



No. 47 of 2015

***Maritime Zones Act 2015***

Certified on: 23 November 2015



## **PART I. - PRELIMINARY.**

- 1 Compliance with constitutional and other requirements.
2. Interpretation -
  - “aircraft”
  - “archipelagic air route passage”
  - “archipelagic sea lane”
  - “archipelagic sea lanes passage”
  - “archipelagic waters”
  - “baseline”
  - “captain”
  - “coastal waters”
  - “competent international organization”
  - “contiguous zone”
  - “continental margin”
  - “continental self”
  - “enforcement authority”
  - “exclusive economic zone”
  - “extended continental shelf”
  - “foreign aircraft”
  - “foreign person or body”
  - “foreign vessel”
  - “geodetic datum”
  - “hazardous waste”
  - “high seas”
  - “inland waterways”
  - “installation”
  - “internal waters”
  - “international navigation”
    - “low water line”
    - “marine scientific research”
    - “maritime cultural zone”
    - “maritime zone”
    - “master”
    - “median line”
    - “mile”
    - “Minister”
    - “MSR”
    - “MSR activity”

“MSR approval”  
“MSR Committee”  
“MSR Guidelines”  
“MSR organization”  
“passage”  
“Prevention of Collisions Convention”  
“road stead”  
“safety zone”  
“State vessel”  
“territorial sea”  
“transit passage”  
“UNCLOS”  
“UNESCO Convention”  
“vessel”  
“waters of Papua New Guinea”  
“written law”

3. Papua New Guinea an archipelagic State.
4. Baseline.
5. Boundaries with other States.

## **PART II. - INTERNAL WATERS.**

6. Internal waters.
7. Closing lines for internal waters.

## **PART III. - ARCHIPELAGIC WATERS.**

8. Archipelagic waters.
9. Jurisdiction over the archipelagic waters.

## **PART IV. - TERRITORIAL SEA.**

10. Territorial sea.
11. Jurisdiction over the territorial sea.
12. Power to declare road steads.

## **PART V. - COASTAL WATERS.**

13. Declaration of coastal waters.

## **PART VI. - RIGHTS OF PASSAGE.**

14. Innocent passage through the territorial sea.
15. Criminal jurisdiction in relation to foreign vessels.
16. Civil jurisdiction in relation to foreign vessels.
17. Sea lanes and traffic separation schemes in the territorial sea.
18. Innocent passage through or over the archipelagic waters.
19. Archipelagic sea lanes, air routes and traffic separation schemes.
20. Archipelagic sea lane and air route passage.
21. Regulation of passage of vessels.
22. Straits use for international navigation.
23. Enforcement of rules of passage.
24. Foreign State vessels and aircrafts.

## **PART VII. - CONTIGUOUS ZONE.**

25. Contiguous zone.
26. Jurisdiction in the contiguous zone.

## **PART VIII. - EXCLUSIVE ECONOMIC ZONE.**

27. Exclusive economic zone.
28. Rights, jurisdiction and duties of Papua New Guinea in the exclusive economic zone.
29. Exercise of jurisdiction by Papua New Guinea in the exclusive economic zone.

## **PART IX. - CONTINENTAL SHELF.**

30. Continental shelf.
31. Rights of Papua New Guinea over the continental shelf.
32. Regulation of continental shelf.
33. Submarine cables and pipelines on the continental shelf.
34. Exercise of jurisdiction by Papua New Guinea in the continental shelf.

## **PART X. - INSTALLATIONS, SAFETY ZONES AND SAFETY OF NAVIGATION.**

35. Installations in the waters of Papua New Guinea.
36. Jurisdiction over installations.
37. Safety zones around installations.

38. Safety of navigation in the waters of Papua New Guinea

#### **PART XI. - MARINE ENVIRONMENTAL PROTECTION.**

39. Protection of the marine environment.
40. Designation of marine protected areas.
41. Trans-shipment of hazardous waste.
42. Operating a ship in a manner that causes pollution or damage to the marine environment.
43. Failure to ensure ship is operated in a manner that does not cause pollution or damage to the marine environment.
44. Aggravated offence of causing pollution to the marine environment.

#### **PART XII. - MARINE SCIENTIFIC RESEARCH.**

45. Control of marine scientific research.
46. Designated marine scientific research areas.
47. Marine Scientific Research Committee.
48. Approval of marine scientific research proposals.

#### **PART XIII. - UNDERWATER CULTURAL HERITAGE.**

49. Underwater cultural heritage.
50. Maritime cultural zone.

#### **PART XIV. - MISCELLANEOUS.**

51. Geodetic datum.
52. Publication of notices, etc.
53. Publication of charts.
54. Notification of dangers, etc.
55. Application of other laws.
56. Offences.
57. Prosecution of offences.
58. Confiscation.
59. Non-justiciable issues.
60. Regulations.
61. Repeal and savings.
62. Transitional provisions.

## **SCHEDULES.**

Schedule 1. - Baselines.

Schedule 2. - Territorial Seas of the Independent State of Papua New Guinea.

Schedule 3. - Contiguous Zone of the Independent State of Papua New Guinea.

Schedule 4. - Exclusive Economic Zone of the Independent State of Papua New Guinea.

Schedule 5. - Charts.

Schedule 6. - Marine Scientific Research Committee of Papua New Guinea.

Schedule 7. - Convention on the Protection of the Underwater Cultural Heritage 2001.

Schedule 8. - Maritime Boundary.

Schedule 9. - Notice of Making powers.

Schedule 10.- Source of information for Geodetic Datum.







No. 47 of 2015

An Act

entitled

***Maritime Zones Act 2015,***

Being an Act to -

- (a) provide for the delimitation of the maritime zones of Papua New Guinea; and
  - (b) assert the rights of Papua New Guinea in relation to those zones; and
  - (c) incorporate into the law of Papua New Guinea provisions of the United Nations Convention on the Law of the Sea; and
  - (d) regulate marine scientific research in the waters of Papua New Guinea; and
  - (e) make provision with regard to marine environmental protection and the underwater cultural heritage; and
  - (f) repeal the *National Seas Act* (Chapter 361),
- and for related purposes.

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**PART I - PRELIMINARY.**

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

(1) This Act, to the extent that it regulates or restricts a right or freedom referred to in Division III.3.C (*qualified rights*) of the *Constitution*, namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44; and
  - (b) the right to freedom of employment conferred by Section 48; and
  - (c) the right to privacy conferred by Section 49; and
  - (d) the right to freedom of movement conferred by Section 52,
- of the *Constitution*, is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

(2) Nothing in this Act alters the provincial boundaries set out in Schedule 1 of the *Organic Law on Provincial Boundaries*.

(3) For the purposes of Section 41(2) of the *Organic Law on Provincial Governments and Local-level Government*, it is declared that this Act relates to a matter of national interest.

## *Maritime Zones*

(4) For the purposes of Section 41(6) of the *Organic Law*, it is declared that this is an Act on a matter specified in Section 42 or 44, and prevails over any law made under Section 42 or 44 to the extent of any inconsistency.

(5) For the purposes of Section 53(1) of the *Constitution* (*protection from unjust deprivation of property*), maritime zones purposes are hereby declared to be for public purposes.

### **2. INTERPRETATION.**

- (1) In this Act, unless the contrary intention appears -
- “aircraft” means a machine that can derive support in the atmosphere from the reactions of the air otherwise than by the reactions of the air against the surface of the earth;
  - “archipelagic sea lane” means a sea lane or air route designated through or over archipelagic waters pursuant to Section 19;
  - “archipelagic air route passage” means over flight by an aircraft over the archipelagic waters in a normal manner solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or the exclusive economic zone and another part of the high seas or the exclusive economic zone;
  - “archipelagic sea lanes passage” means navigation by a vessel through the archipelagic waters in a normal manner solely for the purpose of continuous, expeditious and unobstructed transit between one part of the high seas or the exclusive economic zone and another part of the high seas or the exclusive economic zone;
  - “archipelagic waters” means the archipelagic waters of Papua New Guinea, as defined in Section 8;
  - “baseline” means the line from which the breadth of the territorial sea is measured;
  - “captain” in relation to an aircraft, means the person in charge of the aircraft;
  - “coastal waters” means areas within the internal waters, archipelagic waters or territorial sea that may be declared as coastal waters by the Head of State acting on advice;
  - “competent international organisation” means the organisation competent to deal with the subject under the UNCLOS;
  - “contiguous zone” means the contiguous zone as defined in Section 25;
  - “continental margin” -
    - (a) means the submerged prolongation of the land mass of Papua New Guinea; and
    - (b) consists of the seabed and subsoil of the shelf, the slope and the rise;
    - (c) does not include the deep ocean floor with its oceanic ridges or the subsoil of the floor;
  - “continental shelf” means the continental shelf as defined in Section 30;
  - “enforcement authority” means the Commissioner of Police or other body or person authorized under legislation to enforce the law;
  - “exclusive economic zone” means the exclusive economic zone as defined in Section

## *Maritime Zones*

27;

“extended continental shelf” means an area declared under Section 30(2) as an area where the continental margin extends beyond 200 miles from the baseline;

“foreign aircraft” means an aircraft of a foreign state or an aircraft not registered in Papua New Guinea;

“foreign person or body” means a person not a citizen of Papua New Guinea or a body not incorporated in Papua New Guinea;

“foreign vessel” means a vessel of a foreign State or a vessel not registered in Papua New Guinea;

“geodetic datum” means World Geodetic System 1984 (WGS84), which is a geocentric datum with a major (equatorial) radius of 6378137 metres and a flattening of 100/29825.7223563, and the source of this information is in Schedule 10;

“hazardous waste” means any materials of biological, chemical, or radioactive origin that possess dangerous toxic properties which can cause serious injury or damage to humans, fauna, or the environment;

