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TRUSTEESHIP COUNCIL

VERBATIM RECORD OF THE TWENTY-EIGHTH MEETING OF THE THIRD SESSION

Lake Success, New York
Tuesday, 20 July 1948, at 2.00 p.m.

President:

Mr. Liu CHIEH

(China)

The PRESIDENT: I declare open the twenty-eighth meeting of the third session of the Trusteeship Council.

CONTINUATION OF EXAMINATION OF ANNUAL REPORT ON NEW GUINEA

The PRESIDENT: Today the Trusteeship Council is especially concerned with that portion of the Annual Report on New Guinea which deals with the social advancement of the inhabitants. I hope that we shall be able to complete in the course of the afternoon questions regarding social and educational problems. I should like to remind the Council that the delegations which were asked to pay special attention to the social aspect of the Report were those of Australia, Iraq and Mexico; perhaps the representative of Iraq will begin.

Mr. KHALIDY (Iraq): I would like to ask the special representative a question dealing with the paragraph headed "Health" on page 12 of the Report. The paragraph is very concise and I wondered whether he could give us some further elaboration. The paragraph reads :

"It is considered that the future of the native population of the Territories can be assured only if they are moulded into a healthy, intelligent and industrious people. Much requires to be done before it can be stated that the natives of the Territories as a whole are healthy. To arrive at that goal will take a long time and much work, but the foundations have been laid for a health service for the Territory that will in time bring about the desired result. The scheme for the health service of the Territory makes provision for the training and use of natives in the practice of medicine."

Mr. HALLIGAN (Special Representative, Australia): That paragraph is intended to stress the importance which the administering authority places upon the health of the inhabitants of the territory and particularly the indigenous inhabitants. Throughout the period of Australia's control of

the territory, it has concentrated largely on the improvement of the health of the natives and considerable progress has been made in improving the general standard of health and eradicating many diseases. The plans to which this paragraph refers and which are now being put into operation provide for a much augmented medical service, consisting of qualified medical officers, together with medical assistants who do not hold university degrees but who receive special training in medicine. These latter perform a very valuable service in improving health.

That does not apply only to natives who are in employment, but also to natives in their villages, and medical officers and medical assistants patrol the villages with a view to improving the health generally of the inhabitants.

Mr. KHALIDY (Iraq): What exactly are the present health facilities for the indigenous population?

Mr. HALLIGAN: As I have explained previously the territory is divided into districts. At the headquarters of each district there are hospitals, and at other posts in the territory native hospitals are maintained and the natives are brought in for treatment to the hospitals. First of all, we have to encourage the natives to come in, but when their confidence has been won, they come in and receive treatment.

In addition, treatment is taken to them in the villages, and in the villages a native known as a medical tul-tul is stationed. He is appointed by the administration, and he performs only minor treatments. He is not in any way well qualified, but he acts as a liaison officer and reports sickness which the medical staff can then treat or have the patients conveyed to hospitals for further treatment.

Mr. KHALIDY (Iraq): Could you tell us how many hospitals there are, and how many beds altogether?

Mr. HALLIGAN: There are thirty native hospitals with a bed capacity of 6,800.

Mr. KHALIDY (Iraq): On page 16 of the same report, it is stated that the Department of Public Health hopes to account for 238 classified positions. At the present time, or up to 30 June 1947, there were only 140 of them. Can Mr. Halligan tell us whether this number of 140 has been augmented, and also why there is such a large discrepancy between the number needed and the number available?

Mr. HALLIGAN: I should like to deal with the second part of the question first, namely, that referring to the discrepancy between what is required and what is available. That discrepancy is accounted for by the fact that we set down, according to our plans, what we regard as the minimum requirement of officers to carry out those plans when they are fully in operation. Having done that, the next thing is to obtain these officers, and one of our most serious difficulties in extending our plans is the difficulty of obtaining qualified medical officers. We have provision for about forty qualified medical officers, and so far, despite our very persistent effort, we have been able only to obtain less than twenty. The figure quoted is 140, and the number of officers in the medical department of all categories on the European staff is 167.

Mr. KHALIDY (Iraq): When is it expected that this deficiency will be corrected?

Mr. HALLIGAN: Just as soon as we can get the officers. It will be seen that progress has been made to the extent of about thirty during the year. That does not account for all of them, since there are variations in staff due to retirements and so on. To obtain staff is a very serious problem, and anxious as we are to have a full complement as soon as possible, I cannot give any exact time when we shall have them. It is our wish, and we are making efforts, to get the total number there just as soon as we can.

Mr. KHALIDY (Iraq): There is no specification in the Report of other aspects of social conditions. For example, I am totally ignorant, so far as the Report is concerned, of social conditions in general, such as prisons. Nor do I know whether there is any form of social legislation

such as social security. Important social aspects are completely ignored in the Report, and I do not know whether Mr. Halligan could give us some sort of explanation. I cannot ask him to expand on this aspect, because there is nothing at the present on which to expand. I do not know where I can begin or where he can begin because on the social side of life in the territory there is native labour, public health, and only extremely meagre information, generally speaking.

Mr. HALLIGAN: There is an organization for prisons, and the administration of the prisons, penal and correctional institutions, is the responsibility of the Police Department. The main prisons of the territory as situated at Rabaul, the headquarters of the New Britain district, Lae and Madang. At Rabaul and Lae, the senior inspector is in charge of the police district, and as the head jailor is directly responsible for the management and discipline of his prison to the Superintendent of Police, who is also Superintendent of the Prisons. At Madang, the head jailor is the district officer who is, in turn, responsible to the Superintendent of Police for the management and discipline of the prisons. The prisons at Rabaul and Lae are under the direct control of a European police officer who is senior jailor and directly responsible to the head jailor. Under the command of the senior jailor are non-commissioned officers and men of the native constabulary of the New Guinea police force, who act as wardens. At the Madang jail, the police officer of the Madang district is also the senior jailor and responsible to the head jailor for the management and discipline of the prisons. Under his command, he has non-commissioned officers and men of the native constabulary of the New Guinea police force.

Complete staff responsible for the management and discipline of the prisons of the territory is drawn the ranks of the New Guinea police force, and prisons are classified into various classes - prisoners awaiting trial, prisoners under twenty-one at the date of conviction, prisoners not previously convicted, and various other classifications.

That, broadly, is the outline. There are a lot more details that could be furnished, but, as has been explained, the reason for not being able to give the full details in this present Report has been explained many times and is explained also in the prefatory part of the Report. That omission will be corrected in later reports, and all those details which the Trusteeship Council requires, will be included.

Mr. KHALIDY (Iraq): Is flogging used as a punishment in the prisons?

Mr. HALLIGAN: Corporal punishment is provided for in certain cases. These cases are mainly in relation to sexual offenses, and they have to be imposed by a judge of the Supreme Court and authorized by the Administrator. There has not been any such punishment inflicted since the return of the civil administration, but there is that provision in the law for that one particular type of case.

Mr. KHALIDY (Iraq): Is there any intention at present of abandoning this type of corporal punishment?

Mr. HALLIGAN: As I have mentioned, there is that provision in the law, but since the civil administration has been re-established no such form of punishment has been imposed.

Mr. KHALIDY (Iraq): But it remains there in principle. Is there any intention on the part of the administering authority of abandoning that form of punishment or, for that matter, do they intend to maintain this type of corporal punishment for the natives.?

Mr. HALLIGAN: In other words, is it intended not only in practice but also that the law should be amended to exclude that provision. Is that your question?

Mr. KHALIDY (Iraq): Yes, because I take it that an offence may be committed at the present time by a native which would call for the punishment of flogging, and a judge could order it to be administered. That means that it is still in existence.

Mr. HALLIGAN: It is possible by law. Whether that is to be removed from the law is a matter for consideration by the Government. That has not yet been considered, but all these laws are at present being reviewed. No doubt that provision will come under review.

Mr. KHALIDY (Iraq): But I take it that at present there is no intention of abandoning this type of punishment?

Mr. HALLIGAN: A decision has not yet been taken to amend the law.

Mr. KHALIDY (Iraq): Do I understand that the law concerning corporal punishment is under review, and we may expect revision?

Mr. HALLIGAN: All the laws of the territory are at present under review, and this one would come under review along with the others.

Mr. KHALIDY (Iraq): I am sorry; I am not quite satisfied. What^{is}/the clear answer to the question? What does it mean to say that all the laws of the territory are under review? Does it mean that they are actually under a programme of being reviewed by the Government of Australia, or does it mean that, like any other law, it may at a future time be reviewed but there is no specific intention of reviewing it just now?

Mr. HALLIGAN: As I mentioned, it cannot be done all at once, but a programme has been commenced whereby all the laws of the territory are being reviewed. This law will come under that review, just the same as all the other laws of the territory. It is a lengthy programme, of course.

Mr. KHALIDY (Iraq): In the opinion of Mr. Halligan -- since he is the Secretary of the Overseas Department in Australia -- is corporal punishment a type of punishment which ought to be abandoned or maintained in New Guinea?

Mr. HALLIGAN: The answer to that, I think, is the fact that it has not been inflicted since civil administration was resumed a couple of years ago, and I have no recollections over a number of years, very many years, of corporal punishment having been inflicted.

The provision is in the law. Whether it is desirable entirely to take away that provision from the law is a matter that the Government would have to give a decision on, and I shall certainly bring it to the notice of the Government.

Mr. KHALIDY (Iraq): Then, what are the means of punishment which the police and the courts use?

Mr. HALLIGAN: Imprisonment.

Mr. KHALIDY (Iraq): Is that the only means?

Mr. HALLIGAN: Yes.

Mr. KHALIDY (Iraq): What is the treatment of prisoners in prison?

Mr. HALLIGAN: They are under discipline, called upon to perform labour when they are sentenced to hard labour -- and any sentence of imprisonment for a male may be given with hard labour. The sentences are with hard labour, light labour or without labour, and they may be for any period of imprisonment.

Certain prisoners described merely as prisoners second class, with minor nature of offences, are required merely to keep their quarters in a clean and sanitary condition. Prisoners of other classes, sentenced to hard labour, do such work as the jailer directs. Prisoners sentenced to imprisonment without labour perform such light work as the jailer directs and are not required to perform such work for longer periods than eight hours in any day.

Mr. KHALIDY (Iraq): Are prisoners while serving a long term in prison allowed to earn, through labour, some money in order that it will give them a fresh start after prison, and at the same time help their families while they are in prison?

Mr. HALLIGAN: No, they are not earning money while in prison.

Mr. KHALIDY (Iraq): Is there any way of instituting that process, to allow them to earn money to help in their future?

Mr. HALLIGAN: That would be possible.

Mr. KHALIDY (Iraq): Is it contemplated by the authorities?

Mr. HALLIGAN: It has not so far been considered.

Mr. KHALIDY (Iraq): Is there a social security system in the territory in any form or guise?

Mr. HALLIGAN: Just for my enlightenment, could the representative tell me just what that question covers? Could ^{he}/be a little more specific?

Mr. KHALIDY (Iraq): It covers unemployment, old-age pensions and other aspects of social security. I do not mean that it may be in the same form as it exists in Europe or in America or in other countries; I am asking whether it exists in any form.

Mr. HALLIGAN: There is no unemployment. The native who ceases to be under employment is required to be returned home to his village, and he resumes village life, so there is no unemployment with him. When in the village, the people look after one another. There is no system of old-age pension, or has there seemed to be any need for it to date.

Mr. KHALIDY (Iraq): On page 38 of the Report, there is a mention of a medical "tul-tul". I have not heard that word before; I do not know what it means.

