

THE NATIVE LAWS AMENDMENT BILL OF 1957.

The purpose of this Bill is to remove certain anomalies in previous Native Laws and to introduce amendments "to facilitate administration and control."

For convenience, the main clauses of the Bill are placed under two main headings :

A. CLAUSES WHICH REMOVE POWERS FROM THE LOCAL AUTHORITIES AND BESTOW THESE POWERS ON THE DEPARTMENT OF NATIVE AFFAIRS :

Clause 30(a): The power to permit African workseekers to remain in urban or proclaimed areas for longer than 72 hours will be removed from Municipal influx control officers and vested only in Government Labour Bureaux.

Clause 17(f): The Director of Native Labour will control the establishment of compounds, married quarters, hospitals, cemeteries or other facilities for Africans. The Explanatory Memorandum states that this will enable the Director to approve or disapprove of the sites upon which housing or other facilities are to be established.

Clause 35(c): The Act formerly provided that the spending of moneys from the Native Revenue Fund should be passed by the local authority and approved in writing by the Minister. The Bill now adds: "subject to such conditions as he (the Minister) may deem fit."

Clause 38(d): It shall be the duty of the most senior officer in the Native Administration Department of every urban local authority to report not only to the local authority concerned (as provided for in the present Act), but also to the Secretary for Native Affairs, any irregularity which may occur in his department, or any other occurrence which he may consider advisable to report.

Clause 47(i): The Administrator and the Minister are empowered to amend, vary or reject draft regulations submitted by a local authority without necessarily first referring them back to the local authority concerned.

B. DRASTIC RESTRICTIONS ON INDIVIDUAL FREEDOM OF ASSEMBLY, MOVEMENT AND RESIDENTIAL RIGHTS OF URBAN AFRICANS:

Clause 29(c) - The "Church" clause: No church, school, hospital, club or other institution or place of entertainment which was not in existence on the first day of January, 1938, to which a Native is admitted or which is attended by a Native shall be conducted on premises within any urban area outside a location, Native village, Native hostel or area nor shall any meeting, assembly or gathering to which a Native is admitted or which is attended by a Native, be conducted or permitted on such premises without the approval of the Minister given with the concurrence of the urban local authority concerned, which approval may be given subject to such conditions as the Minister may deem fit and may be withdrawn by him after consultation with the urban local authority concerned, or if he is not satisfied that any such condition has not been observed.

This clause caused such an outcry from many of the Churches in the country, that the Minister has very slightly amended it. The amendment is to the effect that the Minister may by notice in the Gazette direct that no Native shall attend any church or other religious service on premises in any urban area, if in his opinion the presence of such Natives causes a nuisance. The notice may, however, not be issued by the Minister without the concurrence of the urban local authority, and the church must be given a reasonable time to make representations before a notice is issued.

Clause 30(a) and (b): Restrictions on the right of Africans to remain in urban or proclaimed areas for more than 72 hours are to be further curtailed. Africans born in such areas who have temporarily given up residence there will no longer be exempt. The Bill provides that they must have resided uninterruptedly since birth in the area concerned in order to gain exemption.

"Seasonal" workers, i.e. Africans originally allowed into an urban or proclaimed area for specific periods, will no longer be permitted to re-enter the area concerned after an absence of more than twelve months, even if they are returning to their previous employers.

Clauses 1(b) and 23(a): The definition of "authorized officer", entitled to demand the production of documents by Africans, is very much widened.

Clause 39(c) : Registering Officers are to be empowered to order Africans out of urban areas if their papers are not in order. At present, an African who has not complied with influx control regulations, or the provisions applicable to foreign Africans, or the labour bureau regulations, may be removed from a proclaimed area only after conviction by the courts, under a warrant issued by a Magistrate or Native Commissioner. In terms of the Bill, any registering officer in an urban area may be empowered to order such an African to leave the area and not to return for a period specified by him.

Clause 48: Magistrates and Native Commissioners are to be empowered to order Africans out of urban areas if they have failed to obey regulations.

At present, an African can be ordered out only after a Court conviction. According to the Explanatory Memorandum, this "does away with the need of resorting to costly civil process." There will be a limited right of review only, where the African can prove that the Native Commissioner or Magistrate acted in bad faith.

Clauses 29(a) and (b): With the exception of a few classes of Africans, no African will be able to live in an urban area elsewhere than in a location, Native village or hostel. Those doing so may be ordered to remove to a scheduled Native area or released area.

Clause 34: As the law now stands, an African convicted of being wrongfully in an urban area may be removed to his home or last place of residence. In terms of this Bill, he may also be removed to "any place indicated by the Secretary for Native Affairs within a scheduled Native area or a released area", in practice, to a rural village.

Clause 26: The Act previously provided that Coloured people lawfully resident in Native locations, villages, etc. at the commencement of the 1923 Natives (Urban Areas) Act, and their descendants, might continue to live there. The Bill states that they will be subject to location regulations, and that they must move out as soon as the Minister is satisfied that suitable accommodation or serviced plots of land is available elsewhere, and at latest by the end of 1962.

Clause 39(e): Formerly, African men could be prohibited from working as casual labourers or independent contractors unless they had obtained licences for stated periods. The new Bill extends this prohibition to include those working on their own account in any trade or business.

Clause 36: The Minister is to be empowered, when fixing rents for Africans in a location or Native village, to take into account the cost of providing educational services. Local authorities must obtain funds by increasing the rentals by an amount not exceeding 2/- per month.

M.E.F.

PARLIAMENTARY BULLETIN - 2.

11th. February - 1st. March 1957.

In view of the importance of the legislation and the length of the debates in the House, the Parliamentary Sub-Committee felt it would be advisable to issue its Bulletin on a period of three weeks, to be followed as soon as possible by Bulletin No.3.

I. Week ending 15th. February.

1st. Reading - State-aided Institutions - Separate Amenities Bill.
(Minister of Education): Bill of 16 lines introducing apartheid into State-aided libraries, museums, art galleries and botanical gardens.

