

# SEAMEN (UNEMPLOYMENT INDEMNITY) ORDINANCE 1951.<sup>(1)</sup>

No. 38 of 1951.

**An Ordinance to give effect to a Draft Convention adopted by the International Labour Conference at Genoa on the ninth day of July, One thousand nine hundred and twenty, relating to Unemployment Indemnity for Seamen in the Case of Loss or Foundering of their Ship.**

**B**E it ordained by the Administrator of the Government of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Papua and New Guinea Act 1949-1950*, as follows:—

1. This Ordinance may be cited as the *Seamen (Unemployment Indemnity) Ordinance 1951.*<sup>(1)</sup> Short title.
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice<sup>(1)</sup> in the *Gazette*. Commencement.
3. The Ordinances specified in the Schedule to this Ordinance are repealed. Repeal.
4. In this Ordinance, unless the contrary intention appears— Definitions.
  - “owner” includes a person with whom the seaman has contracted for service on board the vessel;
  - “seamen” includes all persons employed or engaged in any capacity on board a vessel engaged in maritime navigation but in the case of a vessel which is a fishing boat does not include a person who is entitled to share in the profits or the gross earnings of the working of the vessel;
  - “vessel” includes all ships and boats of any kind whatsoever registered in the Territory but does not include a vessel of war.
- 5.—(1.) Notwithstanding anything elsewhere contained, where by reason of the wreck or loss of a vessel on which a seaman is employed his service terminates before the date contemplated in Unemployment indemnity.

(1) Particulars of this Ordinance are as follows:—

Date on which made by Cwlth. Administrator in Council.	Date on which notified in <i>Cwlth. Gaz.</i>	Date on which took effect.
24.10.1951	1.11.1951	19.11.1951 ( <i>Papua and N.G. Govt. Gaz.</i> of 19.11.1951)

the agreement he is entitled in respect of each day on which he is in fact unemployed during a period of two months from the date of the termination of the service to receive wages at the rate to which he was entitled at that date.

(2.) A seaman is not entitled to receive wages under this section if the owner shows that the unemployment was not due to the wreck or loss of the vessel and is not entitled to receive wages under this section in respect of any day if the owner shows that the seaman was able to obtain suitable employment on that day.

Recovery of  
indemnity.

6. The money payable under the provisions of the last preceding section of this Ordinance in respect of each day the seaman was in fact unemployed is recoverable in a Court of competent jurisdiction in the same manner as arrears of wages earned during the service.

Section 3.

### THE SCHEDULE.

#### ORDINANCE OF THE TERRITORY OF PAPUA.

*Seamen (Unemployment Indemnity) Ordinance, 1937.*(2)

#### ORDINANCE OF THE TERRITORY OF PAPUA AND NEW GUINEA.

*Seamen (Unemployment Indemnity) (Papua) Ordinance 1950.*(3)

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(2) Printed in *The Laws of the Territory of Papua 1888-1945 (Annotated)*, Vol. IV., on pp. 4193-4194.

(3) Printed in Part B in Volume II.