“high seas” means those parts of the sea that are not included in the internal waters, archipelagic waters, territorial sea or exclusive economic zone of any State;

“inland waterways” means lakes, rivers, inlets or canals which provide shipping and transportation of goods and services regulated under the *Merchant Shipping Act* (Chapter 242);

“installation” means an artificial island, installation, structure or other device constructed, operated or used for a purpose mentioned in Section 28(1) or any other economic purpose;

“internal waters” includes inland waterways and waters in bays, gulfs, inlets of the sea, rivulets, streams, lakes, lagoons, ports and harbours as defined in Section 6;

“international navigation” means navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone;

“low water line” means the low water line at lowest astronomical tide;

“marine scientific research” means conduct of scientific research in the waters of Papua New Guinea;

“maritime cultural zone” has its meaning under Section 50;

“maritime zone” means the internal waters, archipelagic waters, the territorial sea, the contiguous zone, the maritime cultural zone, the exclusive economic zone or the continental shelf;

“master” means the person in charge of the ship, but does not include a pilot;

“median line” means a line every point of which is equidistant from the nearest points of the baselines from which the breadth of the territorial seas of Papua New Guinea and of any opposite or adjacent State or territory are measured;

“mile” refers to an international nautical mile (M), that is, 1,852.00 metres;

“Minister” means the Minister responsible for the conduct of Papua New Guinea’s foreign affairs matters unless otherwise stated;

## *Maritime Zones*

- “MSR” means marine scientific research;
- “MSR activity” means conducting MSR, setting up any installation, structure or device or system for the purpose of MSR or taking any other step preparatory to such research, other than producing feasibility studies, costing and proposals for consideration by the MSR Committee;
- “MSR approval” means written approval for MSR granted under Part XII;
- “MSR Committee” means the committee established by Section 47 and reflected in Schedule 6;
- “MSR Guidelines” means the guidelines to the policies and procedures of the MSR Committee issued pursuant to Section 47(7);
- “MSR organisation” means a person or body that is qualified to undertake research and is given approval to conduct MSR;
- “passage” means navigation in the archipelagic waters or territorial sea for the purpose of -
- (a) traversing the sea or waters without entering the internal waters or calling at a roadstead or port facility outside internal waters; or
  - (b) proceeding to or from internal waters or a call at a roadstead or port facility;
- “Prevention of Collisions Convention” means the *Convention on the International Regulations for Preventing Collisions at Sea 1972*;
- “road stead” means an area offshore used for the loading, unloading and anchoring of ships;
- “safety zone” means an area established under Section 37;
- “State vessel” or “State aircraft” means a vessel or aircraft owned or operated by the government of a foreign State;
- “territorial sea” means the territorial sea as defined in Section 10;
- “transit passage” means innocent passage by a vessel or aircraft through or over straits used for international navigation;
- “UNCLOS” means the *United Nations Convention on the Law of the Sea 1982*;
- “UNESCO Convention” means the *UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001*;
- “vessel” includes a ship, hovercraft, boat, ferry, raft, yacht, canoe or pontoon that is used as a conveyance in or on water, whether or not it is self-propelled;
- “waters of Papua New Guinea” means internal waters, the archipelagic waters, the territorial sea, the contiguous zone, the exclusive economic zone and the water superjacent to the continental shelf;
- “written law” means this Act including regulations, notices or schedules made under this Act or in any other Act and regulations made under an Act of Parliament.

- (2) Unless a contrary intention appears, words and expressions defined in the *UNCLOS* or the *UNESCO Convention* and used in this Act shall have the same meaning in this Act as they have when used in the *UNCLOS* or the *UNESCO Convention* respectively.

### **3. PAPUA NEW GUINEA, AN ARCHIPELAGIC STATE.**

## *Maritime Zones*

Papua New Guinea is an archipelagic State.

### **4. BASELINES.**

- (1) The baseline from which the breadth of the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf is measured is the low water line unless specified otherwise in Schedule 1.
- (2) The Minister may, by notice in the National Gazette, amend the baseline in Schedule 1.
- (3) An amendments shall be in accordance with this Act, the *UNCLOS* and other rules of international law.
- (4) In amending Schedule 1, the Minister may adopt -
  - (a) the low-water line for normal baselines as specified in Article 5 of the *UNCLOS*; or
  - (b) the seaward low-water line of reefs as specified in Article 6 of the *UNCLOS*; or
  - (c) straight baselines determined in the manner specified in Articles 7, 9, 10, 11, 12 and 13 of the *UNCLOS*; or
  - (d) archipelagic baselines determined in the manner specified in Article 47 of the *UNCLOS*; or
  - (e) a combination of the baselines mentioned in Paragraphs (a), (b), (c) or (d) as provided for in Article 14 of the *UNCLOS*.
- (5) For the purposes of this Act, the outermost permanent harbour works which form an integral part of a harbour system are to be regarded as forming part of the coast, but this subsection does not apply to off-shore installations or artificial islands.
- (6) An amendment of Schedule 1 must be -
  - (a) by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
  - (b) shown on charts of a scale or scales adequate for ascertaining their position, and the charts be published in accordance with Section 52 or 53.
- (7) The Minister shall -
  - (a) give appropriate publicity to Schedule 1; and
  - (b) deposit a copy of Schedule 1 and any amendment of it with the Secretary-General of the United Nations.

### **5. BOUNDARIES WITH OTHER STATES.**

- (1) Where the coast of Papua New Guinea is opposite or adjacent to the coast of another State -
  - (a) the territorial sea of Papua New Guinea must not extend beyond the median line unless -
    - (i) there is an agreement between Papua New Guinea and that other State to the

## *Maritime Zones*

- contrary; or
  - (ii) it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in some other way; and
  - (b) the delimitation of the exclusive economic zone or continental shelf between Papua New Guinea and the other State is to be effected by agreement on the basis of international law to achieve an equitable solution; and
  - (c) if there is a delimitation agreement in force between Papua New Guinea and the other State, questions relating to the delimitation of the exclusive economic zone or continental shelf are to be determined in accordance with the provisions of the agreement.
- (2) Any variation of an outer limit pursuant to this section shall be done in the manner provided in this Act and the variation shall be published in accordance with Section 52.
  - (3) An agreement between Papua New Guinea and another State to which this section applies is prescribed in Schedule 8.
  - (4) The Minister may, by notice in the National Gazette, amend Schedule 8.

### **PART II - INTERNAL WATERS.**

#### **6. INTERNAL WATERS.**

All waters landward of the low water line and closing lines declared under Section 7 are internal waters.

#### **7. CLOSING LINES FOR INTERNAL WATERS.**

- (1) The Head of State acting on advice may make regulations determining closing lines to delimit internal waters in the case of the mouths of rivers or entrances to lagoons, bays, permanent harbour works, gulfs, inlets of the sea, rivulets and streams.
- (2) The closing lines must be determined in accordance with the *UNCLOS*.
- (3) A determination under Subsection (1) may be by reference to physical features marked on official charts or to lists of geographical coordinates, specifying the geodetic datum.
- (4) Closing lines determined under Subsection (1) -
  - (a) may be by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
  - (b) may be shown on charts of a scale or scales adequate for ascertaining their position, and be published in accordance with Section 53.

### **PART III. - ARCHIPELAGIC WATERS.**

## *Maritime Zones*

### **8. ARCHIPELAGIC WATERS.**

- (1) The archipelagic waters are all waters on the landward side of the archipelagic baselines.
- (2) The archipelagic waters on the landward side of the baseline do not form part of the internal waters.

### **9. JURISDICTION OVER THE ARCHIPELAGIC WATERS.**

- (1) The sovereign jurisdiction of Papua New Guinea extends to -
  - (a) the archipelagic waters; and
  - (b) the airspace over the archipelagic waters; and
  - (c) the seabed and subsoil under the archipelagic waters and the resources contained in the seabed and subsoil.
- (2) The sovereign jurisdiction declared under Subsection (1) shall be exercised -
  - (a) in accordance with this Act, the UNCLOS and other rules of international law; and
  - (b) with due respect for traditional fishing rights and other activities of adjacent States in the archipelagic waters, as determined by bilateral agreements with such States.

### **PART IV - TERRITORIAL SEA.**

### **10. TERRITORIAL SEA.**

- (1) Subject to Section 5, the territorial sea comprises the waters from the baseline established in Section 4 and a geodesic line joining every point of which is at a distance of 12 nautical miles from the nearest point of the baselines.
- (2) The outer limits of the territorial sea are as set out in Schedule 2.
- (3) The Minister may, by notice in the National Gazette, amend Schedule 2, having regard to the provisions of Section 5 in relation to opposite or adjacent States.
- (4) An amendment of Schedule 2 -
  - (a) may be by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
  - (b) may be shown on charts of a scale or scales adequate for ascertaining their position, and shall be published in accordance with Section 52 or 53.

### **11. JURISDICTION OVER THE TERRITORIAL SEA.**

- (1) The sovereignty of Papua New Guinea extends -
  - (a) beyond its land territory, internal waters and archipelagic waters to the territorial sea; and
  - (b) to the air space over the territorial sea and to its bed and subsoil,
- (2) The sovereignty declared under Subsection (1)(a) and (b) must be exercised in accordance with this Act, the *UNCLOS* and other rules of international law.

## *Maritime Zones*

### **12. POWER TO DECLARE ROADSTEADS.**

- (1) The Minister may, by notice in the National Gazette, declare roadsteads.
- (2) Where a roadstead is situated wholly or partly beyond the outer limits of the territorial sea, it is deemed to be within the limits of the territorial sea.