Mr. HALLIGAN: In my earlier remarks giving a brief outline of the organization of the medical department and the treatment of the natives generally, I mentioned that there was in a village a native appointed by the medical department and known as a medical-"tul-tul". The medical "tul-tul", as I then explained, is a native selected by his people and given some training by the administration, and he is there to treat minor

ailments and also to act as a liaison between the medical department and the village people, so that he can report cases of illness.

The title, "tul-tul" is one given to native officials. There are the titles: "luluai", "tul-tul" and "medical tul-tul". The one referred to here is the medical tul-tul.

The PRESIDENT: If I may intervene here, I understand that these medical tul-tuls are not paid at all. Is that correct?

Mr. HALLIGAN: That is so.

The PRESIDENT: May I ask why?

Mr. HALLIGAN: The question of payment to them has not at any time been considered. When tax was levied, they were exempted from the payment of tax.

The PRESIDENT: You mean head tax, Mr. Halligan?

Mr. HALLIGAN: Yes, per capita or head tax. Head tax has not been collected since the resumption of civil administration, so their payment in the form of that exemption, of course, is not effective at the moment; but formerly they were exempted from tax.

Mr. KHALIDY (Iraq): Is there child labour in the territory?

Mr. HALLIGAN: No.

Mr. KHALIDY (Iraq): None at all?

Mr. HALLIGAN: No. Natives cannot be employed in labour under the age of sixteen years.

Mr. KHALIDY (Iraq): Is there enforced labour?

Mr. HALLIGAN: No, none whatever.

Mr. KHALIDY (Iraq): Is labour used in a compensation form for any default of taxes or the like?

Mr. HALLIGAN: No.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Yesterday I asked the Special Representative of Australia what ^{was} the system of taxation, and, as I gathered from his answer, there was indirect taxation. Now I find ^{the} from / answer he has just given that there is a per capita tax. How is that imposed?

Mr. HALLIGAN: That tax is not being levied at the present time. Prior to the war, it was levied at ten shillings per head. Natives were required to pay it. Since the resumption of civil administration, that section of the law has not been operative and tax is not collected. That coincides with my answer of yesterday; at the present time, there is only indirect taxation.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): In that case, I should like to know whether Mr. Halligan has any views as to whether or not this per capita tax should be abolished.

Mr. HALLIGAN: I cannot express the Government's position on that, but can just repeat that it has not been levied over the two years of civil administration. The question of taxation is under review, along with any other sections of the law that may have to be amended to enable full effect to be given to the plans that have now been announced and on which the Government is working.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I should like to know whether the Administration has prepared some plan so as to develop institutions for social welfare in the territory. We cannot find out from the Report, whether any plan has been allotted to this particular item, and I should like to know whether there are any plans to this effect.

Mr. HALLIGAN: The major plans are in relation to health, which are explained at some considerable length. In order to enable me to furnish a clearer answer to this question, I should like to ask what other social institutions the representative who asked that question has in mind?

Mr. NORIEGA (Mexico)(Interpretation from Spanish): Of course, if we take, as an example, the plan which has been initiated by the Administration in Tanganyika, we know that there are child welfare and maternity clubs in which the indigenous women participate so that they may know how better to care for the children, and so forth. It is a sort of special education and very practical also, because we know that young children in these territories suffer very much because the mothers do not know how to care for them. I should like to know if there is anything like that in New Guinea.

Mr. HALLIGAN: There is nothing in the nature of clubs, but in the case of child welfare and maternal welfare there are centres where special attention is given to the question of maternal welfare, and, there again, the natives do not readily go to those centres until they obtain confidence in the treatment there. Those centres are being expanded again in a very small way. But it is part of the health programme to provide such centres realizing how important it is to have effective child welfare programmes.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I am not certain whether the labour ordinances in that territory allow for a certain indemnification in case of death or injury to the worker. Of course, in mining work, accidents occur with much greater frequency, and I should like

to know to what degree there is some protection for workers in case accidents occur during periods of work.

Mr. HALLIGAN: Yes, provision is made and compensation is recoverable under Section 87 of the Ordinance, dealing with workers compensation, which states that where a labourer or employee sustains any injury arising out of or in the course of his employment, or as a result of any defect, repairs on the machinery, or negligence of the employer, and the injury is of such a nature as to cause his death or cause him, or to be likely to cause him loss or diminution of his capacity to earn wages, he is eligible for compensation in accordance with the scale provided in the Ordinance.

Mr. NORIEGA (Mexico)(Interpretation from Spanish): I should like to know what criterion was maintained by the Government when it said that only those companies that have more than four hundred workers are obliged to maintain a doctor to look after the health of the workers. In order to understand the situation well, even in a factory or a company which has more than one hundred workers there is still a duty to take care of those workers within the economic system maintained there, of rations, medical services, housing and so forth, and when one takes into account the low salaries that they have, that would make it impossible, and of course, with regard to those workers, for example, in the mining fields or on plantations, the company is not obliged to maintain a doctor there. Does that mean that the lack of those services would create a damage to the workers, not only in the health, and that it is a damage which rebounds to the benefit of the employer, because it is money which he does not have to spend?

Even the small group of workers ought to have a guarantee of medical services.

Mr. HALLIGAN: A very full guarantee is given, for medical services, to all natives, and there is a medical officer. When I refer to a medical officer I am referring to a qualified medical practitioner, a man who has a university degree in medicine. As I mentioned earlier, in addition to such men, there are medical assistants, Europeans who are experienced and qualified in medicine but who do not hold a medical degree. These men as I mentioned, perform very valuable work and, where there is no medical officer, a man of that description is in charge of the hospital.

There is a provision in the native Labour Ordinance which reads:

"An employer shall, at his own expense and to the satisfaction of a medical officer, or, in the absence of medical officer or a district labour officer, provide medical treatment, as prescribed, for his labourers or employees, and such wives and children of his labourers or employees, as reside with him and away from their home, and shall take all reasonable precautionary measures to safeguard their health. Penalty: Fifty pounds."

(Due to a defective headset the interpretation of the statement made by the Representative of Mexico was inaudible)

Mr. HALLIGAN: I would like to make a few more comments to clarify the statements which have just been made. I have been speaking in regard to the provisions for medical attention, but not only is the curative side looked after but also the precautionary side. Apart from the requirement that an employer of labour must make these provisions to safeguard the health of his employees, the provisions and the treatment given are of course subject to inspection by the administration's medical officers, who make inspections wherever practicable. In places where there are as many as two, three or four hundred employees, the inspection would be made by a medical officer; in the smaller and more outlying places it would be made by a medical assistant, but the standard of requirement in those cases is the same. The employer has to provide according to a certain standard, and the administration has to see that that standard is adhered to.

Mr. PADILLA NERVO (Mexico)(Interpretation from Spanish): The answer just given by Mr. Halligan obliges me to make this observation. This inspection service is rather like the case where a man goes out to see whether construction is being done well or not. The case may arise in which the inspector who goes to see how the doctor or medical assistant is working may find nothing but graves to look at and he will not be able to do anything to repair the lack of proper care. I would insist that there should be a good medical service. The natives are paying for this medical service inasmuch as they only receive very low salaries and they ought to receive it. They should have a greater participation in this medical service. Therefore it would be appropriate that there should be much more concrete legislation imposing a greater obligation on the employer so that the worker would pay less for his medical care.

Mr. HALLIGAN: As I have mentioned earlier, health is and has been for many years looked upon by the administering Government as one of the most important and vital functions of government. It is considered that there should be a good medical service; there has been a good medical service, and a better one is planned. Any lack of speed in achieving it is due to the difficulty of securing qualified medical practitioners.

Mr. FORSYTH (Australia): Is it a fact that native inhabitants of New Guinea pay for medical attention?

Mr. HALLIGAN: Not directly, but I did not comment on that because the point was made by the representative of Mexico that the natives receive wages, rations and medical attention and their over all payment therefore includes medical attention. He was making the point that, ultimately, they are paying. That is why I did not comment on that, but they do not pay directly.

Mr. FORSYTH (Australia): Is any payment made in the Territory for medical attention to indigenous inhabitants by anybody at all?

Mr. HALLIGAN: The employer of labour is required to pay in cases where he does not have a hospital himself but sends people to an administration hospital. We have been talking mainly about the health treatment of native labourers but they are a small proportion of the total population of the Territory, and the rest of the population is provided with medical attention and no charge is made. Such medical attention is at the cost of the administration.

Mr. FORSYTH (Australia): Would it be correct to assume that the limitation, or rather the limits, on the free medical attention given to the native inhabitants, is a limitation of staff and accessibility to the native populations?

Mr. HALLIGAN: Absolutely; experience has shown that we need a very extensive medical service and we are endeavouring to get it.

Mr. FORSYTH (Australia): It has been pointed out that the provision made for medical officers for the Territory is a good deal higher than the number actually serving in the Territory in that capacity. I understand from your reply that that is due to the difficulty of obtaining medical officers to go to the Territory and serve there? Could you tell us some of the reasons why it is difficult to obtain sufficient men to fill these positions?

Mr. HALLIGAN: To deal first with qualified medical officers: our method of obtaining such people for the Territory is to advertise and select from those who respond to the advertisements. For over twelve months past we have had advertisements running constantly in medical journals and have made approaches to the universities and medical schools, but the shortage of medical officers is not peculiar to the New Guinea administration; it applies throughout the community of Australia itself and its territories. There are just not enough; a great number are in training, but are not yet available in the numbers required.

Mr. FORSYTH (Australia): Has this scarcity of medical officers and the difficulty of obtaining enough of them anything to do with the big difference in the remuneration between Europeans and indigenous inhabitants? Are the salary scales for European medical officers on a fairly high level for the very reason that it is difficult to obtain them?

Mr. HALLIGAN: That is so, but even with a fairly high salary we have not been able to secure the number we require.

Mr. FORSYTH (Australia): In the replies sent by the Government to the questions asked in November last, on page 2 of document T/138 it is stated that in 1946 six students from Papua and New Guinea went to

the Central Medical School at Suva in Fiji and took courses as assistant medical practitioners. That is now nearly two years ago; can you tell us whether those students have shown progress and capacity for education to an effective standard as medical practitioners?

Mr. HALLIGAN: That is correct; they went to the Central Medical School at Suva, which is run by the administration of that colony. By arrangement with them we selected six natives of New Guinea who, we thought, might be able to participate in that course. The students at the school are from various parts of the Pacific and receive a training from which they graduate as native medical practitioners. The latest report I have shows that the standard of the six students we sent there was not sufficient to enable them to continue in the course, and it was necessary for them to spend a period of about twelve months in receiving general education. The last report I had states that three of them were showing sufficient progress so that at the beginning of next year they may be able to undertake the medical part of the course as distinct from the general education part.

Mr. FORSYTH (Australia): In the same passage of the reply to this question it was stated that:

"It is intended...to establish a Central Medical School in Port Moresby..."

which is not in New Guinea but in Papua --

"...which will take in students at a lower educational standard than is done at Suba, but will increase their training period by two years in order that a comparable standard to Suba can be reached on graduation."

Can Mr. Halligan tell the Council whether any progress has been made in this project for a Central Medical School at Port Moresby?

Mr. HALLIGAN: According to the last report which I had about a month ago the necessary arrangements were being made and the school was just about to open then.

Mr. FORSYTH (Australia): A question was also asked on workmen's compensation. Some little time back the International Labour Organization was working on a project for a convention on the social policy in dependent territories, and I remember that at that time the Australian Government was taking considerable interest in this project. I do not know what recent developments are in regard to that. As I recollect it covered such things as workmen's compensation. I do not see any mention of a convention of that kind in the list of conventions in the printed Report to which Australia has acceded. Could Mr. Halligan tell the Council the state of that proposed amendment and, if Australia has not acceded, whether he knows what our intentions are with regard to it?

