

PAPUA.



No. 5 of 1930.

AN ORDINANCE

*For Compensating the Families of Persons Killed
by Accidents.*

J. H. P. MURRAY.

[L.S.]

15th July, 1930.

BE it enacted by the Lieutenant-Governor of the Territory of Papua with the advice and consent of the Legislative Council thereof as follows:—

1. This Ordinance may be cited as the *Compensation to Relatives Ordinance, 1930.* Short title.

2. Whensoever the death of a person is caused by a wrongful act neglect or default and the act neglect or default is such as would (if death had not ensued) have entitled the party injured to maintain an action and recover damages in respect thereof then and in every such case the person who would have been liable if death had not ensued shall be liable to an action for damages notwithstanding the death of the person injured and although the death has been caused under such circumstances as amount in law to a crime.

Liability for death caused wrongfully.
Cf. 9 & 10,
Vic. C. 93,
s. 1.

Actions how brought.
Ib. s. 2.

3. Every such action shall be for the benefit of the wife husband parent and child of the person whose death has been so caused and shall be brought by and in the name of the executor or administrator of the person deceased and in every such action damages may be given proportioned to the injury resulting from such death to the parties respectively for whom and for whose benefit such action is brought and the amount so recovered after deducting the costs not recovered from the defendant shall be divided amongst the before-mentioned parties in such shares as the Court may direct: Provided that in the case of a deceased native the action may be brought by and in the name of the Commissioner for Native Affairs.

Limitation of actions.
Cf. 9 & 10,
Vic. C. 93,
s. 3.

4. Not more than one action shall lie for and in respect of the same subject-matter of complaint and every such action shall be commenced within twelve months after the death of such deceased person.

Particulars of demand.
Ib. s. 4.

5. In every such action the plaintiff on the record shall be required together with the writ or summons to deliver to the defendant or his attorney a full particular of the persons for whom and on whose behalf such action is brought and of the nature of the claim in respect of which damages are sought to be recovered.

Construction of Ordinance.
Ib. s. 5.

6. The following words are intended to have the meanings hereby assigned to them respectively so far as such meanings are not excluded by the context or by the nature of the subject-matter that is to say the word "parent" shall include father and mother and grandfather and grandmother and stepfather and stepmother and any person who by native custom acts in the place of any of the aforesaid persons; and the word "child" shall include son and daughter and grandson and granddaughter and stepson and stepdaughter and any adopted child or child considered by native custom adopted.

Passed in Council this fifteenth day of July, in the the year of Our Lord One thousand nine hundred and thirty.