3rd Reading - Part Appropriation Bill - Mr. Russell (U.P.) attacked the Government on over-taxation and deliberate under-estimation of revenue so as to use the undisclosed but not always unexpected surpluses for loan funds. He also accused the Minister of political dishonesty in making out that the U.P. wished to abolish income tax and customs duty, by taking out of its context a statement made by the leader of the Opposition. The U.P. was not prepared to reject in toto the policy of financing State expenditure from current revenue. This policy might have to be used in special circumstances. The Minister replied that he fully accepted that there should be political honesty. The Government would adhere to its policy with regard to capital expenditure, which was to see how much money could be found locally and then to seek the balance overseas.

2nd. Reading - Housing Bill - Dr. Gluckman (U.P.) said that his party viewed with alarm the steps in the Bill to establish a separate Native Housing Board. The Department of Native Affairs was rapidly becoming a state within a state, and it was impossible in any country to have two Prime Ministers and two governments. Housing should be under the control of the Health authorities and not of the Minister of Native Affairs. Was there any need for two housing bodies? The pressure for providing European housing had now disappeared and the greatest need in the country today was probably for Native housing. He moved an amendment that the Bill be sent to a select committee.

Mrs. Solomon (U.P.) said one of the reasons for the U.P.'s objection to the Native Housing Board was that it would fall under the Minister of Native Affairs, who had set the standard that a Native earning £15 would have to pay an economic rental. The result would be undernourishment. She was also totally opposed to the principle that if a native failed to pay his rent he could be ejected at 7 days' notice without recourse to the Courts. Another objection was that the Bill removed the possibility of loans to the housing utility companies.

Mr. Davidoff (Labour) said his party welcomed the Bill, though there were aspects open to criticism. Did the Bill give the Minister power to embark on a vast national housing scheme? The Labour Party would like a general statement of policy before it could agree to the second reading.

Mr. Cope (U.P.) was afraid that Native housing would be used to impose the Minister's ideological policy as in the case of the £3million loan for Johannesburg native housing.

Mr. Mentz (Nat.) said that the Department of Native Affairs was obviously the best body to determine priority and the type of housing to be provided. It could act speedily and effectively to cope with illegal squatters.

Select Committee refused and 2nd. reading passed.

2nd. Reading - Unemployment Insurance Amendment Bill - Mr. de Klerk, Minister of Labour : Top scale of contributors to be raised from £750 to £1250. Natives earning less than £273 (formerly £182) to be excluded. The Bill was a compromise reached by all Employers' Associations and Trade Unions.

Mr. Eaton (U.P.) said his party welcomed the Bill, with its many improvements in benefits, but felt that it was not right that the lowest paid worker, the native, should be excluded.

Mr. Hopple (Labour) said Labour supported the Bill, because it had come as a result of discussion between employers and workers. Native workers earning less than £5.3.4. a week should be included in the scope of the fund.

2nd reading passed.

Committee Stage - Medical, Dental and Pharmacy Bill. Mr. Badenhorst Durrant (U.P.) moved that there should be no option of a fine for a first offence for offenders convicted of dealing in habit-forming drugs. Fines were no use because the dagga pedlar could easily write out a large cheque.

The Minister felt that the option should be left to the discretion of the Court.

Mr. Barlow (Ind.) said he did not believe all the wild stories of dagga smoking among the youth. The Minister referred him to a report of a Committee appointed by the late Dr. Stals stating that dagga trafficking was on the increase.

Bill passed in Committee stage.

3rd Reading - Immorality Bill. Nationalist Whip, Mr. Potgieter, said the U.P. was opposed to legislation on miscegenation, but was afraid to vote against it because of the platteland. Mr. Lawrence (U.P.) retorted that the U.P. was opposed to miscegenation, but did not need laws to keep the standards set by the South African way of life. The U.P. would support the Immorality Bill since it was merely a consolidating measure.

3rd. Reading passed.

2nd Reading - Electoral Laws Further Amendment Bill (Dr. Donges, Minister of the Interior), stated that the Bill contained four amendments to the electoral laws :

- (1) Postal votes should be issued strictly in accordance with the numerical order of the applications received. Further, when two or more applications are received from the same voter, the last application is the one to be considered, provided a postal vote has not already been issued.
- (2) This amendment is designed to meet the case of a voter who comes to vote and finds that some one else has already voted in his name. It also applies to a person who has not received his postal vote ballot papers.
- (3) Presiding Officers are allowed to vote by declaration.

- (4) The delimitation of constituencies for Coloureds in the Cape Province will be made immediately after the general delimitation so that everything will be ready for the general election.

Mr. Lawrence (U.P.) said that the U.P. would not propose Clause 1, but wished to point out the danger of unscrupulous organisers inducing a voter to change his mind.

Mr. Davidoff (Labour) asked whether it would not prevent abuse of postal votes if the first application, not the last, were considered.

The Minister did not agree with these suggestions and the second reading was passed.

Private Member's Bill - Mr. van den Heever (Nat.): Bill urging enquiry into consumers' buy-aid associations with a view to establishing proper control over them by legislation or otherwise.

All stages - Hire Purchase Amendment Bill (Minister of Economic Affairs, Dr. van Rhijn): Under existing Act the Minister was required to give three months' notice of any alteration he might prescribe, e.g. the amount of the deposit paid and the period needed to complete payment. At the request of the Motor Trade, the Bill made a reduction of the deposit of immediate effect from the date of publication of the notice. The U.P. supported the Bill.

II. Week ending 22nd. February.

2nd. Reading - Defence Bill : (Mr. Erasmus, Minister of Defence):

- Provisions: (1) "U.D.F." replaced on recommendation of a Select Committee by the "more suitable and simpler name" of "the S.A. Defence Forces". Under Defence Act of 1912 Defence forces consisted of Permanent Force, Active Citizen Force and various special reserves. Now to be composed of P.F., Citizen Force and Commandos (late skiet-Kommandos). One big reserve force: Reserve of Officers, Citizen Force Reserve and the National Reserve.
- (2) Every citizen from 17-65 can be compelled to do service as prescribed. P.F. required for defence, prevention or suppression of internal disorder, preservation of life, property or essential services, and for police duties.
- (3) Territorial restrictions on employment of D.F. in time of war to be left as since 1912, i.e. when it comes to service outside S.A., volunteers to be called for.
- (4) Members of recognised church organisations forbidden to fight could be required to serve in non-combatant capacity.
- (5) Bill provides for foreigners to be allowed to enter P.F. for specified periods. This provision is necessary by taking over of Simonstown base. It is essential to retain services of technicians and other highly qualified personnel.