Mr. HALLIGAN: The convention in question was brought to its final stages at the ILO meeting last year, and now the formalities that follow the agreement or completion of the convention are proceeding. Although Australia has not yet ratified the convention, it is in the process of so doing.

Mr. FORSYTH (Australia): In the working out of that convention was the Australian Department of External Territories interested, and did it find the draft convention acceptable in detail or were there many features which the Department did not consider acceptable in regard to New Guinea?

Mr. HALLIGAN: It was acceptable in principle and, so far as I recollect, there was no serious objection in detail on the part of the Australian Government.

Mr. FORSYTH (Australia): Mr. Halligan stated a short while ago that when there was a capitation tax it was in the amount of ten shillings per head per annum, but it was not quite clear whether that meant that every native inhabitant under administration control was required to pay that tax or whether it was paid only by native inhabitants in employment.

Mr. HALLIGAN: It was payable by the native inhabitants of such areas as the administration considered had reached a stage where they would be in a position to pay. Certain areas were proclaimed as areas in which the tax would be paid. Other areas where, although they were under administration control, there is not a great circulation of money and the natives are not used to the circulation of ordinary currency as we know it, would not be districts where the tax was payable.

Mr. FORSYTH (Australia): Would that have included the majority of the natives of the territory?

Mr. HALLIGAN: I think that the best answer I could give to that would probably be to indicate the amount of tax that was collected for the last full year. Native head tax -- twenty thousand pounds collected.

The PRESIDENT: What is the page reference?

Mr. HALLIGAN: This is a report for the year 1939/40. I have just mentioned it as an indication.

The PRESIDENT: Any figure?

Mr. HALLIGAN: Twenty thousand pounds was collected under the heading. The page is 106, and the paragraph 285. The amount collected in that year was twenty thousand pounds, and that for the previous year twenty one thousand pounds. Generally, it was around twenty thousand pounds.

Mr. FORSYTH (Australia): We should be correct in assuming, then, of those that the total number/who paid the tax was forty thousand?

Mr. HALLIGAN: Approximately that number, yes.

Mr. FORSYTH (Australia): Could Mr. Halligan tell the Council approximately how many inhabitants were in employment in the same year?

Mr. HALLIGAN: Around forty thousand natives were in employment, but not all were required to pay the tax. Other natives who were not in employment had to pay the tax, so that it is not just the forty thousand who were in employment.

The PRESIDENT: The Chinese delegation is interested to follow up the points which have emerged from these questions. Although it has not been levied during the last two years, this head tax has not been abolished. May I ask what is the reason for suspending it?

Mr. HALLIGAN: In view of the disturbed state of the inhabitants and the confusion in the territory at the commencement of the re-establishment of civil administration it was considered inadvisable to re-levy the tax immediately, and that position has continued until now.

The PRESIDENT: The Government contemplates resuming the levying of the tax?

Mr. HALLIGAN: No, it does not. The question of whether it will be resumed, suspended indefinitely or abolished has not been considered, but the practical effect at the moment is that it is not being levied.

The PRESIDENT: Is the tax payable by all the adult population theoretically?

Mr. HALLIGAN: In the categories which I have explained.

The PRESIDENT: By the adult population at the age of twenty-one?

Mr. HALLIGAN: The male adults.

The PRESIDENT: Is it payable by other than the native population?

Mr. HALLIGAN: No.

The PRESIDENT: By aliens?

Mr. HALLIGAN: No, it is a native -- that is to say, indigenous -- head tax.

The PRESIDENT: May I ask why the natives should be asked to pay head tax when aliens are not?

Mr. HALLIGAN: At the time when this tax was levied there were other forms of taxation. For a period at the commencement of the administration there was a separate business tax which was subsequently abolished. This head tax has obtained ever since the beginning of the administration. As for the reasons why it was levied on the natives instead of being a general head tax, I can give no further explanation of that except that one reason for levying the tax was to instil in the natives some consciousness of their civic responsibilities, and also to give them some idea of the handling of money which goes with civic responsibilities.

The PRESIDENT: So the native population is the only portion of the inhabitants of New Guinea which bears the burden of direct taxation?

Mr. HALLIGAN: That was the case at that time. As to the general question of taxation in the territory -- in which this is included -- that is, as I have stated, a matter which is under review.

The PRESIDENT: Taking into consideration the very low earning power of the native of which Mr. Halligan told us yesterday, is not ten shillings a year for all adult males a very excessive figure for a tax for natives?

Mr. HALLIGAN: It is a reasonable figure in the circumstances that obtain.

The PRESIDENT: I had the impression that Mr. Halligan told us yesterday that many of the natives earned hardly any cash at all.

Mr. HALLIGAN: In that case they would not come within the categories which I explained, and tax would not be levied. It is only levied in areas or districts -- not districts in the administrative sense -- where the administration considers that the natives are in a position to pay the tax.

The PRESIDENT: It seems to me that even in the same area the earning power of the male natives could not be uniform.

Mr. HALLIGAN: That is true.

The PRESIDENT: So, in one area which has been proclaimed a tax-paying area, an individual native cannot pay the tax: In that case, what is the consequence for non-payment?

Mr. HALLIGAN: He generally manages to pay the tax by the sale of coconuts or copra.

The PRESIDENT: Without going into the various aspects of the tax, it involves a great hardship, it seems to me, on the natives; in other words, they are taxed for just being born there, and they are required to pay for it as soon as they reach a majority. It seems to me to be a very high figure for the natives to pay, considering their earning power. May I ask if there is any penalty for non payment if they cannot pay?

Mr. HALLIGAN: I do not recollect. It is in the law. It has not been in operation for two years, and I do not recollect at the moment what the penalty is, if any.

The PRESIDENT: Then I think it is a very important subject, if I may insert a comment here. I hope the Government will see its way clear to abolishing such a tax.

Mr. FORSYTH (Australia): It has been observed that a tax of ten shillings a year would be a great hardship. A tax of ten shillings a year pre-war in New Guinea would represent two weeks money wage, not the whole of the two weeks wages, because rations, medical attention, housing and clothing were also provided. However, let us remember that the tax represented two weeks wages.

Mr. HALLIGAN: Not weeks, two months.

Mr. FORSYTH (Australia): Let us work that out: Two months' wages, is one-sixth of the year's money, which is not by any means all the income of the native inhabitants in employment. That is a tax of sixteen percent.

Recent rates of income taxation in some of our countries have been a good deal higher than that. I can speak from personal experience about that. I know that the rate of income tax that I have had to sustain during the last five to seven years has been considerably higher than sixteen percent. Admittedly, I would call the rate that I have been sustaining something of a hardship, but before we write into our record such comments, that the tax represents a great hardship, I think we might give a little reflection to just what the tax means itself in actual practice.

The PRESIDENT: The Chinese delegation does not intend to pass any arbitrary judgments on it. I am basing it on the information and impression I had. One-sixth of the income will not amount to much if you have a large margin left, but, for instance, the head of a village, according to the Report, pays three pounds per annum. I understand that the head of the village will not be asked to pay the head tax, but that is a scale you have to take into consideration, and I also understand that labourers in employment are not asked to pay the head tax. It is only those who are not in employment who are asked to pay the tax. From what I have gathered yesterday, most natives do not earn any cash at all, and ten shillings would represent a very substantial amount of their income.

not
I am/saying this in criticism of the administering authority, but it seems to me that the situation must have been felt by the administering authority when they suspended the imposition of this tax during the last two years. It was a very good thing.

Mr. RYCKMANS (Belgium) (Interpretation from French): I do not know

(Due to a defective headset this was inaudible.)

The PRESIDENT: We have to bear in mind that nobody else in that territory pays any direct tax. For instance, when Mr. Forsyth referred to the very high income tax in other countries, we must remember that in this particular territory nobody pays income tax.

Mr. RYCKMANS (Belgium): But any European will pay a very heavy tax on everything he eats, on everything he drinks - except as perhaps regards water - on everything he wears, he will pay a heavy tax; on the sun helmet he wears; on the shoes he wears. In fact, everything he uses has to be imported, and he pays rather heavy import duties. In fact, the European pays a lot in income duties.

The PRESIDENT: They are duties on consumer goods, as was brought out yesterday, and it would tell more on the native population.

Mr. RYCKMANS (Belgium): Yes, but the European cannot live without them; everything he uses is taxable.

The PRESIDENT: But the European is paid, accordingly, the same scale, if not a higher scale than if they had lived at home.

Mr. RYCKMANS (Belgium): But they spend everything they earn. On everything they spend they have to pay import duties because nothing of what they consume, except perhaps a few bananas and things like that, are produced in the country.

The PRESIDENT: May I ask if there is any restriction on the movement of labour from one territory to another, from one part of the territory to another?

Mr. HALLIGAN: Yes. There is provision in the Ordinance relating to natives not under indenture.

The PRESIDENT: Is that sort of restriction applicable to alien labour also?

Mr. HALLIGAN: No, it is peculiar to natives under indenture, that is, when they are recruited in a district and may be taken to any part of the Territory to work. The other type of labour is labour not under indenture. I think this provision of the Ordinance will answer your question.

"A native not a labourer or not under the age.

of 16 years may be employed at any place within the district in which he is situated or not more than 25 miles from his home by the nearest route ordinarily used to travel to the place of his employment."

That is to cover cases where the native's home is quite close to the boundary of the district.

"...or within the Territory if the approval (Due to a defective headset, this was not audible.).

That is the case of the native not under indenture.

The PRESIDENT: Mr. Halligan told us the other day that as a result of the amalgamation or combination of the Territories of New Guinea and Papua, there would not be any immigration restrictions between the two Territories. According to this restriction, that does not mean then that the natives from one Territory can go to the other for employment.

Mr. HALLIGAN: I mentioned previously in a reply to a query about immigration that a decision has not been taken on that point. My own feeling is that there will not be any restrictions. The same applies here. That is a point in the plan (Due to a defective headset, this was not audible.)

The PRESIDENT: There are some alien residents, Asiatics, in New Guinea. Would they be subject to immigration restrictions? Would they be able to go to Papua? After the combination of the two Territories would they be subject to immigration restrictions?

Mr. HALLIGAN: That is the point I made. The final decision has not been taken on that. You understand that the plan has just reached a stage where we have given it to you for information. We have not worked out all the subsequent details. That is one detail that has not been worked out. I previously expressed my feeling which is that there will not be any restriction.

The PRESIDENT: That is only your personal feeling? You have no knowledge that that is under consideration?

Mr. HALLIGAN: It is under consideration, but a decision has not been taken. It was being considered when I left. A decision has not been taken to my knowledge.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I am very curious to know why the movements of the natives are controlled from 9:00 to 6:00 in the morning in all the towns. This is mentioned on page 23 of Document T/138. It says that this provision is to help maintain peace and good order in the towns. Does this restriction mean that the natives cannot leave the towns, or does it mean that they cannot even leave their houses? What are we to understand from this control of the movements of the natives?

Mr. HALLIGAN: This regulation controls the movements of the natives during the hours from 9:00 p.m. to 6:00 a.m. and it applies only in the towns. (Due to a defective headset, this was not audible.) Where labour is employed in the towns, the accommodations for them are usually provided just outside the limits of the town. Outside that limit they are free to move around, but not within the defined and confined town area.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I should like to know if the natives have not protested against this system which, in fact, makes them live in a sort of prison. (Due to a defective headset, this was not audible.)