### **PART V. - COASTAL WATERS.**

### **13. COASTAL WATERS.**

- (1) The Head of State, acting on advice, may make regulations declaring any waters to be coastal waters.
- (2) Regulations may only be made following consultation and agreement between the National Government and the relevant Provincial Government.

### **PART VI - RIGHTS OF PASSAGE.**

### **14. INNOCENT PASSAGE THROUGH THE TERRITORIAL SEA.**

- (1) Subject to this Part, foreign vessels of all States have the right of innocent passage through the territorial sea.
- (2) For the purposes of this Act, passage is innocent so long as it is not prejudicial to the peace, good order or security of Papua New Guinea.
- (3) Passage shall take place in accordance with this Act, the *UNCLOS* and other rules of international law.
- (4) Passage shall be continuous and expeditious, but may include stopping and anchoring -
  - (a) for purposes incidental to ordinary navigation; or
  - (b) if necessary because of superior force or distress or to render assistance to a person, vessel or aircraft in danger or distress.
- (5) Passage of a foreign vessel is considered to be prejudicial to the peace, good order or security of Papua New Guinea if, in the territorial sea, the vessel -
  - (a) makes any threat or use of force against the sovereignty, territorial integrity or political independence of Papua New Guinea; or



## *Maritime Zones*

- (b) in any other manner violates the principles of international law embodied in the Charter of the United Nations; or
  - (c) exercises or practices with weapons of any kind; or
  - (d) collects information to the prejudice of the defence or security of Papua New Guinea; or
  - (e) issues propaganda aimed at affecting the defence or security of Papua New Guinea; or
  - (f) launches, lands or takes on board any aircraft or military device; or
  - (g) loads or unloads any commodity, currency or person contrary to the customs, revenue, immigration or health laws of Papua New Guinea; or
  - (h) commits any act of willful and serious pollution contrary to the *Marine Pollution (Sea Dumping) Act 2013*, this Act or other marine pollution legislation of Papua New Guinea; or
  - (i) engages in any fishing activity except as permitted by or under the laws of Papua New Guinea; or
  - (j) engages in any research or survey activity except as permitted by this Act or other laws of Papua New Guinea; or
  - (k) does any act aimed at interfering with any systems of communication or any other facility or installation of Papua New Guinea; or
  - (l) engages in any other activity that does not have a direct bearing on passage.
- (6) The Minister may, by notice in the National Gazette, suspend temporarily in specified areas of the territorial sea, the right of passage of all or of specified foreign vessels to protect the security of Papua New Guinea.
- (7) A notice under Subsection (6) shall not discriminate, in form or in fact, among the vessels to which it relates.
- (8) A notice under Subsection (6) may be revoked when passage is no longer prejudicial to the peace, good order or security of Papua New Guinea by notice published in the National Gazette.

### **15. CRIMINAL JURISDICTION IN RELATION TO FOREIGN VESSELS.**

- (1) No person may be arrested and no investigation may be conducted in connection with an offence alleged to have been committed on board a foreign vessel during its passage through the territorial sea, unless -
- (a) the consequences of the offence extend to Papua New Guinea; or
  - (b) the offence is of a kind to disturb the peace of Papua New Guinea or the good order of the territorial sea; or
  - (c) the assistance of the authorities of Papua New Guinea has been requested by the master of the vessel or by a diplomatic agent or consular officer of the flag State; or
  - (d) the arrest or investigation is necessary for the suppression of illicit traffic in narcotic drugs or psychotropic substances.

## *Maritime Zones*

- (2) Subsection (1) does not limit any power conferred by the laws of Papua New Guinea to make an arrest or conduct an investigation on board a foreign vessel passing through the territorial sea after leaving internal waters.
- (3) If an arrest or investigation is to be carried out on a vessel pursuant to Subsections (1) or (2), the enforcement authority shall, if the master of the vessel so requests -
  - (a) notify a diplomatic agent or consular officer of the flag State before authorising the arrest or investigation; and
  - (b) facilitate contact between the agent or officer and the ship's crew.
- (4) In a case of emergency, the notification required by Subsection (3) may be communicated while the measures are being taken.
- (5) In considering whether and how an arrest should be made, the enforcement authority, must have due regard to the interests of navigation.
- (6) Except as provided in Part XI (*Marine Environmental Protection*) or in respect of a contravention of any written laws relating to the exclusive economic zone, the enforcement authority shall not authorise an arrest or investigation on board a foreign vessel passing through the territorial sea in respect of an offence committed before the ship entered the territorial sea, if the ship -
  - (a) is proceeding from a foreign port; and
  - (b) is only passing through the territorial sea without entering internal waters.

### **16. CIVIL JURISDICTION IN RELATION TO FOREIGN VESSELS.**

- (1) A foreign vessel passing through the territorial sea -
  - (a) shall not be stopped or diverted only for the purpose of exercising civil jurisdiction in relation to a person on board the vessel; and
  - (b) is not subject to execution of civil process or arrest for the purpose of civil proceedings, except in respect of obligations or liabilities assumed or incurred by the vessel in the course, or for the purpose, of its voyage through the waters of Papua New Guinea.
- (2) Subsection (1) does not affect the right of any agency of the State, in accordance with the laws of Papua New Guinea, to levy execution against or to arrest, for the purpose of any civil proceedings, a foreign vessel in the territorial sea, or passing through the territorial sea after leaving internal waters.

### **17. SEA LANES AND TRAFFIC SEPARATION SCHEMES IN THE TERRITORIAL SEA.**

- (1) The Minister responsible for transport matters may, by notice in the National Gazette -
  - (a) designate sea lanes for the passage of foreign vessels through the territorial sea; and

## *Maritime Zones*

- (b) prescribe traffic separation schemes in such sea lanes.
- (2) In a notice under Subsection (1), the Minister responsible for transport matters may -
  - (a) specify the classes of vessel to which it applies; or
  - (b) make particular provision for tankers, nuclear-powered vessels and vessels carrying nuclear or other inherently dangerous or noxious substances or materials; or
  - (c) specify the permitted deviations from the sea lane passage.
- (3) In making a notice under Subsection (1), the Minister responsible for transport matter shall -
  - (a) have regard to the safety of navigation; and
  - (b) take into account -
    - (i) any recommendations about sea lanes and separation schemes made by the competent international organisation; and
    - (ii) the special characteristics of particular ships and channels; and
    - (iii) the density of traffic.

### **18. INNOCENT PASSAGE THROUGH OR OVER THE ARCHIPELAGIC WATERS.**

- (1) Subject to this Part, and without affecting the jurisdiction of Papua New Guinea over its internal waters, vessels and aircraft of all States have the right of innocent passage through or over the archipelagic waters.
- (2) Section 14(2), (3), (4) and (5) apply -
  - (a) to passage by vessels through the archipelagic waters as they apply to passage by vessels through the territorial sea; and
  - (b) to passage by aircraft over the archipelagic waters as they apply to passage by vessels through those waters, with necessary modifications.
- (3) The Minister may, by notice in the National Gazette, suspend temporarily, in specified areas of the archipelagic waters, the right of passage of all or of specified foreign vessels or aircraft in order to protect the security of Papua New Guinea.
- (4) A notice under Subsection (3) shall not discriminate in form or in fact among the vessels and aircraft to which it relates.
- (5) A notice under Subsection (3) may be revoked when passage is no longer prejudicial to the security of PNG.

### **19. ARCHIPELAGIC SEALANES, AIR ROUTES AND TRAFFIC SEPARATION SCHEMES.**

- (1) The Minister responsible for transport matters may, by notice in the National Gazette -
  - (a) designate sea lanes suitable for the continuous and expeditious passage of foreign vessels through the archipelagic waters; and

## *Maritime Zones*

- (b) prescribe traffic separation schemes for the purpose of ensuring the safe passage of ships through narrow channels in sea lanes designated under Paragraph (a).
  - (2) The Minister responsible for civil aviation matters may, by notice in the National Gazette, designate air routes suitable for the flight of foreign aircraft over the archipelagic waters.
  - (3) Sea lanes or air routes designated under Subsection (1) or (2) respectively -
    - (a) shall be defined by a series of continuous axis lines from the entry points of passage routes to the exit points; and
    - (b) shall traverse the archipelagic waters and the adjacent territorial sea; and
    - (c) shall include -
      - (i) all normal passage routes used as routes for international navigation or overflight through or over the archipelagic waters; and
      - (ii) within such routes, in relation to vessels, all normal navigational channel, but need not duplicate routes of similar convenience between the same entry and exit points.
  - (4) A notice under Subsection (1) or (2) and any amendment or replacement notice must conform to generally accepted international standards relating to sea lanes and air routes.
  - (5) Before publishing a notice under Subsection (1) or (2) designating a sea lane or air route or prescribing a traffic separation scheme, or amending or replacing a previous notice, the Minister responsible for transport matters or Minister for civil aviation matters shall obtain the agreement of the competent international organisation to the proposed notice.
  - (6) When a notice is published under Subsection (1) or (2) -
    - (a) the axis lines of the sea lanes and air routes; and
    - (b) the particulars of any traffic separation scheme, shall be clearly indicated on charts of a scale or scales adequate for them to be readily determined and the charts must be published in accordance with Section 53.
  - (7) Subject to this Act and other laws of Papua New Guinea that comply with the rules of international law, sea lanes or air routes designated under Subsection (1) or (2) respectively, and the rights of sea lanes passage or over flight may be exercised through and over the routes normally used for international navigation or over flight.
- 20. ARCHIPELAGIC SEA LANE AND AIR ROUTE PASSAGE.**
- (1) In sea lanes designated under Section 19(1)(a), all vessels have the right of archipelagic sea lane passage.
  - (2) On air routes designated under Section 19(2), all aircraft have the right of archipelagic air route passage.

