

Mr. SPEAKER: I cannot allow an argument in the form of a supplementary question.

GROUP AREAS BILL.

First Order read: Third reading, Group Areas Bill.

The MINISTER OF THE INTERIOR: I move —

That the Bill be now read a third time.

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

To omit all the words after "that" and to substitute "this House, in view of —

(a) the general acceptance in South Africa of the principle of residential and social separation; and

(b) the absence of any public inquiry at which interested parties have been enabled to make representations or adduce evidence,

declines to pass the third reading of this Bill until a commission, presided over by a judge of the Supreme Court, has inquired into and reported upon the subject thereof, including —

(i) the necessity or otherwise of such legislation and the practicability of giving effect thereto;

(ii) the financial implications involved, with due regard to the extent to which it may be necessary to interfere with vested rights and how best those who have been deprived of such rights may be compensated; and

(iii) the provision of alternative accommodation for persons deprived of their existing residential accommodation."

I would have liked to have read my amendment in Afrikaans as well, but our time is too limited. We only have three hours under the guillotine . . . [Interruptions.] That is the best the chairman of the Public Accounts Committee can do. I can only put it down to his acute political disappointment, owing to his lack of preferment on the other side.

The MINISTER OF JUSTICE: Siestog!

Mr. STRAUSS: The hon. Minister says "Siestog". Perhaps he will get one of the Cabinet posts that are going now.

The MINISTER OF JUSTICE: That is unworthy of you.

Mr. STRAUSS: If the Minister will permit me, I would like to go on. May I say at the outset that this inquiry we envisage in this amendment is now as necessary as ever it was, even though this Bill has now passed through the Committee Stage of the House. The unseemly hurry, the helter-skelter methods and the pressure behind the Bill on the part of the Government are doing as much harm to the country now as it did at the earlier stage when we introduced our amendment. It seems to me that unfortunately . . . [Interruptions.]

Mr. SPEAKER: Order!

Mr. STRAUSS: It seems to me that this Government is quite deaf to the views expressed by informed bodies and responsible bodies which attempted to make a study of the Bill. All responsible and informed opinion in the country is against this unseemly hurry, this helter-skelter speed which the Government has employed to rush this measure through Parliament. In the second-reading remarks I made, I quoted the considered memorandum of the Associated Chambers of Commerce of this country. They expressed themselves very strongly against the methods employed by this Government, and in favour of some inquiry. I now want to refer to a further statement that has come, this time from the Federated Chambers of Industries, who have written to the Minister and sent a copy of the letter to us. They say in that memorandum —

> We have no doubt that you will readily acknowledge that for the uninitiated the Bill is a most complex one.

I think everyone, as far as this Bill is concerned, is in a sense uninitiated, and I do not exclude from that category the Minister in charge of the Bill —

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> Hence it is not surprising that it took our parliamentary committee considerable time to gain even a general appreciation of the provisions of the measure and their implications. Hence, too, it is not surprising that the Committee is still awaiting the comments and observations of the constituent members of the Chamber.

Before the Committee has had the opportunity of getting the views of the constituent members, this measure is being rushed through Parliament at the speed we see, and I think most of us regret it, even some members on the other side, no matter how anxious they are to get back to their homes. It is also stated here —

> Subsequent to its being tabled in the House, we sought on numerous occasions enlightenment from officials of your Department as to the objectives underlying certain of the provisions. But in the absence from Cape Town of the two officials who were responsible for the drafting, the required information could not be secured.

These people were not getting facilities. They were not put in possession of the information they required. People were not available to explain the provisions of this Bill to the interested parties. They go on to say —

> We are convinced that if on arrival at our meeting he was not fully aware of the serious economic repercussions of certain provisions of the Bill as it now reads, Mr. van der Merwe must have left the meeting fully realising that unless it is modified or amended appropriately, the Bill when it becomes law, cannot fail but to create an economic disturbance in the industrial sphere, the volume and extent of which it is difficult to foresee.

They say —

> It is our considered opinion that no legislation should be passed which is calculated drastically to affect the industrial life of the country unless Parliament is in the position to judge accurately what the effects of such legislation would be.

How is it possible for us even to judge approximately what the effect of this legislation will be? —

> We realise that the Group Areas Bill is of the greatest national importance, affecting all sections of the community but we submit that its actual incidence, when implemented, would in all probability be found to have a more profound effect upon industry than any other section of the community. We submit further, Sir, that that effect cannot be gauged correctly except by way of a thorough and objective investigation in which the organisations and persons best qualified to do so would have the opportunity to participate.

And then—

> Finally, we are of the opinion, Sir, that the Bill now before the House suffers from many deficiencies and weaknesses, particularly in its application to factories and other industrial premises and in the circumstances I am directed by our Parliamentary Committee to appeal to you on behalf of this Chamber to postpone the final stages of the Group Areas Bill to next year and in the meantime to institute a full inquiry into its possible effects on industry.

These are the people representing organised industry in the country. They speak the same language as Commerce of the country has spoken, and they ask what we have been asking since the second reading of this measure, that the Government should make haste slowly, that the Government should first get the full facts before it rushes in helter-skelter in the way it is doing now. We have the position that as far as both the major parties are concerned, as far as the population of this country is concerned, we know it is the traditional policy to have social and residential separation. That is the principle we all stand for.

Mr. POTGIETER: Voluntary or compulsory?

Mr. STRAUSS: This Government will not follow the wise policy preceding Governments have followed. We were twitted in an effort to make party political propaganda, which is, of course, the only strong card this Government has ever had. They will find in the end that it is a very weak card indeed to lean upon. In an attempt to make party political propaganda, the Minister in charge of this Bill tried to make out that we were only for voluntary separation . . . [Interruptions.] . . . and that we were not prepared to go in for compulsory steps. Now, Sir, our position is perfectly clear . . . [Interruptions.] Well, you see, Sir, it is all party political propaganda. A measure such as this they do not understand; I do not think they have read it — most of them at least — and I include among those members of the Cabinet. Our attitude is perfectly clear. We are in favour of this traditional policy of the country of having social and residential separation . . . [Interruptions.] Now let me state our policy. If by voluntary means it can be made effective, we are prepared to do that. But our record is written in the legislation of the country. Our policy in regard to this matter is written into the Statutes of the country;

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it is enshrined in our legislation. But we did so by compulsion only after we had followed the statesman-like course of having a full and fair inquiry.

I do not want to cover the same ground again, but I indicated at the second-reading stage the wise and statesmanlike course followed by the late Gen. Hertzog in regard to his Native legislation. For nine patient years Gen. Hertzog sat with the Joint Select Committee of both Houses until in the end he carried the vast majority of the representatives in Parliament with him for the 1936 legislation. That is what he did. That was the wise, statesman-like and democratic way. We did the same with regard to Asiatic legislation. We applied compulsion, but only after we had all the facts after a full inquiry, and we were satisfied and the country was satisfied that the problem could not be met in any other way than by compulsory means. Now this Government comes, and they want to extend this legislation to the whole Union, particularly to the Cape, where there has been no inquiry whatever. And we say that it is only fair and right and that it is nothing more than following the path of statesmanship, that we should have such an inquiry to indicate the facts and find out the full implications, in order to find out whether compulsory methods are required. If those methods are found necessary, we are quite prepared to apply them. But we are against, and very definitely against, the methods and procedure, against this ill-digested and half-baked measure which is foisted on the country and on this House by a Minister who does not understand and foresee the implications of this measure.

I know that misrepresentations of our attitude will come again . . . [Interruptions.] I know our policy and our attitude is clear beyond any doubt.

An HON. MEMBER: Is your conscience worrying you?

Mr. STRAUSS: No, Sir, they cannot face up to the facts. I know where the guilt lies as far as conscience is concerned. [Interruptions.] I say our policy is a wise policy. Our attitude with regard to this Bill is a wise attitude . . . [Interruptions.]

*Mr. SPEAKER: May I request hon. members not to continue with these continual interruptions. The debate is limited to three hours and it is not fair to interrupt in this way when an hon. member wishes to address the House.

Mr. STRAUSS: Well, Mr. Speaker, normally I do not mind a few interruptions, but as you have reminded us, our time is limited. Sir, I say that our attitude in regard to this matter is a wise attitude. We ask the Government for a short delay in regard to this measure so that the facts can be found and a full inquiry made. We have not yet been told the reason for this headlong and precipitate haste. We are still waiting to hear that reason. We see now what has happened, to our deepest regret, with regard to the proposed Round Table Conference. I do not want to discuss that matter. The hon. the Prime Minister indicated the other day — I want to refer to it but I do not want to discuss it here — in a reply to me, the telegrams that have passed between this Government and the Government of India. Let me in passing say that I think it is a matter for the very deepest regret that the hon. the Prime Minister, at a time when my question was already on the Order Paper, should have seen fit to hand this exchange of telegrams to the Press and treat Parliament with a measure of contempt which it does not deserve from the Prime Minister. I think the only decent thing the Prime Minister could have done, was to have come to this House with the correspondence. I know of no other self-respecting Parliament in the world where, on a question of foreign affairs, on an important matter like this, the correspondence would be handed to the Press instead of a statement being made here in the House. We on this side — I say it in passing and I do not want to discuss the matter any further — regret that the Prime Minister should have seen fit to handle the matter in that way.

I now want to deal with the question of the round table talks, only very briefly and in passing. I have no time to discuss that issue fully at this stage. I want to say that we very deeply regret that those talks, as far as we can make out from the correspondence which was published, will not take place. We cherished very great hopes from that conference, from those talks. We thought that here the Minister of the Interior had an opportunity to prove himself as a man of wisdom, a man who could negotiate on an international plane and do a great service to the country. Both his side of the House and we on this side feel that the ultimate solution is repatriation of the Indians from this country. Now that opportunity seems to have gone even before the talks have taken place, I say, if our attitude had been adopted in regard to the internal situation, of finding the facts and holding an inquiry, that short but wise delay would have had the effect of not jeopardising those talks. I say, therefore, it is a matter of very deep regret that this precipitate haste has taken place, that this haste is being employed — we do not know why — with these unfortunate results.

I want to make one further point as to the correspondence published. I tried to get a statement from the Prime Minister today on the last telegram we have had, a telegram published in the Press, this time from New

Delhi, from the Indian Government. They published what purports to be a copy of the telegram they sent to the Union Government. I asked the Prime Minister whether he wished to make a statement. He indicated to me that unfortunately my request did not come in time to enable him to make a statement today and that he would do so tomorrow. I find no fault with that. I can quite understand that the Prime Minister may not have been ready. I do not want to prejudge the position and what I want to say is subject to what the Prime Minister may be able to tell us. One gets the impression from the telegram published by the Government of India, that there seems to have been some misunderstanding as to what the legislation was going to contain; some misunderstanding between the Minister of the Interior and the Leader of the Delegation that came to discuss the matter with the Government of the Union. It seems to me — I do not want to put it any higher than that and I do not want to make any charge — that there is a misunderstanding, but it seems to me that in a case like that, if the position is that the Minister of the Interior thought he had conveyed the position clearly to the Leader of the Indian Delegation, and the position is that they misunderstood him, that they did not understand that this kind of legislation was being adumbrated — then it seems to me that the fair thing to do still is to wait a while and to let those talks take place first, before this measure is rushed through in this way. I make that point tentatively, subject to what the Prime Minister may be able to tell us tomorrow. By that time the guillotine would have fallen and this debate ended, and therefore I make the point in this way.

That this Bill is an ill-digested and half-baked measure has been amply demonstrated by what has taken place in the Committee Stage of the Bill. Here we have a Bill of 39 clauses, and over 60 amendments have appeared on the Order Paper, and that for this very short period of time permitted to discuss this Bill in the Committee Stage. And out of the 39 clauses, no less than 28 were actually amended. Twenty-eight clauses out of 39 clauses, and two schedules, were actually amended. Twenty-one of those amendments were major amendments, and 16 of them were on points that were pressed by this side of the House either at the second-reading stage or at the Committee Stage. I would like to mention just a few of the important amendments pressed by this side of the House which have had the effect of pruning the Bill to some extent and of making it more workable than it would otherwise have been. First of all there is the question I mentioned in my second-reading remarks, of our system of land registration and the invalidity of title deeds. There, at any rate, the United Party made its impact felt and succeeded in getting an amendment accepted which rectified a very grave defect in regard to the invalidity of title deeds. Then, in the second place, but for our amendment, these provisions of the measure could have been used for Native group areas without the safeguards of the Native Trust and Land Act of 1936.

In pressing our amendment we struck a blow for the landowners of this country, and although our amendment was not accepted, the Minister was driven to move an amendment of his own to meet to some extent, the dangers and objections indicated by this side of the House, and there I would like to remind the House that at first he resisted in a most indignant manner. When we referred to the Minister of Native Affairs, he said: "Why all this suspicion again; cannot I be trusted? I am man enough to deal with this Bill; I do not need the assistance of the Minister of Native Affairs." But the next day he had to make the admission that overnight he had consulted the Minister of Native Affairs. He said: "I have now consulted my colleague, the Minister of Native Affairs, and I now propose to move the following amendment." No, Sir, the country will know from that who are the people who are alert in this House and who are doing their duty in this House. They will know who saved them from the dire consequences of the intentions of the Minister of the Interior. The position was the same with regard to testamentary bequests.

Mr. SERFONTEIN: [Inaudible.]

Mr. STRAUSS: I thought the Speaker had given a ruling, and I hope the Chief Whip will at any rate, give attention to the ruling of the Speaker.

An HON. MEMBER: He must stand up if he wants to ask a question.

Dr. FRIEDMAN: That won't make him a gentleman.

Mr. STRAUSS: As far as testamentary bequests are concerned, they are not now invalid. The beneficiary will at least now get the proceeds of property bequeathed to him in an area in respect of which he is a disqualified person. Sir, I say, and I say it advisedly, but for the vigilance, but for the exertions of the United Party Opposition in the House, even under the difficult circumstances under which we have to work at this stage of the Session, but for our exertion much loss would have been suffered by innocent parties throughout the country; we have softened the blow to some extent, but the fact remains that there are many pernicious provisions still in this Bill, and some of them are mentioned in the amendment which I have moved. There is no provision for compensation where vested rights have been terminated. The Minister

is adamant on that point. There is no compensation where the right of occupation is taken away; trading rights which may be most valuable which may be long established, are terminated automatically on the proclamation of a group area unless the Minister is kind enough to issue a permit.

The MINISTER OF THE INTERIOR: You still do not know the terms of the Bill.

Mr. STRAUSS: In the second place the Minister will hold up the fact that he has now made concessions to local authorities. The concession in my opinion is a camouflage. He must consult them first, but they have no say; they may be heard but they have no right, and under that amendment under which they have to be consulted the Minister gives the appearance of being reasonable and of conferring with these people, but he has the full right under this Bill completely and totally to ignore any representations that they may make to him when such consultation takes place; and local authorities are still taxable without any representation. It is true that under the amendment he may now take into account their ability or otherwise to pay, but he is the sole judge as to what his actual finding is to be on that point.

Then on the question of the rights of the mortgagee, so strongly and eloquently pressed from this side of the House, the right of the mortgagee to buy in the property in the case of a forced sale, the mortgagee is very largely left without a remedy. As far as institutions are concerned, the position is slightly eased, but it is still in the hands of the Minister, it is for him to decide. The salutary safeguards that we suggested were turned down by the Minister; they were completely brushed aside. As far as individuals are concerned, there is no easing of the position whatever, so Sir, we say from this side of the House that it is still as necessary as ever to have this whole question thoroughly investigated.

The question of alternative accommodation arises. That is not provided for. The Minister stubbornly refused to meet the fair and reasonable case that was put up by this side of the House, including the Labour Party; he stubbornly refused to meet that case and to deal with the reasonable wants and requirements of persons evicted from areas where they do not belong.

As far as the dictatorial powers of the Minister are concerned, those powers remain. So, Sir, the position is that this Bill has now emerged from the Committee of the whole House, and that Committee under very difficult and adverse circumstances really had to do the work that a Select Committee or a commission should have done and the Committee could not do that work adequately in the short time at its disposal. This Bill as it has emerged from the Committee of the whole House is still a pernicious and objectionable measure therefore. We think it is not in the interest of the country that this Bill should be passed in the form in which it is here before the House and in view of the grave danger to the long-term interest of this country from all points of view, I would still make a final appeal to the Government. I hope there is some reason left in this Government. I would make an appeal to them even now to delay this measure. Before it is put into effect let there be a full and fair inquiry. Let us follow the path of statesmanship and let us see if we cannot get something better for the country than this Government is now proposing to put on the Statute Book. I beg to move.

*Dr. C. F. STEYN: I am very pleased and honoured to second this amendment. If there is one thing the Government should understand once and for all it is that in our opposition to this Bill and other legislation of a similar kind, the United Party stands as one united party. We allow members on our side a certain degree of freedom, such as hon. members opposite would perhaps like to have, but cannot get. My object today is to discuss the wider aspects of this Bill.

*The MINISTER OF JUSTICE: That is the best joke of the whole Session.

