

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 210.

*Continental Shelf (Living Natural Resources).*

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Primary Industry at the date of its preparation for inclusion.

The present administration may be ascertained by reference to the most recent Determination of Titles and Responsibilities of Ministers made under Section 148(1) of the Constitution.

References in or in relation to this Chapter to—

“the Departmental Head”—should be read as references to the Secretary for Primary Industry;

“the Department”—should be read as references to the Department of Primary Industry.

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<sup>1</sup>Subsidiary legislation has not been updated.



INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 210.

*Continental Shelf (Living Natural Resources) Act.*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 210.

*Continental Shelf (Living Natural Resources) Act.*

Being an Act relating to the living natural resources of the continental shelf.

PART I.—PRELIMINARY.

1. Interpretation.

(1) In this Act, unless the contrary intention appears—

“commercial purpose” includes any trading or manufacturing purpose;

“continental shelf” means the seabed and subsoil—

(a) underlying the waters between the high water lines and the baselines;  
and

(b) underlying the territorial sea; and

(c) adjacent to the coasts of Papua New Guinea which underlies the offshore seas to a depth not exceeding 200m or, beyond that limit, to a depth where the superjacent waters admit of the exploitation of the natural resources of that area;

“controlled area”, in relation to any kind of sedentary organisms, means an area of the Papua New Guinea continental shelf declared under Section 5 to be a controlled area in relation to those organisms;

“diver” means a diver who dives with the aid of mechanical breathing apparatus, whether or not he also dives without such aid;

“diver’s tender” means the person attending on a diver and in charge of the diving operations while the diver is under water;

“exempt boat” means a boat (not being a foreign ship) that belongs to, and is ordinarily attached to or carried on board, a ship, but does not include such a boat at a time when the boat is used independently of a ship;

“foreign ship” means a ship other than a Papua New Guinea ship;

“high water line” means the high water line on a coast of Papua New Guinea at mean high high water springs;

“officer” means—

(a) an officer or employee of the Public Service or of an authority of Papua New Guinea who is authorized in writing by the Minister to perform duties under this Act; or