U.P. pointed out the weaknesses and asked for amendments:

- (1) Any member serving in S.A.D.F. to be required in time of war to perform services anywhere within or without borders of Union.
- (2) Constitution, discipline and training of the commandos to be on the scale laid down for the C.F. thus equipping them for frontline responsibilities and affording them the protection of the methods and training of modern warfare. Commando training now said to be of "bow and arrow standard."

- (3) The establishment of a Council of Defence to advise the Minister on matters affecting defence requirements and peace and security of Union.

Mr. Gay (U.P.) recalled the bitter lessons of the last war, when Officers who had cost thousands of pounds to train walked out rather than go North. It would be fatal under conditions of nuclear warfare. Capt. Strydom (Nat.) said the system had worked well in past. Mr. Henwood (U.P.) in view of speed and range of modern warfare thought it was time to consider total conscription in time of war. Mrs. Solomon (U.P.) wanted at least skeleton force of trained or semi-trained women to act as instructors in time of war.

Mr. Lovell (Labour) said his party could not support the U.P. amendment, which asked for training of commandos on same scale as the C.F. S.A., could not afford it. Also, since there was no real unity in S.A., no Government could force people fiercely opposed to a war to serve in the Army.

Mr. Stanford (Natives' Repr.) said an important consideration in limiting movements of S.A. troops was that the S.A. Navy would have thousands of miles of coast line to protect and millions of square miles of sea. The burdens of defence fell only on the white man. The entire population should be called on to defend the country.

Mr. Vosloo (Nat.) said that should the Union go to war with a non-European nation, the Natives would be inclined to side with the enemy.

Col. Shearer (U.P.) asked for a sound warning system for large urban areas, and the erection of radar screens. He said the Govt. must realise the Afro-Asian alignment. Total war is all-embracing, and provision must be made for the possible cutting off of supplies of ammunition, and for expanding the medical and nursing services.

Mr. Durrant (U.P.) wanted the Commandos trained in case their officers were chosen to command C.F. Units.

All stages - Parks and Lands Amendment Bill : Minister of Lands, Mr. Sauer, said the Bill was to ratify an exchange of land between the National Parks Board and the Native Trust where one encroached on the other near Pretorius Kop.

Committee stage and 3rd. Reading - Unemployment Insurance Bill:

Mrs. Ballinger (Natives' Repr.) hoped the Minister of Labour would go into the matter of Native workers and do his best to bring them within the ambit of this Bill. The Minister said there was no demand. If great numbers wanted to be included he would consider the matter. Mr. Hepple (Labour) said he could produce ample evidence that Native workers wanted to be included.

During Question Time Mrs. Suzman (U.P.) asked about polio vaccine. The Minister of Health informed the House that the Govt. was to import 300,000 doses of Salk vaccine from U.S.A. The Minister did not know that S.A. vaccine had been exported to neighbouring countries.

Committee Stage - Housing Bill: Mrs. Suzman (U.P.) said the U.P. had no absolute objection to the Bantu Housing Board, because it might speed up native housing, but it did object to any extension of the Empire of the Minister of Native Affairs. The setting up of such a board was a tacit admission of a permanent urban Native population, yet the Board was being placed under the control of a Minister who denied the existence of that population.

Parliamentary Bulletin 2.

Capt. du Toit (U.P.) wanted the provisions of the Bill extended to Public Utility Companies in connection with housing schemes and construction of dwellings. The Minister refused. He felt that such a Company could never have the same sense of responsibility as a local authority which was a democratically elected body responsible to the public.

Mrs. Ballinger wanted Natives appointed to the Housing Board - refused. The Labour Party approved of the Housing Bill, except Bantu Housing Board.

Mrs. Solomon (U.P.) objected to the clause whereby officers of the Housing Commission could repossess a house after 7 days without a court order, if the rent were not paid. It was another clause which sought to bypass the Courts, and she wanted the time extended to 30 days. Refused.

The Labour Party wanted no repossession except by order of Court - Refused.

Bill adopted in Committee and reported with amendments.

One of the amendments proposed by Dr. Smit (U.P.) and accepted by the Minister was a clause enabling non-Europeans to obtain first mortgages for the erection of houses, although they do not possess freehold.

1st. Reading - Native Laws Amendment Bill (Dr. Verwoerd, Minister of Native Affairs): to tighten control over the movements of Natives and facilitate their removal from urban areas.

Private Member's Bill - Mr. Pocock (U.P.) This Bill asked the Government to consider compulsory contributory pension scheme for all adult Europeans and payment of family allowances without a means test to all European parents of more than one child. Also to consider the extension of the scheme to non-whites.

U.P. and Labour supported the motion. Mrs. Suzman (U.P.) said S.A. was the only country in the Commonwealth which did not pay family allowances free of the means test. Mr. Whiteley (Labour) said there was a big gap between pensions for whites and non-whites and asked for old age pensions for Natives to be increased.

Mr. van der Walt (Nat.) said employers should be compelled to institute pension schemes for their workers.

Debate adjourned.