*Dr. C. F. STEYN: I think the Minister of Justice and other members over there, instead of laughing, should pay serious attention to the warning which they have received from this side as well as from other quarters. Hon. members opposite, and the Minister in particular, thought when the Bill had passed through certain stages that the Government had achieved a great victory. Let them believe me that they are mistaken, and I am going to tell them at once why. One cannot score a victory by scoring debating points on a serious matter like this. On this question, where the relations between the different races in this country are dealt with in a one-sided and autocratic manner, no white party can come out victorious, and the only outcome can be that the white man's cause in South Africa will be lost. It is trifling with the problem to try and score debating points on the question whether we are in favour of voluntary or compulsory segregation; whether we were wrong in our amendment to accept or to reject the principle; I say that to try and score a debating point on an important issue like that is to trifle with the problem because on hundreds of points it must be quite obvious that our amendment is correct in that we accept the principle, because the great principle is that of segregation. If we had not accepted that, the party opposite would have blazoned it forth throughout the country that this party was opposed to segregation. We are in

favour of voluntary segregation, but that does not mean that we are necessarily opposed to legislation to try and bring about such voluntary segregation by means of legislation, and I can put our attitude very clearly. If the hon. the Minister had acted sensibly and had allowed this matter to be thoroughly investigated, and if after such an investigation he had got all the parties concerned to agree, we could have had an Act which would have been a blessing to this country, and it would have had the support of all sections in this country. That is perfectly clear. But let me deal with some serious matters.

*The MINISTER OF JUSTICE: So far you have been joking.

*Dr. C. F. STEYN: This Bill, like other Bills introduced by this Government — and I hope their eyes will be opened — introduces unnecessary bad feelings in this country.

*Mr. BOLTMAN: Among you S.A.P. people.

*Dr. C. F. STEYN: Among the various races, at a time when every South African Government should go out of its way to secure the co-operation of all elements. One part of this Bill after the other not only drives the various elements asunder, but causes bitterness among them of which posterity will gather the bitter fruit. The hon. Minister and members opposite should not laugh; they should consider this whole matter very seriously. Is there a single member opposite who will deny that the one-sided autocratic manner in which this Bill has been introduced has caused ill feelings in this country among the races? Will they deny that the relations between the races in consequence of this Bill are worse today than they used to be? Feelings are getting stronger and we, as a small white population in this country, cannot afford such a state of affairs. I do not want to rouse any feelings. I want to deal with this matter in a moderate way, because I do not want to aggravate outside this House the evil and the harm which is being done inside by this legislation; but it is perfectly obvious that this hasty legislation is not going to have good effects. The Minister himself said that the legislation which he had introduced would only be applied to places where segregation already existed.

*The MINISTER OF THE INTERIOR: No, I never said that.

*Dr. C. F. STEYN: And in other places it would have to be gradually applied.

*The MINISTER OF THE INTERIOR: Of course it must go gradually.

*Dr. C. F. STEYN: If it has to go gradually in those other places, why all this hurry?

*The MINISTER OF THE INTERIOR: But one has to make a start.

*Dr. C. F. STEYN: One has to make a start, and the correct start is to consult the parties concerned to ascertain whether we cannot introduce legislation by means of co-operation which will be supported by everyone. I repeat that I am not speaking of this Bill only. What I have said applies to all similar racial legislation introduced by this Government. It is a thousand times better to secure agreement and good feeling than to force legislation through in a reckless and one-sided way.

*The PRIME MINISTER: Why did you people not accept our offer?

*Dr. C. F. STEYN: I am speaking about the conditions in this country. The conditions in this country should put any Government on its guard and cause it to act carefully and sensibly. If one takes the foreign repercussions of this Bill into account, it must be perfectly obvious that what we on this side are recommending is the sensible course to follow. If we had managed to pass a measure of this kind unanimously and in a spirit of agreement there could have been no foreign repercussions.

*Dr. VAN NIEROP: Did not the Prime Minister offer to work in co-operation with your party?

*Dr. C. F. STEYN: Yes, but one of the conditions of that co-operation was that the problem must be investigated on the basis of apartheid. That was the cardinal point. I am not saying that our party should have been consulted. It would have been sensible, but what was definitely necessary was to have consulted the different races in this country which will be affected by this Bill.

*The PRIME MINISTER: That was not your excuse for your refusal.

*Dr. C. F. STEYN: The fact that there has been no consultation has caused all the trouble we are having today. We cannot ignore world opinion; we dare not ignore it, and we should act in this country in such a manner that if our affairs are interfered with, we can reply that we are acting fairly and justly and we cannot say so if we act one-sidedly.

There is a further objection which I have against this Bill. It would have been easy by postponing this measure to cultivate that good spirit among the non-Europeans which would have assisted us greatly in the future. Firstly, instead of introducing legislation which is going to cause difficulty in its

application, and which, as the Minister himself has said, will have to be applied gradually, it would have been better to have created a good atmosphere among those elements. Take the Native, for instance. If we had given the Natives houses instead of separate residential areas, if we had provided them with proper housing facilities and improved his living conditions, we would have been in a very much better position. The conditions under which many Natives live cannot be approved by us. I do not blame the one party more than the other. I am simply saying what we as a white race should have done; and if we, instead of bringing in one-sided legislation, had gone out of our way to show, even if we could not do everything at the same time, that we wanted to give the Native proper working conditions and proper housing in the best way possible, we would have had a lot of support from them. If houses had been put up . . .

*Mr. H. S. ERASMUS: On the farms too?

*Dr. C. F. STEYN: I am speaking about the towns now. The Natives on the farm in many cases have a better time than in the towns. If that had been done the problem could have been solved very much more easily because it is obvious that many of them are living under conditions which we cannot approve of. If the Native had been given a proper chance by decent houses being provided for them separately, they would, on their own initiative, have moved out to those houses, without legislative compulsion. I am only mentioning one instance. As regards the Coloured people we should have shown them that we want them to be the friends of the white man, just as we want to make the Native the white man's friend; but the Coloured man is closer to us; and if we, instead of introducing this kind of legislation, had shown them that we wanted to give them a chance in their own country, that we wanted to help them along, and that we wanted to give them better housing and better living conditions, we would have gone a long way towards solving our problems. What is the position today? One Bill after the other is forced through the House, and eventually we are going to reach the stage where it will be difficult to negotiate with the non-European races. I want to put this matter as moderately as I possibly can, but I want to urge the Government and its supporters strongly to stop bringing in this kind of legislation which is creating bad feeling in this country. The position is difficult and critical. I regard this Bill, like other Bills introduced by this Government, as fatal, and there was a time when we could have done a lot by way of co-operation and consultation. It is obvious that it is much better to grant certain concessions voluntarily than to give concessions later on when you are forced to do so, and this legislation with its wide implications apart from its foreign implications can in the long run only have a very detrimental effect as far as white civilisation is concerned. I am putting it moderately, because I do not want to stir up any feelings, but it is our duty to bring these matters to the Government's notice.

There is another reason, too, why I am opposed to this Bill and all other legislation of this kind. This Government has had an opportunity to tackle the economic questions of this country and to solve them to a large extent. We know that the world position is becoming more difficult. You may have a revival as they are having in England today through hard and very hard work of which we are reaping the benefit in this country. But the great problem to us in this southern corner of Africa is to have a sound economic policy and a sound political outlook. Does anyone doubt that if the feelings among the races are bad, if there are quarrels and discord, and if afterwards there are dissensions, these things must have a tremendous aftermath and detrimental effect on our economic development in this country?

Instead of dividing the people today, we should bring all sections together on economic grounds, all who can assist to place our economic conditions on a sound basis. But what are we doing? Instead of tackling these economic problems we are busy with this class of legislation which, in the long run cannot be a success. This one-sided legislation bears the germ of its own destruction.

*The MINISTER OF THE INTERIOR: Why one-sided?

*Dr. C. F. STEYN: Because the other sections affected by it have not been consulted. Their consent has not been obtained.

*The MINISTER OF THE INTERIOR: But they are all treated alike.

*Dr. C. F. STEYN: In other words, this Government with a small majority in Parliament, but not with a majority outside, tries to solve problems and tries to tackle problems in a manner which would have been dangerous even if the whole of the white population had been behind it. We should realise our position here as a white race. Our position here is critical and it is only by using our common sense, it is only by applying tolerance and especially by means of consultation and co-operation with all elements that we can be true to our future. I want to make a strong appeal to the Government to accept the suggestions made by this side of the House. We must not try to score debating points. It is the great principles which count and the Government by not acting tolerantly and slowly is frus-

trating a great deal of the work they want to do and I only hope that we shall not be compelled afterwards to gather the bitter fruits of this policy. I have much pleasure in seconding the amendment.

*The MINISTER OF LANDS: Whatever good qualities the hon. member who has just sat down, the hon. member for Bloemfontein (City) (Dr. C. F. Steyn), may have . . .

*Dr. GLUCKMAN: Don't you know him?

*The MINISTER OF LANDS: I got to know him in a different light this morning. I was saying that whatever good qualities the hon. member may have, this is the first time I have ever seen him in the role of a jester. I do not know whether he meant it as a joke or not, but imagine, he comes here in all seriousness to tell us that whatever we may think, they, the United Party, are like a massive rock in their attitude to the Bill.

*An HON. MEMBER: He was joking.

*The MINISTER OF LANDS: Just imagine what happened here when we voted on this Bill on Friday night! I wonder where the hon. member voted on Friday night on Clauses 1 and 2 of this Bill.

*The MINISTER OF JUSTICE: He fell down the mountainside.

*The MINISTER OF LANDS: He is one of those who ran away. This morning he, and the hon. member for Germiston (District) (Mr. Strauss) are pathetically in agreement — but how did they stand on Friday night? Not only did we behold such a state or dessension among them that it turned the attitude of the party opposite into a tragic farce, but when a large number of them, about 25, voted with this side of the House, on the very clause which all this noise has been about . . .

*Mr. SERFONTEIN: He did not vote then.

*The MINISTER OF LANDS: . . . and when the hon. member for Gardens (Dr. Jonker) walked out he gave them the Hitler salute.

*Dr. JONKER: On a point of explanation . . .

*Mr. SPEAKER: Order, order! It depends whether the hon. the Minister is prepared to give way.

*Dr. JONKER: I should just like to explain this point. I notice that one of the newspapers has given a totally distorted report of what I did. That paper says that I gave the Hitler salute to this party.

*HON. MEMBERS: You did.

*Dr. JONKER: The fact of the matter is that when I went out, consistent goading was being indulged in by the Government side. I walked out as a protest against the application of the guillotine. When I walked out I turned towards the hon. the Minister and I said "Heil Hitler".

*The MINISTER OF LANDS: The hon. member may curl and crawl like a worm as much as he likes. The fact remains that 25 members of the Opposition were sitting on this side when he gave the Hitler salute.

*Dr. STEEMKAMP: To your people.

*Mr. SPEAKER: Order, order!

*The MINISTER OF LANDS: Is the hon. member for Germiston (District) going to ask his people to keep quiet?

*An HON. MEMBER: Well, you should not be so petty.

*The MINISTER OF LANDS: I assume that the hon. member made a mistake — he should really have given the Joseph Stalin salute. That would suit him. But let me come back to the hon. member for Bloemfontein (District) (Dr. C. F. Steyn). The other amusing thing he said was this, that they stood for voluntary segregation, but if it was necessary to pass legislation to make voluntary segregation compulsory, they would do it.

*Mr. V. G. F. SOLOMON After investigation.

*The MINISTER OF LANDS: Now imagine a thing like that. His next joke was this. He said that they were in favour of segregation because if they had voted this way or that way we would have accused them of being opposed to segregation. But has the hon. member forgotten that his Leader — I am speaking now of his real Leader — proclaimed in the City Hall here a few years ago that segregation in South Africa was dead? Has the hon. member forgotten that?

*Mr. STRAUSS: No, that is also a distortion.

*The MINISTER OF LANDS: The hon. member for Germiston (District) is making a mistake, I am not referring to him.

*Mr. STRAUSS: It is a typical distortion.

*The MINISTER OF LANDS: Has he forgotten that the Prime Minister a few years ago introduced a motion in this House, a motion by the Government of those days,

in which he asked for co-operation on the basis of apartheid?

*Dr. STEENKAMP: On the basis of your apartheid.

*The MINISTER OF LANDS: On the basis of apartheid, which is segregation. They rejected that. They said that they could never accept apartheid as a basis. And now he comes and says that they are also in favour of segregation. I shall come to this aspect of the matter later on. First of all I just want to draw the hon. member's attention to the fact that he is much more acceptable to me when he is serious than when he is joking.

And now let me come to the hon. member for Germiston (District) (Mr. Strauss). I don't want to react to his small-minded, extremely small-minded, remarks concerning the hon. member for Gordonia (Mr. J. H. Conradie). I would have imagined really that by this time he would have succeeded in rising beyond the mentality of a dwarf. I do not want to go any further. It is small to hear remarks like that from a man acting as the leader of a party, to hear such a remark about a respected and appreciated front-bencher of this side.

As regards his amendment, the amendment among other things says that they decline to vote for this Bill, unless an investigation is first made into the necessity or otherwise of this legislation. Right at the end they say that they are also in favour of apartheid and separate residential areas, but an investigation must first of all be made into the necessity thereof. Have we ever beheld such a contradiction? I don't want to expatiate any further on his amendment, because it is just a repetition of what happened on the second reading, but may I now be permitted to inquire what his amendment amounts to? It amounts to delay and delay, to committees and more committees. In other words we are to put the subject off and delay it again. And these are the very people who for the past two years and even during the 1948 elections told the electors that the Nationalists were engaged in deceiving them, that they could not carry out apartheid and that they would not carry it out. Not only that, but in the past two years at the very time when we were investigating the best way of creating the necessary machinery, they told the public on every possible occasion: "You see, you know we told you that the Nationalists would never come forward with real apartheid legislation." And now that we have come forward with legislation and want to take steps, now they do all they possibly can to put the whole thing off and delay it for ever. Now the acting leader of the party opposite comes along and says that this Government is not prepared to follow the wise policy of previous Governments. Which wise policy? To let things go on unchecked? May the Lord preserve South Africa from this Government following the policy of the previous Government.

*Maj. VAN DER BYL: You supported the 1946 Act.

*The MINISTER OF LANDS: As regards the Bill itself, the hon. member for Bloemfontein (City) first of all talked about friction and clashes which would take place in South Africa. Yes, where do the clashes and the friction between the races in South Africa come from? That friction and those clashes only arise from the conditions in parts of the country where the races are mixed and live among each other. There are no clashes in the Reserves, there are no clashes on the farms where they have apartheid. These clashes necessarily arise from the very conditions in areas or at places where Europeans and non-Europeans are thrown together. There you get friction and clashes. Anyone who has the interests of South Africa at heart, anyone in South Africa who keeps his eyes open, must realise that if we do not now, and very quickly too, put an end to the conditions which have developed, where Europeans and non-Europeans are thrown together and are getting mixed up in ever-increasing numbers — if we do not put an end to these conditions we must obviously head for a most critical state of affairs in South Africa. If we just allow this condition to continue without moving a finger, and if nothing is done to prevent this intermingling of Europeans and non-Europeans and to put a stop to it, it is obvious that South Africa is heading for a "bloodbath". There can be no doubt about it. If this intermingling continues, clashes between Europeans and non-Europeans must result in the very nature of things. It will increase from year to year until eventually South Africa will be converted into a "bloodbath". There is no doubt about it. There is only one way to prevent it and that is the way followed by this Bill, and to carry out the policy of the Nationalist Party to secure apartheid also in regard to residential areas, between the different races so that each can live his life in his own sphere and his own area. Failing that, South Africa will be turned into a "bloodbath. But what is more, apart from this danger, it must be obvious to everyone who knows Cape Town and other places where the races live mixed up among each other, that if we do not put an end to this — and if we do not do so as quickly as possible — it necessarily has to be a long process even though I say "as soon as possible" — if we do not put an end to it as soon as possible, the white race will not be able to maintain itself as a white race and the eventual result will be a bastard race. If children from babyhood mix together

and grow up under the conditions prevailing in Cape Town and partly also in the Transvaal, if they are born under such conditions and grow up, they have no colour feeling, no feeling of separation between European and non-European and if they grow up like that and conditions develop further in that manner, you will get people without a colour sense, their colour sense will be completely dulled. If people work mixed up together and sit alongside each other, as they do in the Cape Town buses, if they live mixed up in the same houses or in houses alongside each other, the colour sense of the Eropeans must necessarily become dulled and if our white nation does not preserve its colour sense, nothing on earth can prevent our nation from bastardising. There is only one thing in a country where Europeans and non-Europeans live in the same country which can prevent bastardisation, and that is the preservation of the colour sense among the European section.

*Mr. DU TOIT: Nonsense.

*The MINISTER OF LANDS: To prevent these clashes and to prevent a blood-bath and to prevent bastardisation in South Africa apartheid is essential in every sphere. But particularly is it essential as regards residential areas. There are people on the other side of the House with whom I have discussed these questions and I have put the question to them: "Tell me honestly, have you any colour sense?" And the reply has come spontaneously: "I have no colour sense, with me it is only a question of civilisation". Bastardisation does not occur solely as the result of immoral living. It does occur as the result of immoral living, but it also occurs purely as the result, and in most cases as the result of the European losing his colour sense. For that reason, for the sake of the maintenance of the white race, the apartheid policy must be carried out also in regard to residential areas.