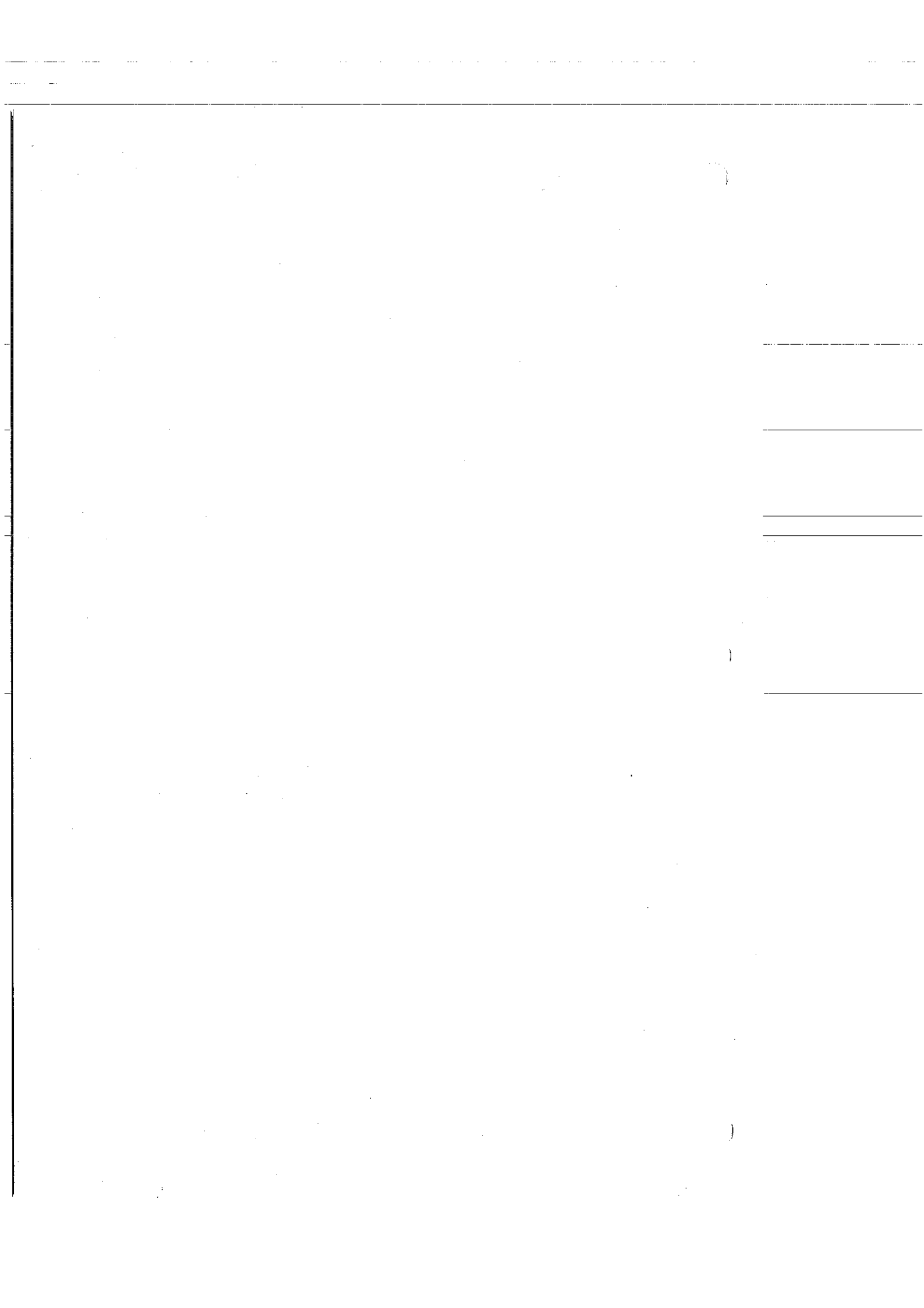
(b) a member of the Police Force; or

(c) a member of the Defence Force;

“Papua New Guinea ship” means a ship the operations of which are based in a place in the country and that is wholly owned by a natural person who is a resident of, or by a company incorporated in, the country, being a ship that—

(a) was built in the country; or

(b) has been lawfully imported into the country, otherwise than for a limited period; or



(c) has been sold, or otherwise disposed of, in the country after having been forfeited or distrained under an Act or, before Independence Day, under an Act of Australia;

“sedentary organism” means, subject to Section 5, an organism of a kind declared by a notice in force under Section 2 to be a sedentary organism to which this Act applies;

“sedentary species” means marine organisms which, at the harvestable stage, are immobile on or under the seabed or are unable to move except in constant physical contact with the seabed or the subsoil;

“the shelf area” means the area of the continental shelf;

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"ship" means any vessel, boat or craft, other than a vessel or craft used in navigation by air, and includes a barge, lighter or any other floating vessel;

"this Act" includes the regulations;

"traditional fishing" means fishing by natives<sup>1</sup> where—

(a) the sedentary organisms are taken in a manner that, as regards the ship, the equipment and the method used, is substantially in accordance with the traditions of the indigenous inhabitants of the country; and

(b) the sedentary organisms are landed in the country by the ship from which they are taken, or trans-shipped from that ship to a ship the licence in respect of which is specially endorsed under Section 7(8)(b).

(2) Unless the contrary intention appears, a reference in this Act—

(a) to the continental shelf; or

(b) to an area or part of an area of the continental shelf,

includes a reference to the waters above—

(c) the continental shelf; or

(d) that area or that part of that area,

as the case may be.

(2A) In any case where there is doubt as to the location of a high water line the Minister may, by notice in the National Gazette, declare the location of the line by whatever method appears to him to be appropriate.

(3) For the purposes of this Act, a person shall be deemed to be using a ship in searching for and taking sedentary organisms of a particular kind if he is using the ship—

(a) as a place of abode or refuge, or for storing provisions for—

(i) persons employed in or in connexion with searching for or taking sedentary organisms of that kind; or

(ii) persons engaged in superintending persons so employed; or

(b) for transporting, or as a place for storing, sedentary organisms, or parts of sedentary organisms, of that kind; or

(c) as a place from which persons search for or take sedentary organisms of that kind; or

(d) in or in connexion with searching for or taking sedentary organisms of that kind.

*(Amended by No. 5 of 1977, s. 1 and Schedule.)*

**2. Declaration of sedentary organisms to which this Act applies.**

Where the Minister is satisfied that a marine organism of any kind—

(a) forms part of the living natural resources of the continental shelf; and

(b) belongs to a sedentary species,

he may, by notice in the National Gazette, declare the organism to be a sedentary organism to which this Act applies.