## *Maritime Zones*

- (3) A vessel or aircraft exercising the right of archipelagic sea lane or air route passage shall not -
  - (a) deviate more than 25 miles to either side of the axis lines during passage; and
  - (b) navigate or fly closer to the coast than 10% of the distance between the nearest points on islands bordering the sea lane or air route.
  
- (4) A vessel or aircraft exercising the right of archipelagic sea lane or air route passage shall -
  - (a) proceed without delay through or over the archipelagic waters; and
  - (b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of Papua New Guinea; and
  - (c) refrain from any activity other than those incident to normal transit unless required by *force majeure* or by distress; and
  - (d) comply with other relevant provisions of this Act.
  
- (5) A vessel exercising the right of archipelagic sea lane passage shall -
  - (a) comply with the ***Merchant Shipping Act 1975***, the ***National Maritime Safety Act 2003*** and other legislation of Papua New Guinea relating to safety at sea; and
  - (b) comply with the ***Marine Pollution (Sea Dumping) Act 2013***, this Act and other marine pollution legislation of Papua New Guinea.
  
- (6) An aircraft exercising the right of archipelagic air route passage shall -
  - (a) comply with the ***Civil Aviation Act 2000*** and other legislation of Papua New Guinea relating to rules of the air; and
  - (b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.
  
- (7) No vessel, including a marine scientific research or hydrographic vessel, while exercising the right of archipelagic sea lane passage, shall carry out any survey activity without the prior authorisation of the Minister on the advice of the MSR Committee in writing.
  
- (8) Subject to Subsection (9), the laws of Papua New Guinea apply in respect of vessels and aircraft exercising the right of archipelagic sea lane or air route passage in relation to -
  - (a) the safety of navigation and the regulation of maritime traffic; and
  - (b) the safety of aviation and regulation of air traffic; and
  - (c) preventing, reducing and controlling pollution, including the discharge of oily wastes and other noxious substances in the sea lane; and
  - (d) control of fishing and the stowage of fishing gear; and
  - (e) the loading or unloading of any commodity, currency or person contrary to the customs, revenue, immigration or health laws of Papua New Guinea.
  
- (9) A law referred to in Subsection (8) is unenforceable in terms of this Act if and to the extent that it -

## *Maritime Zones*

- (a) discriminates amongst foreign vessels or aircraft; or
- (b) denies or hampers the right of sea lane passage or air route passage.

### **21. REGULATION OF PASSAGE OF VESSELS**

- (1) Subject to Subsection (3), the laws of Papua New Guinea in relation to -
  - (a) the safety of navigation and the regulation of maritime traffic; and
  - (b) conservation of the living resources of the sea; and
  - (c) the control of fisheries; and
  - (d) preserving the environment and preventing, reducing and controlling pollution of it; and
  - (e) preventing infringement of the customs, revenue, immigration and health matters, apply in respect of vessels exercising the right of innocent passage through archipelagic waters and the territorial sea.
- (2) The Head of State, acting on advice, may make Regulations in respect of passage through the archipelagic waters and the territorial sea -
  - (a) protecting navigational aids and facilities and other facilities or installations; and
  - (b) protecting cables and pipelines; and
  - (c) regulating hydrographic surveys.
- (3) A law referred to in Subsection (1) or a Regulation made under Subsection (2) is unenforceable in terms of this Act to the extent that it -
  - (a) applies to the design, construction, manning or equipment of foreign vessels (unless it gives effect to generally accepted international rules or standards); or
  - (b) imposes requirements on foreign vessels that have the effect of denying or impairing the right of passage; or
  - (c) discriminates against the vessels of any State or against vessels carrying cargoes to, from, or on behalf of, any State.
- (4) In the archipelagic waters and territorial sea, every submarine and every other underwater vehicle shall navigate on the surface and show its flag.
- (5) Charges on a vessel passing through the archipelagic waters or the territorial sea -
  - (a) may not be levied by reason only of the passage of the vessel through those waters; or
  - (b) may be levied on the vessel as payment for specific services rendered to it; or
  - (c) shall not discriminate against foreign vessels.

### **22. STRAITS USED FOR INTERNATIONAL NAVIGATION**

- (1) Subject to the Subsections (2), (3), (4) and (5), provisions of this Part apply with necessary modifications to the passage of vessels in, and the overflight of aircraft over, straits within the waters of Papua New Guinea that are used for international navigation.

## *Maritime Zones*

- (2) Passage by a vessel or aircraft in a strait to which this section applies, is transit passage and shall be exercised in the same manner as the right of innocent passage in the territorial sea and the archipelagic waters.
- (3) Nothing in this section prevents passage through a strait for the purpose of entering, leaving or returning from a State bordering the strait.
- (4) Before designating sea lanes or prescribing separation schemes under Section 17 or 19 in straits to which this section applies, the Minister responsible for transport matters shall consult the government of any State bordering the straits, and the competent international organisation.
- (5) The Minister responsible for transport matters does not have the power to suspend transit passage.

### **23. ENFORCEMENT OF RULES OF PASSAGE.**

- (1) The Minister responsible for transport matters may issue notices published in the National Gazette -
  - (a) to control the exercise by foreign vessels and aircraft of the rights of navigation and overflight in and over internal waters and the territorial sea as provided in Section 11; and
  - (b) to enforce any conditions in respect of a vessel or aircraft that are attached to -
    - (i) a right of passage through or over internal waters; or
    - (ii) a right to call at a port facility.
- (2) Notices published under this Part include power to stop, board and search a vessel or aircraft exercising a right of passage that is reasonably suspected of being in breach of the requirements of that right.

### **24. FOREIGN STATE VESSELS AND AIRCRAFT.**

- (1) The provisions of this Part apply to foreign States vessels, including warships, as provided by Part II.3.C and Article 42.5 of the *UNCLOS*.
- (2) The provisions of this Part apply to foreign State aircraft in the same manner as they apply to foreign State vessels, to the extent possible.

## **PART VII - CONTIGUOUS ZONE.**

### **25. CONTIGUOUS ZONE.**

- (1) The contiguous zone is the area of water contiguous to the territorial sea and extending 24 nautical miles from the baselines established under Section 4.
- (2) The outer limits of the contiguous zone are set out in Schedule 3.

## *Maritime Zones*

### **26. JURISDICTION IN THE CONTIGUOUS ZONE**

- (1) In order to enforce a law of Papua New Guinea relating to customs, revenue, immigration, health, sanitary, or phytosanitary outside the territorial sea, if and to the extent that the law does not provide for such enforcement, the enforcement authority may take any action in the contiguous zone -
  - (a) that is in other respects lawful; and
  - (b) that the authority considers necessary to prevent or prosecute a contravention within the land territory or the archipelagic waters or territorial sea of Papua New Guinea of that law.
- (2) A contravention of a law of the kind described in Subsection (1) in the contiguous zone may be prosecuted and punished as if it took place within the land territory of Papua New Guinea.

### **PART VIII - EXCLUSIVE ECONOMIC ZONE**

### **27. EXCLUSIVE ECONOMIC ZONE.**

- (1) Subject to section 5, the exclusive economic zone comprises the waters from the baseline established in Section 4 and a geodesic line joining every point of which is at a distance of 200 nautical miles from the nearest point of the baselines.
- (2) The outer limits of the exclusive economic zone are as set out in Schedule 4.
- (3) The Head of State, acting on advice, may make regulations, for the purpose of implementing any international agreement or the award of any international body, or otherwise -
  - (a) determine that the outer limits of the exclusive economic zone extend to a line, one or more points of which are at a distance of less than 200 nautical miles from the nearest point of the appropriate baseline; and
  - (b) determine that the exclusive economic zone does not extend to any specified area of the sea, seabed, or subsoil that would otherwise be included within the exclusive economic zone by virtue of this section.
- (4) Any Regulations made under Subsection (3) which amend the outer limits of the exclusive economic zone as set out in Schedule 4 may be -
  - (a) by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
  - (b) shown on charts of a scale or scales adequate for ascertaining their position, and shall be published in accordance with Section 53.

### **28. RIGHTS, JURISDICTION AND DUTIES OF PAPUA NEW GUINEA IN THE EXCLUSIVE ECONOMIC ZONE**



## *Maritime Zones*

- (1) Papua New Guinea has, in the exclusive economic zone -
  - (a) sovereign rights -
    - (i) for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil; and
    - (ii) with regard to other activities, for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds; and
  - (b) jurisdiction with regard to -
    - (i) the establishment and use of artificial islands, installations and structures; and
    - (ii) marine scientific research; and
    - (iii) the protection and preservation of the marine environment; and
  - (c) such other rights and duties as are provided for by international law.
- (2) In exercising the rights stated in Subsection (1), Papua New Guinea must have due regard to the rights and duties of other States and act in accordance with the *UNCLOS*.
- (3) Subject to this and any other Act, all States and their nationals have, in the exclusive economic zone -
  - (a) the rights of navigation and overflight referred to in Article 87 of the *UNCLOS*; and
  - (b) the right to lay submarine cables and pipelines; and
  - (c) the right to use the sea in any manner related to those rights that is compatible with the rules of international law.
- (4) Except in accordance with an agreement entered into with Papua New Guinea or under the authority of a licence granted by the responsible authority under the relevant legislation, no person may, in the exclusive economic zone explore or exploit any natural resources, whether living or non-living.
- (5) Articles 88 to 115 of the *UNCLOS* (concerning the uses of the high seas) apply to the exclusive economic zone so far as they are not inconsistent with any other written law.