III. Week ending Friday, March 1st.

Housing Bill - 3rd. Reading: Dr. Gluckman (U.P.) felt the Government would have been wiser to send the Bill to a Select Committee. Much in the Bill was welcomed by both sides of the House, particularly the creation of a Central Housing Fund which the U.P. had advocated for many years. In its 1944 Housing Act and its 1945 (Emergency Powers) Act the U.P. had contributed much that was good. But this Bill repealed and replaced all housing legislation for the past 37 years and might well be the housing charter for the next 50 years. In that case it would be expected to plan for the Tomlinson Report's estimated six million Natives in urban areas. The Bill might have emerged in an improved form from a Select Committee. Now it bristled with obscure and in some cases, harsh provisions: (1) It was difficult to appreciate the functions, composition and future policy of the National Housing Commission and the Bantu Housing Board. Both bodies presumably would have power to construct schemes. (2) The second difficulty was the placing of housing not where it had always belonged, under the

Minister of Health, but under the Minister of Native Affairs. Was the National Housing Board to absorb the Native Resettlement Board? (3) Although the Minister had given the assurance that no loans would be approved without the consent of the Administrator, it had been admitted by the Minister that the power of the Provincial Councils to approve housing schemes was now vested in the National Housing Commission. (4) Provisions in the Bill also indicated that local authorities might have to submit to the dictates of the new housing authorities created by the Bill. (5) The Minister had rejected an appeal made by U.P. speakers against the harsh provisions affecting both owners and tenants to be dealt with at short notice without recourse to the Courts. (6) The fears of Utility Companies that in future they would be operating under adverse circumstances had not been allayed.

Minister's Reply: Mr. Viljoen, Minister of Health, said that the Bill was before the country for almost two years and all interested bodies had had an opportunity to make recommendations. Also the Housing Commission had been in close touch with bodies and individuals with experience of housing schemes. All the amendments submitted by the Opposition were considered, but many would have obstructed the administration of the Bill. He had indicated how powers under the Act were divided between himself and the Minister of Native Affairs to assist in speeding up the provision of housing. To have accepted the Opposition's amendments with regard to the collection of rents would have made the task of the Housing Commission's officials impossible.

3rd. Reading passed.

Cape Town Foreshore Amendment Bill - 1st. Reading.

Defence Bill - 2nd. Reading: Mr. Erasmus, Minister of Defence, replied to questions and amendments made in the 2nd. reading Debate: (1) The 1955 Simonstown Agreement replaced all previous agreements in regard to Simonstown.

(2) There was legal provision in the Bill for all necessary civilian protection services.

(3) The Medical Corps already formed part of the Permanent Force.

(4) The Bill provided for the training of women. The only question was one of policy as to what training they should receive.

(5) Conscription of Industries: The Governor-General was empowered under Clause 100 to commandeer industries, machinery, etc. in case of riots or war. In terms of Clause 87(1) he could exercise control over employers.

(6) It might be possible later in the session to give information about the defence arrangements on the African continent.

(7) The Opposition had asked that the Defence Council should be made compulsory instead of permissive. The Minister did not think it necessary, but the Bill had permissive permission which the Opposition could use whenever they came to power. The Government already had a non-political Staff Council, two other Advisory Boards and a Defence Resources Board. The establishment of another Board relating to atomic power, radar and telecommunication was under consideration.

(8) The amendment of the Opposition asked for training of the Commandos to be on the same basis as Citizen Force training. This was too expensive (it would cost £12 million per annum more) and would only destroy the character of the Commandos. A few members had praised the Commandos during the debate, but it had become more and more a case of "damning with faint praise." The Commandos would long remember the leading article in the Rand Daily Mail in 1954 under the headline of "Braaivleis Army." This body of 80,000 volunteers, which included English-speaking officers and men, was particularly dear to the heart of the Afrikaner. Many of the Officers received Citizen Force training.

(9) Compulsory overseas service: The Minister wondered if the new Leader of the Opposition realized the drastic nature of this proposal. It was a bone of contention with a long history, a "prickly pear" which no leader on that side of the House had ever dared to clasp to his political bosom. He advised the Leader of the Opposition to make this an election issue, and he had no doubt as to the result. Did not the "Red Oath" leave sufficient bitterness and recrimination in its wake? The Minister therefore rejected the Opposition amendments.

2nd. Reading passed, Labour voting with the Government.

Defence Bill - Committee Stage: Mr. Stanford (Natives' Rep.) said that from opinions he had gathered since the second reading debate there appeared to be more people interested in the employment of non-Europeans in our Defence Force than even he was aware of. It was an untenable argument that non-European troops might desert and go over to the enemy. That was a matter of training, discipline and esprit de corps. It was an old principle for non-Europeans to be called up to fight. It had been done from the days of the old Republics until the First World War, but the new principle had crept in at the time of the Second World War. Mr. Barlow (Ind.) agreed that throughout South African history the coloured people had fought beside the white man. Mr. Lovell (Labour) agreed with the Minister that there was provision for the Government to use the non-White people in a capacity approved by the Government, but he felt that the Minister should have the power to apply training to the non-Whites. It would be better not to antagonize four-fifths of the population by making it difficult for them to be used in the defence of S.A. The Minister said that it was the policy of the Government not to employ Natives and Coloureds in a combatant capacity, but that clause 3 gave the Government all the powers it needed and if any future Government wanted to use them in a combatant capacity, then it took that power under that clause.

Mr. Lovell (Labour) wanted the difference between civilian pay and training allowances for young men doing their compulsory training to be made up by the Government. The Minister said it had never been done and would cost the State a large sum of money.

Mr. Gay (U.P.) found the clause limiting the Permanent Force to service within the Union ambiguous. Another clause appeared to indicate that the P.F. could be sent to, say, the Rhodesias. The Minister said that the proviso in this Bill amounted to almost the same thing as under the old Act, when the P.F. could be used on a voluntary basis, outside our borders. Mr. Hepple (Labour) felt that it would be wrong for our P.F. to be used in the quelling of disorders in adjoining territories. In Africa this would convey the impression that our P.F., which was a White force, would be used to further the policy of White domination.

The Minister replied that the Union and any other nation might make an agreement that the P.F. could, under certain circumstances go outside the borders of the Union, in time of war.

Progress reported and leave asked to sit again.

Defence Bill - Committee Stage (resumed): The Minister rejected U.P. amendments regarding (a) rise in pay for officers holding acting rank. (b) shortening of the maximum period of seven years' exemption from military training, and (c) that relevant provisions applying to Citizen Force should also apply to Commandos.

Progress reported.

Police Amendment Bill - 2nd Reading: The Minister of Justice said that as this was largely a Bill consolidating and translating into Afrikaans certain laws of the various Provinces, he proposed to deal fully with certain of the clauses only.