*(Replaced by No. 5 of 1977, s. 2.)*

<sup>1</sup>See Section 6 of the pre-Independence Acts Interpretation Act 1949-1973 and Section 98 of the Interpretation Act.

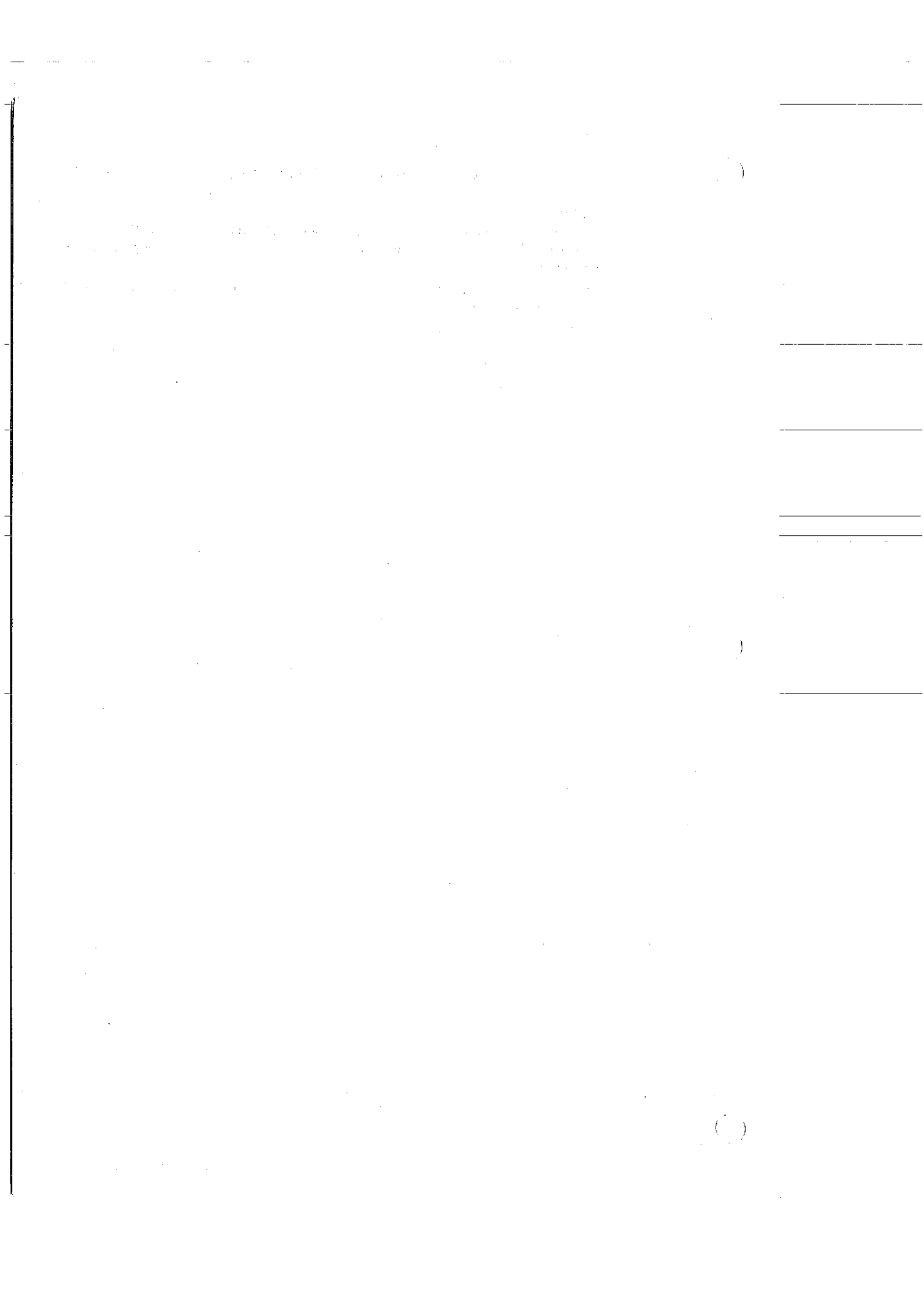


3. Application.

(1) Subject to Subsection (2), this Act applies to all parts of the Papua New Guinea continental shelf, and applies to all persons, including foreigners, and to all ships, including foreign ships.

(2) This Act does not apply in respect of the area to which the *Fisberies (Torres Strait Protected Zone) Act* applies.