### **29. EXERCISE OF JURISDICTION BY PAPUA NEW GUINEA IN THE EXCLUSIVE ECONOMIC ZONE.**

- (1) To enable Papua New Guinea to exercise the sovereign rights and jurisdiction it has in the exclusive economic zone, there is extended to that zone, to the extent recognized by the *UNCLOS*, the laws in force in Papua New Guinea.
- (2) The laws of Papua New Guinea shall apply to artificial islands, installations and structures in the exclusive economic zone as if they were in the territorial sea.

## **PART IX - CONTINENTAL SHELF**

## *Maritime Zones*

### **30. CONTINENTAL SHELF.**

- (1) The continental shelf of Papua New Guinea comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory -
  - (a) subject to Paragraph 2 of Article 76 of *UNCLOS*, to the outer edge of the continental margin; or
  - (b) where the outer edge of the continental margin does not extend up to that distance, a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.
- (2) Where, by virtue of Paragraph 2 of Article 76 of *UNCLOS*, the outer limits of the continental shelf are determined in accordance with Article 76, Paragraphs 4 to 6 of *UNCLOS*, the Head of State, acting on advice, may make regulations to provide for the outer limit to be determined by any method specified in Paragraph 4 of Article 76 of the *UNCLOS*.
- (3) Regulations may be made to amend the outer limits of the continental shelf -
  - (a) by reference to lists of geographical coordinates expressed in terms of the geodetic datum; or
  - (b) by being shown on charts of a scale or scales adequate for ascertaining their position, and shall be published in accordance with Section 53.

### **31. RIGHTS OF PAPUA NEW GUINEA OVER THE CONTINENTAL SHELF**

- (1) Papua New Guinea has the exclusive right -
  - (a) to explore the continental shelf and to exploit its natural resources; and
  - (b) to authorize and regulate search, excavation and drilling operations on the continental shelf for all purposes.
- (2) Except in accordance with an agreement entered into with Papua New Guinea, or under the authority of a licence granted by the responsible authority under the relevant legislation, no person may, in relation to the seabed or subsoil of the continental shelf -
  - (a) explore or exploit any natural resources; or
  - (b) carry out any search, excavation, or drilling operation.
- (3) The sovereign rights of Papua New Guinea do not depend on -
  - (a) occupation of any part of the continental shelf by or on behalf of the State; or
  - (b) any proclamation or other express legislative statement, but are subject to Article 82 of the *UNCLOS* concerning payments with respect to the exploitation of the continental shelf beyond 200 miles from the baselines.
- (4) The rights of Papua New Guinea over the continental shelf do not affect the legal status of the superjacent waters or of the air space above those waters.

## *Maritime Zones*

- (5) The rights of Papua New Guinea in the continental shelf shall not be exercised in a manner that infringes or unreasonably interferes with navigation and other rights and freedoms of other States as provided for in the *UNCLOS*.
- (6) For the purposes of this Part, “natural resources” means -
  - (a) the mineral and other natural non-living resources of the seabed and subsoil; and
  - (b) living organisms belonging to sedentary species, that is, organisms which, at the harvestable stage, either are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or subsoil; and
  - (c) other organisms and microorganisms on the continental shelf.

### **32. REGULATION OF THE CONTINENTAL SHELF**

- (1) Subject to Section 31(6), the laws of Papua New Guinea relating to the exploration, exploitation, conservation, utilization and management of natural resources apply to the continental shelf as they apply to the seabed and subsoil of the territorial sea.
- (2) Without limiting Subsection (1), the provisions of any Act relating to -
  - (a) exploration for and exploitation of natural resources shall apply to natural resources on or under the continental shelf; and
  - (b) mining shall apply to minerals, hydrocarbons, and other chemical compounds on or under the continental shelf; and
  - (c) fisheries shall apply to sedentary species of shell-fish and other benthos, including sponges, on or under the continental shelf; and
  - (d) other organisms shall apply to any forms of micro-organisms.
- (3) A provision of an Act or other law referred to in Subsection (1) or (2) applies to the continental shelf as if -
  - (a) a reference to Papua New Guinea included a reference to the continental shelf and the waters above it; and
  - (b) a reference to land included a reference to the seabed and subsoil of the continental shelf; and
  - (c) a reference to the territorial waters of Papua New Guinea included a reference to the waters above the continental shelf.
- (4) For the purpose of enforcing any laws of Papua New Guinea that apply to the continental shelf the enforcement authority may -
  - (a) cause a vessel above the continental shelf to be boarded, inspected and arrested; and

## *Maritime Zones*

- (b) seize any document or thing on board the vessel that may be relevant in the prosecution of an offence under the law; and
  - (c) take judicial proceedings against the vessel or any of its crew.
- (5) If a foreign vessel is arrested or detained under this section -
  - (a) the vessel, and any member of the crew so arrested, shall be released upon the posting of a bond or other security (which must not be fixed at an unreasonable level); and
  - (b) the enforcement authority shall, as soon as reasonably practicable, notify the flag State, through appropriate channels, of the action taken and of any penalties subsequently imposed.
- (6) This section does not affect the right of Papua New Guinea to enter into an agreement with any other State or with a foreign person or body that permits or requires the law of some other State to apply to operations in the continental shelf by a foreign State, person or body.

### **33. SUBMARINE CABLES AND PIPELINES ON THE CONTINENTAL SHELF.**

- (1) Depending on the purpose for which a pipeline or cable is to be laid under relevant national law, a person intending to lay a submarine cable or pipeline on the continental shelf shall apply to the responsible Minister to obtain consent for the delineation, with full information on the proposed course of the cable or pipeline.
- (2) On an application under Subsection (1), the responsible Minister's consent under the relevant legislation shall not be unreasonably refused.
- (3) The responsible Minister under the relevant legislation may issue notices -
  - (a) establishing conditions for the entry of cables or pipelines into the territory or territorial sea; and
  - (b) governing the laying, use and maintenance of cables and pipelines constructed or used in connection with -
    - (i) the exploration of the continental shelf or exploitation of its resources; or
    - (ii) the operations of installations to which Part X apply.

### **34. EXERCISE OF JURIDICTION BY PAPUA NEW GUINEA IN THE CONTINENTAL SHELF.**

- (1) To enable Papua New Guinea to exercise the sovereign rights and jurisdiction it has in the continental shelf, there is extended to that zone, to the extent recognised by international laws, the law in force in Papua New Guinea.

## *Maritime Zones*

- (2) The laws of Papua New Guinea shall apply to artificial islands, installations and structures in the continental shelf as if they were in the territorial sea.

### **PART X - INSTALLATIONS, SAFETY ZONES AND SAFETY OF NAVIGATION**

#### **35. INSTALLATIONS IN THE WATERS OF PAPUA NEW GUINEA.**

- (1) Subject to Subsection (3), Papua New Guinea may construct, operate and use, and authorise the construction, operation and use of artificial islands, installations, structures and other devices in its waters for the purposes stated in Section 28(1) and other economic purposes.
- (2) Except in accordance with an agreement entered into with Papua New Guinea or under the authority of a licence granted by the responsible authority under the relevant legislation, no person may construct, maintain or operate an installation in the waters of Papua New Guinea.
- (3) No installations shall be constructed where they might interfere with the use of recognised sea lanes essential to international navigation.
- (4) If Papua New Guinea proposes to construct an installation in its waters, the Minister responsible for transport matters shall ensure that -
  - (a) appropriate publicity is given to the proposal; and
  - (b) permanent means for giving warning of the presence of the installation are maintained.
- (5) If an installation in the waters of Papua New Guinea is abandoned or disused, the Minister responsible for transport matters shall take all reasonable steps to ensure that -
  - (a) the installation is removed so as to maintain the safety of navigation -
    - (i) taking into account any generally accepted international standards established in this regard by the competent international organisation; and
    - (ii) having due regard to fishing, the protection of the marine environment and the rights and duties of other States; and
  - (b) appropriate publicity is given to the depth, position and dimensions of any installation not entirely removed.

#### **36. JURISDICTION OVER INSTALLATIONS**

- (1) Papua New Guinea has exclusive jurisdiction over an installation in the waters of Papua New Guinea, including, but not limited to, jurisdiction with regard to customs and revenue, health and safety and immigration matters.
- (2) Any act or omission which -

## *Maritime Zones*

- (a) takes place on, under or above an installation in the exclusive economic zone or on the continental shelf, or any waters within 500 metres of the installation; and
  - (b) would, if it took place within Papua New Guinea, constitute an offence under the laws of Papua New Guinea, may be prosecuted as if it had taken place within Papua New Guinea.
- (3) For the purposes of the customs laws of Papua New Guinea, an installation that is brought into the exclusive economic zone or placed on the continental shelf is, and any materials or parts used in its construction or maintenance are, deemed to have been imported when the installation is constructed, erected or placed in, on or above the seabed.
- (4) The Head of State, acting on advice, may make regulations -
  - (a) prescribing the notice to be given of the construction, erection or placing of installations in the waters of Papua New Guinea; and
  - (b) prescribing the measures to be taken for giving warning to shipping and aircraft of the presence of installations; and
  - (c) providing for the removal of installations that have been abandoned.
- (5) Section 39(3) applies in respect of the control of marine pollution from installations.
- (6) This section does not affect the right of Papua New Guinea to enter into an agreement with any other State or with a foreign person or body that permits or requires the law of some other State to apply to acts or omissions on an installation by a foreign State or person.

### **37. SAFETY ZONES AROUND INSTALLATIONS**

- (1) The Minister responsible for transport matters may, for the purpose of protecting an installation in the waters of Papua New Guinea, by notice in the National Gazette -
  - (a) establish a safety zone around any installation; or
  - (b) prohibit vessels or aircraft from entering or remaining in a safety zone; or
  - (c) issue other directions and institute measures in relation to the safety zone to ensure the safety of navigation and of the installation.
- (2) When a safety zone is established under Subsection (1) -
  - (a) the zone shall bear a reasonable relationship to the nature and function of the installation; and
  - (b) the breadth of the zone shall not exceed 500 metres from the outer edge of the installation or structure, except as authorised by generally accepted international standards or as recommended by the competent international organisation; and
  - (c) appropriate publicity shall be given of the extent of the safety zone.

