

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 178.

Seamen (Unemployment Indemnity).

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not vested specifically in any Minister it seems likely, from its subject-matter and the determination of functions of Departments, that it came within the responsibility of the Minister for Labour, Commerce and Industry.

The Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Seamen (Unemployment Indemnity) Act</i>	3
Regulations	—
Subsidiary Legislation	—
Appendix—	
Source of Act.	

INDEPENDENT STATE OF PAPUA NEW GUINEA.

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Seamen (Unemployment Indemnity) Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "owner"
 - "seamen"
 - "vessel".
2. Unemployment indemnity.
3. Recovery of indemnity.

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

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Seamen (Unemployment Indemnity) Act.

Being an Act to give effect to a draft convention adopted by the International Labour Conference at Genoa on 9 July 1920, relating to unemployment indemnity for seamen in the case of loss or foundering of their ship.

1. Interpretation.

In this Act, unless the contrary intention appears—

"owner" includes a person with whom the seaman has contracted for service on board the vessel;

"seamen" includes any person employed or engaged in any capacity on board a vessel engaged in maritime navigation, but in the case of a vessel that 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 any ship or boat of any kind registered in Papua New Guinea, but does not include a vessel of war.

2. Unemployment indemnity.

(1) Notwithstanding anything in any other law, 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 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—

(a) that the unemployment was not due to the wreck or loss of the vessel; or

(b) in respect of any day that the seaman was able to obtain suitable employment on that day.

3. Recovery of indemnity.

The money payable under Section 2 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.

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APPENDIX.

SOURCE OF THE SEAMEN (UNEMPLOYMENT INDEMNITY) ACT.

Part A.—Previous Legislation.

Seamen (Unemployment Indemnity) Act 1951 (No. 38 of 1951)

as amended by—

Seamen (Unemployment Indemnity) Act 1953 (No. 44 of 1953).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ¹ .
1	4
2	5
3	6

¹ Unless otherwise indicated, references are to the Act set out in Part A.

