

SEAMEN (UNEMPLOYMENT INDEMNITY) ORDINANCE, 1937. ⁽¹⁾

No. 7 of 1937.

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.

BE it ordained by the Legislative Council for the Territory of Papua, in pursuance of the powers conferred by the *Papua Act, 1905-1934*, as follows:—

1. This Ordinance may be cited as the *Seamen (Unemployment Indemnity) Ordinance, 1937.*⁽¹⁾ Short title.

2. In this Ordinance unless a contrary intention appears:— Interpretation.

“Owner” includes any 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 any vessel engaged in maritime navigation but in the case of a vessel which is a fishing boat does not include any 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 shall not include any vessel of war.

3.—(1.) Notwithstanding anything elsewhere contained where by reason of the wreck or loss of any vessel on which a seaman is employed his service terminates before the date contemplated in the agreement he shall be entitled in respect of each day on which he is in fact unemployed during a period of two months from the

Unemployment indemnity. Cf. Imp. 15 & 16 Geo. V. Ch. 42, s. 1.

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

Date of assent by Lieut.-Gov.	Date notified in Papua <i>Govt. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
16.8.1937	1.12.1937	16.8.1937 (<i>Ordinances etc. of Papua, 1937, p. 13</i>)

(2) See Section 19(2) of the *Ordinance Interpretation Ordinance, 1911-1940.*

SHIPPING—

date of the termination of the service to receive wages at the rate to which he was entitled at that date.

(2.) A seaman shall not be 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 shall not be 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.

4. The money payable under the provisions of the preceding section of this Ordinance in respect of each day the seaman was in fact unemployed as aforesaid shall be recoverable in any Court of competent jurisdiction in the same manner as arrears of wages earned during the service.

Natives.

5. Nothing in this Ordinance shall extend to any native.