## *Maritime Zones*

- (3) The Minister responsible for transport matter may issue notices published in the National Gazette -
  - (a) prescribing measures in a safety zone for the protection of the installation for which the safety zone is established; and
  - (b) prescribing measures in a safety zone for the protection of the living resources of the sea and the natural resources of the seabed and subsoil from harmful agents; and
  - (c) prescribing penalties for breaches of the notices not exceeding K1, 000,000.00 (for an individual) or not exceeding K2,000, 000.00 (for a corporation) or a fine not exceeding those amounts for each day on which the breach occurs.
- (4) The master or person in control of a ship and the captain of an aircraft shall -
  - (a) comply with any directions or measures issued under Subsection (1), in respect of a safety zone; and
  - (b) comply with Papua New Guinea law, or, if there is no relevant law, with generally accepted international standards regarding navigation in the vicinity of installations and in safety zones.

### **38. SAFETY OF NAVIGATION IN THE WATERS OF PAPUA NEW GUINEA**

- (1) In the waters of Papua New Guinea, no person may, without the written consent of the Minister responsible for transport matters -
  - (a) construct, alter or improve any works on, under or over any part of the seabed; or
  - (b) remove any object or any material from any part of the seabed, in such manner that any obstruction or danger to navigation is caused or is likely to arise.
- (2) An application to the Minister responsible for transport matters for consent under Subsection (1) must be supported by such plans and particulars as the Minister considers necessary.
- (3) If the Minister responsible for transport matters is of the opinion that any operation in respect of which an application is made under this section will cause or is likely to cause any obstruction or danger to navigation, the Minister may either refuse consent or give consent subject to conditions, having regard to the nature and extent of the obstruction or danger which would otherwise be caused or be likely to result.
- (4) The consent of the Minister responsible for transport matters may be given so as to continue in force, unless renewed, only if the operation begins or is completed within a period specified in the consent and any renewal of the consent may be limited similarly.

## *Maritime Zones*

- (5) If a person has constructed, altered or improved any works in contravention of Subsection (1) or failed to comply with a condition on which consent was given under that subsection, the Minister responsible for transport matters may -
  - (a) serve a notice requiring the person, within a period of not less than 30 days as specified in the notice, to remove or alter the works; or
  - (b) if it appears to the Minister responsible for transport matters that the removal is urgently necessary, arrange for the works to be removed or altered, as the case may be.
- (6) If, within the period specified in a notice served under Subsection (5)(a) or (b) the person upon whom the notice is served fails to comply, the Minister responsible for transport matters may arrange for the works to be removed or altered, as the case may be.
- (7) If the Minister responsible for transport matters, pursuant to Subsection 5 or 6, arranges for the works to be removed or altered, the expenses incurred may be recovered as a debt to the State from the person by whom the works were constructed, altered or improved.

## **PART XI - MARINE ENVIRONMENTAL PROTECTION**

### **39. PROTECTION OF THE MARINE ENVIRONMENT**

- (1) The *Marine Pollution (Sea Dumping) Act 2013* and all other laws of Papua New Guinea relating to pollution of the marine environment apply in the exclusive economic zone the internal waters, the archipelagic waters and the territorial sea.
- (2) The Minister responsible for transport matters, in consultation with the Minister responsible for environment and conservation matters, may, for the purpose of this section, issue notices published in the National Gazette -
  - (a) controlling the release of toxic, harmful and noxious substances from land-based sources; or
  - (b) preventing intentional and unintentional discharges; or
  - (c) prescribing measures for preventing accidents and dealing with emergencies; or
  - (d) regulating the design, construction, equipment, operation and manning of vessels, in compliance with the *UNCLOS* and internationally accepted rules or standards; or
  - (e) generally, ensuring the safety of operations at sea.
- (3) In order to minimise pollution from installations in the waters of Papua New Guinea, the Head of State, acting on advice, may make regulations in compliance with the *UNCLOS* and internationally accepted rules and standards -
  - (a) governing the design, construction, equipment, operation and manning of installations in the waters of Papua New Guinea; and
  - (b) prescribing measures for preventing accidents and dealing with emergencies relating to installations; and
  - (c) generally, ensuring the safety of operations at sea.



## *Maritime Zones*

### **40. DESIGNATION OF MARINE PROTECTED AREAS**

- (1) The Minister responsible for environment and conservation matters, in consultation with the Minister responsible for fisheries matters, may, by notice published in the National Gazette, declare -
  - (a) an area of the waters of Papua New Guinea, including the seabed underlying such waters; or
  - (b) any land associated with the waters of Papua New Guinea; or
  - (c) any wetland, to be a Marine Protected Area.
  
- (2) A Marine Protected Area may be designated as -
  - (a) a fishing reserve; or
  - (b) a marine park; or
  - (c) a marine reserve; or
  - (d) consistent with its designation by the competent international organisation, a Particularly Sensitive Sea Area.
  
- (3) The Minister responsible for environment and conservation matters, in consultation with the Minister responsible for fisheries matters, may, by notice published in the National Gazette, prescribe measures for the conservation and management of a Marine Protected Area, including -
  - (a) the prohibition of certain activities; and
  - (b) the carrying out of certain activities subject to certain conditions.

### **41. TRANSSHIPMENT OF HAZARDOUS WASTES**

- (1) The Head of State, acting on advice, may make regulations requiring ships -
  - (a) to carry prescribed documents; and
  - (b) to notify the Minister responsible for transport matters of an intention to pass through the internal waters, archipelagic waters or territorial sea of Papua New Guinea; and
  - (c) to comply with prescribed precautionary measures in relation to the passage of nuclear powered vessels or the trans-shipment of hazardous wastes.
  
- (2) Regulations shall be made -
  - (a) after consultation with the Ministers responsible for transport, communications and environment and conservation matters; and
  - (b) in a manner consistent with any relevant international agreement to which Papua New Guinea is a party.
  
- (3) This section applies to -
  - (a) foreign nuclear-powered ships; and
  - (b) ships of any nationality carrying nuclear or radioactive materials or other inherently dangerous or noxious substances or hazardous waste that are entering or passing

## *Maritime Zones*

through, or that propose to enter or pass through, the territorial sea, archipelagic waters or internal waters of Papua New Guinea.

### **42. OPERATING A SHIP IN A MANNER THAT CAUSES POLLUTION OR DAMAGE TO THE MARINE ENVIRONMENT**

- (1) A master or person in control of a ship who operates the ship in a reckless or negligent manner that causes -
  - (a) pollution to the marine environment in the waters of Papua of New Guinea; or
  - (b) damage to the marine environment in the waters of Papua New Guinea commits an offence and shall be liable upon conviction to a fine not exceeding K1, 000, 000.00 or a term of imprisonment not exceeding two years.
  
- (2) In determining the standard of care a reasonable person would exercise in operating the ship and whether there was a risk that a result mentioned in Paragraph (1)(a) or (b) would happen, the matters to which the Court may have regard to include, but are not limited to, the following:
  - (a) the characteristics of the ship; and
  - (b) the ship's cargo and the risks of pollution or damage to the marine environment if that cargo is released; and
  - (c) the amount of bunker oil on board the ship and the risk of pollution or damage to the marine environment if that amount of oil is released; and
  - (d) the state of visibility; and
  - (e) the state of the wind, sea and current; and
  - (f) the presence of other ships in the vicinity; and
  - (g) the presence of navigation hazards in the vicinity; and
  - (h) the rules under the *Prevention of Collisions Convention*; and
  - (i) other operational requirements imposed by law.

### **43. FAILURE TO ENSURE SHIP IS OPERATED IN A MANNER THAT DOES NOT CAUSE POLLUTION OR DAMAGE TO THE MARINE ENVIRONMENT**

- (1) A master or person in control of a ship who recklessly or negligently fails to ensure that the ship is operated in a manner that does not cause -
  - (a) pollution to the marine environment in the waters of Papua New Guinea; or
  - (b) damage to the marine environment in the waters of Papua New Guinea commits an offence and shall be liable upon conviction to a fine not exceeding K 1,000,000.00 or a term of imprisonment not exceeding two years.
  
- (2) In determining the standard of care a reasonable person would exercise in operating the ship and whether there was a risk that a result mentioned in paragraph (1)(a) or (b) would happen, the matters to which the Court may have regard include, but are not limited to, the following:
  - (a) the characteristics of the ship; and

## *Maritime Zones*

- (b) the ship's cargo and the risks of pollution or damage to the marine environment if that cargo is released; and
- (c) the amount of bunker oil on board the ship and the risk of pollution or damage to the marine environment if that amount of oil is released; and
- (d) the state of visibility; and
- (e) the state of the wind, sea and current; and
- (f) the presence of other ships in the vicinity; and
- (g) the presence of navigation hazards in the vicinity; and
- (h) the rules under the *Prevention of Collisions Convention*; and
- (i) operational requirements imposed by law.