Then I want to come to the question, what the attitude of the other side is about apartheid, and on this problem of separate residential areas. If we have to judge them by what has occurred in the past few days, there are on the other side fortunately a number of people who support this apartheid policy just as we do. They have proved it by their speeches and by the way they have voted, they have proved that they feel as we do, and that together with us they subscribe to this basis. To those people I take off my hat, because they sit over there and they yet have the courage to stand up for their point of view. Then there are people on the other side who are opposed to apartheid in every respect — they have said it, they do not want separate residential areas. From those people we differ completely. But even those people I respect, because they are honest and they say what their attitude is. But as regards the other lot who blow cold one day and hot the next, and who are not prepared to admit openly whether they are in favour of apartheid or not — what about them? They opposed every step to carry out apartheid, both in this House and outside. They are the people who now state that they are in favour of voluntary apartheid. Let us test it, apart from the idiocyncrasy that if necessary they are prepared to accept legislation to make voluntary apartheid compulsory. Apart from that let us test their statements about their apartheid with regard to residential areas, let us test it by existing conditions. What do they mean by it? How do they want to do it? Let us take a place like Cape Town where we find people intermingle, where there are mixed residential areas, where Europeans and non-Europeans live all mixed up among each other. How are they going to bring about voluntary apartheid? Are they going to "belabour" the Europeans individually, and are they going to persuade them to leave these mixed areas, or are they going to work on the non-Europeans to induce them to move out? What do they mean by voluntary apartheid? Are they going to create an organisation to "belabour" thousands of people individaully to induce them to leave a place? You see it is just nonsense.

*Mr. MUSHET: It is history.

*The MINISTER OF LANDS: I know it is history, I know the history which has led to this condition of affairs.

*Dr. STEENKAMP: What about Crawford and Athlone?

*The MINISTER OF LANDS: We can mention dozens of Wards where they are all intermingled. They say that they want voluntary apartheid. How are they going to get it, how are they going to carry it out in mixed residential areas? Are they going to pass legislation to say that a certain area is a European area? Then it is no longer voluntary but compulsory. Let us go further. Let us take an area which is still clean today. There are quite a number of areas in Cape Town where none but Europeans reside. How are they going to keep those areas white on a voluntary basis? Are they going to work on every Coloured individual who wants ot buy land there, and are they going to induce him not to buy there? Are they going to form an organisation to belabour the Coloured people not to go and live there? How are they going to give expression to the idea of voluntary apartheid? Let me take the Transvaal. It is bad enough here, but what is the position in the Transvaal? Do hon. members know that in the Transvaal, apart from proclaimed areas under the Gold Law, and apart from new towns or villages where prohibitory provisions have been inserted in

the Deeds of Transfer, there is no provision in any law preventing a Coloured person from living anywhere among Europeans, and from buying land anywhere. How are they with their voluntary apartheid eventually going to protect towns like Pretoria and other places which do not fall in a proclaimed area.

*Mr. S. J. M. STEYN: Pretoria is still fairly clean.

*The MINISTER OF LANDS: Yes, but what is there to prevent a non-European, a Malay, or whatever he may be, from buying land in the best part of Pretoria and from living there? There is no law to prevent it and there is no law to prevent it in respect of any town in the Transvaal, except in regard to proclaimed areas under the Gold Law or new towns where provision is made in the Deeds of Transfer that non-Europeans are not allowed to own land there or to live there. The whole of the Transvaal, therefore, is practically speaking, a potential area where you can get mixed residential areas such as we already have in Cape Town. The other side of the House, however, says that nothing must be done to prevent this. We must just try to induce people on a voluntary basis not to buy there. Surely they are not serious in what they say. It is just a fig leaf which they want to use to cover their political nakedness. In other words, they are opposed to apartheid also in regard to residential areas. They oppose every step, every measure, which we on this side are taking to prevent it.

*Mr. S. J. M. STEYN: We are only opposing bad legislation.

*The MINISTER OF LANDS: I have taken the trouble to have the position investigated in the Deeds Office as far as Cape Town is concerned. I have a list here running into many pages, of residential areas in Cape Town. I only want to take those which have come into being in the last ten or twelve years and hon. members will then be able to see what the position is and I am mentioning this in view of their talk about voluntary apartheid. What have they done in all those years that they have been in power? Have they moved a finger to do anything? Just let me mention some of the areas where there is no provision against Europeans and non-Europeans living cheek by jowl. There is no provision in the transfer deeds, and these are new residential areas; Karatara Estate, Kenilworth, Pearldale Estate, Diep River, Simpson Estate, Elsies River, Milner Vale Estate, Claremont, Lochill Estate, Rondebosch, Koeberg Park, Sunnyfield Estate, Southfield, Tarley Estate, Rondebosch, Haginsdale, Kenilworth, May Estate, Kenilworth, Harpford Estate, Wynberg, Octovale, Bellville, Schaapkraal, Bellville, Esme Estate, Parow, Avondstil, Louwville, Bellville, Lingen Estate, Bellville, Midhurst Estate, Constantia, Brierswood Estate, Claremont. And so I could mention dozens, new residential areas which have been established in the past ten or twelve years and there is nothing to prevent Europeans and non-Europeans intermingling. In the Transvaal there is nothing at all, except in new towns and proclaimed areas. There is nothing to prevent Europeans and non-Europeans intermingling. Assuming the other side came into power again — what are they going to do in regard to new towns that are being laid out? How are they going to apply voluntary separation? Are they going to provide in the transfer deeds that non-Europeans will not be allowed to live there or that Europeans will not be allowed to live in certain areas? But then it is no longer voluntary. Then it has the same effect as a law. Or are they going to pass a law that if new towns are laid out, non-Europeans will not be allowed to live there among the Europeans? Is that what the member for Bloemfontein (City) means when he says that we must pass a law to apply voluntary separation? If that is done it is no longer voluntary. If a condition is made in the laying out of towns and it is registered in the transfer, then it is no longer voluntary either. What is left of their so-called voluntary apartheid?

Now let me come to a very serious matter. Now that they have been driven into a corner, what is their attitude? Until Friday last they had been insisting that they only wanted voluntary apartheid. Now that they have been driven into a corner and are split up, both their main speakers got up this morning and stated that under extraordinary conditions they would none the less accept the policy of this side, namely, compulsory apartheid.

*Mr. DU TOIT: When it is necessary.

*The MINISTER OF LANDS: When it is necessary. Then they are in favour of compulsion. Let me just say this to the hon. member that if there is one thing which has now become urgently necessary in South Africa, it is separate residential areas. And then the hon. member must vote for the third reading. This morning we were told for the first time that under extraordinary conditions they would also be in favour of compulsory apartheid. Now let me ask them this — what then of their attitude towards the Coloured people? I have in front of me the first report of the Coloured Advisory Council for 1944. It is an official document of the United Party Government which was in power at the time, and what do I read here? That the then Minister of the Interior (Mr. Lawrence), on the 27th March, 1943, made this clear and solemn statement, according

to the official document of the previous Government—

> The Government does not intend to pass any legislation or other measures to force compulsory segregation in respect of residential areas.

That now is the voluntary segregation of the hon. member for Bloemfontein (City). But today with their opportunism they are betraying the Coloured people.

*Mr. DU TOIT: Was that during the Hertzog Government?

*The MINISTER OF LANDS: On the 27th March, 1943. And the Coloured Advisory Board relying on this, says this in consequence of the solemn declaration of the then Minister of the Interior —

> The Board has convinced itself that the Government does not want to deprive the Coloured population of existing political rights and the Board will resist any proposal which has that object.
>
> The Board is convinced that compulsory segregation in regard to residential areas will not be applied and the community can rest assured that any attempt to depart from the Government's solemn assurance will be actively opposed by us.

Here we have a solemn assurance which they gave the Coloured people not to carry out the policy of separate residential areas in any form. Now they come here this morning and because they notice that the community outside, that the electors have found them out, now they come here with this bit of arch opportunism and they say that under extraordinary conditions, if it is necessary, they will also apply compulsory segregation. But what then becomes of their attitude that it must only be voluntary? What becomes of their assurance to the Coloured people? If they have now been convinced that our policy is the right one, then they must vote in favour of the third reading of the Bill. I know though that it is not intended in that way. It is only eyewash because my attitude is this — one can only be in favour of separate residential areas if one is really in favour of apartheid in every other sphere of life in South Africa. One cannot be in favour of apartheid in one respect and against apartheid in another respect. I therefore want to ask what is really the attitude of hon. members opposite in respect of apartheid, because on that their true, inner attitude will depend in regard to separate residential areas. If one has to judge them by by their actions in respect of any proposal on apartheid in any area of this country, their party — there are exceptions, I grant that — their party is opposed to apartheid in every respect. Let us take their newspapers; let us look at hon. members themselves in regard to statements made by bodies of which 90 per cent of the members are supporters of their party. Take the Nusas. The Nusas is a society of students in Cape Town, on the Witwatersrand, Rhodes, and the Universities; they are their people. Have they as yet expressed themselves against the policy which is supported in those quarters? Have they declared themselves against the views expressed by their newspapers? Never. Not one of them dare raise his voice against the policy of equality of this students' society, or of the policy advocated in their newspapers. In other words, they and their newspapers support the Nusas in their policy of not having any separation, not even social separation. Let us take the Labia Theatre in Cape Town. They say that they are opposed to equality. What has happened in connection with the Labia Theatre? The people who support them, who support their party, have been victorious there and the Labia Theatre has now adopted the policy, as far as their supporters are concerned, that everything must be mixed and they or their newspapers have not raised their voice against them. There are some hon. members opposite who have not yet spoken in this debate and I challenge them to say that they disapprove of what the Nusas are advocating, and that they disapprove of what is happening in the Labia Theatre. Is there a single one among them, with the exception perhaps of the hon. member for Sunnyside (Mr. Pocock) who will get up and express his blessing on the apartheid which has been introduced on the railways.

*Mr. S. J. M. STEYN: Apartheid of the rich. Of course not.

*The MINISTER OF LANDS: One need not travel among the rich — one can travel among the others if one feels at home there. But let me come to their own party; the attitude which they have adopted in respect of the non-Europeans, the activities of their own party. Surely they should not get up in this House and say that they are in favour of apartheid. Let me come back to what I quoted some time ago.

*Mr. S. J. M. STEYN: Tear it up.

*The MINISTER OF LANDS: That is the hon. member who has issued a pamphlet and who is attacking us because we have not given representation to the non-Europeans in South-West Africa. Let them tear it up. They always come here with their story that they are partly against our apartheid policy. They say that it is untrue that they are in favour of social equality.

*Mr. SUTTER: Your portfolio has not improved you.

*The MINISTER OF LANDS: The hon. member will perhaps feel at home at Worcester if they have another party function there. Let him address such a function. And that is not the only function of its kind where they take non-Europeans along with them to party functions and to their bazaars where they eat and drink together because they are members of the same party. That is the attitude they adopt. I am not concerned with the mistakes of individuals. I take their party as a party, and their party in this part of the country has party functions where they mix up together, where they eat together; their Leader went to Worcester and said that that was as he wanted it. If one takes all these things together it becomes perfectly clear that that party, as a party, is dead against apartheid, and if there is a ray of light it is this, that in spite of the party's official attitude there are, nonetheless, members in their ranks who in regard to this vitally important problem subscribed to the policy proclaimed by this side of the House, and I believe that their numbers are growing every day. Then I just want to say this. We know the difficult position they are in, both in this House and outside, but if they are really in earnest they should realise that if they continue to give their support to that party and if they continue to oppose these measures, as we have seen in this instance, they are not rendering a service to South Africa. If they want to serve South Africa and if they want to prevent these clashes between the races, if they want to contribute their share, then let me tell them that they must not only speak, but they must act. Look at the hon. member for Drakensberg (Dr. Steenkamp). When he attends a political meeting on the platteland he is a supporter of apartheid, but when he is in this House then he belies himself and he is opposed to apartheid.

Mr. N. G. EATON: After listening to the hon. the Minister of Lands, the question he wishes the Opposition to answer is simply this. If they are in favour of apartheid, they have to vote for this measure and if they vote against this measure, they are totally against residential and social separation of the various races in this country. I wish the issue was as simple as all that. Unfortunately it is not. It goes a great deal further than that. We are dealing here with individuals. The question of land itself may not be so bad, but we are dealing here with the future of practically every person in the country, and that cannot be decided by a mere yes or no. I want to remind hon. members of the amendment that was put forward at the second reading of the Bill by the Labour Party. That amendment was in these terms—

> To omit all the words after "that" and to substitute "this House, while accepting the principle of residential and social separation, declines to pass any Bill empowering the executive to demarcate group areas for the respective racial groups in the Union which fails—
>
> (a) to impose financial responsibility on public bodies (including the State) for providing alternative accommodation and residential amenities for persons evicted as occupants from any area; and
>
> (b) to make provision for the compensation of persons as owners of property who are adversely affected by such demarcation."

Those were the two exceptions we took. The hon. Minister responsible for this measure before the House, has up to a point met us in regard to par. (a) by inserting a directive in regard to the functions of the board in the following terms—

> (5) The board shall not advise the Minister in regard to the issue of any proclamation under sub-section (1) of section three, without taking into consideration whether or not suitable accommodation will be available outside the area concerned, for persons whose occupation of land or premises in that area would be rendered unlawful by such proclamations.

Now, Mr. Speaker, that is quite all right as far as it goes, but we feel it does not go quite far enough. We ask the Minister concerned whether he will not be prepared to go a little further in regard to the financial position, where the board, for example, recommends an area but the local authority is unable to face up to the financial responsibilities, and we ask the Minister whether the State will come to the assistance of the local authority in that regard. The Minister indicated that that could not be dealt with in this Bill, because of the financial implications.

With regard to the second paragraph, that is the question of compensation, I want to put a special case to the hon. the Minister, and when he replies to this debate, will he indicate in his reply what the attitude of the Government will be in cases of special hardships of the type I am going to mention now. The hon. Minister is very familiar with the case I have in mind, and I think a reply on this issue will clarify the position in my mind with regard to the intentions of the Minister in connection with compensation under this particular Bill.

The Minister will recollect that I led a deputation to him in Pretoria in regard to the Coldmore Estate. I am not going to mention scheduled areas and that sort of thing, because I would like everybody to understand what I am discussing. This

Estate in part adjoins the boundary of Durban. It is an Indian area, an area set aside mainly for Indians, and the owner is very keen on having the Estate brought into a European area. In terms of this Bill it is true that the Minister has the power to include this whole Estate in a European area. But the point I want to put to the Minister in this connection is this. If the board should decide that in the best interests of the whole of Natal, or of Durban, this area should be made an area for non-European occupation and ownership then the owner of the Estate will be faced with a severe financial loss. The estate comprises 1,300 acres, and if it is set aside for European occupation it will be a very valuable asset. But if it is set aside for Indian ownership and occupation, then the owner will very likely lose a tremendous amount of money. What will be the attitude of the Minister in a case of that sort? Is the owner to bear the whole of the financial loss through the operation of this Bill? If so, then I say this Bill is very harsh, because these people have owned that particular farm for well over a hundred years and now, because of a decision of the Minister, in terms of this Bill, a Coloured group area there will cause great financial loss to the present owner. By moving the amendment we did as a party, we sought to make provision in the Bill to cover a case such as this, and I would be interested what the Minister has to say in his reply. It is a matter of vital importance. I quote this case to the Minister as an example, but I am sure that throughout the country there will be many such cases. In many cases it will affect the individual small man who has put all his savings into a small property, and he will have to face considerable loss and hardship in terms of this particular Bill. This is a special case, Mr. Speaker, and I think the Minister should be in a position to indicate quite clearly what will happen to this particular Estate, in terms of the Bill, if it is included by the board in an area for non-European ownership and occupation.

Now I come to the Bill in general. The amendment moved by the United Party this morning, I think as far as Natal is concerned, may fall away as regards the first part which refers to a further inquiry. But as regards the rest of the Union, I think it is necessary that we should have further inquiry. The second point, I think, is covered by the amendment we moved on the second reading; and the third point similarly. Speaking personally, I have come to this conclusion that if this Bill were to be applied to Natal only, there could not be a great deal of opposition to it, and as a Natal member I would be prepared, perhaps not to vote with the Government, but at least not to vote against the Government.

An HON. MEMBER: Hear, hear.

Mr. N. G. EATON: I said if it applies to Natal only. But unfortunately this Bill applies to the whole of the Union, and as far as the Cape Province is concerned, I have not the detailed information I feel I should have in regard to the application of such a Bill to a province like the Cape. As regards the Transvaal and the Free State, I am in an even more unfortunate position of not knowing the full implications. It is because of that difficulty that I feel it may be wrong for me to prejudice the interests of the Union outside Natal by accepting this Bill as it stands today.

Mr. LABUSCHAGNE: You cannot vote for it because you are ignorant about it.

Mr. N. G. EATON: It is not a question of ignorance on my part, but that the House is ignorant of the facts. Perhaps I am more familiar with the implications of this Bill than most hon. members opposite, because in Natal we have had legislation dealing with this sort of thing since 1946. We had an opportunity of examining the position. We have had various commissions, and it is only as a result of those commissions that we are in the position to say that, from the Natal point of view, this Bill is not too bad. That is our position. But I wish hon. members on the Government side will look upon this Bill as a national Bill and not merely as a political idea. That is the issue. They are concerned with the political idea that this Bill is giving expression to the idea of apartheid, but it is the practical application of the Bill throughout the Union that we should be concerned with today when we pass this legislation. I do not wish to mince my words at all. As far as Durban is concerned, and I think as far as Natal is concerned, this Bill is a good Bill.

