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TRUSTEESHIP  
COUNCIL



GENERAL

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Tenth session  
Agenda item 8

REPORT OF THE STANDING COMMITTEE ON ADMINISTRATIVE UNIONS ON THE  
TRUST TERRITORY OF NEW GUINEA

Chairman: Mr. Francis B. Sayers  
(United States of America)

1. In the course of its 9th, 10th and 11th meetings, on 5 and 10 March 1952, the Standing Committee examined the various aspects of New Guinea's participation in the administrative union of Papua - New Guinea. It studied the various papers<sup>1/</sup> submitted to the Standing Committee and examined the relevant parts of the Annual Report on the administration of the Territory for the year 1950-51. At its 10th meeting, on 10 March 1951, the Standing Committee heard the special representative of Australia, who furnished further information at the invitation of the Committee. At its 11th meeting on 10 March 1952, the Committee adopted unanimously the present report.

2. The Standing Committee notes that, pursuant to the powers conferred upon the Administrator by sections 39 and 40 of the Papua and New Guinea Act, 1949,

(a) the Legislative Council Ordinance (No. 28 of 1951) of the Territory of Papua and New Guinea was notified in the Commonwealth Gazette on 13 September 1951, and

(b) the Legislative Council Regulations (Regulations No. 19 of 1951) were notified in the Gazette on 18 October 1951. This ordinance and these regulations provide for the conduct of the election of the three non-official elected members.

The Annual Report for 1950-51 states that the Legislative Council was formally inaugurated on 26 November 1951.

3. The Special Representative of Australia stated that in the establishment of the Legislative Council, sections 35 to 53 of the Papua - New Guinea Act, 1949, had been fully implemented in accordance with section 36 (1), namely:

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"The Legislative Council shall consist of twenty-nine members,  
namely:

- (a) the Administrator;
- (b) sixteen officers of the Territory (who shall be known as official members);
- (c) three non-official members possessing such qualifications as are provided by Ordinance and elected, as provided by Ordinance, by electors of the Territory;
- (d) three non-official members representing the interests of the Christian missions in the Territory;
- (e) three non-official native members; and
- (f) three other non-official members.

The Standing Committee noted that of the twelve non-official members eight represented the Territory of New Guinea and four the Territory of Papua; in particular, it noted that:

- (a) of the three non-official members elected in accordance with the Legislative Council Ordinance 28 of 1951, two represent the electorates in the Trust Territory and one the electorate in the Territory of Papua;
- (b) of the three non-official members representing the interest of the Christian missions two reside in the Trust Territory and one in the Territory of Papua;
- (c) of the three non-official native members two reside in the Trust Territory and one in the Territory of Papua;
- (d) of the three other non-official members two reside in the Trust Territory and one in the Territory of Papua.

With regard to Section 36 (4) of the Act, providing that the Administrator shall exercise his powers of nomination to ensure that not less than five non-official members are residents of the Territory of New Guinea, the Standing Committee notes that eight residents of New Guinea are members of the Legislative Council.

4. The Standing Committee welcomes the formal establishment of the Legislative Council and observes that in view of the short time which has elapsed since the inauguration of the Legislative Council it can as yet not form an opinion concerning the operation of the Council and it cannot as yet evaluate to what extent a joint Legislative Council for the two territories of Papua and New Guinea operates in the best interest of the Trust Territory. In this  
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connexion the Standing Committee observes that it has not received any comments from the Administering Authority concerning the recommendation made during the fifth session of the Council, namely, that the Administering Authority should (a) study the possibility of increasing the number of indigenous members of the joint legislature; (b) study the possibility of establishing a separate legislature for the Trust Territory; and (c) give increasingly greater participation in the Legislative Council to the indigenous inhabitants, leading to the eventual establishment of an indigenous majority in the Legislative Council. It further notes that it has not received any comments regarding the recommendation made during the ninth session of the Trusteeship Council urging the Administering Authority to take early steps to give greater participation in the Legislative Council to the indigenous inhabitants in accordance with the recommendation made by the Trusteeship Council at its fifth session.

5. The Standing Committee expresses the hope that the Administering Authority will make available to the Committee any minutes which in accordance with section 45 of the Papua-New Guinea Act, 1949, the Legislative Council is caused to keep of its meetings, as well as any ordinance which in accordance with section 48 of the Act the Legislative Council may make.

6. The Standing Committee having previously decided (T/916, paragraph 5) to keep the operation of the Native Labour Ordinance, 1950, under review, notes that, according to the Annual Report on the Administration of the Territory of New Guinea, an increasing number of indigenous inhabitants from the Central Highlands District are seeking employment and that 5,363 workers from the District are employed in the Territory of New Guinea and 1,784 in the Territory of Papua. The Committee further notes that, according to the same Annual Report, the supply of labour in New Guinea is still not equal to the demand and that a labour shortage of 2,100 is estimated for the year 1950-51.

In reply to an inquiry by the Committee concerning the removal of labour from the Trust Territory to Papua the Special Representative stated that this removal of labour from the Trust Territory of New Guinea to Papua was not in any way detrimental to the economic development of the Trust Territory. He explained that the labour shortage of New Guinea had progressively decreased and that it was expected that there would be soon no significant shortage. The Special Representative also stated that the workers from the Central Highlands, employed in Papua, were mainly engaged either on rubber plantations near Port Moresby or in areas where drilling for oil was in progress. The Committee is of the opinion that the operation of this Ordinance should be kept under review.