- (1) Certain minor provisions in regard to administrative matters.
- (2) Clause 19 The consolidation of laws in regard to the penalties inflicted on people who interfere with the police in the executive of their duty. Formerly, only the word "disturbs" was used; now we use the words "wilfully interferes". The word "disturbs" and the Afrikaans "steur" are wide terms. Therefore we use the term "wilfully interferes."
- (3) Clause 4, section 6 ter. No member of the force can be compelled to make public or divulge any document which he may happen to have in his possession in regard to a criminal case which he investigated or is still investigating, in any court case, criminal or civil, without the consent of the Commissioner of Police. If the Commissioner does not consent, the person may appeal to the Minister of Justice, whose decision shall be final. The Minister stated that the reason for this clause was the necessity for protecting people who supply the police with information. Often people were willing to give very important information on condition that their names were not divulged. Should the Minister refuse to release documents which were alleged would prove the innocence of the accused, the Attorney-General could refuse to proceed with the case. There were no sinister motives to give more powers to the police and to diminish the rights of the public.

In debate, Mr. Lawrence (U.P.) considered that the "documents" clause might in fact react against the police as there would be persons who would read a sinister intention into the clause. The Minister should have consulted legal bodies before making a major alteration in principle, because whereas formerly the admissibility of a document was vested in the courts, now the principle was that it would rest in the hands of the police or the Minister of Justice.

With regard to clause 19, Mr. Lawrence felt that the words "wilfully interfere" were intended to widen the scope of action against the police. He moved an amendment that the provisions of Clause 4 be omitted and submitted to the Law Revision Committee for investigation and that the words "interfere with" be deleted from Clause 19.

Dr. Smit (U.P.) seconded the amendment saying that the fundamental issue in all criminal trials was the guilt or innocence of the accused, and if the production of a document in the possession of the police would establish the innocence of the accused, that document should be made available to the Court, and it should not be for the police to say whether it should be or not.

He said that clause 19 had caused grave misgivings in the minds of the public, particularly in view of the statement made by the Commissioner of Police, who was reported in the Press to have said: "the word 'interfere' has been included to stop the nosey-parkers and troublemakers that one gets in Johannesburg and other places." If the interpretation of the Commissioner was correct then any bystander who remonstrated with a policeman or any Press photographer might be arrested.

Mr. Lovell (Labour): said that henceforth whether a court believed that such a document would or would not prove the innocence of the accused, it could not order the police to produce it if they refused to produce it. That was a very serious proposal, for the Minister of Justice to make. What about the number of political cases we have had since this Government came to power, where the Minister has a direct interest in seeing that the accused is convicted? Appeal to

The Minister was an empty gesture, an appeal from Pontius to Pilate, and as the Minister's name was Robert, an appeal from Bobby to "Bobby". With regard to the word "interfere", Mr. Lovell asked whether it was not a strange coincidence that a proposal to change the law should come at this time of almost daily complaints that the police had acting wrongly towards the public. The police had alleged that men who took photographs of their control of crowds were interfering with (not disturbing) them. One of the greatest safeguards against the abuse of power was public opinion. He wondered if we did not need a law stopping the police from interfering with the public.

Mr. Froneman (Nat.) contended that the word "intefere" was not foreign to statute law in this country, and was being used to bring the Police Act into line with the Defence Act. With regard to the "documents" clause, he felt that certain statements to the police ought to receive protection, but if a policeman withheld something which he knew would prove a man's innocence, he made himself guilty of an offence and could be charged.

Maj. van der Byl (U.P.) : If he does not produce the documents, how do you know he has them ?

Mr. Froneman: If he is charged with defeating the ends of justice, then those documents have to be produced by the Crown.

Mr. Waring (Ind.) said he did not like Clause 4.

Mrs. Solomon (U.P.) said she had listened with interest to Mr. Waring who had started off praising the Bill, but ended by saying he did not like Clause 4. She did not like it either. Truth could only be found when all the evidence was available, and it was counter to every principle of justice that a police official was empowered by the law to keep evidence from the courts.

Mr. du Plessis (Nat., Brakpan): Several Government members were not perfectly happy about clause 4, especially in cases of collisions between motor vehicles, and would like to have an assurance from the Minister that it would not affect past procedure namely, that police assistance would be given when needed.

Mr. Lee-Warden (Natives' Rep.) felt that it was vitally important that documents seized by the police should be available to the defence. If you were arrested in your home, documents taken from your house by the Police might contain the essence of proving your innocence. For the Native people he represented this had been a police state for a very long time. Measures such as this proved that White people also were going to feel the effect of this type of legislation. He felt too that the word "interfere" in clause 19 had been included to protect the police from the scorching criticism of public opinion which might flow from some of the photographs taken of the police over-exercising their authority.

Debate adjourned.

Motor Carrier Transportation Amendment Act - 1st Reading.

(Minister of Transport, Mr. S choeman). If the Natives persisted in their boycott of the buses and the operating company withdrew its buses, the Act would be amended so as to prohibit other transport companies from operating on the routes affected by the boycott. Alternatively, the Bill gives the Minister power to dictate conditions under which a substituted service may be run. He may cancel his prohibition or vary his conditions.

Motor Carrier Transportation Amendment Bill - 2nd Reading: Introducing the Bill, Mr. Schoeman said that it meant that no other bus company would be allowed on the route where the buses would be withdrawn. He admitted it was drastic legislation, but the circumstances were

exceptional. Quoting from several newspapers, he contended that the African National Congress was trying to test its strength and its organising ability. He did not believe the reason was economic. The boycott was being kept alive by agitators. The leaders had not approached the Government, not that he, the Minister, would have negotiated with them. Nor did he agree with the "wonderful suggestion" made by Commerce, Industry and the Johannesburg City Council that he should introduce legislation to compel employers to increase wages. When the employers did take that decision, the Native leaders laughed at them.

Had it not been for the spineless attitude of the Opposition, and the scandalous and irresponsible behaviour of "The Star" and the "Rand Daily Mail," the boycott would have ended weeks before. "The Star" had surpassed the "Rand Daily Mail" in meanness, vileness and irresponsibility.