Mr. LABUSCHAGNE: You are coming round.

Mr. N. G. EATON: I have adopted that attitude all along. But as regards the rest of the Union — whether you wish to blame me for ignorance as regards the details for the rest of the Union, or not — as far as the rest of the Union is concerned, I am not in a position to say whether this Bill can be applied without further inquiry. It is quite possible that the Minister may have information of which we in this House have no knowledge. I do not know. But the attitude of members on the Government benches, judging by their speeches, is that although they have as little knowledge as we have of the position in the rest of the Union, they are determined to put this legislation through because it is a measure of apartheid. They are prepared to put it through, irrespective of the repercussions it may have. The Minister himself has indicated that he wishes to avoid hardship as far as he possibly can,

recognising at the same time, as far as the Minister is concerned, that whether he wishes it or not there is going to be hardship.

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

Afternoon Sitting.

Mr. N. G. EATON: When the House adjourned I was dealing with the question of social and residential separation of the various races in this country in terms of this Bill, and I had indicated how this Bill was not an issue on which the answer could be "Yes" or "No". It is a measure which deals with every individual throughout the country, and I stated that we should be most careful that we create no undue hardship upon the individuals concerned.

Now I want to touch briefly on the other side of the story, and that is the effect this Bill will have on commerce and industry, labour and our international relationships. On this side of the story there has been practically no inquiry whatsoever, and what inquiry there has been and what representations there have been made to the Minister by the representatives of these bodies will require futher representations because of the numerous amendments made to the Bill by this House. So that the wider implications of this Bill will require very considerable study by interested persons before the full implications of this measure will become apparent throughout the country.

I do not think the question of the Coloured franchise rights in the Cape Province arise in this Bill, because I am convinced that this Government will, through other measures, abolish the franchise rights presently enjoyed by the Coloured people. I mention this in passing.

The further aspect I want to touch on is the question of cost. From what I can see of the implications of this Bill, the local authorities who may desire to establish European group areas will not be able to attain their desires until they have paid for the necessary amenities for the other racial groups in that particular area. This expenditure will prevent this Bill from making that steady progress that is envisaged by the Minister. This expenditure will also prevent the measure from becoming effective in a short time, and I think that in view of our amendment to the effect that the State should assist with the establishment of housing and other amenities, should have had the consideration of this House, in view of the fact that it is unfair that the ratepayers and indirectly the tenants, should be called upon to bear the whole cost of this measure. If this Bill is looked upon as an experiment, we must say that the State is introducing this experiment without providing any financial assistance at all.

Mr. W. C. DU PLESSIS: Who is the State?

Mr. N. G. EATON: The State is the individual in the long run, but with this difference, that where certain municipalities will be concerned with these particular problems, they will have to impose a heavy burden on a comparative few, whereas the State can impose a light burden on many. That is the aspect I feel the Minister has neglected to provide for in this measure.

Finally, I want to indicate that there is a heavy responsibility on every member in connection with this Bill. Many of us have taken it in a very serious manner. But I am also sure that many other members have not considered the matter in that way. I want to close by appealing to them to consider the Bill in its entire application to the whole Union and its ultimate effect on the individual, and then they can decide exactly what they are going to do when it comes to voting on this particular measure.

*The PRIME MINISTER: In the remarks which I wish to make on the third reading of this Bill, I should like to occupy myself for a short while with the speech which we have had here from the hon. member for Bloemfontein (City) (Dr. C. F. Steyn). That speech was in more than one respect most interesting to me. From what he said there it appeared to me that hon. members opposite are still very far from understanding the problem with which we are faced in South Africa — namely, the colour problem. I just want to remind hon. members that the hon. member for Bloemfontein (City) suggested as a solution of the colour problem that we should improve the conditions under which the non-Europeans in this country are living. We must give them better houses, we must give them more education, we must do more to give them proper wages and we must generally improve their living conditions. That would be the solution, or really the main solution of the colour problem. I just want to remind him of an attempt which was made in that direction by one of the ablest members who has ever belonged to that party opposite, one who undoubtedly was among those who showed most sympathy with the non-European population in the country, I refer to the late Mr. Hofmeyr. He met the Natives' Representative Council when they threatened to strike, and he tried to induce them to change their attitude. He explained to them what the Government in power had done for them in many ways. He mentioned all the things which were contained in what the hon. member for Bloemfontein (City) said here and he did more than that. What was the answer which he got from them? The answer he received was just this: "We do not want to hear anything about all these things

which you have done for us in this or that respect to improve our living conditions. That is not what we want. What we want is nothing less than the removal of the colour bar in this country in every respect. We want absolute equality."

*Dr. STEENKAMP: You are speaking about the Natives.

*The PRIME MINISTER: There lies the essence of the whole problem, and to come now, as the hon. member for Bloemfontein (City) has done and to mention those things and to say that that is a solution — I say that it is simply futile. It does not touch the real problems with which we are faced. What I am saying here this afternoon, is not said in any spirit of opposition, or from the point of view of party political considerations. I do not want to exploit what has happened during this debate on this subject, and then play it up against our political opponents. They have had their Friday, they have had their "black Friday", but I shall leave it at that. There is something else which interests me more, and that is what the real position is in regard to this problem among that party opposite and among the people of the country as a whole and especially the European population and I think that the true value to me, at least from the point of view of the discussions which we have had here in the course of the debate, lies in this, that it has cast a clear light on the position within that party and on their motives, and a real revealing light on the subject in general. The phenomenon on that side of the House throughout the whole of this discussion has been a remarkable one, it is nothing short of unprecedented, and it is this: That they have adopted the attitude which they have done. They are in favour of the principle of this Bill and yet we have not had a word of support from that side of the House. We have only heard speeches aimed at breaking down and creating opposition. In other words, they try to get away from that which they are in favour of. They try to get away from that which they support. They try to run away from something which they embrace — so they allege. It is extraordinary and a very peculiar phenomenon with which we have been faced here. The Opposition on that side, the party which is represented there, has not adopted that attitude only just recently. They have adopted the same attitude in regard to the Group Areas Bill, and it has been their general attitude right throughout the course of years, and I ask why it is so. They contend that they stand for apartheid in the sense of a worse interpretation than they give to apartheid. They say that they stand for separation (afsondering) which one usually associates with separation or segregation in gaol, or separation (afsondering) which one usually associates with segregation such as applied to people suffering from leprosy. They are in favour of segregation (afsondering). They put that down as the basis of their motion. They state it openly, but because we give it a different name which has not got the more serious meaning which is attached to these other names, for that reason they oppose us. That is why three years ago, when we made an offer of co-operation to look for a solution of the whole problem outside the arena of party politics, that is why they rejected it and turned it down.

*Dr. STEENKAMP: That is not true.

*The MINISTER OF JUSTICE: You were not here.

*The PRIME MINISTER: Their whole attitude in this debate has been an attempt, a continuous attempt, with all kinds of arguments, to get this Bill off the Order Paper. One argument used by them was that there had not been adequate investigation of this matter. They put up the pretence that sufficient time had not been given or was not being given to study the matter properly or to discuss it. There even was a reference. in order to get it off the agenda, to the Round Table Conference with India, which was in prospect at the time. They are continually hiding behind the pretence, "What will the opinion of the world be" — they say that "world opinion" is opposed to our proposals in this Bill. All those excuses are raised for the sole purpose of putting off and delaying what we propose and what is embodied in the essential vital points of our proposals. I say that they try to get away from that which they allege they support. They try to get away from what they say they embrace. The question now really is what lies behind this strange attitude of the Opposition? What is the real reason for their adopting that attitude, not only on this debate but, as I have said, in regard to the colour problem over the course of years. My reply is this, they are between two fires. They are in this difficulty that they have to choose between two things and they do not know what to do. One is that they realise and clearly realise that the great majority of the white population of this country is in favour of the principle and is in favour of the application of what we propose here, namely, apartheid. They realise it. We know what Natal thinks about these matters and because Natal thinks the way it does, for that reason the Natal members who took part in the division in this House on this matter have got themselves into the difficulty in which they find themselves today. There is no doubt what a large proportion of the English-speaking people in South Africa think about this matter. The other day I mentioned the position of Sea Point

and of Rondebosch, and I can tell hon. members that the same thing applies to Port Elizabeth and East London, not to speak of the towns in the Transvaal where English-speaking people principally are concentrated. There is no doubt that when the elections took place in 1948, I am referring to the last elections for Parliament and for the Provincial Councils, a large proportion of the English-speaking voters expressed themselves in favour of the Nationalist Party's policy when that was the issue before the country, and I say that the support on this issue at those elections was actually much greater than what the polls showed. My hon. friends realise it, but at the same time they realise also that they, as a party, depend on the votes of a portion of the non-Europeans. They have no objection to applying segregation or apartheid, as we want it, to Natal. They know that Natal demands it; Natal is in favour of it; but their difficulty is with another portion of the non-European population, viz., the Coloured people, and this explains those different attitudes on this matter, as far as Natal and the Cape are concerned. The Indians have not got the vote; they are not dependent on the votes of the Indians, but they are dependent on the votes of the Coloured people of the Cape. The Coloured people have the franchise and members opposite consider that without that vote they cannot keep going.

*Mr. RUSSELL: That is the only reason why you want to take it away from the Coloured people?

*The PRIME MINISTER: The trouble of hon. members opposite is that they are in a cleft stick and they cannot get out of it, and they will not get out of it unless the party adopts a totally different point of view and that change of attitude cannot come unless they start looking at the colour problem not from a party political point of view, not from the point of view of what they are going to gain or lose, but from a broad, national point of view.

*Dr. STEENKAMP: You mean from a Nationalist point of view.

*The PRIME MINISTER: They will not be able to do it unless they make sacrifices. There are some in their party, or in their front, whom they will have to get rid of. They have shaken off some of their followers so far — but who are the people they have shaken off? They have shaken off Senator Brink and Kalie Rood.

*Mr. RUSSELL: He is still a member of the party.

*Mr. DU TOIT. And Dr. Loock.

*The PRIME MINISTER: They have shaken them off, they have shaken them off on the wrong side. They should have shaken off on the liberal side, because in the previous elections they deserted them and they (the liberals) appealed to a communistic organisation, such as the Springbok Legion. They will have to make sacrifices and only then will they be able to get rid of that cleft stick in which they find themselves today.

*Mr. S. J. M. STEYN: What about the communist Pettersen?

*The PRIME MINISTER: If we look at the past we find that that has always been the case as far as they are concerned. They cannot lay down a policy for this problem which is in any way effective, simply because they are in that position.

*Dr. STEENKAMP: But Pettersen does not belong to our party.

*The PRIME MINISTER: They must definitely have been conscious in the past of the existence of this problem, this necessity of apartheid, also in regard to residential areas. They were aware of it; they were made aware of it largely by their own followers. The Municipal Congress at Oudtshoorn has been referred to. That Congress consisted mainly of supporters of that party. The Cape Provincial Council took up the matter at the time and adopted the attitude of the Municipal Congress at Oudtshoorn. It was necessary to do something. The problem was there and see what they did in the past about this matter. The first thing was that they intimated to their supporters in the Provincial Council that they should leave the matter alone. They said: "Please be so kind as to leave the matter alone, this is not a question for the town councils, it is not even a question for the Provincial Administration, it is a matter for the Central Government, because it is a national question, and the Central Government (that is to say the previous Government) will take up the matter, so just leave it where it is." The result was that an attempt was made by the then Minister of the Interior (Mr. Stuttaford). He stated that he was going to introduce a Bill to deal with this matter, and that Bill would amount to this, that there would be white areas and non-European areas, which would be separated from each other, and if a mixed area had to be proclaimed as a European area, or vice versa, then the matter would be referred through the polling booth to the electors in that particular ward, so that they would say whether it should go to the one side or the other side, and in that way separation would be secured. Mr. Stuttaford went so far as to announce that that would happen in future. I made a speech at that time in which I said: "Well, I know that party's difficult position, and I predict that

nothing will come of it," and nothing has come of it. The matter was simply left where it was. But where did they land eventually? They did not only leave the matter where it was, but when the Coloured population in particular let them know that they did not want to be separated neither residentially nor otherwise, the party's mouthpiece, the then Minister of the Interior, Mr. Harry Lawrence made a solemn promise on which the Coloured people rely today, that if they shoud proceed to apartheid it might be done in different ways but in any event no compulsion would be exercised in any way whatsoever. That is where they landed — no, not quite finally — but where did they land finally — the doing of patchwork, and the patchwork was this: get new areas situated principally on the outside edges of the existing towns, and establish a housing scheme there for Europeans only, and also get a housing scheme for non-Europeans only, and then leave it there. Yes, leave it there. Do not exercise any compulsion. And what was the result? They made practically no progress whatsoever with that apartheid. The position did not improve; it became worse, because a large part of the town, as it existed, was unprotected. Take the Coloured people away and put them in a housing scheme at their own free will, and they will always come back to the town itself. They come back and they come from outside and they settle between the Europeans, hence the petitions which we have been getting from Rondebosch and other places in which they ask for protection. This is their request: "Please protect us and please pass legislation of this kind to release us from those conditions." I say that they eventually took recourse to the scheme which I have described at patchwork.

I just want to say a few words on the subject referred to by the hon. member for Bloemfontein (City). I refer to his pathetic appeal that we should please understand each other and that we should now, as sections of the white population, arrive at co-operation in order to solve the Colour problem. All I want to say about that is in the first place that absence of willingness to co-operation has not been shown on this side of the House.

*Dr. STEENKAMP: Are you prepared to delete the "provided"?

*The PRIME MINISTER: On the contrary I myself took the lead in saying that we should remove this whole question from the arena of party politics, and that we should deal with it on a non-party basis . . .

*Dr. STEENKAMP: "Provided".

*An HON. MEMBER: "Provided" you are also in favour of apartheid.

*The PRIME MINISTER: . . . and arrive at a conclusion, and the only thing I said so that we should not achieve something which had been completely watered down —the only thing I said was that it must have a basis, otherwise it would be no use to have the matter discussed by people who widely differed from each other, and it must therefore be on the basis of apartheid . . .

*Mr. S. J. M. STEYN: Whose apartheid?

*The PRIME MINISTER: . . . about which they said over and over again that they also favoured it. The Leader of the Opposition said that it was the traditional policy of South Africa.

*Mr. STRAUSS: What did he say about the two-thirds majority?

*The PRIME MINISTER: And now they come here and they are opposed to apartheid, and they have rejected that offer.

*Mr. STRAUSS: What does the Afrikaner Party say about the two-thirds majority?

*An HON. MEMBER: It is the dead hand of the past.

*The PRIME MINISTER: I say that the fault does not lie with us. We looked for that co-operation and they rejected our offer and now that we have introduced this Bill and similar Bills, now that they see that we are able, even though our majority is not large, to carry out our policy, and that the Bill is going to be placed on the Statute Book, now they come along and now we are to have co-operation. It is not the hand of friendship which they want, but we must put out our hand to pull them out of their difficulties — that is what they want.

*Dr. STEENKAMP: Do you accept that hand or not?

*The PRIME MINISTER: If you want to do a popular thing as far as the English-speaking and the Afrikaans-speaking people in the country are concerned, then you must tackle this question on the basis of apartheid.

*Mr. STRAUSS: Now the cat is out of the bag, it is a political game.

*The PRIME MINISTER: The fault does not lie with the feelings of the country, the fault lies with those who allege that they represent the country, or a large part of the country, because they will not or they cannot choose between the feelings on the one hand, of the white population, and the attitude adopted by those people, and on the other hand, the unwillingness of that section of the non-European population which has the

franchise and on whom they have to rely as a party.

*Mr. S. J. M. STEYN: We prefer to do our duty rather than gain popularity.

*Dr. STEENKAMP: He has now made a slip.

*The PRIME MINISTER: Let me say this: I am in favour of co-operation if the result of such co-operation is that we get a Bill which represents the expression of the will of the overwhelming majority of the English-speaking people of this country. I am not in favour of our having co-operation which will lead to a measure which has been completely watered down, and which in reality will leave the big problems unsolved. That in the long run will get us no further and in the end we shall be faced with exactly the same position with which we have always been faced. An appeal was made for the two white races in South Africa to co-operate. The hon. member for Bloemfontein (City) said this morning that dangers were threatening the world, but we were living in a dangerous world today. We admit it, it is so, and nothing is more desirable than that the European sections of the population should understand each other and co-operate with each other, but they can only co-operate if they think alike on the country's great questions and if they stand together. If they are not on common ground it will eventually lead to disaster, and to greater dissension than ever before. That common basis had never been as possible as it was after the present Government came into power.

*Mr. S. J. M. STEYN: What about 1932?

*The PRIME MINISTER: The old argument which was cast as an accusation against this side of the House — the old argument of isolation has been flattened out. Only a lunatic can say today that our policy is a policy of isolation. It is not a policy of isolation. In the past we have differed from each other on the question of South Africa's freedom. For years we have fought in the political sphere whether we should extend that freedom along the course of evolution or not. We have been opposed step by step by the party opposite, but today they vie with us in showing how free we are and in showing how all those points which we used to fight about in the past, the one after the other, step by step, have led to the victory of our point of view.

*Mr. STRAUSS: Who obtained it for South Africa?

