

SHIPPING (MARITIME CONVENTION) ORDINANCE 1937. ⁽¹⁾

No. 6 of 1937.

An Ordinance to give effect to an International Convention relating to Unemployment Indemnity in the Case of the Loss or Foundering of a Ship.

BE it ordained by the Legislative Council for the Territory of New Guinea, in pursuance of the powers conferred by the *New Guinea Act 1920-1935*, as follows:—

1. This Ordinance may be cited as the *Shipping (Maritime Convention) Ordinance 1937.*⁽¹⁾ Short title.

2. —(1.) Where the service of a seaman belonging to a ship (other than a river and bay ship) registered in the Territory terminates, before the period contemplated in his agreement, by reason of the wreck or loss of the ship, he shall be entitled— Right to wages in case of termination of service by wreck.

(a) to conveyance, by or at the cost of the owner, to the port of engagement, or, at the master's option, to the port of discharge mentioned in the agreement, or to such other port as is mutually agreed upon, with the approval of the proper authority, between the master and the seaman; and

(b) to wages, 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, at the rate to which he was entitled on that date.

(2.) Notwithstanding anything contained in the last preceding sub-section, a seaman shall not be entitled to receive wages under this section—

(a) if the owner shows that the unemployment was not due to the wreck or loss of the ship; or

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

Date of assent by Administrator.	Date notified in <i>N.G. Gaz.</i> as not disallowed by Gov.-Gen. in Council.	Date on which came into operation.
3.3.1937	22.6.1937	3.3.1937 (<i>Laws of T.N.G.</i> , Vol. XIV, p. 10)

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

(3.) Where a seaman, whose service terminates by reason of the wreck or loss of the ship, has been engaged by the run, he shall be entitled to the wages to which he would have been entitled on the termination of the run, subject to all just deduction.

(4.) In this section "seaman" includes every person other than a native employed or engaged in any capacity on board the ship, but, in the case of a ship which is a fishing boat, does not include any person who is entitled to be remunerated only by a share in the profits or the gross earnings of the working of the boat.