Mr. HALLIGAN: There is no semblance of a prison to it. There is just one part of the area that they cannot enter. It is a small area. They are free to move in other parts of the area. There is no question of any prison, and the natives have not protested.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I feel that when there is no freedom to enter or to move around (Due to a defective headset, this was not audible.) This is the only way I can explain this strict control of the movements of the natives.

Mr. HALLIGAN: What was the point in regard to liquor?

Mr. NORIEGA (Mexico) (Interpretation from Spanish): (Due to a defective headset, this was not audible.) no freedom to sell alcohol. Therefore, it is no problem.

Mr. HALLIGAN: (Due to a defective headset, this was not audible.)

Mr. NORIEGA (Mexico) (Interpretation from Spanish): Since we are dealing with (Due to a defective headset, this was not audible.) we have the fear that at any moment during the night there might be a great uprising or that there might be disorders. That is the only way we can explain it. That is the only reason for which we would want to limit or control the movements of the natives during the night. If there were freedom to sell alcohol, we would have to be afraid of uprisings during the night. Since that is not the case, what is behind it? If there is a great degree of discontent among the natives, we could understand why there would be this type of control of their movements during the night.

Mr. HALLIGAN: There is no question about alcohol. Its sale to natives is absolutely prohibited in the Territory. One reason for this would be the prevention of pilfering in the town. There is no question of uprisings. (Due to a defective headset, this was not audible.)

Mr. NORIEGA (Mexico) (Interpretation from Spanish): (Due to a defective headset, this was not audible.)

Mr. HALLIGAN: (Due to a defective headset, this was not audible.)

Mr. NORIEGA (Mexico) (Interpretation from Spanish): (Due to a defective headset, this was not audible.) Do you still have to fear these collective acts of pilfering and robbery? Is that the reason this Ordinance must be maintained?

Mr. HALLIGAN: The list of crimes in the Criminal Procedure Jurisdiction gives some illustrations. There is a section here of offences against the Police Offence Ordinance for possession of property suspected of having been stolen, and there were 67 cases during the year. There were 19 cases of stealing, and 12 cases of wilful damage to property. These I just take at random as a few cases which illustrate the point I was making.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I would take the liberty of suggesting, as an observation to the Council, that we should recommend the administering authority to study concretely those regulations which control the movements of the natives during the night, so as to see whether it would be possible to have those regulations withdrawn. We cannot understand why, in a territory under the trusteeship system, those regulations should be in force, because they are restricting the movements of the natives. The Economic and Social Council is making a very profound and interesting study of human rights, and I believe that there should be some compatibility between the activities of the Economic and Social Council, which desires the greatest possible degree of human rights, and the Trusteeship Council and the administering authorities, because many of them are participating in those studies on human rights so that in the long-run they could grant as many as possible of those human rights, taking into account the degree of culture of the populations.

We should attempt to give to these natives this amount of human dignity and freedom in the territory of New Guinea. We cannot understand why these men, who are taking part in agriculture or in mining in the territory and thereby are bringing their contributions to the whole international collective life, should not be subject to the benefit of human rights. Few people like getting up in the middle of the night and

going to another town. But simply because there is a regulation which states that one cannot get up in the night and go to another town, the matter weighs upon one. I believe that the natives even took part in the war along side the Australian troops, yet they have not the right to be able to move freely in their own native land.

Mr. REID (New Zealand): I should like to make a remark on this particular subject; I will reserve my other questions until after the representative of Mexico has finished his questions.

I have noticed a tendency in our Drafting Committee on Ruanda-Urundi for some members to think that a statement made by one of the individual members of the Trusteeship Council, if it is not contradicted by other members, must represent the view of the Council as a whole. For that reason, if not for any other, I must say that the views expressed by my colleague from Mexico do not represent my views. What has been done has been the magnification of a restriction into a contradiction of human rights. What is happening, as I understand it, is that a European town in which natives do not reside is closed to entry by natives who live outside during certain hours, and that, apart from that restriction, the natives are free to wander wherever they like in the territory. I think it rather to introvert facts.

I would ask our colleague from Mexico just to consider his own cities or my cities. I know that most of the parks are closed to entry by anyone after dark or after a certain hour at night. I know that private property is closed to entry by unauthorized persons, and that any wanderers who go on to private property are liable to arrest without any hesitation in any civilized country. I know that manufacturing concerns have restrictions on entry into their premises at certain hours of the day, and that constantly we are faced with restrictions of entry into certain places. That, so far

as I know, has not been the subject of debate in the Commission on Human Rights, and I suggest that the requirement that natives cannot enter a purely European area at certain times of the day is a reasonable restriction in the conditions that appertain in the territories and is not an excessive extension of something that is accepted as normal in other civilized cities.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): It seems to me that the observation made by the representative of New Zealand is a perfectly sane observation. We should not suppose that when there is no objection to one of the interventions that that means there is a general consensus of opinion concerning this intervention. Only when the Trusteeship Council votes on a matter one way or the other can we then say that the Council feels this way or that concerning a matter. There is no doubt about this.

The example which Mr. Reid has been kind enough to cite is valid up to a certain point. He says that the parks are closed at night. I had an opportunity to visit a European park, and I was surprised to see the barriers put up. I could see that the iron gates had been torn down and used as bullets, and I could imagine the situation of the children living near ~~that~~ park. They could not get into the park to play. They were European children, and I understand that the owner of this park might have had a great deal of claim to these parks, but, nevertheless, he was violating the rights of these children to play in a park in a great city where parks are scarce.

This might seem very romantic, since everything that refers to human rights does seem romantic, but it is profoundly human. Therefore, I do not accept the question of parks as being valid.

Concerning the entry to factories, this is an example which refers to private property. It is a matter concerning private individuals. Now, concerning the fact that natives cannot enter European centres or European towns, this is a grave index concerning the relationship between the European and the native. It shows there is a great mistrust and a great fear, even hatred. If the native could enter and could circulate as freely as the other Europeans and so forth, that would mean that their relations were correct, that the native had been educated to respect property and the lives of other people. We would then see that they had obtained a certain degree of culture. When there are restrictions, and the European cities become fortresses by night, this means that the situation is a grave one and of such a nature that something must have happened in the territory to provoke such a situation.

I asked about this situation because I did not know whether the natives were kept from leaving the places where they slept, or whether, as has been said, they are kept from entering the European part of these towns. I was thinking of the case of a native who needed medicine or some medical aid at night and who could not enter the town. I understand that the Europeans are guests in the territory. They are the true trespassers on the land of the natives, yet the natives find themselves in a situation where they cannot enter a part of their own native land.

I wonder whether we cannot study the degree of their progress and see whether this type of regulation cannot be withdrawn and done away with.

I would insist on the human rights angle, because, after all, they are human beings; they are capable of working; and they are considered as being productive. Therefore, we should at least give them the right of free transit.

I believe that this matter should be studied, and we should try to see how this provision could be toned down or withdrawn or eliminated completely. Perhaps I am exaggerating the problem. Perhaps the situation is not as acute as we may think, but at least as long as this provision stands on paper in black and white, we should study the matter and see if we cannot withdraw these regulations.

Mr. FORSYTH (Australia): Since the representative of Mexico has made a somewhat lengthy observation on this matter, perhaps the President will permit me to make an observation in reply.

First of all, I do think that Mr. Noriega's hint in his last few sentences, to the effect that an exaggeration is being made here, is correct. I think a mountain is being made out of a molehill.

I would remind Mr. Noriega that it is less than a generation since cannibalism was stamped out in this territory. If he will consider the implications of that statement, I am sure that he will see that it is necessary to take some measures to safeguard peace and order in European settlements in this territory, particularly at night. In plain words, these measures are mainly for the prevention of prostitution and theft. But there is also another and more general reason, and that is for the elementary protection of the decencies of living for the people who are administering the territory and those who are associated with them in the

bringing of Australian influence into this territory.

Now, Mr. Noriega has suggested that a simple precaution of public order and safety for the policing of the European settlements in New Guinea shows that there is a state of tension and hatred between the Australian people there and other Europeans and aliens, and the native inhabitants. Of course, there is nothing of the kind. As I said, this is an elementary measure of peace and order in the European settlements in the territory.

I think there was implied in Mr. Noriega's remarks the suggestion that, if that is the state of affairs, then perhaps the Europeans had better get out of the territory and let the natives develop along their own lines. My answer to that is this: The United Nations in its wisdom has seen fit to entrust to the Australian Government the administration of this territory -- not merely, as somebody suggested the other day, as a power which the Australian Government received from the United Nations, but as a duty, an obligation, a task with a purpose behind it, a purpose involved in it: the purpose of civilizing these people, of helping them, assisting them, bringing to them civilized ideas. That is the purpose, that is the reason why Europeans are in that territory, and if certain elementary police regulations have to be made, well they have to be made. The people who go there to carry out this task of civilizing the inhabitants of that territory are entitled to some decencies of living, without the danger of molestation by some elements -- some elements -- among the indigenous inhabitants who do not know how to conduct themselves in a civilized fashion.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I am going to be very brief, but I consider that it is my duty to answer the observations of Mr. Forsyth.

I have nothing to say concerning the precautions which the Government of Australia feels appropriate to preserve dignity and the life of the Australian officials that are in the territory; just as I have spoken in favour of the greatest possibility of respect for human rights and the granting of human rights to the natives. However, I would advocate the observance of these human rights in every respect, both for the Australian officials and for the natives in the territory.

As far as cannibalism having only recently been abolished in the territory is concerned, does that characterize the people as a primitive people? We must not forget that only ten years ago, in some European countries -- unless this was simply war propaganda -- we were informed that there was an industry to make lampshades out of the skins of war prisoners, and we also know of millions of people, especially Jews, who died in concentration camps, the victims of horrible torture. This would impute to us also a certain degree of primitiveness or barbarity. But it makes us confident that, in a country where cannibalism did exist, it ought to be true that, during the short years of Australian administration, the natives can have gained a certain concept of civilization and can have changed sufficiently so that now there could begin to be a greater degree of freedom for the natives. This is the fundamental and substantial idea back of what I said.

On the other hand, I would lament the fact that, in the course of this questioning, some of the questions might have seemed to have been exaggerated in their criticism, but I consider that, since we are not experts in matters concerning New Guinea, we have to ask questions which, on some occasions, may seem absurd. However, our duty is to know the truth to as great a degree as possible, so as to be able to act and observe with the greatest degree of certainty possible.

Mr. REID (New Zealand): I should like to refer Mr. Halligan to page 44 of the printed Report, which sets out a schedule of diseases treated in hospitals and medical centres for the year under review. I notice that the disease which involves the greatest number of treatments is yaws, followed by tropical ulcers -- although there is a large unspecified group of other diseases.

I should like to ask Mr. Halligan if this is a normal year and if this is the type of disease that is occurring year after year, or is it in any way related to the unsettled conditions during Japanese occupation and the reconstruction period?

Mr. HALLIGAN: No, they are types of disease that have been endemic in the territory for years; they are not abnormal. A comparison with the previous year -- if I can find the information -- would show that that probably is the average rate of treatment per year.

Mr. REID (New Zealand): I should be glad to know, then -- because it is not shown in the Report -- what medical programme and health programme the administration is pursuing to combat these particularly serious diseases and with what success.

Mr. HALLIGAN: The programme is part of the general health programme of the Health Department which, as I have explained, consists of an extensive staff, composed of doctors, medical assistants and other technical men and nurses. Cases such as yaws and tropical ulcers would come to the native hospitals which I have described and would also be treated by the medical personnel when on patrol.

The details of the success are not readily available to me, but the Council can be assured that, over the years, very considerable success has been secured each year in the relief and curing of such diseases as are described there.