*The PRIME MINISTER: And with the elimination of those points in the political sphere on the course of our freedom, points of friction and differences have also been eliminated. We have come together. We are now faced with a vital matter and that is the future of South Africa, as far as the preservation of the white race is concerned, as far as the assurance of the future of our white civilisation is concerned, as far as the dominating position of the white man in this country is concerned. That is the great problem, and on that problem the great majority of us really also stand together.

I am speaking of the country in general, but for party political reasons and not for reasons of national importance the Opposition tries to strengthen itself by making an appeal to racial feelings, by making an appeal even to the non-European population, and they even make the non-European people believe that along the course of apartheid our aim is to oppress them. They are now complaining that the racial relations in this country are deteriorating. Yes they are deteriorating, but who is to blame for it? The blame lies with what the non-European population are told, namely, that apartheid means that they are to be oppressed, and that they are to be kept in a state of semi-slavery. All I want to say is this. We are going to succeed in securing racial co-operation in the country — the basis for it is there, were it not for the fact that we have a party in Opposition which is seeking salvation through stirring up racial feelings, through scaring and discouraging the non-European population. All I want to say is this. The Opposition should in the essence of this problem realise their duty towards the people and the country as a whole. They should not approach matters in the way they have done so far by simply saying in regard to matters before this House: "The Government which is in power should not be there, and anything it proposes must be opposed."

*Mr. S. J. M. STEYN: Nor should it be there.

*The PRIME MINISTER: Everything must be opposed and there must be as much obstruction as possible so as to prevent the Government from getting legislation in the interest of the country on the Statute Book. They must change their attitude, they must change their spirit, and they must revert to the cultivation of a sense of the responsibility which an Opposition has to bear — all these things they have to revert to, and then the solution of our problems will be easier.

Mr. RUSSELL: Mr. Speaker, all the speeches we have heard, during these days of debate, from that side of the House (and I except from this accusation neither the hon. Minister of Lands nor the hon. Minister for Naboomspruit, nor the hon. Prime Minister himself) have been on an emotional level that has done them no credit. They

have all shown that they are thinking with their blood and not with their brains. They have all shown that they are politicians and not statesmen. The first misunderstanding that may have been created by the Prime Minister's speech, should be nailed right here now. Is it the suggestion that the United Party have always opposed the settlement of the native question on the basis of co-operation. We opposed its consideration on the basis of Nationalist "apartheid"—"apartheid" as interpreted by that side of the House. In this connection I would like to draw the attention of the House to the amendment introduced by the Rt. Hon. and gallant Leader of the Opposition, Gen. Smuts, on the No Confidence Motion last year. He invited all-party co-operation to settle the Native question, and he said we should go so far as to consider the Nationalist policy of "apartheid" too. But he also stipulated that the policies of all the other parties in this House should be examined and considered. Nothing can be fairer than that. That was a genuine attempt at co-operation to settle this problem. The suggestion made by the Prime Minister is no basis on which any self-respecting party could work co-operatively.

Mr. SUTTER: Heads I win, tails you lose.

Mr. RUSSELL: As far as we are concerned, we do regret the fact that, in a guillotine like this, at a time when our heads are practically about to be lopped off, we have had two Ministers taking up more than a third of our limited time. A third Minister will reply in the short and unfair period of debate that has been given to us by the Government to discuss this matter. Our principles in relation to this matter are clear. Our own amendment makes them plain. Our attitude in connection with this Bill and with the whole question of the creation of group areas is this: We should try first of all—and this has been our contention from the very beginning—to have voluntary segregation. If that is found to be impossible or unworkable, then we demand an investigation on a judicial level. We have had such investigation in Natal and other parts of the country but not in the Cape. If a Judicial Commission, enquiring calmly, objectively and unbiasedly into this matter finds that legislation is necessary, then this Party stands for such legislation. Nothing can be clearer than that. We will support the introduction of that legislation and while doing so we realise that legislation may entail a measure of compulsion. After all legislation results in laws and laws must of course be observed, if necessary by compulsion. That states our party position clearly and without any shadow of doubt. If that side of the House sticks to facts, we should have no misrepresentation outside this House of the clearly stated and defined policy of this Party. Nobody can now be left in doubt. We have introduced legislation in the past which implied compulsion, in connection with the segregation of the Natives and the Asiatics. So that the principles we enunciated stand clear and have actually been put into practice.

As regards the Cape we say this. We first want proper investigation to ascertain the facts. We do not want mere opinions, certainly not the opinion of the Minister of Lands which he read out a little while ago—his "one man" investigation. We want a real investigation, if necessary, on a judicial level. That is the only way in which we can get unbiased and unvarnished facts, which will shed the light of day on the situation as it exists. We want to judge the position as fair-minded men—impartially and without any malice aforethought. The evidence of such a Judicial Commission would help any government, would help any party to legislate with a sense of justice and fairplay. We should first hear the evidence, and sift it after having listened to the opinions of the Whites, the Coloureds, the Malays and the Natives. That is what should be done before we definitely legislate. That is the only fair basis for law-making, and we insist, as we say in our amendment, on a prior judicial commission of enquiry where no discrimination can be present. Sir, I think that is the only fair basis on which any long-term legislation, such as is envisaged here, could possibly be passed.

The Acting Leader of the Opposition has called attention to the importance of considering overseas and world opinion. We know, and the Minister must know, that this Group Areas Bill is going to appear on the tables of UNO and will be closely examined. It will be discussed there and it should be a piece of model legislation. We can claim as a proud boast that we on this side have done our best to make it a work of legislation that could be looked on by any democratic community or country without shame. We have tried to divorce from it all arbitrary elements and all the marks of intolerant and specious thinking. We have tried to make it a fair measure, a Bill that will stand the light of public scrutiny. And for that at least I think this Opposition will be thanked by future generations in South Africa.

Sir, I make no excuse for pleading for special consideration for the Cape Coloured people. I have done so on previous occasions and I will do so again. For I feel that, unless we have the co-operation of the non-European races, this country will be doomed. I do say this about the Coloured people, that they should come into a very special category of consideration. They are here as a result of the miscegenation of the white man. The white man is the only man who can be blamed for their existence. We cannot blame

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the Natives for the creation of the Coloured race. They are the result of an admixture for which we are responsible. I ask hon. members of the opposition to realise that these people are human beings, that they have the same feelings, ambitions and aspirations. If you tickle them they laugh; if you prick them they bleed; and if you harm them and frustrate them, you may drive them to take revenge. I think myself that we should keep a humanitarian attitude of mind always before us when we attempt to legislate for these people. The hon. the Minister of Mines quoted from a statement by Mr. Harry Lawrence in which he said that he had no idea — he was talking to the Coloured Advisory Council — of introducing compulsory segregation here in the Cape. I presume he did that because at the time, and still today, there was no fair basis on which we could introduce it and no reason why we should introduce it. We had not had what we demand here in our amendment, a judicial inquiry into the matter. But, Sir, I in my turn would like to quote some of the sayings of the leaders on that side of the House on these questions of segregation and colour. I would like to quote — seeing that the Prime Minister has entered the debate — what he said in connection with the Coloured problem. These are his words. This is what Dr. Malan said in the City Hall, Cape Town, on 17th June, 1925, in connection with the Malays — who are now going to be put into a separate group area — I read a report from "Die Burger," Thursday, 18th June, 1925—

> Die politiek van die Regering met betrekking tot die Slamse, is dat hulle hul altyd sal beskou as Suid-Afrikaners en hulle nooit sal beskou as Asiate nie. Die wette wat Asiate raak, sal die Slamse altyd uitsluit, omdat hulle Afrikaners is. Die Regering sal altyd probeer om aan die Slamse 'n hoër status te gee as wat hulle besit, en dit is gelyke regte met die blanke man . . .

Mr. SUTTER: So.

Mr. RUSSELL: It goes on—

> Die kleurslagboom het die Slamse voorheen, byvoorbeeld, uit die myne gehou, maar nou sorg die teenswoordige Regering dat daar vir die Kleurling en vir die Slamse geen Kleurslagboom is.

An HON. MEMBER: Who said that?

Mr. RUSSELL: The hon. the Prime Minister. He accuses us today of flying away from our principles. What did he say in the debate today?

> Hulle probeer om te vlug van wat hulle omhels.

Have you ever had a bigger flight from former principles than this one, Sir?

Mr. SUTTER: They have not stopped flying yet.

Mr. RUSSELL: It was in the "Great Flight," Sir, in which the present Prime Minister stated his policy in connection with the non-European question. I will not quote all that he said in detail, but we have it here. At a Church Conference on the poor-white problem he said this—

> The basis on which the policy of segregation is based should not be colour but civilisation.

He said civilisation should be the test, and he went further. In relation to the Natives he said—

> Once they have achieved our standards of civilisation the boundaries of segregation can be forgotten.

There he spoke as a leader of the Church. That was said by the present Prime Minister. If we want to have a battle of quotations I think the excerpts we can give from this side will show that his previous attitude of mind was quite different from that which he expressed today.

An HON. MEMBER: What are you quoting from?

Mr. RUSSELL: From "Die Groot Vlug" by Dr. D. F. Malan, published in 1922. But I would prefer to quote the words of a more consistent statesman in relation to the attitude we should take up towards the Coloured problem, and to the Coloured people. I would like to quote General Hertzog and let the House see what he laid down as a policy for the future in regard to this matter and these people. He said first of all in connection with their political status (Hansard, 23rd March, 1939)—

> The Coloured people are not to be deprived of their existing political rights and the Government will resist any political proposals to change their franchise in a manner which would diminish those rights.

I would remind the hon. the Minister of Finance about that statement. Then he went on with regard to their economic status—

> The Coloured people shall not by reason of race or colour be debarred from engaging in any form of industrial occupation or employment but the Government will endeavour to ensure that the working conditions of employment accord with the social policy set out hereunder.

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Then he deals with their social status—

> There is no desire on the part of either the white or the Coloured people that there shall be social intercourse between them, and social separation is accepted by both as the definite and settled policy of the country.

That is exactly what we say in our amendment. That is what we stand by and what we have always stood by. Then he goes on—

> Wherever social or economic conditions conflicting with this policy of social separation are found to exist, the Government will do its best to remedy such conditions, but it will always try to do so in a manner that will avoid causing ill-feeling or a sense of grievance and will involve no greater discrimination than the necessities of the case require. The most effective step in this direction is the provision of adequate housing accommodation . . .

One of the things we tried to bring about in this Bill was that no person will be displaced without provision being made for adequate alternative accommodation. That is what we have stipulated in our amendment; that we should not dislodge people without seeing that they have adequate housing to which to go; that they should not simply be thrown into the streets without having suitable alternative houses in which to live. And the Minister gave a half-hearted undertaking that this would be "taken into consideration". There is no legal compulsion, however, that this must be done. In this respect and in all other respects we have stuck to and stood squarely by the far-seeing, statesmanlike utterances of General Hertzog. That is the basis of our non-European policy to this day.

That is the policy we will always stand by, because we feel that one of the most dangerous things we can do in this country is to alienate the non-European and to make him our enemy. The whole economy of this country is built up on his labour, on his willing co-operation, his goodwill and help. If we antagonise him we can bring down our whole economic structure in ruins. I do not think there is a home, I know there are no factories, and certainly there is no gold-mine that could operate if it were not for the willing labour supplied by the non-European peoples. If they were to withdraw that labour, then, in one week, they could paralyse the whole economic structure of the country. Mr. Speaker, we feel that the tension between the races is being aggravated. The willing Native worker of the past is becoming a dragooned, frustrated and unwilling worker of the present. We feel the word "apartheid," that foreign-sounding word, will vibrate through time to the discomfiture of future generations of South Africans. "Apartheid" will ruin race relations in this country. Why go on increasing the tempo of disharmony and discord between black and white by Bills like this? We feel that something should be done to restore the old-time willing help we once had. The Native at one time did not consider the white man as his enemy. He looked upon him as his tutor and mentor in democratic ways. Unless that attitude of mind comes back the future of South Africa is very dark indeed.

Mr. Speaker, I know time is pressing; many other people wish to join in this limited debate. May I say this? The present Government, by their methods in forcing this legislation on us, has brought a new word into the parliamentary language and into the nomenclature of parliamentary procedure. Their policy seems to be "Bill-dozing." Their policy seems to be to force Bills through this House by the use of the gag and the guillotine. I am sure this Session's work will, in future, be regarded as the accomplishment of a "Bill-dozing" Government. This "simple measure" which the Minister has introduced, which he himself, in many respects, did not understand, and which his advisers certainly did not fully understand . . .

Mr. SUTTER: The "Bill-dozing" Minister.

The MINISTER OF TRANSPORT: There is a lot of rubble being pushed about.

Mr. RUSSELL: But not a Russell. This "simple measure," Sir, has already had the benefit of 60 or 70 amendments; it has had the benefit of over 50 Ministerial amendments, to make it more simple, I presume. We know now that it is one of the most complicated measures that has ever come before this House. It is so far-reaching that it will probably affect all the people of South Africa in some way or other; it will involve vast numbers in possible loss; it will certainly affect the liberty, the freedom of movement and the freedom of association of a great number of citizens of South Africa. One thing is certain, and this may be intentional—it will subject tens of thousands of people, and particularly the Cape Coloured people, to great but unnecessary humiliation and frustration.

The MINISTER OF THE INTERIOR: Why?

Mr RUSSELL: As the Minister knows, it cuts across the courts of the land; it sidetracks the judiciary; it destroys our concept of the sanctity of contract; it ruins a model system of land registration; and it interferes quite callously with the vested rights of many citizens of South Africa. I have mentioned already that it is a Displaced Person's Bill, although the displacement is done in a gradual scale. There is no alternative

allowance made for housing or for compensating people when they are turned out of their homes and business.

It is a totalitarian measure and I think it is a measure that might easily have been introduced in one of the dictator countries where their whole basis of rule is the use of boards appointed by the Minister; where they use the judiciary as an instrument of executive action; where they enforce their will through inspectors and police working secretly by night. All these things are in the Bill. You may laugh about it but you cannot deny it. It contains all the ingredients for the despotic, bureaucratic control of this country by one man. It surpasses in this respect any Bill that has ever been introduced in any other democratic country in the world. . . .

The MINISTER OF THE INTERIOR: It exists today in Natal.

Mr. RUSSELL: All these things are done without any proper investigation beforehand. All these things are being done without any proper Parliamentary safeguards. All these things constitute an abuse of the Parliamentary system as we know it. There are no safeguards for the Parliamentary control of arbitrary Ministerial powers. There are no guarantees to ensure that the board will act in a judicial way. We have had no time to discuss the two amendments I had on the Order Paper. These two most important amendments dealt with this issue and would have imposed Parliamentary control over the actions of the board and the Minister. In these amendments I insisted on a report coming before this House each year so that we could have had proper Parliamentary enquiry, without clogging the administration of the Act and without going into all the detailed administrative decisions of the board into the actions of the Minister and his Board. These amendments which I poposed to introduce in Committee and which the Minister must have seen, were not reached. They would have imposed certain restrictions on Ministerial powers. These things, Sir, because of the gag and guillotine, could not be adequately discussed. In fact they could not actually be discussed at all, either in the Committee Stage or the Report Stage. It is quite wrong to say that we did not want to discuss them. The tactics of the Party opposite are to impose the guillotine and then to say that this side did not want to discuss the Bill. Well, we challenge them to call off the guillotine. That is the easiest thing to do. Call off the guillotine, and then they will see that we want to discuss every single important clause of every single measure introduced. The Minister would like to pass the Bill without any discussion at all. If that had happened the Bill would then have had to do without 54 of his own amendments. That is how much he knew of the Bill when it entered this House. The whole purpose of Parliamentary procedure is to give a proper opportunity to the Opposition, and a guillotine that puts us in a "straitjacket" before it chops off our heads is not conducive to good legislation or good laws.

I must hurry. I want to end by saying this. If ever South Africa needed a government in power motivated only by considerations of calm wisdom, it is now, at this present juncture, at this present stage of race relations. If ever a problem existed which should be approached in an attitude of mind tempered by justice and fairplay, with malice towards none, this problem of race relationship in South Africa is the one. I think historians of the future (if we can voyage with our minds into that time and period) will note with regret that at such a time in the story of South Africa, the electorate unfortunately and in a moment of aberration, threw into power a new Government that was nothing but a gang of totalitarian Nationalists, who believed in rule by malicious ministerial decree and bureaucratic despotism, backed up by a sort of Gestapo of police inspectors working secretly by night. They will say this, that at this juncture in the history of South Africa it was a tragedy that the land came to be ruled by a minority Government that had no regard either for the sanctity or sovereignty of Parliament, or for the proper proceedings of this House and that was only bent upon forcing upon the electorate, and the people they were legislating for, the tyrannic will of the minority.

†Mr. BOLTMAN: When a party consists of as many factions and fragments as the party opposite, and tries to create an impression of unity, one can expect the sort of speech which we heard from the hon. member who has just resumed his seat. It is one of the most audacious speeches I have ever heard in this House, for this reason that that member wants to arrogate to himself the right to say who may and who may not take part in this debate. We find that, when the Prime Minister of South Africa, the man who was elected Prime Minister by the people, takes part in the debate, the hon. member for Woodstock (Mr. Russell) has the audacity to object to his taking part. I can only say that it is the height of audacity.