7. The Standing Committee, having stated in its second report (T/916, paragraph 7) that, having no further information on the implementation of the economic, social and educational programmes for the Territory of Papua and New Guinea, is of the opinion that since these programmes are still in large part in the formulative stage there is at this time no information regarding the preservation of the separate interests of the Trust Territory and its inhabitants, decided to keep these aspects under consideration, and hopes that full information will be forthcoming in the next Annual Report.

8. (a) With regard to the safeguards enumerated in sub-paragraph 7 (a) of Trusteeship Council resolution 293 (VII), the Standing Committee notes that the annual report on the administration of New Guinea for 1949-50 contains separate financial, statistical and other data relating to the Territory of New Guinea. It further notes, that with regard to the Committee's wish that future reports should indicate which of the classified posts in the Public Service of the Territory of Papua and New Guinea applied to the administration of the Trust Territory as expressed in T/916, paragraph 8 (a), the Annual Report for 1950-51 shows the positions of the Public Service of Papua and New Guinea at 30 June 1951, partly as common to the Trust Territory of New Guinea, partly separately for the Trust Territory of New Guinea and for the Territory of Papua. The table showing the positions separately for the Trust Territory of New Guinea indicates which classified positions are held by staff members in the Trust Territory and their respective salaries

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are to be found in table 3 of the Annual Report<sup>1/</sup> showing the classified positions and salaries of the Public Service of Papua and New Guinea.

In this connexion the Standing Committee took note of a memorandum communicated to the Secretariat on 6 June 1951 by the alternate Australian representative on the Trusteeship Council stating that the practice to submit the data required will continue.

(b) With regard to the safeguards enumerated in sub-paragraph 7 (b) of Trusteeship Council resolution 293 (VII), the Standing Committee notes that no Visiting Mission has visited the Trust Territory during the year under review.

(c) (i) With regard to the safeguards enumerated in sub-paragraph 7 (c) of Trusteeship Council resolution 293 (VII), the Standing Committee notes that there exists no information which would suggest that the boundaries of the Territory have not been maintained. The Committee notes, however, that in an Ordinance to provide for the division of the Territory into Administrative Districts (No. 59 of 1951 of the Territory of Papua and New Guinea), Section 3 states: "The Administrative Districts Ordinance 1922 of the Territory of New Guinea is repealed." Section 4 states: "(1) The Territory shall be divided into Districts. (2) The Administrator, by notice in the Gazette, may divide the Territory into Districts, declare their names and define their boundaries, and may from time to time alter the names and boundaries of the Districts."

(ii) In this connexion, the Standing Committee draws attention to the fact that Section 11 of the Papua and New Guinea Bill, 1948, included the following provision:

"For the Purposes of this Act or for any administrative purpose, the Governor-General may, by proclamation, define provinces within the Territory by such names and with such boundaries as are specified in the proclamation."

It further draws attention to the Report of the Trusteeship Council covering its second and third sessions (page 17, section 2 (g)):

"The Council expresses concern lest the powers conferred on the Governor-General by section 11 of the legislation, of defining provinces in the combined territories, may allow provinces to be so defined as to include portions of both territories, which might result eventually in obliterating the territorial boundaries and rendering difficult the supervision by the Council of the Trust Territory."

It notes that section 11 of the 1948 Bill regarding the Governor-General's power to define provinces by proclamation was omitted in the 1949 Act.

(iii) With regard to the Administrative District Ordinance 59 of 1951, the Special Representative of Australia stated that:

(a) the Administering Authority continued to administer the Trust Territory in accordance with Section 8 of the Papua-New Guinea Act, 1949-50, which states:

"It is hereby declared to be the intention of the Parliament that the Territory of Papua and the Territory of New Guinea shall continue to be Territories under the authority of the Commonwealth and the identity and status of the Territory of Papua as a Possession of the Crown and the identity and status of the Territory of New Guinea as a Trust Territory shall continue to be maintained."

(b) Ordinance 59 of 1951 had been promulgated in order to obtain uniformity in the system of designation of administrative divisions in the joint territory;

(c) the Administration had not established and was not at present contemplating establishing any districts which would involve territorial sections of the Trust Territory of New Guinea and Papua;

(d) without prejudice to the legal implications, the Ordinance, being applicable to the Territory of Papua and New Guinea (as defined in Section 5 of the Act of 1949-50), did not preclude the establishment of districts, involving both territories, if such establishment thought administratively desirable.

(e) With regard to sub-paragraph 7 (d) of Trusteeship Council resolution 293 (VII), the Standing Committee notes that, according to information contained in the Annual Report for 1950-51, internal revenue totalled E1,219,411, that a grant of E2,356,311 was made by the Administering Authority, and that the expenditure amounted to E3,575,721. Therefore, expenditure in the Territory for 1950-51 has not been less than the total amount of revenue derived from the Territory.

- (iv) The Standing Committee took note of these statements of the Special Representative, including the reasons for the promulgation of the Ordinance and took note of the statement that the Administering Authority is not now contemplating the establishment of districts which would stretch across the international boundary between Papua and the Trust Territory of New Guinea. It notes further that the Papua and New Guinea Act states that the identity and status of the Territory of New Guinea as a Trust Territory shall continue to be maintained. The Standing Committee is of the opinion that the implementation of Administrative District Ordinance, 1951, might create a situation which would make difficult the preservation of the separate identity and status of the Territory of New Guinea as a Trust Territory. The Standing Committee expresses the hope that the Administering Authority will promptly inform the Trusteeship Council should it contemplate the establishment of any districts which might involve the boundaries established in Article 1 of the Trusteeship Agreement.