Mr. REID (New Zealand): I am surprised to see that the incidents of tuberculosis seem to be very low. I should like to know whether that is because the inhabitants of New Guinea are not susceptible or, possibly, because there is insufficient education for them to seek treatment.

Mr. HALLIGAN: No, they seek treatment and they are not susceptible to tuberculosis, and that rate seems to be less than the average in other years that I have in mind.

Mr. REID (New Zealand): On page 34 there is a statement about medical officers and assistants, divided into European and non-European. I should be grateful if Mr. Halligan would break up the non-European into indigenous New Guinea natives and other non-European.

Mr. HALLIGAN: I have a figure, broken up in that way, for a date which is later than the conclusion of the Report that we are now considering. The total staff of the Public Health Department which I shall now give you is 1311. Of those, the European staff is 160; Asiatic nurses are 10; and the native staff numbers 1,141, making a total of 1,311.

Mr. REID (New Zealand): In the table which I have here, among non-European, the two largest categories are native medical orderlies and other medical men, which make up practically all the non-European medical workers. Could the Special Representative say whether they are qualified to work on their own, among the native inhabitants in the back country

or are they acting purely as assistants and only available under schooled European personnel?

Mr. HALLIGAN: Mainly, it is the latter. A few of them may be able to operate on their own, but the majority of them are in hospitals and under European supervision.

Mr. REID (New Zealand): On page 12 of the Report, under rehabilitation and advancement of natives, there is reference to payment of compensation for war damage. I should be glad to know whether this amount was or will be paid directly to the native, or will it be used for their benefit in an indirect fashion?

Mr. HALLIGAN: It would be in the nature of a direct payment to the native.

Mr. REID (New Zealand): Can Mr. Halligan explain the purpose of a direct payment? Is it of such an amount that it does not matter, or could not better use be made of it if it were put into health or hospitals, or something like that?

Mr. HALLIGAN: That is in addition to what is put into health and hospitals, and the total expenditure which is necessary to give effect to the plans that we have for health and hospitals has been met by the Commonwealth Government. This war damage is a recompense to the native for damage which he sustained as a result of the war. In such case, it is a payment to him personally or, in some cases, to the village. A payment is made to him in cash, to enable him to make purchases of whatever he requires, such as tools or anything else he may wish, but it is a personal payment to him.

Mr. REID (New Zealand): I gather the impression then that Mr. Halligan or the administration believes that this money will be used to replace the things that have been lost or destroyed, and will not be wasted

as so often one is liable to suspect in the case of natives.

Mr. HALLIGAN: Yes, that is where we have found a considerable difficulty in the payment of these considerable sums of money, but the supply of the materials and equipment that the natives require, is not there in sufficient quantities to enable them to spend their money and in many cases -- most cases -- we advise the natives to place their money in the savings bank, so as not to waste the money but to have it available when the goods that they require will be available to them. In a number of cases, the natives responded to that advice.

Mr. REID (New Zealand): Would Mr. Halligan let me know something of the habits of the natives in the understanding of European economics? Could he say how many accounts natives have in savings banks and, if possible, the total value or the average value of those accounts?

Mr. HALLIGAN: I do not know whether those statistics are readily available. I shall look through my notes and perhaps I will be able to supply it later. They are quite considerable, and since the war and the resumption of civil administration, there has been a very big extension of the number of natives who do have savings bank accounts.

Mr. REID (New Zealand): That is all the questions that I have.

Mr. CARPIO (Philippines): Something has been said about preventing natives from entering a European town. Some of us seem to be totally at a loss as to what those regulations are or what the European towns are. Will the Special Representative kindly explain further about all these European towns and the regulations. Are there towns in New Guinea itself which are considered European towns, to which the natives are forbidden to enter at night?

Mr. HALLIGAN: There are no areas or settlements or towns in the Territory that could be described as European towns. There are towns in the Territory and, within those town areas, the European settlement is generally in one section. The natives may enter any part of the town in daylight, but at night, because the area of the boundaries of the town are described, that order prohibits natives from being in that small area that is described in the town boundaries, between the hours of 9:00 p.m. and 6:00 a.m.

Mr. CARPIO (Philippines): In other words, in the building up of town, there seems to be, as I understand from what the Special Representative has said, portions specifically designated as European settlements, and the rest are for native occupancy.

Mr. HALLIGAN: No. Usually, the natives who are employed individually by the Europeans are generally accommodated in the same spot as the European's house, the dwelling adjacent to the European's house. The other natives who are employed in industry or in shops in the area, are generally provided with quarters on the outskirts of the town, to which they go at night.

I should just like to mention here that one disadvantage which was mentioned earlier was that the native may be required to go to that part of the town, during the nighttime, if he became sick. At those settlements where the natives are to be found, medical facilities are available all the time. There is no need for the native to go into the town. If he should get sick at night, medical provisions are there.

Mr. CARPIO (Philippines): But supposing a European doctor is not found anywhere in the section occupied by native inhabitants; how can the native inhabitants then avail themselves of the services of the European doctor, at night, if they are forbidden to enter into the European sector?

Mr. HALLIGAN: The doctor would go to him.

Mr. CARPIO (Philippines): How will the doctor go to him? How will he know about the existence of a patient in the native section?

Mr. HALLIGAN: Someone in the settlement would ring the doctor.

Mr. CARPIO (Philippines): With regard to the segregation of races in towns, is that by fiat, law, ordinance, or what?

Mr. HALLIGAN: ~~For that is the only provision.~~ There is no segregation other than that, if that might be called segregation.

Mr. CARPIO (Philippines): In those so called European sectors, are there not natives who are in a position to buy residential lots and allowed to build their residence there?

Mr. HALLIGAN: That has not been the experience so far. They would be able to buy if they wished to. There is no prohibition of their buying land anywhere.

Mr. CARPIO (Philippines): Will the representative of the administering authority tell us what laws govern civil rights or civil contracts in New Guinea? Are such things provided for by ordinance or by some kind of bye-law enacted in the territory, in Australia, or in the United Kingdom?

Mr. HALLIGAN: The law is enacted in the territory and the general law relating to contracts is applicable to all inhabitants. In addition there is a Natives' Contracts Protection Ordinance, specially applicable to indigenous inhabitants.

Mr. CARPIO (Philippines): Is the law you have just mentioned applicable only to indigenous inhabitants or to all people, Europeans and natives alike?

Mr. HALLIGAN: It relates only to transactions with natives, and its main provisions form an additional safeguard for the natives when entering into a contract, over and above the normal safeguards and normal requirements in relation to contracts. It is an additional provision to safeguard the native in the contracts into which he may enter.

Mr. CARPIO (Philippines): Are contracts between native inhabitants themselves governed by a different law from that which governs contracts between Europeans or Australians?

Mr. HALLIGAN: In certain areas, such contracts would be governed by native law and custom and might not come under statutory law, but where natives have transactions between themselves in other parts of the territory, the same laws would apply to those transactions or contracts as to any others.

Mr. CARPIO (Philippines): I do not seem to get it very clearly. Are contracts entered into between natives in New Guinea all governed by the same law?

Mr. HALLIGAN: Perhaps I may make it a little clearer. One law runs right through the territory, and applies to all people, but in some areas, in the native villages, natives carrying on transactions between themselves may regulate those transactions in accordance with their native law and customs.

Mr. CARPIO (Philippines): Not by the general law that applies all over?

Mr. HALLIGAN: They may not go to the District Officer; between themselves, they may apply their own enforcements in case of any breach of contract, enforcements which would be in accordance with native custom.

Mr. CARPIO (Philippines): Then I understand that there is a set of laws governing the transactions of natives among themselves and another set of laws governing the transactions of Europeans among themselves?

Mr. HALLIGAN: No, one law runs through the whole of the territory, in respect of all people. The only addition was the one I have mentioned for the further safeguard of natives in their dealings with other people.

Mr. CARPIO (Philippines): What about criminal law? Is that also the same, or is there a set of criminal laws for natives and another set for Europeans?

Mr. HALLIGAN: No, one law runs throughout the territory and operates in respect of all people.

Mr. CARPIO (Philippines): What law governs domestic relations such as marriage and the rights of the respective spouses? Are these provided for by a certain code or ordinance or what?

Mr. HALLIGAN: Native marriages are dealt with entirely under native customs. The administration does not take a hand in marriages between natives.

Mr. CARPIO (Philippines): What about domestic relations between European inhabitants? What governs them?

Mr. HALLIGAN: In relation to marriage and divorce?

Mr. CARPIO (Philippines): Yes.

Mr. HALLIGAN: The Registration of Births, Deaths and Marriages Ordinance applies to other than natives, and lays down requirements as to how marriages take place and their registration. As the title implies, it also requires the registration of births and deaths.

Mr. CARPIO (Philippines): Is that particular law applicable to Europeans only or to all other non-indigenous inhabitants of the territory?

Mr. HALLIGAN: All except indigenous inhabitants.

Mr. CARPIO (Philippines): To Orientals, Asiatics and Negroes?

Mr. HALLIGAN: Yes, everyone, except indigenous inhabitants.

Mr. CARPIO (Philippines): Under the native laws governing domestic relations among the natives, what rights have women in the family make-up? Have they the right to make contracts with other people or to own property, for instance? Will you kindly enlighten us a little more on that, as we should like to have an idea of the social conditions existing in the territory.

Mr. HALLIGAN: As in other phases of native life, there are considerable variations in different parts of the territory. In regard to the ownership of land, which you mentioned, in some parts the ownership of land descends through the maternal line, otherwise it is through the paternal line. There is no one statement which I could make which would cover the whole of the territory.

Mr. CARPIO (Philippines): That means to say that we do not know anything about the rights of women in New Guinea.

Mr. HALLIGAN: The only point you mentioned was in relation to land. In what other respect do you mean the rights of women?

Mr. CARPIO (Philippines): The civil rights of women generally.

Mr. HALLIGAN: Under native custom or under the laws of the territory?

Mr. CARPIO (Philippines): Under the laws which would be enforced in a court of justice.

Mr. HALLIGAN: In relation to indigenous or non-indigenous inhabitants?

Mr. CARPIO (Philippines): Indigenous -- but is there any difference between the rights of indigenous and non-indigenous inhabitants in a court of justice?

Mr. HALLIGAN: No, not under the law; the law runs right through.

Mr. CARPIO (Philippines): Let us confine ourselves to the rights of women generally in a court of justice. I have in mind particularly the rights of indigenous women in a court of justice; what are they?

Mr. HALLIGAN: They have the normal, full, ordinary rights, like everyone else; there is no distinction.

Mr. CARPIO (Philippines): If they had bought property, for instance, they could sue in their own names, or would they have to sue in the names of their husbands?

Mr. HALLIGAN: In their own names.

Mr. CARPIO (Philippines): That means they have a right to enter into contracts. Is that correct?

Mr. HALLIGAN: Probably so, yes.

Mr. CARPIO (Philippines): What about the rights of women in regard to marriage? How old must they be in order to be able to contract marriage, or how are marriages entered into in New Guinea?

Mr. HALLIGAN: You are speaking of the non-indigenous population, are you not?

Mr. CARPIO (Philippines): I am interested in the indigenous population more than the European population, because the Europeans, as I have noticed, have a lot of privileges -- but that need not concern us just now.

Mr. HALLIGAN: Natives would be married in accordance with native custom, which would determine the arrangements to be made. The marriage would be celebrated in accordance with native custom.

Mr. CARPIO (Philippines): Do the native customs admit of marriages between persons below twelve years of age? That is what I am interested in. What laws govern the marriage of native inhabitants? How old must they be?

Mr. HALLIGAN: I believe that the age of puberty determines them.