*The MINISTER OF TRANSPORT: Of conceit as well.

*Mr. BOLTMAN: Yes, of conceit as well. And at that he is a man who has absolutely no following on that side of the House. This afternoon he spoke in the interests of the Coloured people. We can understand that from a man who received the votes of 2,365 coloureds in his constituency.

*Mr. DU TOIT: How many?

*Mr. BOLTMAN: I can also give you the figures of how many you got.

*Mr. DU TOIT: I got 2,000.

*Mr. BOLTMAN: Then that is a sign that the coloureds no longer trust that member either. If he says that he got only 2,000 coloured votes, then they no longer trust him because there are 3,465 coloureds registered in his constituency. The coloureds have now also left him in the lurch. Then the hon. member may as well abandon the speech he wants to make in the interests of the coloureds.

*Mr. DU TOIT: Sit down and give me a chance and I shall make my speech.

*Mr. BOLTMAN: Your own members will not give you a chance, because they know that you belong to the left wing. They know that you agree with the member for Castle (Mr. Bloomberg). Those two members are allies. I would like to see them on the same political platform as the member for Drakensberg (Dr. Steenkamp) and also on the same platform as the member for South Coast (Mr. Mitchell).

*Mr. DU TOIT: Give me a chance and I will say what I have to say.

*Mr. BOLTMAN: You should go on the same platform with those members. Let the member for Castle who is now smiling, go on the same platform with the hon. member for South Coast who also sits there smiling. Let them appear on the same platform in Cape Town.

*The MINISTER OF TRANSPORT: Better still in Durban.

*Mr. BOLTMAN: Yes, or in Durban. Let them appear there on the same platform with the hon. member for Drakensberg. I also invite them to go to South-West Africa. They are a hopeless section who only waste the time of the House. The hon. member who has just resumed his seat spoke of dictatorial legislation. He should be the last to make these remarks. When his party was in power they ruled the country for six or seven years with emergency regulations under which there was no justice.

*Mr. TIGHY: And this Government has now extended those regulations.

*Mr. BOLTMAN: What to me is so striking is that that hon. member is such a champion of the coloured people. All the members opposite are champions of the coloureds but did one of them get up here to battle for the poor man who had a house here in Cape Town, and whose house was subsequently surrounded by non-Europeans? That man bought his house out of his savings. The coloureds came to live next to him and that house and plot, which was probably worth £1,500, depreciated in value to £1,000. They did not stand up for that man. Did any single one of them worry about that man? They cannot get away from it; they think more of the coloureds than of the poor whites. Statements have been quoted alleged to have been made by the Prime Minister in 1922. Why did hon. members not quote the words of their own Leader when he said that the native women should have the franchise?

*Mr. DU TOIT: He never spoke of native women.

*Mr. BOLTMAN: At the opening of the Voortrekker Monument your own Leader spoke about "Kaffers". You should reprimand your own Leader.

*Mr. TIGHY: When?

*Mr. BOLTMAN: In 1949, but newspapers like the "Cape Times" and the "Argus" were too ashamed to report it. Let them censure their own Leader.

*Mr. TIGHY: When did he speak of "Kaffers"?

*Mr. RUSSELL: He spoke about "Kafferoorloë" (Kaffir Wars).

*Mr. BOLTMAN: His speech was recorded and hon. members can go and listen and they will find that he spoke about "Kaffers". The hon. member should rather keep quiet. An hon. member from Natal, I cannot recall his name for the moment, spoke about —and he can look it up in Hansard—spoke about "Kaffir women". Very well, we speak of natives, but I tell the hon. member that he should censure his own Leader. I was dealing with the point that they think more of the coloureds than of the poor whites, and I want to quote what the hon. member for Salt River (Mr. Lawrence) said at a Congress of their Junior Party in Cape Town:—

> We in the Cape Province feel that there should be some qualifications before a person is permitted to vote and that such qualification ought to be reasonable. But the poor man—that is the European—has the opportunity of reaching the sixth standard and if he does not avail himself of that opportunity he does not deserve a vote.

Get up and say that you approve of it. That was in 1931. The hon. member has quoted what my Leader is alleged to have

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said. I don't know whether it is correct or not, but I challenge the hon. member to confirm what the hon. member for Salt River is alleged to have said.

*Mr. DU TOIT: He can defend himself.

*Mr. BOLTMAN: The hon. member will naturally explain it away, but let me quote what the hon. member for Claremont (Mr. Waterson) said.

Mr. DU TOIT: On a point of order, we have only a few minutes left before the debate will be interrupted under the guillotine proposal which has been adopted. I want to draw your attention to the fact that what the hon. member is speaking about is in no way germane to the subject of this Bill.

*Mr. SPEAKER: The hon. member may proceed.

*Mr. BOLTMAN: I did not for a moment doubt what your ruling would be because if you had heard the Coloured people champion, the hon. member for Woodstock (Mr. Russell), speak, you would have seen that we are correct when we say that hon. members opposite are the champions of the Coloured people and have no time for the poor white. Let me read what the hon. member for Claremont said in 1931. There was a resolution at their congress which read as follows—

> That this Congress is in favour of adult suffrage.

What did the hon. member for Claremont say in support of this?

> A strong argument in favour of the resolution is the Government we have in power today. Where did they get their power from? It has come from the uneducated, illiterate poor white, people who have no idea of what they are voting for, people who will swallow anything and who do not know what they are voting for.

The hon. member who has just resumed his seat, the hon. member for Claremont, can deny that he said it. Let him get up and deny it. Had it been a question of taking away the Coloured vote we would have had a degree of unity on the other side, but they are led by the Coloured voters by whose mercy they sit here, and that is why that side of the House, with its left wing, is the champion of the Coloured people and has no time for the white people. That is why they adopt this attitude about separate residential areas. They do not worry themselves about the poor man who has bought a house, but they are worried about the companies which have invested money in it.

*Mr. DU TOIT: Give me an opportunity to reply.

*Mr. BOLTMAN: The hon. member sits there by the grace of the Coloured vote. He has a lovely house in Pinelands where he lives. He is segregated there. There are practically no Jews and there are no Coloured people there. Now he talks very glibly. But he should go to live among the poor people, then, when he is surrounded by Coloureds, he will sing a different tune. This Bill is fair because it protects the Coloureds against the penetration of Natives and it is just because the Europeans are also protected against penetration by Natives and Coloureds and Indians. Now they come along and say that we rule by a minority. The two Leaders on the opposite side have spoken about this. The one Leader spoke for the left wing and the other spoke for the right wing, and not one-third of the members followed them. We noticed that during the voting the other night. This morning they had to hold a caucus and they instructed both Leaders to speak. When, in five years' time, the apartheid legislation throughout the country has become perfected the people of South Africa will return the Nationalist Party with a greater majority than before, and the party on the other side of the House which now consists of fragments and fractions, will crumble even more.

Mr. DU TOIT: Mr. Speaker, I am deeply grateful that the hon. member for De Aar-Colesberg (Mr. Boltman) has at least allowed me a few moments to raise a few points in regard to this particular Bill and also in regard to certain things that have been said during the course of this debate. I first of all want to reply to what the hon. the Prime Minister said this afternoon. He, like so many others of his party, do not believe that anyone on this side can express honest and sincere convictions in this House without having some motive behind it. In other words, it is said that if we had no Coloured voters we would speak differently to what we are speaking now. Now that is the sort of mean, underhand insinuation that is continually being made in this House and I resent it very much indeed. If there is one thing that I do pride myself upon it is that although I may be no orator and that I may be no brilliant statesman, no one can question my honesty and my sincerity. In all the years that I have been in this House, I do not think any hon. member can ever say that I have deviated one iota from the attitude I have always taken up in regard to the Coloured people.

Mr. BOLTMAN: That is correct.

Mr. DU TOIT: The hon. member says it is correct but has implied that there is

some underlying meaning behind it, and that is the number of Coloured voters in my constituency. I leave that to them and they can make what use of it they like. It is interesting to note, however, that in my constituency there were 3,000-odd Coloured voters at the last general election, the Communist candidate secured a little over 1,000, I secured 2,000 and my majority consisted of 4,353 votes.

Mr. VAN DEN HEEVER: What happened to the balance.

Mr. DU TOIT: How the effect of 2,000-odd Coloured voters being lost to me will affect my seat I simply fail to understand. That is quite beside the point, but I just wanted to say that because I want to throw the lies back to the hon. member there, that I am always saying these things and that I have always tried to defend the Coloured people because of the fact that I wished to retain my seat in this House. That is just idle talk. I have been in this House a long time and if they want me to relinquish my seat to-morrow it would not hurt me one little bit. But as long as I am here in this House, I propose to do my duty to the people whom I represent, whether they are Europeans or Coloureds. The hon. member who has just sat down said that we, on this side of the House — and he named several hon. members, the hon. member for Woodstock (Mr. Russell) amongst others — have no interest in the poor whites and are only interested in the poor Coloureds. But he did not tell this House that here in the Cape Peninsula we have made provision for the poorer class of white people just as much as we have done for the Coloureds. We have put up housing schemes through the Citizens' Housing League — a very fine body indeed — with the help of Government money at Brooklyn, at Epping Garden, where the hon. member, I believe, is a very popular person when he goes there, so he should know very well about the existence of Epping Garden. We have another European scheme at Hazendal. When hon. members speak about Pinelands, do they know what the position is at Pinelands? The position was when Pinelands was first started the late Mr. Stuttaford at that time was endeavouring to help young people starting out in business to obtain a home on a reasonably cheap basis. For that reason the Government granted the land and it was resold to that particular class of person at a low rate. At that time I was also starting out in life and I purchased ground there, not because of any idea of segregation or anything of that nature, but simply because it was the cheapest land that I could find at the time, commensurate with the amount of money that I was earning. So I built a house there and I do not regret living there. But that is beside the point. I want to tell the hon. the Prime Minister that when he accused this side of the House of fighting this issue merely because of the question of the Coloured vote, that he was barking entirely up the wrong tree. He keeps on making that statement. He has done it before. He has quoted from a book by B. K. Long and read extracts from it. From that book it appeared that all Coloured people are corrupt and all members of Parliament sitting on this side of the House are also corrupt because we go round and buy the votes. If the hon. member who has just sat down can tell me how I can buy 3,000 Coloured votes, with my limited purse, I would very much like to know how it is done. I have never yet spent one single penny in order to get a Coloured vote. They vote for the people they can trust and the people who will represent them. To return now to the Bill, it is very obvious to me that right at the beginning the Government thought they saw a way out of a certain difficulty in which they had found themselves in regard to our relations with the Indian and Pakistan Governments. I regard it as the biggest bluff that has ever been put across South Africa. This Bill was introduced in its original form for one reason and for one reason only and that was — I am sorry to have to say it because it has already been seen by the people who are affected by it — to camouflage the position existing in regard to which we are having negotiations with the Government of India. There is no doubt about that. That was the basic reason for the introduction of this Bill. Here they sought an opportunity of bringing into one Bill — a conglomerate Bill of this kind — three specific functions. First of all to bring under the cloak of this Bill the provisions of the Asiatic Land Tenure Act. In other words to bring into this Bill a provision under which Indians could be treated on the one side, Natives on another, as under our Natives Act of 1936 and then, to round the whole thing off, to bring the Coloured people in under the same Bill and so to be able to tell the whole world that there is no discrimination in South Africa and that all are treated alike because we are each living in our own particular colour group. That is the biggest bunkum I have ever heard put across in Parliament. And yet hon. members stand up and protest that it is being done in the interests of white civilisation. The hon. member for Wonderboom (Mr. Nel) was right when he stood up in this House and said that never in the history of South Africa had race relations been so bad as they are at the present time. When the hon. the Prime Minister says that we, on this side of the House are responsible for that deterioration in race relations, I say that he does not know what he is talking about. I say that they should look back upon their own legislation and their own

administrative acts during the last few months — the two-year period — that they have been in power. What do we find? Apartheid introduced on the trains; the amendment to the Electoral Act to make it more difficult for Coloured voters to become registered; apartheid introduced in the Post Office; apartheid on railway stations; the Mixed Marriages Bill; the abolition of the Coloured Advisory Council.

At 3.45 p.m., in accordance with paragraph (1) of the resolution adopted by the House on the 26th May, the business under consideration was interrupted by Mr. Speaker and the amendment proposed by Mr. Strauss dropped.

The MINISTER OF THE INTERIOR: Mr. Speaker, we can now look back on 54 hours of debate and I think if one looks back on that long stretch of debating time, there are certain features of this debate which stand out prominently. In the first place, it has been a feature of this debate that the Opposition has been on the defence throughout the debate. Instead of an attack on the Bill — they did have to attack the Bill — the larger part of their time was spent in explaining why they were in favour of the principle of the Bill and why they had still to vote against it.

Mr. MITCHELL: Sixty amendments.

The MINISTER OF THE INTERIOR: That was one of the main reasons why they took such a long time and they were not clear even at the end. Hon. members will recall that when they tried to explain this, and the question was put to the hon. member for Germiston (District) (Mr. Strauss), when he said that they were in favour of residential apartheid, as to whether it should be compulsory or voluntary, that he was not able to answer.

Dr. GLUCKMAN: He answered it today.

The MINISTER OF THE INTERIOR: Yes he has answered it today, that is true, but he was not able to answer it the first day . . .

Dr. GLUCKMAN: But you will not listen today.

Mr. RUSSELL: You said "compulsory if necessary."

The MINISTER OF THE INTERIOR: He said it would take time to consider. He cannot answer it "yes" or "no".

Mr. MUSHET: No, no.

The MINISTER OF THE INTERIOR: It is very simple. He could have given the reply then that he has given today . . .

An HON. MEMBER: Why didn't he?

An HON. MEMBER: He had not the chance.

The MINISTER OF THE INTERIOR: No, he did have the chance. He had ample chance.

An HON. MEMBER: He had ample chance.

Mr. RUSSELL: Will you explain what you mean by "compulsory if necessary"?

The MINISTER OF THE INTERIOR: The point is that the hon. member did not know what was in the mind of his party, or in the mind of the particular fragment of his party which he is leading at the moment. But hon. members of the Opposition were throughout the debate on the defence. From that position of uncertainty as to whether it should be voluntary or compulsory, they recoiled until ultimately we got this brand new idea that they were in favour of voluntary segregation, if necessary made compulsory.

Mr. RUSSELL: That is what you said too.

The MINISTER OF THE INTERIOR: That is what you said at the end. The hon. the Minister of Lands has put it to them and asked them what is the meaning of their assurance to the Coloured people in 1943. What is the meaning of that? Are hon. members opposite going back on that? And I want to ask hon. members whether they are going back on this declaration made in 1943. Are they going back on that?

Mr. RUSSELL: We want a judicial commission of inquiry.

The MINISTER OF THE INTERIOR: I am inclined to hope that they will say "yes". But I would like to know. I see that the hon. member for Bloemfontein (City) (Dr. C. F. Steyn) is here. Perhaps he will be able to enlighten us as to whether they are now going back on the policy as stated by the Minister of the Interior in March, 1943.

Mr. MITCHELL: What a technique.

HON MEMBERS: Come on, Colin!

The MINISTER OF THE INTERIOR: Hon. members will see that they will have to explain and explain and they are still explaining because even today . . .

An HON. MEMBER: He will tell you next year.

The MINISTER OF THE INTERIOR: Because even today the hon. member for Bloemfontein (City) was still taking up the position that they were in favour of voluntary apartheid, but if legislation was necessary . . .

Dr. C. F. STEYN: If people agreed.

The MINISTER OF THE INTERIOR: Yes, if people agreed. But if people agreed then it would not be necessary to have legislation. Legislation is there because people do not agree. No, Sir, hon. members on the other side cannot tell me that they have not been on the defence all the time.

Dr. C. F. STEYN: Many an agreed measure has been put through this House.

Mr. MITCHELL: Yes.

The MINISTER OF THE INTERIOR: Yes, if there was an agreement between the parties, but not an agreement between the persons who are going to be affected by the particular law. You do not consult them.

Mr. MITCHELL: What about getting married? Do you not have a law there where two people agree?

The MINISTER OF THE INTERIOR: The hon. member should rather be speaking of divorce than marriage. [Laughter.] That is a more appropriate subject to discuss in view of the division in his party. Another feature that was very prominent in this debate was that the opposition to the principle of this Bill became more and more transparent as the debate proceeded. The Opposition itself exploded the myth that they were in favour of the principle of this Bill. They exploded it very successfully. They have tried to protest their love and their adherence to the principle and on the other hand what have they not said about the Bill? They reminded me very much of the gentleman who took out a young lady . . .

Mr. RUSSELL: Married or divorced?

The MINISTER OF THE INTERIOR: And after some desultory conversation, he asked her whether she noticed anything. She replied: "No. What?" To which he replied: "I am now making love to you." I think that the love hon. members opposite have made to the principle of this Bill is equally imperceptible. And it is equally impossible to see as that of the very shy young man who took out the young lady.

I think that the third point that came out very clearly in the course of this debate was that though right at the beginning there was a ding-dong struggle going on between the two wings — or was it three wings? — . . .

An HON. MEMBER: Three wings.