*(Replaced by No. 26 of 1984, s.2.)*



**4. Exemptions.**

(1) This Act does not apply to or in relation to the taking of sedentary organisms—

(a) by—

(i) a citizen; or

(ii) a non-citizen ordinarily resident in Papua New Guinea,

for—

(iii) consumption, and not for sale or manufacturing purposes; or

(iv) sport or pleasure; or

(b) by traditional fishing; or

(c) under an exemption under this section.

(2) The Minister may, by instrument, exempt from all or any of the provisions of this Act a ship that he is satisfied is being used, or is to be used, in a survey of the living natural resources of the continental shelf in a case where information, or adequate information, does not already exist. (*Amended by No. 5 of 1977, Schedule.*)

(3) An exemption under Subsection (2) may be for such period and area, and subject to such conditions, as the Minister thinks proper and specifies in the instrument.

(4) In any proceedings under this Act, the burden of proof of a matter referred to in Subsection (1) is on the defendant.

(*Amended by No. 16 of 1984, s. 1.*)

**PART II.—REGULATION OF THE TAKING OF SEDENTARY ORGANISMS.**

**5. Declaration that organisms not sedentary organisms in respect of an area.**

(1) In this section “specified” means specified in the notice under Subsection (2).

(2) Notwithstanding anything in any notice under Section 2, the Minister may, by notice in the National Gazette, declare that organisms of a specified kind are not sedentary organisms in respect of a specified part of the continental shelf.

(3) On publication of a notice under Subsection (2) and until it expires or is revoked the specified organisms shall not be sedentary organisms in respect of the specified part of the continental shelf.

(*Replaced by No. 5 of 1977, s. 3.*)

**6. Notice of prohibition.**

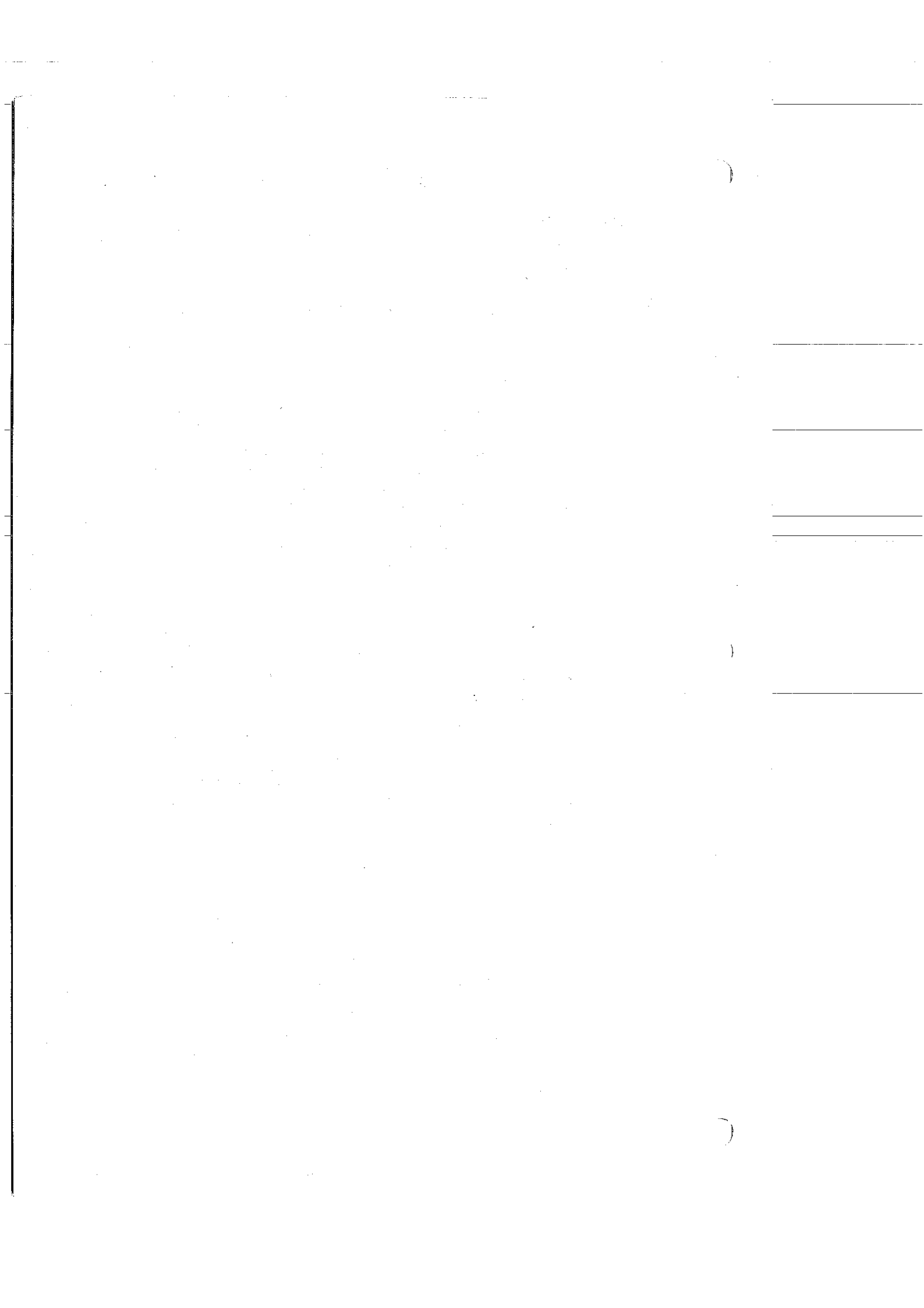
(1A) In this section “specified” means specified in the notice under Subsection (1).