Mr. CARPIO (Philippines): Let me pursue the statement Mr. Halligan made about the per capita tax of ten shillings a year.. The other day we discovered that the minimum wage of a labourer was five shillings a month in addition to provisions and lodging, which would mean that this per capita tax is equivalent to two months' earnings. This is applicable only to those who are not otherwise engaged in indentured labour. Is that correct?

Mr. HALLIGAN: That is so.

Mr. CARPIO (Philippines): And the reason these indentured labourers are exempted is that the administering authority feels that they are already contributing to the building of conditions in the territory?

Mr. HALLIGAN: I should say that that would be so.

Mr. CARPIO (Philippines): But does Mr. Halligan not think that this per capita tax would be interpreted as more likely to encourage indentured labour and, therefore, to put the native inhabitants in a state of continued subjugation under the indentured labour system?

Mr. HALLIGAN: That was not the experience while the tax was operative.

Mr. CARPIO (Philippines): I notice on page 79 of the mimeographed report a tabulation of indentured labour month by month from July 1946 to June 1947, the number of indentured labourers per month being set forth therein. I do not quite understand this tabulation. For August, 1946, for instance, it gives a figure of 2,131 indentured labourers. Is that the number of indentured labourers in addition to what appears for July 1946, or does it show the gradual increase month by month?

Mr. HALLIGAN: That is the number in employment at the end of each month. It is not progressive but inclusive. At the end of July there were 1,958; at the end of August there were 2,131 -- about 200 more entered into employment during the month of August than were employed at the end of July.

Mr. CARPIO (Philippines): At this rate of progression, could Mr. Halligan give the Council any idea of the approximate number of indentured labourers in the entire territory of New Guinea at this date?

Mr. HALLIGAN: The total number a few months ago of administration servants, including those under indenture and those not under indenture, was 21,467.

Mr. CARPIO (Philippines): Are there any other indentured labourers apart from those under the administration?

Mr. HALLIGAN: Yes. Two thousand nine hundred and forty-six were employed under the Administration Servants Ordinance, which is equivalent to indenture; 7,930 were employed by other people under indenture; and the balance, making up the 21,000, were natives employed not under indenture.

Mr. CARPIO (Philippines): What are the minimum salaries of these persons under indenture?

Mr. HALLIGAN: The minimum is fifteen shillings a month, plus provisions and rations, medical attention, housing and clothing.

Mr. CARPIO (Philippines): Fifteen shillings would be about \$2.35 in United States currency a month?

Mr. HALLIGAN: That is so.

Mr. CARPIO (Philippines): At this time I suppose that there are restaurants in New Guinea.

Mr. HALLIGAN: There are what?

Mr. CARPIO (Philippines): Restaurants or hotels -- or are there none at all?

Mr. HALLIGAN: There are a few. They were among the things destroyed, but a few have been re-established on a temporary basis.

Mr. CARPIO (Philippines): How much, ordinarily would just an average meal cost a man if eaten in a restaurant? I just want to have an idea of the actual conditions there.

Mr. HALLIGAN: About five shillings.

Mr. CARPIO (Philippines): That would be the total earnings of a labourer for a month?

Mr. HALLIGAN: No, fifteen shillings is the figure. That is for an indentured labourer.

Mr. CARPIO (Philippines): In other words, if a native inhabitant who was an indentured labourer were to eat in a restaurant he could spend all his earnings of a month in one day by having three meals?

Mr. HALLIGAN: But he is already provided with meals.

Mr. CARPIO (Philippines): But his wife is not?

Mr. HALLIGAN: Yes, if she goes along with him to his place of employment it is required that she be provided with meals as well.

Mr. CARPIO (Philippines): Are there also shows there -- show houses?

Mr. HALLIGAN: Do you mean entertainment?

Mr. CARPIO (Philippines) Yes, cinema picture houses.

Mr. HALLIGAN: Yes, there is one in Lae, but it is not a very extensive one.

Mr. CARPIO (Philippines): How much is the entrance pay for going to the show?

Mr. HALLIGAN: A minimum of four and six to five and six -- about six shillings.

Mr. CARPIO (Philippines): Yesterday we discovered that a native labourer, if indentured, had a minimum wage of five shillings per month,

so that if that poor fellow should want to go to the show he would not be able to earn enough in a month to pay his entrance fee?

Mr. HALLIGAN: The representative of the Philippines cites a figure of five shillings. I have never mentioned that at any time before the Council.

Mr. CARPIO (Philippines): I would remind Mr. Halligan that, as is shown on page 12 of the verbatim record for the day in question, I asked him the other day precisely whether an attempt was being made to raise the minimum wage of five shillings in New Guinea and ten shillings in Papua to a minimum throughout the territory of fifteen shillings a month. I had that in mind all along when I was asking him about the cost of going to a show. In view of the high cost of living in New Guinea does Mr. Halligan not feel that this minimum wage of five shillings per month is a little niggardly, even for the native inhabitants of the territory?

Mr. HALLIGAN: That rate of 5 shillings per month was the minimum in New Guinea prior to 1942 when the cost of living was not as high as it is now. It was on account of varying conditions in the Territory, and that was reviewed and the Government changed that minimum of 5 shillings to 15 shillings per month as the minimum, and that minimum has been in operation since the resumption of the civil administration which began in October 1945 and completed in New Guinea in June 1946. The minimum at the present time is 15 shillings.

Mr. CARPIO (Philippines): What property does the average family have in New Guinea? Do they have their own land, or house, and all their possessions there?

Mr. HALLIGAN: Are you speaking of the non-indigenous people?

Mr. CARPIO (Philippines): Indigenous.

Mr. HALLIGAN: The indigenous inhabitants would have the land in the villages, and a house on that land.

Mr. CARPIO (Philippines): What do they grow on that land to keep body and soul together?

Mr. HALLIGAN: They largely grow cocoanuts and bananas, and the fruit crops, just as we have described them: yams, taros, kaukau. They are native crops, fruit crops.

Mr. CARPIO (Philippines): Who buys these cocoanuts?

Mr. HALLIGAN: Some traders are established around small trading posts, where they sell to the natives or to anyone else. They sell merchandise. Those people would buy cocoanuts in the whole as apart from copra.

Mr. CARPIO (Philippines): Could you give us an idea of the price of cocoanuts as sold by the natives to the traders?

Mr. HALLIGAN: Largely, it varies. The pre-war price was something in the vicinity of twelve for a shilling. I think that was it. At the present time, the price is in advance of that, and the natives are also

making copra themselves instead of selling the cocoanuts as such.

Mr. CARPIO (Philippines): You mentioned 12 shillings per cocoanut?

Mr. HALLIGAN: No, they give twelve to fifteen nuts for a shilling.

Mr. CARPIO (Philippines): Even if the indigenous inhabitants were ambitious to better themselves, I see that the conditions, from your answer, certainly would be difficult to improve.

Mr. HALLIGAN: I mean that the native does not have much cash to buy goods, but he has his own goods to be produced which, in many cases, are quite satisfying to him.

Mr. CARPIO (Philippines): Do the native inhabitants ever use shoes?

Mr. HALLIGAN: A few of them. That was one plan we had just completed before I came here. We are causing investigations to be made to ascertain the variations of the ordinary last that might enable shoes to be made that would be suitable for the feet of the natives. Largely, however, they do not use shoes; some do, but not a great many.

Mr. CARPIO (Philippines): Are their shoes made in New Guinea?

Mr. HALLIGAN: No, they are imported.

Mr. CARPIO (Philippines): How much do they cost?

Mr. HALLIGAN: That would be about 35 to 40 shillings.

Mr. CARPIO (Philippines): That would be almost half a year's savings for the poor labourer.

Mr. HALLIGAN: Shoes are very cheap when you get into comparisons. It is very difficult to evade that fact. Forty-five shillings for a pair of shoes in Australia is somewhere near the normal price. That will give you some idea of the comparison that should be made.

Mr. CARPIO (Philippines): In those towns in New Guinea which are established towns, are the native inhabitants free to build their houses on whatever land they might succeed in buying?

Mr. HALLIGAN: Yes, by purchasing land.

Mr. CARPIO (Philippines): What kind of houses do they use in those towns?

Mr. HALLIGAN: Most of the houses usually - particularly in Rabaul - are all-weather board houses throughout the Territory. The Territory is subject to earthquakes for the most part. There are some volcanos in some parts of the Territory, but practically all of the territory is subject to earthquakes. Some of the buildings are on stilts, about four feet off the ground.

Mr. CARPIO (Philippines): For the time being, I have no further questions.

The PRESIDENT: The council will recess now until 5 o'clock. In the meantime, the members of the Council are invited to Conference Room 11 where they can see a documentary film on New Guinea, or some parts of New Guinea.

The PRESIDENT: We will resume our discussion on the social aspects of the New Guinea Report.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): There is a table on page 44 of the printed Report which deals with illnesses and medical centres. My first question is in regard to the number of injuries. There are nearly 2,600 cases. Why are there so many injuries as compared with other illnesses and what is the cause of such injuries?

Mr. HALLIGAN: The table reads: 2,592 natives, 14 fatal cases, 115 not cured and so on. These would be both major and minor injuries which occur in industry.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to obtain more detailed information on the conditions of labour and the safety measures which are taken to protect labour. In view of the number of traumatic injuries which take place in industry, I assume these are traumatic injuries, it would be interesting to know what legislation there is and what safety laws exist for the protection of labour in industry. Apparently there is something seriously wrong in New Guinea in this respect. Therefore, I should like to have more detailed information concerning the safety laws and laws for the protection of workers in industry.

Mr. HALLIGAN: These provisions are contained in Native Labour Ordinance, 1946. I cannot put my hands upon them at the moment, but they are the usual provisions in regard to safety devices on machines and the guarding of moving machinery. They are the usual provisions of that nature contained in industrial legislation. Provisions in regard to health are contained in Part 5 of the Ordinance, and amongst these provisions there is one which states that the district labour officer or medical officer shall have the power to order the destruction of buildings or plants that are not regarded as safe or suitable. There is also a provision regarding compensation in Section 88 of the Ordinance.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): In the Report it is mentioned that there exists no direct taxation in the territory of New Guinea, but that that is replaced by increases in prices. Therefore, there is indirect taxation of the native's income. But it seems to me that mention has been made here of a per capita tax. I should like to have more precise information on this point. Does this per capita tax, which is direct taxation, exist or does it not exist in New Guinea?

The PRESIDENT: That question has been asked and replied to in some detail earlier in the afternoon. I think the records will indicate that.

Mr. HALLIGAN: I have explained the position in regard to that head tax at some length earlier in the discussion. There is no direct taxation of any person in the territory at the present time, but there is a provision in the law for a head tax or capitation tax in relation to the natives. That provision still remains in the law, but it has not been operative since the resumption of civil administration in 1945. Prior to that, the average collection under the heading of "Native Capitation Tax" was in the vicinity of 20,000 pounds per annum. But that is not operating at the present time.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): From the explanations which have already been given, it is apparent from the law concerning this head tax that this tax was only levied upon natives who were not contractual labourers and upon others who worked for the administration. I should like to know, then, what is the income of a native who is not employed under contract work, or of natives who live on their land, have their own economies and who, at any rate, are not connected with any work which is not their own work on their own land. What is the average monthly or yearly income of such a native who, according to the law, must pay this head tax?