The U.P. statement, issued after eight weeks of silence, did not agree that the boycott was purely political, but said that it was rooted in the poverty of the urban Natives, which made them a prey of political agitators. Now because the Government had accepted the challenge, the U.P. said the Government was incompetent. The hypocrisy of the crocodile tears now being shed over the poverty of the poor native, was enough to nauseate any decent and honourable man. If subversive Native organisations were to be allowed to use this boycott weapon, we in this country were heading for chaos. The Minister said he was soon going to recommend the prohibition of all meetings where Natives were incited by agitators, White and Black

Sir de Villiers Graaff (U.P.): The Minister's statement made no attempt to justify the Bill - he had hardly mentioned it. The U.P. was against all boycotts. They had remained silent when the boycott began because the Minister had at once made it a political matter. The Minister had said that thousands were intimidated into taking part in the boycott. Were the police used to prevent intimidation or to act as a political weapon in the hands of the Government? The introduction of this Bill had changed the whole position, because the Native who had been forced to take part in the boycott was now going to be alienated finally. The Minister had repeatedly said the boycott was purely political, but he (Graaff) could not see that. The economic plight of the Native was plain. In 1954 the average African family earned £15.18.11. per month, but needed to spend for family health, a minimum of £23.10.4. Even 2d. a day meant a great deal to such people.

But that was not all. Under the Nationalist Government there had been a steady destruction of the existing bridges between European and non-European. The Government minimised the economic plight of the non-European and failed to appreciate the necessity for consultation with Native leaders. The Government should have anticipated the violent reaction to increased fares and given an undertaking that there would be an immediate enquiry. They were either lacking in foresight or else completely out of touch with the Native people. They appeared to be willing to spend large sums of money - £70,000 - £80,000 per month to meet the losses of Putco, when it was possible that a little money spent at the beginning might have resulted in a settlement before the agitator had a chance to get hold of the people. This Bill must be viewed against the background of poverty, political exploitation, intimidation, missed opportunities, blundering and now, some degree of panic. This Bill amounted to a counter-boycott, an attack not only on the Natives, but on the commercial and industrial community of Johannesburg. It was a measure of counter-intimidation which would hit the innocent and lead to new resentments. A proper investigation was necessary, not only of the economic situation of the Natives, but of transport services. There might be further occurrences and this boycott showed the strain to which our multiracial society was subject.

Sir de V. Graaff moved that the Bill "be read this day six months."
Mr. M. Viljoen (Nat.) The attitude of the Opposition was a great disappointment to the House and to the public. It was really unable to expect not only the Government but also the Opposition to take a firm line on such an important matter. Instead, the Leader of the Opposition showed that he had fallen prey to the Liberalists in his party. In an attempt to argue away the political basis of the boycott, he had resorted to all sorts of Leftist arguments, that economically the Native is treated badly in this country, his low level of income, and that the background of the boycott was due to the poverty and hardship which had to be endured by the Native. This type of speech made by the Leader of the Opposition, which was a misrepresentation of the actual economic position of the Native, was nothing but an encouragement to the boycott leaders, and differed in no way from the attacks made upon the Government by the African National Congress. The facts were that from 1940 to 1950 Native wages rose by 124%, that from 1953 to 1955 Iutco was subsidised by £500,000 from the Levy Fund, and that since 1948 the Government had spent £31,000,000 on Native Housing.

The Opposition complained that there had been insufficient consultation with the Natives. Government officials had in fact done everything to consult with them. Was it not the Minister of Native Affairs who had held ndabas with the Natives where he explained apartheid and the Native legislation? Did the U.P. mean that the Minister should go and consult with the leaders of the A.N.C.? The experience of our neighbours in the Federation had shown that the Natives were not interested in consultation and partnership. They wanted one thing only, the vote, for everybody, and they wanted to govern the country. The boycott had one aim only, and that was to overthrow White authority in this country. The House should recall the riots in the Eastern Cape and the death of the nun, Dr. Quinlan. The Government should seriously consider the question of banning the A.N.C. in the interests of South Africa.

Mr. Hopple (Labour): The real purpose of this Bill was punitive. It was aimed at punishing the residents of Alexandra Township because they had stood up for an economic right. The Minister had used the methods used by fools and tyrants, not by intelligent democrats. The Government treated all those who did not fall in with its wishes as criminals or enemies of S.A. Their aim was to break the spirit of four-fifths of the people of S.A. The record showed that if anybody had behaved in a statesmanlike manner, it had been the leaders of the bus boycott. The Minister's attitude on the 17th. January was: the Government would not be intimidated: The Govt. was not prepared to intervene; employers could help end the boycott by refusing to pay for time not worked; misguided members of the public should be prevailed upon not to give lifts to Natives; if employers wished to increase the wages of their Natives it was their own affair; the Minister had instructed his Department to take action against contraventions of the Motor Transportation Act.

Mr. Hopple said he had pleaded with the Minister for a more reasonable attitude, but without avail. In February the Govt. threw in all the weight of its force and power to break the boycott. They stopped private cars giving people lifts; the police even let the air out of bicycle tyres. Armed with revolvers and sten guns they demanded reference books and tax receipts; they stopped European employers' vans taking employees home. The Minister's own Department in Pretoria cut the train service at Lady Selborne, and officials refused to issue daily tickets. 2000 Natives were taken out of a Government Hostel and arrested, and the Govt. collected over £2,000 in fines from those people. All the Government were concerned with was not human suffering or the economic situation of the country, but that the Govt. itself was put in the right.

Of course there had been a rise in Native wages, but what was the extent of the increases? Dr. van Eck in a recent paper said that from 1945 to 1955 there had been an increase of 90% in the wages of Whites in industry, and for Natives an increase of 50%, just over half of that of the Europeans. The statutory Cost of Living Allowance of those unfortunate bus-users was barely 40% of the actual rise in the cost of living.

As far as Putco was concerned a vital service like transport should not be in the hands of private individuals.

A decent wage for the African was necessary, but it was the Govt. who should compel employers to do this.