#### **44. AGGRAVATED OFFENCE OF CAUSING POLLUTION TO THE MARINE ENVIRONMENT**

- (1) A person commits an aggravated offence if the conduct the person engaged in, that constituted the offence -
  - (a) resulted in serious harm to the marine environment in the waters of Papua New Guinea; or
  - (b) had the potential to cause serious harm to the marine environment in the waters of Papua New Guinea.
- (2) In determining whether the conduct has resulted in serious harm to the marine environment, the Court may have regard to the following:
  - (a) the harm; and
  - (b) the size of the affected environment; and
  - (c) the sensitivity of the affected environment; and
  - (d) the significance of the affected environment; and
  - (e) whether the harm is irreversible; and
  - (f) the measures required to remedy the harm.
- (3) In determining whether the conduct had the potential to cause serious harm to the marine environment, the Court may have regard to the following:
  - (a) the potential harm; and
  - (b) the size of the potentially affected environment; and
  - (c) the sensitivity of the potentially affected environment; and
  - (d) the significance of the potentially affected environment; and
  - (e) whether the harm would have been irreversible, had it occurred; and
  - (f) the measures that would have been required to remedy the harm, had it occurred.
- (4) If a person is charged with an aggravated offence, the charges in relation to the offence shall specify the relevant aggravated offence.
- (5) If, in the prosecution for aggravated offence under Section 42 or 43, the Court -

## *Maritime Zones*

- (a) is not satisfied that the person has committed an aggravated offence against that section; and
  - (b) is satisfied beyond reasonable doubt that the person has contravened that section, the Court may enter a conviction against the person not for the aggravated offence but for the contravention of that section.
- (6) A person convicted of an aggravated offence under Section 42 or 43 shall be liable, upon conviction, to a fine not exceeding K2,000,000.00 or a term of imprisonment not exceeding five years.

### **PART XII - MARINE SCIENTIFIC RESEARCH**

#### **45. CONTROL OF MARINE SCIENTIFIC RESEARCH.**

- (1) Except in accordance with an agreement entered into with Papua New Guinea or under the authority of a written approval granted by the MSR Committee, no person or body may engage in any MSR activity in the waters of Papua New Guinea or on or under the continental shelf.
- (2) A person, body, foreign State or international organisation that proposes to engage in MSR in the waters of Papua New Guinea or on or under the continental shelf shall, before doing so, obtain approval from the MSR Committee in accordance with this Part.
- (3) Approval for an MSR proposal by a foreign State or international organisation shall be governed by Section 3 of Part XIII of the *UNCLOS*.
- (4) An application for approval of an MSR proposal shall be -
  - (a) made in writing through the diplomatic channel to the Secretary-General of the MSR Committee; and
  - (b) accompanied by the documents and information required by the MSR Guidelines, and the prescribed fee, if any; and
  - (c) copied to the Chairperson of the MSR Committee.
- (5) An application shall -
  - (a) be received no later than 6 months before the MSR expedition plans to leave its home port, or other planned commencement of the MSR program; and
  - (b) in other respects, conform to the MSR Guidelines.
- (6) A foreign person or body proposing to engage in MSR shall affiliate with one of the research institutes listed in the MSR Guidelines for the purposes of technology transfer.
- (7) The Head of State, acting on advice, may make regulations -
  - (a) for the conduct of scientific research within the waters of Papua New Guinea and on the seabed and subsoil of the continental shelf; and

## *Maritime Zones*

- (b) which prevail over the conditions of an approval for MSR granted under this Part; and
  - (c) which prescribe contraventions of the conditions of Paragraph (b) and which may be punishable by a penalty not exceeding K500, 000.00 for an individual or K1,000,000.00 for a corporation.
- (8) On conviction of a person or body for an offence under this section or under a Regulation made under it -
- (a) any MSR approval granted to the person or body is revoked; and
  - (b) the court may order confiscation of equipment used in the commission of the offence (except an installation or vehicle) and of any samples obtained in the course of the research; and
  - (c) the MSR Committee maintains the right to temporarily or permanently exclude, any person or organisation which is deemed to have failed to comply with the approved MSR conditions and guidelines.

### **46. DESIGNATED MSR AREAS.**

- (1) The Minister may, by notice published in the National Gazette, designate one or more areas of the extended continental shelf as an area or areas in which exploitation or detailed exploratory operations focused on those areas are occurring or will occur within a reasonable period of time.
- (2) Section 42 applies to an area of the extended continental shelf that has been designated under Subsection (1) as they apply to the continental shelf generally.

### **47. MSR COMMITTEE.**

- (1) The Marine Scientific Research Committee known as MSR Committee is established and consists of the representatives of the institutions prescribed in Schedule 6.
- (2) Each member institution is to -
  - (a) appoint a permanent representative to the MSR Committee in accordance with its own rules of procedure; and
  - (b) notify the Secretary-General of the MSR Committee of its permanent representative; and
  - (c) appoint an alternative representative for any meeting of the MSR Committee that the permanent representative is unable to attend.
- (3) The representative of the Department of Justice and Attorney General is the Chairperson of the MSR Committee and convenes meetings of the Committee as required.
- (4) The Secretariat functions for the MSR Committee is to be provided by a person or organisation endorsed by the Committee.

## *Maritime Zones*

- (5) The purpose of the MSR Committee is -
- (a) to consider and discuss applications for MSR approval in the waters of Papua New Guinea and, on or under the continental shelf; and
  - (b) to make written recommendations to the department responsible for foreign affairs matters regarding approval or rejection or deferral of MSR proposals; and
  - (c) to encourage MSR that will benefit Papua New Guinea and contribute to international knowledge in marine matters; and
  - (d) to advise the Minister on the making of Regulations and procedures with respect to MSR.
- (6) In considering applications for MSR approval, the Committee -
- (a) may adopt rules of procedure, consistent with normal rules of committee procedure, including declarations of interest by members; and
  - (b) must follow the policies set out in the MSR Guidelines in relation to approval of MSR so far as relevant; and
  - (c) in the absence of provision in the MSR Guidelines on a subject, shall be guided by best international practice on the subject; and
  - (d) seek to minimize potential conflicts of interest between MSR organisations, industrial organisations, consultants and the laws and interests of Papua New Guinea; and
  - (e) aim to avoid having more than one research vessel in an area at any time; and
  - (f) generally, have due regard to the provisions of Articles 240 and 246 of the *UNCLOS*.
- (7) The MSR Committee, with the approval of the National Executive Council, shall publish guidelines as to its policies and requirements for approval of MSR, which must be made available to the public at a nominal fee, if any.
- (8) The Minister may, on advice of the MSR Committee, amend Schedule 6 to include any new member of the Committee by way of notice published in the National Gazette.

### **48. APPROVAL OF MSR PROPOSALS.**

- (1) An application for MSR approval may be refused or deferred if -
- (a) the application does not conform to the MSR Guidelines both as to form and substance; or
  - (b) the applicant does not qualify as an MSR organisation in terms of the MSR Guidelines; or
  - (c) the application involves drilling into the continental shelf, the use of explosives or the introduction of harmful substances into the marine environment; or

## *Maritime Zones*

- (d) for any other reason, consistent with the UNCLOS and other international laws, the MSR Committee considers that approval should not be granted, or should be deferred.
- (2) A decision on the granting of MSR approval is made by the MSR Committee and -
  - (a) may be conveyed direct to the applicant; and
  - (b) must also be given in writing through the diplomatic channel.
- (3) A decision on an application for MSR approval shall be made as soon as reasonably practicable after an application in proper form has been received, but an application may be referred back to the applicant for further information.
- (4) If an application is refused or deferred -
  - (a) written reasons must be given; and
  - (b) there is no right of appeal.
- (5) The following conditions may be attached to a MSR approval:
  - (a) a requirement for Papua New Guinea inspectors and scientists to accompany an MSR expedition at the MSR organisation's cost; and
  - (b) restrictions on the removal of material from the site of the MSR research; and
  - (c) requirements for reporting findings of the MSR expedition; and
  - (d) requirements for removing equipment and restoring a site at the end of the MSR; and
  - (e) any other conditions depending on the circumstances of the MSR.
- (6) The MSR Guidelines, so far as they impose conditions, apply to every approval, unless replaced by express conditions.
- (7) Failure to observe conditions attached to an approval or contained in the MSR Guidelines amounts to engaging in MSR without approval.
- (8) The MSR Committee may suspend or revoke a MSR approval if -
  - (a) the MSR organisation engages in MSR activity beyond the scope of the approval; or
  - (b) there is a breach of any of the conditions of the approval; or
  - (c) there is a significant change in the geological, environmental or other circumstances relating to the area of the MSR.

### **PART XIII. - UNDERWATER CULTURAL HERITAGE.**

#### **49. UNDERWATER CULTURAL HERITAGE.**

## *Maritime Zones*

- (1) The Minister responsible for culture and tourism matters may, in accordance with international law and Article 10 of the *UNESCO Convention*, by notices published in the National Gazette to prohibit or authorise any activity directed at underwater cultural heritage in the waters of Papua New Guinea.
- (2) In this Part, “underwater cultural heritage” means all traces of human existence having a cultural, historical or archaeological character which have been partially or totally under water, periodically or continuously, for at least 100 years, including -
  - (a) sites, structures, buildings, artifacts and human remains together with their archeological and natural context; and
  - (b) vessels, aircraft and other vehicles or any part of them and their cargo or other contents, together with their archaeological and natural context; and
  - (c) objects of prehistoric character, but excluding -
    - (i) pipelines and cables placed on the seabed; and
    - (ii) other installations placed on the seabed and still in use.

### **50. MARITIME CULTURAL ZONE.**

- (1) The maritime cultural zone of Papua New Guinea is the area of sea coincident with the contiguous zone.
- (2) The Rules Concerning Activities Directed at Underwater Cultural Heritage in the Annex to the *UNESCO Convention* as set out in Schedule 7 apply in the maritime cultural zone.
- (3) The Head of State, acting on advice, may, in accordance with Article 8 of the *UNESCO Convention*, make regulations to -
  - (a) regulate any activity directed at underwater cultural heritage within the maritime cultural zone; and
  - (b) supplement and enforce Schedule 7 in that zone.
- (4) The Minister may, by notice published in the National Gazette, amend Schedule 7 to bring it into compliance with any amendments to the *UNESCO Convention* to which Papua New Guinea is a party.