The MINISTER OF THE INTERIOR: . . . of the United Party, gradually the left wing assumed command. Gradually the opinion that was first voiced courageously by the hon. member for Cape Town (Castle) (Mr. Bloomberg) became the dominating note in this disharmony that we have heard from the other side. I think the hon. members who belong to the left wing — the liberalistic members — the members who even on Clause 2 refused to cross the floor with their Acting Leader, will be able to say that this has been to a certain extent a moral victory for their line of thought. At any rate they got so far that the Opposition voted against the second reading of the Bill and they will probably get them to vote against the third reading of this Bill as well.

A fourth characteristic of the debate has been the line of attack employed by the members of the Opposition. Their line was to magnify and to exaggerate the effect of this Bill on various groups. They prophesied all the dire effects that would flow from this Bill. The culminating point was reached when they proclaimed the ill effects of one particular clause, a clause which they said was going to wreak havoc in the social and in the economic life of South Africa. It was pointed out to them that that particular clause had been on the Statute Book of South Africa since 1932. I refer to Clause 15. That was not, however, the only example of this kind of attack. Throughout they were trying to give people the jitters. This was going to happen and that was going to happen, but all their forebodings are nothing more than figments of their political imagination. That is all that it was. They have proved themselves masters of overstatement. Take the hon. member for Woodstock (Mr. Russell), who has just sat down, as an example. Where could you have a more masterly effort at overstatement than his speech today? Do they actually think that they are going to frighten people with these empty ghosts. Do they really think that they are going to persuade people . . .

Mr. RUSSELL: What is an empty ghost?

The MINISTER OF THE INTERIOR: . . . that this Bill is bad because they say that such and such a thing is going to happen?

Mr. RUSSELL: Is it not an overstatement to say that a ghost is empty?

The MINISTER OF THE INTERIOR: I think that the public of South Africa have had enough experience of their wrong pro-

phecies in the past to attach any value to them in the future.

Mr. RUSSELL: Are you a full ghost?

The MINISTER OF THE INTERIOR: I I think one of the most important features of this debate is the fact that it has displayed and demonstrated the cracks in the Opposition's unity. It started in the second-reading debate. When we started the debate on the second reading of the Bill it showed itself, when the hon. member for Cape Town (Castle) got up to address the House. It showed itself there in a limited and in a small form. But gradually that crack yawned larger and larger until today — or rather on black Friday — it assumed such proportions that it seemed that it would be impossible to bridge the gulf that had been made between the various sections of that party. On Black Friday, during the Committee Stage this process of displaying, of opening up the cracks in the Opposition's unity reached its culminating point and the Opposition were no longer a political unit, but were simply three straggling, struggling, fragments —each one going its own way.

Mr. RUSSELL: And yet it took three Ministers to answer us.

The MINISTER OF THE INTERIOR: That was the Opposition on Friday. Today there was an attempt to restore the broken facade. Today they made a very bold attempt. They even roped in the hon. member for Bloemfontein (City). I have never seen somebody who was more in need of cheering up than the hon. member for Bloemfontein (City) when he had to address the House this morning. And even at this moment, he is the picture of dismay. At last I have raised a smile from the very glum member for Bloemfontein (City). I can merely say in his favour that it was but a clumsy attempt to persuade the world that there is unity in the camp while, in their own caucus, they are fighting and fighting bitterly.

Mr. TOTHILL: You know nothing about it.

The MINISTER OF THE INTERIOR: I now want to come to another feature of this debate. I want to sum up some of the general features before I deal with some of the points of substance that have been raised. Another feature of the debate was that the Opposition showed that they had no desire to discuss the clauses of this Bill. If anybody wanted evidence of that, is would readily be found in the Report Stage. Hon. members will remember that in the Committee Stage twenty or twenty-one clauses were discussed. One would have imagined that the Opposition would have concentrated, in the Report Stage, on those clauses which had not been reached in the Committee Stage. One would have imagined that they would attach such importance to the two clauses to which the hon. member for Woodstock had moved amendments that they would give those clauses priority in the Report Stage.

Mr. RUSSELL: Do you not think that they were important?

The MINISTER OF THE INTERIOR: But they did not do that. They came back and refought the old fights; they regnawed the old bones which had been gnawed during the Committee Stage.

Mr. RUSSELL: Are these the bones in the ghost?

The MINISTER OF THE INTERIOR: They put up their fight again for the mortgagees. They were concerned about them. That is the fight that they put up in the Report Stage. The two points which had taken up the bulk of the time during the Committee Stage, were the two points that they concentrated on again during the Report Stage. I think that that shows conclusively that hon. members on the other side had no wish, had no desire, to discuss the various clauses of this Bill. They concentrated on a few clauses which they thought were bull points. They were afraid to risk a discussion and to vote on the other clauses of the Bill. They were afraid to risk what actually happened on Friday, and that is why they wasted time on repetition of arguments which had been put before this House and the Committee of this House in a sufficiently complete way so as not to require any further repetition.

Mr. MUSHET: What a fertile imagination you have got.

The MINISTER OF THE INTERIOR: I think another thing that emerges from this debate is that it shows how poorly hon. members of the Opposition represent public opinion, how poorly they represent the electors of this country. I think this debate has shown that they do not represent the electors who send them here. I have called the attention of this House to the monster petition that was introduced in 1939, signed by over 230,000 Europeans in this country. They have themselves said in their official statement of policy — I have the Afrikaans version here but I will translate it—

> In the knowledge that the Coloured people as well as the Europeans desire social apartheid.

They have said that and yet when there is a measure of social apartheid, which according to their own authorised policy they

know is a view that is shared by both Europeans and Coloureds, they come and vote against it. No, hon. members opposite do not represent the opinion of the electors of South Africa, and I think when they go home they will discover that the electors of South Africa will not be spoofed by this attempt on their part to sit on the apartheid fence. Let me say, Sir, the trouble with the Opposition is they have sat so long on the apartheid fence that the iron has entered their political soul.

Mr. V. G. F. SOLOMON: You have not got a soul.

Maj. VAN DER BYL: You must think of something new.

The MINISTER OF THE INTERIOR: Now let me come to another feature of this debate and that is the attempt, the childish attempt, that has been made throughout to snatch a few political advantages from a debate that was peculiarly barren as far as the Opposition was concernd. The hon. member for Germiston (District) (Mr. Strauss) did his very best. He recalled three or four subjects in regard to which he said that amendments by that side of the House had been accepted by the Government. He recalled that with a certain amount of pride. I do not want to disillusion him too much, but I want to deal with the three points that he raised. The first was in regard to the invalidity of title deeds. The hon. member, if he had studied the Bill, would have seen that there was a certain amount of contradiction between Clause 20 and Clauses 5 (3) and 8 (4) and in order to make the position quite clear, Clauses 5 (3) and 8 (4) were deleted. Actually it went further than the suggested amendment of the hon. member for East London (North) (Mr. Gale). He only desired the title deed to be valid for certain purposes. What we have done is to make it fully valid, and not only the title deed valid, but also the contract, so I think the hon. member cannot claim too much credit on that score.

Another point for which he claimed credit was in regard to the amendment of the hon. member for Johannesburg (North) (Mr. P. B. Bekker). That was the amendment to exclude rural areas from the provisions of, I think, Clause 5 (b). Well, let me remind him that that amendment was not accepted. I did not accept that amendment.

Mr. STRAUSS: I did not say you did.

The MINISTER OF THE INTERIOR: I thought the hon. member claimed the credit for his party for being responsible for that amendment.

Mr. STRAUSS: I said that I forced you into moving an amendment which at first you resisted.

The MINISTER OF THE INTERIOR: How could I be forced into moving an amendment which I had first resisted, when I never accepted the amendment? The hon. member's logic is slightly at fault. Thirdly, the hon. member says that the position of the mortgagee has been improved as a result of the efforts of the Opposition and he claims credit for that. Let me say at once that the amendment of the hon. member for Castle (Mr. Bloomberg) which he persisted in right till the end was not accepted by me. What I have done is what I promised to do to the deputation of the Association of Building Societies and other financial institutions, and that is to try, as far as is compatible with the principle of this Bill, to safeguard their security on mortgages, particularly in non-European areas. That I have done, and if hon. members agree with that part of the Bill I will be the first to welcome their agreement on that point. But the extraordinary thing is that the hon. member for Germiston (District), in mentioning the amendments that I accepted from that side, did not refer to the amendment that I accepted from the hon. member for Durban (Central) (Col. McMillan) or the hon. member for Durban (Musgrave) (Mr. A. H. J. Eaton). Those are amendments which members on his side proposed and which I accepted, but apparently the hon. member is not proud of those amendments moved by members on his side. Well, I have accepted them and I give those hon. members credit for it. Let me say at once that I do not mind where the amendments came from. I said from the beginning that any reasonable amendment which was designed to make the transition from the existing position to the new position work more smoothly is acceptable, and that I will welcome any amendments of that nature from any institution or responsible bodies or from the Opposition. If hon. members opposite feel that they have contributed to it, I shall not gainsay them the pleasure of feeling that they have something to be proud of as being co-architects of this Bill, which is going to be one of the most important Bills yet passed in this House.

Now I come to a few of the points which have been raised by hon. members. The hon. member for Bloemfontein (City) (Dr. C. F. Steyn) and other hon. members have asked me why there has not been a fuller inquiry. Why we have not postponed this Bill, and why we have not first instituted a judicial inquiry. That is also the tenor of the amendment moved by the Acting Leader of the Opposition. Let me say at once that it ill becomes hon. members on the other side, at this stage, to speak about the desirability of instituting an inquiry into the necessity of legislation of this kind. In 1938 the late Mr. Stuttaford promised that he

would introduce a Bill to provide for residential apartheid. In 1939 he came with a suggestion and we waited all those years until 1948 — and the United Party Government was in power during that period — to see whether they would institute any inquiry — to see whether they considered it necessary. They had ample opportunity of instituting that inquiry.

Mr. V. G. F. SOLOMON: That is not a very clever statement.

The MINISTER OF THE INTERIOR: They say that it is actually the wish of both Europeans and non-Europeans to have residential apartheid, social apartheid. We say if that is their view, what then is the necessity of having a further inquiry? Hon. members on the opposite side had eleven years in which to institute an inquiry of this nature. They may say that some of those years were war years, but they had from 1945 to 1948, which they could have employed to make this inquiry if they thought it was necessary, but they did not. They did not think it was necessary, because they wanted to leave this matter alone, to let things develop and that has been their policy consistently. I want to point out that in the 12 years that have elapsed since they promised some kind of legislation on this subject, the position has deteriorated. My colleague, the hon. the Minister of Lands has pointed out that new areas have arisen where you have an admixture of races, where you have this residential juxtaposition which they complain about. What have they done to stop it? They sat on these benches during all those years and they did nothing whatever to stop it. And now that we come along with a practical measure, now that we have the courage to do something they come and tell us that we must institute an inquiry. I think that is a hollow argument in the mouths of hon. members on the other side.

Another point that has been raised is the question of the deterioration in racial relationships in South Africa. What we have heard today is one of the examples as to why that deterioration has set in. Hon. members on the other side have not indicated in their speeches to the non-Europeans that this is something in their interests —this residential apartheid. That was indicated, however, by the hon. member for Wonderboom (Mr. Nel) and by the hon. member for Bethlehem (Dr. van Rhyn). In this little booklet of the United Party, they say it is a good thing for the non-Europeans, but in their speeches while professing to support the principles of this Bill, they have said nothing to assure the non-Europeans that this can also be a charter for them. Have they done anything to tell them what benefits will accrue to them from the passage of this Bill? [Laughter.] The hon. member for Turffontein (Mr. Sturrock) and the hon. member for Claremont (Mr. Waterson) laugh because they have never tried to see to it that there is a proper avenue of employment for Coloured people by providing apartheid for them. They have simply allowed things to develop. They know in their hearts that the non-Europeans will never have a proper chance in a multi-racial society to develop fully unless we have either absolute equality with racial admixture or apartheid. If they want to give him his proper chance along the road of full equality, let them say so; but we say that we want to give the non-Europeans their chance along the road of apartheid. There they can have their own avenues of employment; they can become teachers in their own separate schools; they can never be teachers in mixed schools, but we have given them separate schools. There they can be teachers. We can give them separate post offices in separate residential areas and there they can become postmasters. We can give them their own shops and there they can become shop assistants. All that you can do, but only on the basis of apartheid, and if you want to give a fair chance to the non-Europeans to develop you must either give them apartheid or you must surrender the future of white South Africa. That is the test before this House and that is the test before the country. This Bill tries to relieve those stresses and strains between the races today. It tries to relieve them because it believes that the friction that is caused by this rubbing of shoulders together day by day is one of the major causes of the trouble that we have in South Africa between Europeans and non-Europeans. We believe that if we remove the points of contact, the points of contact which cause friction, then we will remove the possibility of that friction and then we will be able to eliminiate the conflagration which will one day break out. This is what this Bill stands for. Its object is to ensure racial peace. It is an attempt to assure that there will be harmonious development of the various racial groups in South Africa. It has been introduced because we do not believe that the future of South Africa will be that of a mixed population, and this is one measure, and one of the major measures, designed to preserve white South Africa, while at the same time giving justice and fair play to the non-Europeans in this country.

Some speakers have also dealt with the voluntary system. If there is one thing, I think, that has been proved over the years it is that a scheme of voluntary segregation is doomed to failure. We have had examples of that by the dozen. The hon. member for Salt River (Mr. Lawrence) will recall — in his absence I would remind his colleagues of it — that he made an attempt

on a voluntary basis to have segregation in Natal. Hon. members from Natal will remember the Lawrence Committee that sat there and that tried to dissuade people from buying property as a result of which there would be further penetration. After a year or two it broke down completely.

Mr. MITCHELL: Why?

The MINISTER OF THE INTERIOR: It was not a success, because it was voluntary.

Mr. MITCHELL: That is nonsense; that is not the reason.

The MINISTER OF THE INTERIOR: The hon. member knows that it broke down because of that.

Mr. MITCHELL: You know nothing about it.

The MINISTER OF THE INTERIOR: I say therefore that, if you want to have a monument to the inefficiency of the voluntary system, go into the areas which the Minister of Lands has pointed out to you; go there and you will see a monument to the inefficiency of any system of voluntary segregation in this country. Hon. members say "if necessary". I say it is necessary. I do say that experience has taught us that you must have a degree of compulsion; you must have legislation and we hope that when this legislation is passed, one will be able, with the least amount of hardship and the least amount of friction, to bring about that residential segregation. But to argue today that there is still a possibility of obtaining this ideal of residential apartheid, to which hon. members opposite profess their adherence, to argue that you can attain that ideal by voluntary means is simply to play with an idea that can never be realised. You must have compulsion; you must have legislative sanctions and that is the only way. Legislation must be there to back up any other efforts you may make, but behind it there must stand the sanction of the law, and that is the only way in which you are going to prevent what has been happening in European areas in the past ten or twelve years, what is still happening here and what will go on happening until you have a Bill of this nature on your Statute Book. If hon. members want that position to change, then they have no option. If they want that position to change, then they cannot take refuge any longer in the idea of a voluntary system. They have to come and take their stand on this Bill; they have to come and vote for the third reading of this Bill, and they will see that that is the only way in which we can attain that ideal which they say they cherish and which we also cherish, namely, the idea of separate residential areas. I would have been glad if today we had had a change of heart as far as the Opposition was concerned. I would have been only too glad if hon. members on the other side could have assured me that the statement which they made in 1943 no longer represents their view. I would have been glad if we could have faced the country, if we could have faced the world with a united front as far as the Europeans of this country are concerned. Unfortunately that did not happen. Hon. members have tried an egg-dance; they have tried to do a tight-rope trick. They have certainly not convinced this House, and they have not convinced the country and I doubt very much whether they have convinced themselves that they are really in favour of it. I think the one thing that stands out clearly is that there are hon. members on the other side who are heartily and fully in accord with hon. members on this side and who in their hearts will feel that here is where they ought to vote. Party ties may keep them away, but in their heart of hearts they are here with us and with South Africa. I do believe that they are, but I also believe that the dominating influence in the Opposition today does not come from those hon. members. I do believe that they have been swamped by another spirit, the liberalistic spirit, the spirit which is indicated by the Left Wing of the Opposition and they have scored a temporary triumph in this Bill, and I hope it is only a temporary triumph.

Now let me say this, as far as the administration of this Bill is concerned. This Bill if it is passed, will not solve our problems. Legislation by itself is not sufficient.

Mr. MITCHELL: Now you are getting somewhere.

The MINISTER OF THE INTERIOR: I want to make it clear that unless this Bill is administered by a sympathetic Government, unless it is administered by a Government which really has residential apartheid as one of the corner-stones of its policy . . .

Mr. MITCHELL: Are you going to resign?

The MINISTER OF THE INTERIOR: . . . what we have done here will be undone, and therefore I want to warn the country that if they are in favour of this Bill, then before they can even dream of allowing this Government to be superseded by any other Government, they have to satisfy themselves that it is a Government which will carry out the provisions of this Bill.

Original motion put and the House divided.