Mr. Mentz (Nat.) The country now knew where the U.P. stood in this matter. By opposing the principle of the Bill to end the boycott they were making common cause with the boycotters. When Col. Jordan launched that violent attack against all Afrikaans institutions, he was not repudiated by his Party, and as long as the Leader of the U.P. did not do so, he (Mr. Mentz) would associate the U.P. with the statement by the African National Congress in which they said they were going to boycott Afrikaans institutions. The Government must pass this Bill and break the boycott once and for all and save White South Africa.

Mrs. Ballinger (Natives' Rep.): Mr. Viljoen's speech was alarming and dangerous, the sort of speech that was the greatest danger to S.A. The boycott was originally an economic matter. In 1943 when similar boycotts arose the U.P. at least appointed a commission of enquiry while the boycott was on. That commission found then that the gap between living standards and living costs was so large that it was impossible for the people to carry a daily increase on their fares. They were relatively worse off today.

Mrs. Ballinger said that as she sat listening to the speeches of Nationalist members, she was more aware than ever before of the lamentable lack in this country in the absence of direct African representation in the House.

The Minister should have made it his business in the first fortnight to see that the whole of the economic situation was explored. Commerce and Industry were showing marked signs of believing that the basis of the boycott was economic, but Mr. Viljoen insisted that it was purely the political aim of driving the Europeans out of the country. She could assure the Minister that if he went on as he was doing, the A.N.C. would become highly organised, powerful and dangerous. The Government had no transport policy. To have an apartheid policy they must have a transport policy, but it was afraid to ask its supporters to pay the price. She challenged the Minister to make a constructive gesture to save the country from the dangers threatening it.

Mr. Abraham (Nat.): No Government had as yet allowed Natives to call strikes in S.A. and for that reason a new form of strike had been developed by such agitators as the hon. member for Rosettenville (Mr. Hopple) and his friends opposite and the members who represent the Natives in the House of Assembly. Under the leadership of Mr. Strauss the U.P. did not so openly choose sides against the interests of the Whites in this country as they were doing under the new leadership. When the Government provided police protection for those who wished to use the buses, what happened? The English Press accused the Govt. of interfering with the freedom of movement of the individual, of forbidding law-abiding citizens to give lifts to other law-abiding citizens. The bus boycotters were strikers, because this was another strike method they were using. If all the buses were withdrawn the next day, they could expect the position to deteriorate. Who was responsible for that deterioration? That Press which is in reality the master of the U.P. He, Mr. Abraham, would say to the U.P.:

You are the guilty ones. He assumed that certain members of Mrs. Suzman's ladies' committee, and the Black Sash women had made themselves guilty of giving Natives lifts from the locations to their work. If serious clashes broke out in S.A., the United Party, the old party of blood and tears, would be responsible.

Mrs. Suzman (U.P.): When the Hon. member for Groblersdal (Mr. Abraham) accused the U.P. of stirring up agitation, etc., he should remember that that was the peculiar speciality of his side of the House. South Africa's prestige was suffering yet another blow by virtue of the Govt.'s methods of handling the boycott. Even if the boycott broke tomorrow, the Minister would not have settled anything, because he had given eight weeks of leeway to all elements to realise what a powerful weapon was at the disposal of the non-European people. The Hon. member for Westdene (Mr. Mentz) had said that he had found only 48% of people living under the £15 economic limit in Johannesburg. There he sat, a member of the Native Affairs Commission, and with complete composure, accepted that position. And then he accused the U.P. of rushing around telling people of their plight. She wanted to tell those hon. members that when people are hungry nobody needs to tell them that, they know it themselves. She would suggest that the Minister of Native Affairs came and met some urban Africans for a change, some of the 2,500,000 Africans who were today living in the urban areas, of whom the Tomlinson Report estimated that 1,500,000 were permanently urbanized. At the risk of boring the Minister she proposed to give him a short summary of various economic surveys which had been made, all of which used the Poverty Datum Line to indicate the indispensable minimum on which African could live. She would like an impartial commission of enquiry to work out the minimum expenditure and to get the existing wages, and it was for that reason that the Leader of the Opposition had asked for an enquiry. In this country the actual level of wages was too low for unskilled workers, even for the productivity which was not very high. If we did not want to raise wages, we would have to subsidize essential services like transport. If one good thing was coming out of this dreadful boycott, it was that it had focussed attention of people on the poverty of the urban Africans. It had focussed the attention of commerce and industry on the fact that the wages paid did not enable the urban Natives to live at a civilised standard.

Mr. Blaar Coetzee (Nat.) asked what the Leader of the Opposition thought would happen if this Bill were rejected. It would be a complete victory for the A.N.C. In this grave crisis where there was a direct clash between White and non-White, the official Opposition went out of its way to take the side of the non-White. The U.P. refused every time to take a definite attitude. They hoped to fish in troubled waters. They did the same things in connection with the Western Townships. They hoped there would be bloodshed with the removal of the Western Townships. (Speaker asked him to moderate his language). The issue that had crystallised in this debate was: Are you on the side of the A.N.C. or on the side of White South Africa and the Government?

Mr. Pocock (U.P.): Mr. Coetzee completely missed the very basis of the argument of the Leader of the Opposition, that before anything was done it was a condition that the boycott should be called off. The Minister was talking nonsense when he said the buses would be permanently withdrawn. He could not do it. How on earth did he think that by taking the buses off, he was going to end the boycott. He was going to punish those who had been intimidated, and he called that a solution to the problem.

Mr. Martins (Nat.): alleged that the boycott was culmination of propaganda being made in S.A., and emanating from the members on the opposite side of the House. The Opposition was being led by the Liberal, Leftist wing and was telling the non-Whites that when they came to power, they would be treated very differently. Mrs. Ballinger had said that the Natives should use the bus boycott because they did not have the vote. Mrs. van Niekerk and Mrs. Suzman had sat in the House last year with black rosettes in their lapels. Was it not those same Sash women who were now trying to transport the Natives backwards and forwards, in conflict with the law, to make the boycott a success? The Leader of the Opposition, by moving that the Bill should be read in six months' time, showed the A.N.C. that the U.P. supported the boycotters.

Mr. Marais Steyn (U.P.): It was because the U.P. wished to prevent the boycott being exploited in the usual irresponsible manner for party political purposes that they had preferred to leave the matter in the hands of the Govt. It was clear from the speeches from Govt. Members that there was no hope of ever approaching the matter of race relations in S.A. objectively and calmly as long as the Nationalist Party set the political tone in this country.