Mr. HALLIGAN: The natives who would be required to pay this head tax, if this law concerning head taxes was in operation, would be those natives in such areas of the territory and whom the administration determine should be subject to the collection of tax. A determination of that would depend upon the ability of the native to pay. The source of revenue of the natives there would be from the sale of vegetable products or the sale of fish, or there might be natives who undertake occasional labour under contract. That would be the ^{source} / of income, but I have no information that would enable to give a precise reply as to the average income of such natives.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Then it is not clear to me. It is said that in those parts of the territory where the natives must pay this tax, this tax is calculated on the income or the revenue which the natives obtain from the sale of the produce they raise themselves, plus what they earn by contract labour. If I have understood correctly, the explanations given here by the representative of the administering authority, these natives who work under contract do not pay this head tax.

Mr. HALLIGAN: This requires a little explanation of terms. When I spoke of contract labour just now, I meant that some natives work under a contract for a period. Some natives might join together and undertake to perform a certain task, just that one particular task, and receive payment for it. I was not referring to the indentured labourer who is under contract.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Then one can make the following deduction. There are no statistical data concerning the average income of a native who is not occupied in contractual work. The administering authority has no statistical information as to what is the average income of such natives.

Mr. HALLIGAN: That is correct.

Mr. TSARAPKIN (Union of Soviet Socialist Republics)(Interpretation from Russian): How many natives, approximately, are occupied in industry and how many on plantations?

Mr. HALLIGAN: The best I can do to give an indication of the proportion of ^{native} labourers employed under the indentured labour system is to quote the figures of the last complete year prior to the suspension of the administration, when 39,000 natives were employed. Of those, 20,000 were employed on plantations, 7,000 in mining, 2,000 in the service of the administration, 3,000 in domestic service, 6,000 in shipping, commerce and industry, and 183 in miscellaneous occupations.

Mr. TSARAPKIN (Union of Soviet Socialist Republics)(Interpretation from Russian): I should like once more to return to these indices of accidents in industry and on plantations. In the mining industry and on the plantations, there are in all 27,000 natives employed. Approximately 2,600 accidents occurred -- various traumatic injuries in industry. This high percentage indicates that the safety laws applied to native labourers are absolutely insufficient and unsatisfactory. Has the Government paid attention to these indices? What has the administering authority done in this respect, and are any measures contemplated to better this condition of the native worker?

Mr. HALLIGAN: That deduction and comparison of the number of accidents as against the number of persons employed in industry cannot be a correct one, because the diseases of the natives treated in hospitals relate to all natives, not only to those employed in industry.

You will notice that 96,000 is the total number of cases. On the previous page of the printed Report -- page 43 -- there is given the number of indigenous workers employed in industry at 30 June 1947: 16,000.

The total number of natives treated in hospital was 96,000, of which 2,500 were in respect of injuries. Those hospital figures relate to the total population and not only to those employed.

Mr. TSARAPKIN (Union of Soviet Socialist Republics)(Interpretation from Russian): I am speaking about traumatic injuries. When I asked Mr. Halligan my first question, he replied that the injuries chiefly concerned persons occupied in industry and on the plantations. It is quite evident that persons who are occupied in administration or who work as domestics do not have a large number of accidents and injuries, so it is evident that most of these cases fall to people who work -- perhaps not so much on plantations as in mining and in transportation. According to the figures, there were 2,426 natives employed in mining, approximately two and one-half thousand, and in the other branches of industry there are a further 1500. The percentage of injuries is, therefore, indeed a very high one.

It seems to me that we should draw the attention of the administering authority to the fact that the question of safety of labour is very unsatisfactorily treated.

Mr. HALLIGAN: I should like to make a comment with regard to that last statement.

I did say, when I was first asked, that those figures related to injuries on plantations and in mining. I did not notice that the table was one relating to the treatment of the natives in general. Therefore, that figure of 96,000 clearly indicates that that is a health table in relation not only to those natives engaged in industry but to the natives of the Territory generally. I also quoted the figure of 39,000 from the last completed year. However, on page 43 of the printed Report, it is shown that the number of natives employed in industry during the year

1946-1947 was 16,000. I suggest and submit that it is not possible to arrive at any conclusion as to the number of people injured in industry by a comparison of those two tables. One relates to the whole population, and the other relates to the smaller number engaged in industry.

The PRESIDENT: That would be a quite proper and logical construction, Mr. Halligan.

Mr. TSARAPKIN (Union of Soviet Socialist Republics)(Interpretation from Russian): Perhaps Mr. Halligan did not understand me correctly. In this case, I spoke not of the whole 96,000 cases of patients treated, but only of the 2,592 natives who were treated in hospitals and medical centres as a result of injuries -- that is, of wounds, of trauma. If several dozen cases concerned natives who did not work in industry, it is quite evident that this category of illnesses concerned primarily industrial workers. These are traumatic injuries, and therefore it seems to me that this explanation given by the representative of the administering authority does not completely do away with the impression received that the situation, as far as it concerns safety laws applied to the natives, is not very satisfactory. I must hold to that opinion.

It seems to me that if the administration could give us the detailed character of these 2,592 injuries, we might draw more detailed conclusions, but we have no indications or details of these 2,592 cases of injuries. Therefore, one must think that the majority of these cases of injuries concern people working in industry. Mr. Halligan himself recognized this, in his first answer. Therefore, my question did not concern the whole 96,000 persons occupied, but only this figure of 2,592 cases of injury.

Mr. HALLIGAN: I referred to the figure of 96,000, clearly to show that this medical table does not relate only to persons employed, but it relates to all the native population. Therefore, coming back to the item "Injuries, 2,592", it must be clear that those injuries have not been sustained only by persons in industry, but have^{been}/sustained by the whole population. Therefore, no conclusion can be arrived at, and I am not in a position to supply, of those 2,592 who were injured, the number who were engaged in industry. If I were able to supply that figure -- it might be 500 -- then a comparison could be made and a percentage arrived at as to how many accidents occurred in industry. That information has not been supplied and I am not able to supply it. Therefore, a comparison between the two tables is not one that can be made.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): With regard to the natives who are not employed in industry or on plantations, what is the measure of services rendered? Is all of this medical treatment paid for by the medical centers? What I mean is this: does every native who falls ill, wherever he is on the Territory of New Guinea, receive the possibility of having access to a hospital and receiving medical treatment there, or is this only done in restricted cases; is it only a restricted number of natives who can have access to the hospitals, in natives who do not work on plantations and industry?

Mr. HALLIGAN: Native hospitals are provided throughout the territory, and, as I explained earlier, the medical organization extends into the villages. Native hospitals are provided, where treatment is given to natives -- and I am not talking of natives under indenture, because it is the responsibility of the employer there to provide that medical attention. He may provide it himself; if not, he sends him to a hospital which is run by the administration, and the employer is then called upon to pay. But in the case of a native who is not employed, those hospitals are available to him.

The native is taken to those hospitals and the total cost of the treatment is a matter for the administration and no charge is made to the native.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Upon what does the administering authority base itself in establishing a minimum wage for natives of fifteen shillings? What were the calculations made by the administering authority? In replies given by the Special Representative of the administering authority, we heard that rations were developed on the basis of scientific norms. Apparently, there are also other norms, scientifically developed, which were taken into consideration in the calculations of this minimum wage of fifteen shillings a month for natives. Therefore, what I am asking is this: what was taken into account in establishing this minimum wage? Was it only the absolutely necessary minimum for the physical existence of a native, or were other elements taken into consideration also, elements of the life of a native, perhaps so as to raise his cultural level or to satisfy other needs besides purely physical needs, needs of physical existence.

Mr. HALLIGAN: In reply, I would refer to page 12 of the printed Report under the heading of "Rehabilitation and Advancement of Natives" I shall read a section of that paragraph:

"The immediate changes made are the reduction of the period of indenture to twelve months with a period of three months in the village before a further period of employment ..."

A little further down in that paragraph, the following is said:

"The minimum rate of wages is a tentative provision only pending a thorough investigation by the Honorable A. Blakely who has visited the territory to make a preliminary survey of the problem."

Mr. Blakely is still engaged in/a complete investigation and he has not completed this investigation as yet. As I say, the Report states that

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it is a tentative provision, pending an examination of all the aspects of the question, and when the figure is arrived at it will be changed to a permanent figure and will replace this tentative one of fifteen shillings a month. But pending that investigation the rate was raised from five shillings to fifteen shillings a month.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): You have drawn my attention to page 12, but there is no answer on that page to the question which I have just put. Probably other members of the Council are also interested in this question. If the minimum wage was raised from five shillings to fifteen shillings, how is this explained? Is it to be explained by the fact that the prices for necessary goods are so high that five shillings was no longer enough to support the normal physical existence of a native, or is it to be explained by other considerations? For instance, was it intended to raise the native's standard of living in general? Then it will be necessary to see what concrete effect this has had upon the native, because the answers to questions submitted by members of the Council show, for instance, that a ticket for a theatre costs five shillings, to buy a pair of shoes thirty-five to forty-five shillings must be spent, and everything else is in proportion. To buy the slightest thing a native has to pay at least a month's wages. If he wants to go to a movie with his wife and say, two children, he has to sacrifice a month's wages. All this seems to show that fifteen shillings is a sum which cannot satisfy the minimum needs of a native, and therefore it would be desirable to know what calculations were the basis of fixing the minimum wage at the fifteen shilling level. It would also be desirable to know whether such a minimum is sufficient to support the life of a native and his family at a certain determined level.

Mr. HALLIGAN: Earlier I explained, and now I emphasize, that the fifteen shillings is the cash payment made to the native. The requirements for his physical existence are met by the provision by his employer of his rations, his clothing, his medical attention and his housing and all the things that are required to enable him to live. The fifteen shillings payment

is over and above that, so he is not affected by the variation of the cost of commodities. The employer is required to supply and pay for those commodities, and the native receives the cash payment of fifteen shillings per month over and above those other things.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): What is the cost of the ration which is given by the employer to the native, and what is the cost of the medical services and housing? Can you give figures concerning these matters?

Mr. HALLIGAN: I could give some estimates, but there again the costs, of course, vary. On the plantations, as against the mining industry, much of the food is grown on the spot and, as I mentioned in regard to the diet scale, on the plantations a large proportion of the food would be native grown and the cost would not be as high as if imported goods had to be supplied. Bearing these factors in mind, the cost is probably in the vicinity of fifteen or twenty shillings per week for the rations supplied. The cost of medical attention, of course, depends on the extent of the medical services required.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like a more detailed clarification on the question of recruiting referred to on page 7 of document T/138. Paragraph 1 under this head states that the Administration will determine the number of natives who can seek employment. I should like an explanation of that phrase. What does it mean? Why does the Administration decide which natives can seek employment, and why cannot this be decided by the native himself? It seems to me that there is an indication here of what is very nearly the compulsory seeking of employment. The Administration seems to determine how many natives must leave a village to seek employment. And I should like a clarification of this.

Mr. HALLIGAN: The paragraph reads:

"The Administration will determine the number of natives who may leave a village for employment. It will determine the number that may be employed by each employer and the priority of industry for the employment of labour."

The underlying principle which determines that policy is the preservation of village life; it is not to determine the number of natives who must leave a village, but the total number who may leave a village. If the whole population of a village of 100 natives were to leave the village, that would be very detrimental to the village life. The Administration Officer surveys all the circumstances of a village and determines that a certain number out of the hundred may leave; the remainder are there to continue the existence of the village and the village life. The Administration does not say that so many natives must go, it does not say that all of them must go, it only prescribes the total number who may go, because it wishes to keep a certain number behind so that the village does not become extinct.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Then what is the situation in the village if the administration must itself see to it that not all the natives leave? How does Mr. Halligan explain the situation that the administration has to exercise control all the time to prevent all the natives leaving a given village? Why do all the natives seek to leave? We are well acquainted with the attachment of the villager^{to} / his lands, his house and so on. But here we seem to be given the impression that everyone wants to leave the village and that if it were not for the eye of the administration, which constantly surveys the villages, then all the villagers would abandon their villages.