### **PART XIII. - MISCELLANEOUS.**

#### **51. GEODETIC DATUM.**

Under this Act, the normal baselines, straight baselines, closing lines, archipelagic baselines, maritime zone limits (Territorial Seas, Contiguous Zone and Exclusive Economic Zone), median lines, treaty lines and extended continental shelf limits must be defined by reference to World Geodetic System 1984 (WGS84) and specified on the list of coordinates and charts.



## *Maritime Zones*

### **52. PUBLICATION OF NOTICES, ETC.**

- (1) A notice, or other instrument on any matter made under this Act that has legislative effect and any amendment or replacement of such a notice, or instrument -
  - (a) shall be published in the National Gazette and be given other appropriate publicity; and
  - (b) takes effect upon such publication unless a later date is specified in the notice.
- (2) Copies of the notices or instruments under Subsection (1) must be made available to the public in convenient locations for purchase or study.

### **53. PUBLICATION OF CHARTS.**

- (1) The Minister shall, by notice published in the National Gazette -
  - (a) all straight baselines, closing lines, archipelagic baselines, normal baselines, maritime limits, median lines, treaty lines and other lines drawn for the purposes of this Act to determine the limits of the maritime zones of Papua New Guinea; and
  - (b) the axis of any sea lane and particulars of any traffic separation scheme, designated or prescribed for the purposes of innocent passage through the territorial sea or the archipelagic waters, to be clearly indicated on charts of a scale or scales adequate for them to be readily determined.
- (2) The charts in Subsection (1) are prescribed in Schedules 1, 2, 3 and 4.
- (3) The Minister shall -
  - (a) ensure that appropriate publicity is given to -
    - (i) any charts produced pursuant to Subsection (1); and
    - (ii) any lists of coordinates to be used for drawing baselines; and
  - (b) make such charts and lists of coordinates available for purchase or inspection by the public; and
  - (c) deposit the charts and lists of coordinates with the Secretary-General of the United Nations.
- (4) The question whether adequate publicity has been given as required by Subsection (3) is non-justiciable.
- (5) In any case where there is doubt as to which is the latest relevant chart for the purposes of this Act, the Minister may establish such chart by declaration published in the National Gazette.

### **54. NOTIFICATION OF DANGERS, ETC.**

In accordance with the *UNCLOS*, the Minister responsible for transport matters shall give appropriate publicity to any danger to navigation or over flight within or over -

- (a) the territorial sea; or
- (b) the archipelagic waters; or

## *Maritime Zones*

- (c) straits used for international navigation, of which the Minister has knowledge.

### **55. APPLICATION OF OTHER LAWS.**

- (1) Proceedings against a person for an offence under this Act in respect of a ship or aircraft do not preclude the bringing of proceedings against the same or any other person for an offence against any other law of Papua New Guinea.
- (2) This Act does not limit the effect of any enactment or rule of law relating to the liability of persons in respect of acts done or omitted to be done outside Papua New Guinea, or the jurisdiction of any court in Papua New Guinea under any such enactment or rule of law.
- (3) This Act does not displace or derogate from any laws relating to marine pollution, environment, minerals, oil and petroleum exploration and exploitation, fisheries, protected areas, customs, revenue, immigration, biosecurity, health or safety of navigation.
- (4) This Act does not displace or derogate from any international obligations assumed by Papua New Guinea which relate to the regulation of maritime zones.

### **56. OFFENCES.**

- (1) Unless stated otherwise, any person who contravenes this Act or any regulations made under this Act commits an offence and shall be liable -
  - (a) in the case of an individual, a fine not exceeding K500,000.00 or to imprisonment for a term not exceeding 5 years; and
  - (b) in the case of a body corporate, a fine not exceeding K1,000,000.00.
- (2) Where an offence committed by a body corporate under this Act is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of -
  - (a) a director, manager, secretary or other similar officer of the body corporate; or
  - (b) a person who was purporting to act in any such capacity, that person specified in Paragraph (a) or (b) or the body corporate, commits an offence and shall be punished accordingly.
- (3) Where the affairs of a body corporate are managed by its members, Subsection (2) shall apply in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body corporate.

### **57. PROSECUTION OF OFFENCES.**

- (1) Proceedings for -
  - (a) an offence under this Act; or

## *Maritime Zones*

- (b) for an offence under any other law that is applied to a maritime zone by virtue of this Act,  
may be taken, and the offence may be treated as having been committed, in any place in Papua New Guinea.
- (2) No person may be imprisoned or subject to other corporal punishment for an offence against any fishery law committed in the exclusive economic zone or in respect of the continental shelf.
- (3) An offence by a master of a vessel or captain of an aircraft, or by the person for the time being in control of the vessel or aircraft, is deemed also to have been committed by the person who was the owner or charterer of the vessel or aircraft at the time the offence was committed, and that person may be prosecuted for the offence as a principal.

### **58. CONFISCATION.**

- (1) If a vessel or aircraft is arrested for an offence under this Act, the court may, on conviction for the offence, order the vessel or aircraft to be confiscated to the State.
- (2) On conviction of a person or body for an offence under this Act, the court may order confiscation of equipment used in the commission of the offence (except a building, installation or vehicle) and of any samples obtained in the course of any research into, exploration or exploitation of the resources of the waters of Papua New Guinea or of the continental shelf.
- (3) An article confiscated under this section becomes the property of the State and may be disposed of as directed by the Minister in accordance with the *Public Finances (Management) Act 1995*.
- (4) If there is an appeal against a confiscation order, the Minister may give such directions as are appropriate for holding the article pending the outcome of the appeal.

### **59. NON-JUSTICIABLE ISSUES.**

- (1) If this Act provides that anything must be done, or that any law or regulation shall be made, in accordance with the *UNCLOS* or any other rule of international law, the question whether it was so done or made is non-justiciable.
- (2) A requirement imposed by this Act on the Head of State, or the Minister or any other person or body, for -

## *Maritime Zones*

- (a) consultation with a person or organisation before making a decision; or
  - (b) appropriate publicity to be given to a notice, Regulation or other instrument, is non-justiciable.
- (3) A requirement imposed by this Act on any person or body expressing opinions or estimates of fish stocks are non-justiciable.
- (4) This section does not displace normal rules of judicial review on the grounds of a decision being made or a power exercised *ultra vires*.

### **60. REGULATIONS.**

- (1) The Head of State, acting on advice, and in accordance with the rules of international law, may make regulations not inconsistent with this Act, prescribing all matters that by this Act are required or permitted to be prescribed, or that are necessary or convenient to be prescribed, for carrying out or giving effect to this Act, and in particular for the following purposes:
- (a) prescribing closing lines for internal waters under Section 7(1); and
  - (b) prescribing the declaration of coastal waters under Section 13(1); and
  - (c) regulating, in a manner not inconsistent with this Act, the passage of vessels through archipelagic waters under Section 21(2); and
  - (d) prescribing outer limits of Exclusive Economic Zones under Section 27(3); and
  - (e) prescribing outer limits of the Continental Shelf under Section 30(2); and
  - (f) prescribing jurisdiction over installations under Section 36(4); and
  - (g) regulating, in a manner not inconsistent with this Act, the protection of the marine environment under Section 39(3); and
  - (h) regulating, in a manner not inconsistent with this Act, the trans-shipment of hazardous wastes under Section 41(1); and
  - (i) regulating, in a manner not inconsistent with this Act, the control of MSR under Section 45(7); and
  - (j) regulating, in a manner not inconsistent with this Act, the activities of the Maritime Cultural Zone under Section 50(3); and
  - (k) regulating, in a manner not inconsistent with this Act, in respect of transitional provisions under Section 62; and
  - (l) all matters required for giving full effect to the sovereignty and jurisdiction of Papua New Guinea in relation to the waters of Papua New Guinea that are not otherwise provided for by a written law,
  - (m) or the better carrying out of the provisions of this Act and for its due administration.
- (2) Without limiting Subsection (1) and without affecting Section 33(2), regulations made under Subsection (1) may include regulations to protect submarine cables and pipelines beneath the waters of Papua New Guinea.

## *Maritime Zones*

### **61. REPEAL AND SAVINGS.**

- (1) Subject to Subsection (2), the following legislations are repealed:
  - (a) *National Seas Act* (Chapter 361); and
  - (b) *Submarine Cables and Pipelines Protection Act (Adopted)* (Chapter 247).
- (2) The *Submarine Cables and Pipelines Protection Act (Adopted)* (Chapter 247) remains in force until the regulations under Section 60 are made.
- (3) Existing agreements listed in Schedule 8 continue under this Act.
- (4) Existing sea lanes, traffic separation schemes and safety zones continue under this Act.

### **62. TRANSITIONAL.**

If a difficulty arises in respect of the transitional provisions in this Act the Head of State, acting on advice, may, by regulation -

- (a) make modifications to those provisions necessary for preventing anomalies during the transition to the provisions of this Act from the provisions of the repealed Acts; and
  - (b) make incidental, consequential and supplementary provisions necessary or expedient for giving full effect to those transitional provisions,
- and any such modifications or provisions have the same force and effect as if they had been enacted by way of an amendment to this Act.

*Maritime Zones*

I hereby certify that the above is a fair print of the *Maritime Zones Act 2015* which has been made by the National Parliament.

  
Acting Clerk of the National Parliament.  
23 NOV 2016

I hereby certify that the *Maritime Zones Act 2015* was made by the National Parliament on 3 June 2015, by an absolute majority as required by the *Constitution*.

  
Acting Speaker of the National Parliament.  
23 NOV 2016