The U.P. did not blame the Govt. exclusively for the poverty and suffering of the non-Whites. These conditions were due to the industrial revolution which had taken place, and to people with a primitive background having been permanently absorbed into the industrial urban complex of the White man's civilisation and technique.

Debate adjourned until 4 March.

Railways and Harbours Unauthorized Expenditure Bill - 1st., 2nd. and 3rd Readings.

The Minister of Transport, Mr. Schoeman, explained the reasons for the large amount for which he was asking.

Mr. Pocock U.P. said it was disturbing to find that in spite of all the economies introduced, it should be necessary to vote an additional £11,500,000 for running the Railways. Revenue for Railways, Harbours and Airways were all up, but they were not keeping pace with the increased expenditure. Then too, an additional £5,315,000 was required for capital works, though the Minister had explained that this would be met by a saving of nearly that amount under other heads. No doubt, when the Railway Budget came up in a fortnight's time, they could go more fully into many items.

Private Member's Bill: Dr. Diederichs (Nat.): thanked the Govt. for all it had done towards attaining a higher price of gold, and requested it to continue its efforts to this end. The U.P. supported the motion.

Flags Amendment Bill - 2nd. Reading resumed: Mr. Waring (Ind.) said that Mr. Lawrence had not treated the Bill with the sincerity it deserved. He seemed to think the Bill should have been introduced by the Govt. But Mr. Barlow and he himself (Waring) had talking about the difficulty of the Govt. bringing in such a Bill. Sinister motives would be laid at their door, therefore he and Mr. Barlow had decided to try and see what they could do. He felt there was complete justification for S.A. to have only one flag and that the U.P. must be unaware of the feeling of the people of S.A., the feeling of building an independent nation. S.A. was the only country in the Commonwealth which flew two flags. He quite appreciated that future Governments might decide to change the flag, but he asked his friends on the Government benches to give the S.A. National Flag a chance to become the everlasting flag of S.A.

A BLOW TO RACE RELATIONS.

by Julius Lewin.

A Bill now before Parliament includes a clause that deals a heavy blow at good race relations in South Africa. The clause gives the Minister of Native Affairs power (with the consent of the local authority) to forbid inter-racial gatherings of any kind, including even those held in a private home.

Nowhere else in the world has such a law ever been passed.

The new law will allow an intolerable interference in the private lives of those Europeans who value inter-racial contacts and whose work actually requires such contacts. It will also impose on Africans a new liability that will have far-reaching effects.

SUBSTANTIAL NUMBER.

The number of Africans who will be affected is substantial. Moreover, those concerned belong to the class of Africans whose influence cannot be measured by their numbers. These are the middleclass men, the recognised leaders among their own people. They are the teachers (there are well over 20,000 of these), the clerks, the civil servants, the ministers of religion, and a smaller number of journalists, successful traders, and professional men. Take the teacher, as the best example of this type; and call him Mr. Nguni.

This man matriculated and then spent a couple of years at a training college, or perhaps, if he was very lucky, at a university. He has learnt a good deal from text-books and from newspapers and magazines. His education has been acquired under great difficulties, and, conscious of its limitations, he is eager to continue it informally, and to keep in touch with the changing ideas and new knowledge. Every teacher worth his salt feels the same way.

One of the stimulating things in Mr. Nguni's life is to receive an invitation to visit a European home. Only on such occasions can he catch a glimpse of the way Europeans really live and work and think. Only in this way can he discover, in the course of conversation, what his White acquaintance believes about this or that; how he acts towards his wife and children; how he spends his leisure; and a score of other things not to be had from books.

In future a European must hesitate to issue, and Mr. Nguni to accept, an invitation to such a visit. For if there were several people present, this might well constitute a mixed social gathering of the kind the Minister proposes to ban.

(Formal inter-racial meetings, even of a body limited in membership, also fall under the Bill.)

THE MASK.

In the past Mr. Nguni was a man of moderate views, inclined to optimism. Today he no longer believes that Europeans will ever undergo a "change of heart" towards Africans

But he is not sure; it is a subject he still likes to discuss with his European acquaintances when he gets an opportunity. In future, however, a man like Mr. Nguni may have virtually no opportunity at all to meet White people, informally for frank discussion and exchange of views. The only type of European with whom he will come into regular contact will be Government officials. And in this relationship Mr. Nguni will, in effect, always wear a mask to conceal his true feelings about any subject. He will never dare to express his real opinions, least of all about public affairs.

No one knows at present how far the powers conferred on the Minister by the new law will be applied and to whom. But recent experience suggests that no one can feel safe and secure because the supporters of the Government disapprove of all forms of race relations beyond their own control.

They want to establish that the only proper relationship between the races is that of employer and workman, master and servant.

THE SHADOW.

The shadow of this ban on other forms of human contact will darken many doorways.

The missionary will have to think twice before holding his quarterly tea party with his black colleagues to discuss their common problems. The White principal of a Native teachers' training college must ask himself whether the local police will report him if his discussion group continues its monthly meetings, which everyone enjoyed.

Before long the African middle class will be thrust back entirely on its own limited resources. The teachers and clerks will be shut off from all personal European influence. In their isolation they will nurse a stereotyped picture of what Europeans are like. They will listen to those Africans who condemn ALL White folks, and especially all "Dutchmen" (as they still call Afrikaners). They will develop an aggressive African nationalism, without restraint.

This new measure should be considered in conjunction with the Bantu Education Act and the Separate Universities Bill. A common purpose lies behind all three measures.

The Government is determined to deprive Africans of access to the social heritage we call western civilisation. It is determined to imprison the Bantu in their own tribal past, to deny them the kind of knowledge and truth that make the minds of men free - and reasonable.

If this purpose is accomplished, our children, struggling for survival in a land torn by racial strife, will bitterly regret the day when Parliament decided that fierce, unrestrained nationalism was a splendid thing to encourage.

(By Julius Lewin, 30 Dorset Road, Parkwood, Johannesburg)