Mr. HALLIGAN: No, they would not all abandon them. The reason for this is that in certain villages all the natives might desire to go out and work. If they did so there would be no male natives left in the village to carry on the life of the village. During the time they were away the normal village life could not be carried on, and that would be most detrimental to that village. If the male villagers had all been away the village would probably be in a very bad state when they came back. It is entirely a protection to preserve native village life.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Apparently the interpretation was incorrect because that was exactly my question. I asked what were the conditions of life in the villages if, in order to preserve the normal current of village life, the administration was obliged to prevent all the natives or a majority of them from leaving, and to keep a minimum number of natives there in order to prevent normal village life from being destroyed. I hope that Mr. Halligan has now understood my question.

Mr. HALLIGAN: There are many factors which influence the native to go to work in places other than his own village. For instance, he may have heard from other natives of conditions elsewhere which are something different from those he has had in his own village, and he is attracted to seek employment on a plantation, in a mission, or, perhaps, on a boat -- in which case it will probably be the call of adventure. If a recruiter came around to a certain village seeking people to go elsewhere for employment and all the natives in that village said, "Yes, we will all go", then the village would be left without the necessary labour to carry on its existence. That, largely, is the reason for having this provision whereby the administration officer looks through all the villages and says, "You must at any time have so many here, otherwise your village will fall into disrepair. You cannot permit more than that number to leave when a recruiter comes through." The recruiter sees how many of the quota have already gone, and knows that he cannot take the others, even if they want to go with him.

Mr. TSARAPKIN (Union of Soviet Socialist Republic) (Interpretation from Russian): Is the exploitation of the land in the villages communal or individual?

Mr. HALLIGAN: I explained that in some considerable detail previously. It varies throughout the territory as between individual ownership and the clan or family ownership, but the ownership of the land is largely individual.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): I am not thinking so much about the cultivation of the land, but if each family must support itself by agricultural work, and if the income of such a native unit of agricultural economy is sufficiently great - say the income is higher than 15 shillings a month, and those 15 shillings a month are what a native receives when he leaves to seek work beyond the frontiers of his village - then, evidently, there would not be such a moment for leaving the villages. It seems that the conclusion is that the income of a native who lives in his village, cultivating his own land, is considerably lower than a native who goes to seek work. Such a conclusion should be correct: the income of the man who toils on his own land in the village is less than that of a man who seeks employment.

Mr. HALLIGAN: The man working on his own land is attracted sometimes to seek employment elsewhere, as I explained, to seek a new type of life, with its variations and the adventure that appeals to him, and he goes. In the village itself, largely, there is no direct cash income, which I said earlier. I could not give an indication of the average, but a good portion of the income would be from the production of crops for the consumption of the man and his family.

Mr. FORSYTH (Australia): May I make a general comment on the question which is now under discussion? This control to which Mr. Halligan has referred is exerted in the interests of the people themselves, and it is part of a long-range policy. In the past it has been found by experience that if the inhabitants of the villages are permitted, without any control, to go away and to work for a period of indenture - which used to be for three years - and there was no control over that, it was found that in some of the villages there was almost complete depopulation, at any rate, of the active

males of the community. All sorts of consequences followed, which consequences can readily be imagined. Houses fell into disrepair, and there were other difficulties of a more intimate and domestic nature. It was found by the Administration, from experience, that it was not a good thing to allow more than a certain proportion of the active males to be away from the village for any length of time. It is true that we could, perhaps, develop the resources of this Territory more rapidly by means of an uncontrolled exploitation and by permitting companies to take just as much labour as they liked from any part of the Territory at any time. No doubt, there would be a quicker economic development along certain directions, but the effect of such a rapid development on native life has always been a pre-occupation of the Administration.

One effect would be the depopulation of many areas, not a total depopulation but it would deprive the population of the active male element. Another effect would be the proletarianization of the inhabitants. The proletarianization of the inhabitants of New Guinea, though it might be desired by some members, is not desired by the Government of Australia. The Government is keeping in the forefront of its plans the long-term interests of these people, and it wishes to find a method of developing the Territory which will at the same time preserve the desirable features of native life. One of the things the Government is trying to do, as Mr. Halligan pointed out, is to diversify agricultural production. Along that line it is trying to develop more of a peasant type of economy. In order to do that sort of thing, one cannot allow too large a proportion of the males to go away from the villages and allow the land to fall out of cultivation. I should like to quote from a very early part of the Report where that general policy is stated in general terms. It is the first paragraph of Part 3 of the printed Report, page 10. It is a part of the Chapter concerning the policy of the Government. The sentence reads: "Non-native expansion...", that is European enterprise in the Territory or enterprise not conducted by the inhabitants themselves, "...must be governed by the well-being of the indigenous inhabitants of the Territory as a whole and as in the past the basis for the economy of the area will be native and European industry working side by side but with the limit of non-native expansion determined by the welfare of the natives generally."

In this particular question, we have a particular application of that general policy.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Paragraph 6 on page 8 of document T/138 states:

"The indenture of women is not permitted, but single women, and married women whose husbands/^{are} employed at the same place, may be employed in domestic service by a non-native woman."

What is the reason for such a restriction on women employees? The women apparently are restricted to domestic service.

Mr. HALLIGAN: It has never been the policy of the Government to permit the employment of native women in industry. The only places they can be employed are, as indicated in that paragraph. In the case of a single woman or a married woman whose husband is working at the same place,^{they} may be employed by the non-native women in domestic service. Up to now the policy of the Government has not permitted the employment of women in any other circumstances.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): We have just seen a movie about New Guinea. We saw natives who were apparently capable of using a typewriter. We saw natives sitting at the board of a telephone circuit. Apparently that work would also be suitable for native women. Why is the policy of the Administration such as not to permit a part of the native women to search for employment of that kind, and why are they not permitted to seek employment in industry? Why must they only do domestic work?

Mr. HALLIGAN: As I explained, that has been the policy to date. Our education plans show that greater provision is being made for the education of women, and, no doubt, time will show whether they are capable of undertaking the class of employment to which the representative referred.

I cannot forecast whether that provision of the law will be changed. I can only state that up till now in the administration of the Territory that has been the policy which has been followed.

Mr. SAYRE (United States of America): I wonder if I might just comment on that and ask Mr. Halligan a question. As I understand it, that statement to which my colleague of the USSR has just referred is confined to indenturing. If my understanding is correct, there would be nothing to prevent a woman typist or a telephone operator from otherwise seeking employment. This prohibition is confined to indenturing for a period of time. I wonder if I am correct in that.

Mr. HALLIGAN: No, that provision relates also to non-indenturing. The non-indenturing provision of the ordinance states that any woman resident in the Territory may employ a female native in domestic service in any part of the Territory, provided that a married female native is not to be so employed except with the consent of her husband who is employed at the same place. The prohibition to indentured employment applies in relation to non-indentured employment.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): I should like to know about the contracts themselves. I should like to have some supplementary information upon the text of these contracts or indentures. Are these contracts standard or, in every separate case when an employer hires an employee, is a new contract drawn up dependent upon the conditions which were established by agreement in that particular case? Secondly, who are the parties to these contracts? Is the contract concluded with each separate new worker, or are the contracts concluded between the employer on one side and between some kind of organization on the other?

Mr. HALLIGAN: The form of contract is prescribed in the Regulations made under the Native Labour Ordinance 1946. It is Regulation 11. This Regulation prescribes and determines the form of contract which is applicable in every case, and the contract is between the individual native and the employer. The contract, in every case, must be approved and signed by the district labour officer.

Mr. TSARAPKIN (Union of Soviet Socialist Republics)(Interpretation from Russian): How do the natives learn about the conditions of their contract? Is the contract read to them, since we must suppose that if not all, at least most of the natives who work under indenture are illiterate. Therefore, they cannot read the form of the contract, nor can they sign it. How does this take place? Is the contract read or explained to them?

Mr. HALLIGAN: The contract may only be entered into before an administration officer, a district officer or a district labour officer. It is the duty of such officer to convey to the native the full terms of the contract, and that officer must be quite sure that the native understands it and knows what he is doing. That information is conveyed either in pidgin English, if the native understands that, or through an interpreter where that is necessary.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): So in this case, on the one hand, there is a contract which is offered to the native, and no changing of conditions which are contained in the contract, is admitted, and in general there can be no discussion of the terms of the contract, as far as I understand.

Mr. HALLIGAN: The general conditions of the contract are the same throughout -- that is, the provision of rations and other things, in accordance with the prescribed scale and the payment of the wage. The only variation could be that the payment of a wage could be higher than the minimum. Otherwise, the conditions that run with the contract must be the same in every case. Then, of course, the employer is competent to pay a wage higher than the minimum that has been prescribed.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Are there such cases of higher wages than the minimum wages being paid?

Mr. HALLIGAN: Yes.

Mr. TSARAPKIN (Union of Soviet Socialist Republics) (Interpretation from Russian): Is this done according to the qualifications of the worker or the branch of industry? What determines the higher wages?

Mr. HALLIGAN: The experience and capacity and qualifications of the native, and the class of employment in which he is going to be used.

That might be explained by a further reference to page 19 of document T/138.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): I should like to know what possibility the native has for breaking his contract before serving out all the length of years. Can he withdraw the amount of money that he received in anticipation, or is he completely impeded from breaking the contract?

Mr. HALLIGAN: The contract requires adherence on both sides -- that is, by the employer and the native. There is a section -- section 79-86 -- in the native labour ordinance dealing specifically with termination of contract. One of the provisions states that

"The Director of native labour or the district labour officer may on any ground that appears to him to be sufficient terminate a contract. Where a contract has been terminated, in accordance with the last preceding sub-section, the Director or the district labour officer may order that the labourer shall not again be recruited for a period specified by the district labour officer, or at all."

Then, there are other provisions with respect to the medical examination of labourers. On the termination of their contract, they are required to be medically examined. Another provision says that

"Upon the termination of the contract, the employer shall, where the labourer's home is in the district to which he is presented to the district officer, hand the labourer over, with all his effects, to the district labour officer, who shall take all necessary steps to return the labourer to his home at the expense of the employer."

The PRESIDENT: Does that apply to indentured labour?

Mr. HALLIGAN: Yes, it applies to indentured labour.

Mr. NORIEGA (Mexico) (Interpretation from Spanish): In order to be perfectly clear, does this mean that there are no penalties of imprisonment for the native labourer when he terminates his contract?

Mr. HALLIGAN: Yes. Periods of imprisonment were formerly in the law, but they have been abolished now.

The PRESIDENT: As there are no further questions, the Council has concluded the examination of the Report in so far as the social advancement of the inhabitants are concerned. I thought that we would be able to finish examining the entire Report today but that seems impossible. The next phase is impossible of completion this evening. We shall have to continue tomorrow. However, the part dealing with education should not take very long, and immediately following the completion of the questioning on the educational advancement of the inhabitants, we shall proceed with the general discussion, in order to be able to set up a drafting committee and to formulate a report.

The Drafting Committee on Tanganyika will meet tomorrow morning at 10:30 a.m. in Conference Room 5.

I have been asked to announce that the Sub-Committee of the Trusteeship Council, which was appointed to negotiate with the Sub-Committee of the Security Council, will meet that Sub-Committee on Thursday morning at 10:30 a.m. in Room A3-138. The representatives of China, Mexico and New Zealand will please note the time and place.

The meeting is adjourned until 2 p.m. tomorrow.

The meeting rose at 6:15 p.m.