AYES—73:

Abraham, J. H.	Louw, E. H.
Bekker, H. T. van G.	Ludick, A. I.
Bezuidenhout, J. T.	Luttig, H. G.
Boltman, F. H.	Luttig, P. J. H.
Botha, P. W.	Malan, A. I.
Brink, W. D.	Malan, D. F.
Brits, G. P.	Maree, W. A.
Conradie, D. G.	Mentz, F. E.
Conradie, J. H.	Nel, M. D. C. de W.
Diederichs, N.	Olivier, P. J.
Döhne, J. L. B.	Oost, H.
Dönges, T. E.	Papenfus, S. F.
Du Pisanie, J.	Pieterse, P. W. A.
Du Plessis, P. J. C.	Potgieter, J. E.
Du Plessis, W. C.	Sauer, P. O.
Erasmus, F. C.	Schoeman, B. J.
Erasmus, H. S.	Scholtz, D. J.
Erlank, A. E.	Stals, A. J.
Eyssen, S. H.	Steyn, A.
Faurie, W. H.	Steyn, G. P.
Fouché, J. H.	Steyn, J. H.
Fouché, J. J.	Strydom, J. G.
Frates, T. J.	Swart, C. R.
Fullard, G. J.	Uys, D. C. H.
Grobler, D. C. S.	Van den Berg, M. J.
Havenga, N. C.	V. d. Heever, D. J. G.
Hertzog, A.	Van Heerden, D. P.
Hugo, P. J.	Van Niekerk, J. G. W.
Klopper, H. J.	Van Rhyn, A. J. R.
Labuschagne, J. S.	Viljoen, J. H.
Le Roux, P. M. K.	Visser, de V.
Le Roux, S. P.	Vosloo, L. J.
Liebenberg, J. L. V.	Warren, S. E.
Loock, J. H.	Wilkens, Jacob.
Loubser, J. A.	Wilkens, Jan.
Loubser, S. M.	

Tellers: J. J. Serfontein and P. J. van Nierop.

NOES—58:

Abbott, C. B. M.	Higgerty, J. W.
Allen, F. B.	Hopewell, A.
Bekker, P. B.	Jonker, A. H.
Bell, R. E.	Jordan, R. D. P.
Bloomberg, A.	Kahn, S.
Bowker, T. B.	Kentridge, M.
Brooke, R. S.	Lewis, J.
Butters, W. R.	Lovell, L.
Christie, J.	McMillan, N. D.
Davidoff, H.	Mitchell, D. E.
Davis, A.	Moore, P. A.
Delport, G. S. P.	Mushet, J. W.
Du Toit, R. J.	Oosthuizen, O. J.
Friedman, B.	Oppenheimer, H. F.
Frielinghaus, H. O.	Russell, J. H.
Gale, D. J.	Shearer, O. L.
Gay, L. C.	Shearer, V. L.
Gluckman, H.	Smit, D. L.
Graaff, de Villiers.	Solomon, B.
Hayward, G. N.	Solomon, V. G. F.
Hepple, A.	Steenkamp, L. S.
Steyn, C. F.	Tothill, H. A.
Steyn, S. J. M.	Van Coller, C. M.
Strauss, J. G. N.	Van der Byl, P. V. G.
Stuart, W. H.	Waring, F. W.
Sturrock, F. C.	Warren, C. M.
Sullivan, J. R.	Waterson, S. F.
Tighy, S. J.	Williams, H. J.

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

Motion accordingly agreed to.

Bill read a third time.

ALLOTMENT OF TIME FOR PROCEEDINGS ON THE SUPPRESSION OF COMMUNISM BILL.

The PRIME MINISTER: I move—

That the time for the proceedings on the Suppression of Communism Bill shall be allotted as follows—

(a) 15 hours for Second Reading;
(b) 10 hours for Committee Stage;
(c) 2 hours for Report Stage; and
(d) 3 hours for Third Reading.

For the purposes of this resolution—

(1) Second and Third Readings.—At the conclusion of the respective periods allotted Mr. Speaker shall interrupt business and allow the Minister in charge of the Bill to reply before putting the Question.

(2) Committee Stage.—At the conclusion of the period allotted the Chairman shall interrupt business and any amendments, other than amendments proposed by a Minister) shall drop. The Chairman shall then put forthwith, without debate, the question before the Committee and any amendments which have been or may be moved by a Minister and thereafter only such further amendments as may be moved by a Minister and such questions, including clauses as amended or as printed, as may be necessary to dispose of the stage.

(3) Report Stage.—At the conclusion of the period allotted Mr. Speaker shall interrupt the business and any amendments (other than amendments proposed by a Minister) shall drop. Mr. Speaker shall then put forthwith, without debate, any amendments which have been moved or may be moved by a Minister. Mr. Speaker shall next put, without debate, the Question: "That the Bill, as amended, be adopted", which shall include any amendments made in Committee of the

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

TUESDAY, 20th JUNE, 1950.

Mr. SPEAKER took the Chair at 11.5 a.m.

GROUP AREAS BILL.

Mr. SPEAKER communicated a message from the Hon. the Senate transmitting the Group Areas Bill passed by the House of Assembly and in which the Hon. the Senate has made certain amendments, and desiring the concurrence of the House of Assembly in such amendments.

Amendments considered.

Amendments in Clauses 1, 4, 5, 6, 8, 10, 14, 17, 23 (Afrikaans), 27 (Afrikaans) and 38 (Afrikaans), put and agreed to.

QUESTIONS.

Investigation into Publication of Photo of Cape Town Demonstration.

I. Mr. WARING asked the Minister of Justice:

(1) What action was taken against (a) a Johannesburg Sunday newspaper in connection with an objectionable cartoon which it published and (b) the person responsible for the cartoon; and

(2) what action does he propose taking against an Afrikaans daily newspaper published in Cape Town for publishing a photograph of an incident which occurred during the demonstration in Parliament Street, Cape Town, on the 14th June and the person responsible for the publication.

The MINISTER OF JUSTICE:

(1) (a) and (b) The newspaper and two of its employees were prosecuted for and convicted of the contravention of Section 29 (1) of Act No. 38 of 1927. Appeals have been noted and are pending.

(2) The police are investigating the matter.

In this connection I wish to add that we have an affidavit from the civilian who figured in that picture. He states that he was attacked by the Coloured man and that he defended himself. He hit him a very hard blow.

Mr. WARING: Arising out of the answer may I ask the Minister if he feels there is any difference between the publication of a cartoon which was regarded as one likely to promote racial strife, and the publication of photographs of the nature published in this paper? Why does he not take action on similar lines?

The MINISTER OF JUSTICE: It is not for me to express an opinion on that. The matter is being investigated.

Railway Servants at Estcourt and Political Activities.

II. Mr. MITCHELL asked the Minister of Transport:

(1) Whether he has information that members of the staff of the South African Railways at Estcourt are active members of a political party; if so, (a) what party is involved and (b) what are the names of such members; and

(2) whether he has approved of such members actively participating in politics; if not, what action does he propose to take.

The MINISTER OF TRANSPORT:

(1) and (2) No. I would refer the hon. member to the reply given to the hon. member for Port Elizabeth (District) on this matter on 3rd March last and also to my statement in this connection during the debate in Committee of Supply on the Estimates of Expenditure from Railway and Harbour Funds on 23rd May, 1950.

III. Mr. MITCHELL—Reply standing over.

Price of Gold supplied to Jewellers.

IV. Mr. WARING asked the Minister of Finance:

(1) Whether there has been an increase in the price of fine gold to jewellers in the Union; if so, what is the increase; and

(2) whether this increase also applies to jewellers outside the Union?

The MINISTER OF NATIVE AFFAIRS:

(1) The Treasury has authorised the Transvaal Chamber of Mines to charge a premium on gold supplied to jewellers in the Union for manufacturing purposes as from 1st June, 1950, and it is understood that the premium is at present thirty shillings per fine ounce.

(2) The Chamber of Mines has for some time past been authorised to charge a premium on gold supplied to jewellers

outside the Union. The premium varies from time to time in accordance with market conditions and with the currency in which payment is made. It is understood that the current premium on gold supplied to overseas jewellers for manufacturing purposes against payment in sterling exceeds thirty shillings per fine ounce.

V. Mr. WARING—Reply standing over.

Prospect of Round-table Talks with India.

VI. Mr. STRAUSS asked the Prime Minister:

Whether he will make a statement on the latest developments with regard to the prospect of holding round-table talks with the Governments of India and Pakistan and on the steps, if any, which the Union Government is taking in order to ensure the co-operation of the other two Governments.

The MINISTER OF NATIVE AFFAIRS:

The House has been fully informed of developments hitherto with regard to this matter. I do not think that any good purpose would be served by making any further statement at this stage.

Mr. KAHN: Arising out of that reply has the Minister's attention been directed to the statement by the leader of the Indian delegation to the effect that they were not told by the Minister of the Interior that the Group Areas Bill was going to be introduced and what its full purport was.

The MINISTER OF NATIVE AFFAIRS: The hon. member must give notice of that question.

Fate of Rents Bill.

VII. Mr. HEPPLE asked the Minister of Health:

Whether he intends to proceed with the Rents Bill this Session.

The MINISTER OF HEALTH:

Yes.

Mr. HEPPLE: Arising out of the Minister's reply, may I ask whether the Minister has taken into consideration the fact that there are only a few days left this Session and this is a highly contentious matter?

Mr. SPEAKER: Order, order. We cannot have a discussion now. The hon. the Minister has given his reply.

Decisions For and Against Government in Civil Cases.

The MINISTER OF JUSTICE replied to Question No. VI by Mr. Kahn, standing over from 9th June:

Question:

(1) How many decisions have been given in cases in (a) the Appellate Division and (b) the Provincial Divisions of the Supreme Court, in which the Union Government was involved as a party from 1st January, 1949, to 5th June, 1950;

(2) how many of the judgments were in favour of the Union Government and how many were against it; and

(3) in how many of the cases were costs awarded against the Government.

Reply:

(1)	(a) Appellate Division	9
	Provincial and Local Divisions	160
(2)	In favour of Union Government	127
	Against Union Government	42
(3)	Costs against Union Government	33

The above-mentioned figures show all Union Government civil litigation, including litigation affecting Liquor Licensing Boards and similar bodies, in the Appellate, Provincial and Local Divisions of the Supreme Court.

Purpose of Special Levy on Rye.

The MINISTER OF AGRICULTURE replied to Question No. IX by Mr. Waring, standing over from 16th June:

Question:

For what purpose is the special levy of 1s. 10d. per bag in respect of rye imposed.

Reply:

The various wheat conserving measures which were in force during the war years and up to the end of 1948, particularly the drastic restrictions on the use of wheaten flour for confectionery and white bread, created a strong demand for rye flour and thus for rye. It was anticipated, however, that this demand would largely disappear when wheaten flour became freely available again and that rye would then have to compete with mealies and other feed grains as a feedstuff. Consequently it was felt that a reserve fund for rye should be gradually built up to assist

the industry during the transition or readjustment period in order to avoid a too drastic or rapid decline in the producer's price for rye. The levy of 1s. 10d. is partly a continuation of the building up of this reserve and partly intended to reconcile the selling price of rye to millers with the selling prices of rye flour and bread. In the case of wheat this reconciliation is effected by variations in the rate of the Government subsidy.

Subsidy for Manufacturers of Balanced Rations.

The MINISTER OF AGRICULTURE replied to Question No. X by Mr. Waring, standing over from 16th June:

Question:

Whether there is any scheme in operation under which balanced ration manufacturers are subsidised with regard to their importation of oil cake; and, if so, how does the scheme function and from what fund will the subsidy be paid.

Reply:

There is no scheme in existence under which a subsidy is paid from public funds.

Mr. WARING: Arising out of that reply may I ask the hon. the Minister if there is a scheme under which subsidies are paid out of any other funds?

The MINISTER OF AGRICULTURE: The hon. member must give notice of that question.

PETITION OF PERSONAL LIBERTIES DEFENCE COMMITTEE IN OPPOSITION TO THE SUPPRESSION OF COMMUNISM BILL.

Mr. SPEAKER: Under Standing Order No. 268 Mrs. Ballinger yesterday submitted a petition for presentation to the House from V. C. H. Brown and three others, of Johannesburg, styling themselves Chairman and members, respectively, of the Personal Liberties Defence Committee, praying for leave to be heard at the Bar of the House in opposition to the Suppression of Communism Bill and to be represented by Counsel.

I was unable to pass the petition for presentation and would like to give my reasons for general information. The reasons are that questions of public policy can only be discussed in the House by members (see Kilpin's "Parliamentary Practice in South Africa", 2nd ed., p. 7) and that it is only when a Bill is of so peculiar a character as to directly affect the interests of parties, as distinct from the general interests of the country, that the House gives leave for such parties to be heard at the Bar of the House.

As the Suppression of Communism Bill is one of public policy affecting all sections of the community, it is clear that a motion giving leave to the petitioners to be heard at the Bar could not be entertained by the House.

SUPPRESSION OF COMMUNISM BILL.

First Order read: Report Stage, Suppression of Communism Bill.

Amendments considered.

Amendments in Clauses 1 and 2 put and agreed to.

In Clause 3,

The MINISTER OF JUSTICE: I move—

To omit sub-section (2) and to substitute the following new sub-section—

(2) No proceedings shall after the expiration of a period of fourteen days from the date of a proclamation under sub-section (2) of Section 2 be instituted in any court for an order declaring that proclamation invalid, and no court shall after the expiration of a period of six months from the date of any such proclamation have jurisdiction to pronounce upon the validity thereof.

Mr. POTGIETER: I second.

Dr. SMIT: I desire to move the amendment standing in my name—

In Clause 3, to omit sub-section (2) and to substitute the following new sub-section—

(2) No court shall have jurisdiction to pronounce upon the validity of a proclamation under sub-section (2) of Section 2 unless the proceedings to set aside such proclamation or any declaration contained therein are commenced within three months from the date of such proclamation.

It is not my intention to repeat the arguments advanced in favour of this amendment during the Committee Stage. The hon. the Minister in his amendment has made certain concessions, for which we are grateful, but his concessions do not really go far enough. In the first place, the date of the proclamation is not the test in fixing the period of 14 days within which the proceedings must be instituted. It is the date of the promulgation in the "Gazette" that counts. The whole object may be defeated where

the Governor-General signs the proclamation on one date and it is not promulgated for another ten days and as the declaration under Clause 2 need not be served on the person affected, the whole object of this amendment may be defeated. As no notice is served on the party concerned, the period of 14 days is much too short. I do submit that that is a point which should receive the serious consideration of the Minister. I would like to know how many people read the "Gazette" and how many who do get it take the trouble to study it. An organisation may have no reason to suspect that they are being dealt with under this clause, and so would not take the trouble to be on the look-out. Also I submit that the period of six months within which the court must pronounce its judgment is too short. The extension from three months to six months is a concession, but it certainly does not meet the case. The amendment I have on the Order Paper would meet the difficulty in a more satisfactory way than is set out by the Minister in his amendment. You may have a case of illness or death of a judge, or the illness of an important witness occurring at a time when the period of six months is well-nigh expired. However if the hon. the Minister is not prepared to concede the point I have made that a discretion should be given to the court to extend the period on cause shown, I then move as an amendment to the amendment proposed by the Minister of Justice—

> In the second line to omit "date" and to substitute "promulgation" and to add the following proviso at the end—
>
> Provided that the Court may on good cause shown extend the periods referred to in this section.

Mr. RUSSELL: I second.

Mr. STUART: I hope the hon. the Minister will see his way clear to take just a further step, as indicated by this second amendment. The second amendment is moved to the clause as it stands, but the hon. the Minister has his own amendment and I hope that he will see his way to put the word "promulgation" instead of "date" in his own amendment, because what has been put by the hon. member who has just spoken is so essentially reasonable. The position then would be that 14 days after promulgation, it will take effect.

*The MINISTER OF JUSTICE: There is apparently no trouble in regard to the date of promulgation, because in any case it only comes into operation after it has been published in the "Government Gazette" and from that date everything will apply. Right throughout the Bill the date of promulgation is referred to and the legal advisers tell me that this always means the date of the actual promulgation, because it is only then that it comes into force. I have no power before that time. As regards the hon. member's further point, I feel inclined to be favourably disposed towards it. I thought that it could cause a bit of trouble to say that the court was to have discretion.

*Mr. STRAUSS: Then make the period longer than six months.

*The MINISTER OF JUSTICE: A year? I agree that there may be special conditions as a result of which a case cannot be heard. A judge may die or there may be other difficulties. Will it satisfy hon. members if the period is increased?

Mr. MITCHELL: On what grounds can one approach the courts?

*The MINISTER OF JUSTICE: On the ground that the Minister has not exercised his discretion or has acted in bad faith. I think the best solution will be to extend the period. The difficulty, of course, is that one likes the arbitrator to proceed with his work and that the matter must be cleared up. It must not remain pending too long.

*Mr. STRAUSS: Do you accept the principle of a longer period?

*The MINISTER OF JUSTICE: Let us put it right now and make it twelve months. I would rather not have the necessity of amendments in the Senate, because that would mean that the Session would be held up longer. Rather let us put it right here if we can. With the consent of the House I would move my amendment in an amended form, as follows—

> In Clause 3, to omit sub-section (2) and to substitute the following new sub-section—
>
> (2) No proceedings shall after the expiration of fourteen days from the date of a proclamation under sub-section (2) of Section 2 be instituted in any court for an order declaring that proclamation invalid, and no court shall after the expiration of a period of twelve months from the date of any such proclamation have jurisdiction to pronounce upon the validity thereof.

Dr. SMIT: That is not always the case. I know of many instances where a proclamation has been issued, signed by the Governor-General one day and promulgated three or four days after.

*Mr. POTGIETER: I second.