(1) The Minister may, by notice in the National Gazette—

(a) prohibit the taking, during a specified period, of sedentary organisms of a specified kind in, or in a specified part of, the shelf area; or

(b) prohibit the taking of any sedentary organism of a specified kind that is less than a specified size, or has, or has a part having, a dimension less than a specified dimension, in, or in a specified part of, the shelf area; or

(c) prohibit the taking, by a method or equipment of a specified kind, of any sedentary organisms of a specified kind in, or in a specified part of, the shelf area; or



- (d) prohibit the taking by any one ship, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, the shelf area; or
- (e) prohibit the searching for, or taking of, sedentary organisms of a specified kind in a specified part of the shelf area except by a person who holds a licence under Section 7(1) that, by virtue of an endorsement under Section 7(2), extends to authorizing that searching or taking, as the case may be; or

- (f) prohibit the use of ships for searching for or taking sedentary organisms of a specified kind in a specified part of the shelf area, other than ships in respect of which there are licences under Section 7(3) that, by virtue of an endorsement under Section 7(4), extend to authorizing that use; or
- (g) prohibit the taking by any one person, during a specified period, of a quantity of sedentary organisms of a specified kind that is in excess of a specified quantity in, or in a specified part of, the shelf area; or
- (h) prohibit the removal of sedentary organisms of a specified kind from the continental shelf, unless the organisms are dead.

(2) A notice under this section may provide for exemptions from the prohibition in the notice.

*(Amended by No. 5 of 1977, s. 4.)*

#### 7. Licences.

(1) The Minister may grant to a person a licence authorizing the person to search for and take sedentary organisms of a specified kind in, or in a specified part of, the shelf area.

(2) Where, but for a notice under Section 6(1)(c), a licence granted under Subsection (1) would extend to authorizing a person to search for and take sedentary organisms of a kind to which the notice applies in the part of the shelf area to which the notice applies, the Minister may endorse the licence so as to extend it to authorize the person to search for and take sedentary organisms of that kind in that part.

(3) The Minister may grant to a person a licence in respect of a ship authorizing the use of the ship by that person, or by a person acting on his behalf, in searching for and taking sedentary organisms of a specified kind in, or in a specified part of, the shelf area.

(4) Where, but for a notice under Section 6(1)(d), a licence granted under Subsection (3) would extend to authorizing the use of a ship in searching for and taking sedentary organisms of a kind to which the notice applies in the part of the shelf area to which the notice applies, the Minister may endorse the licence so as to extend it to authorize the use of the ship in searching for and taking sedentary organisms of that kind in that part.

(5) Subject to any conditions specified in the licence, a licence authorizing the use of a ship in searching for and taking sedentary organisms of a particular kind in a part of the continental shelf extends to authorizing the use of the ship in that part, in relation to sedentary organisms of that kind, for any purpose specified in Section 1(3).

(6) The Minister may grant a licence to or in respect of a person, authorizing the employment of that person, in an area specified in the licence, as—

- (a) a diver; or
- (b) a trial diver; or
- (c) a diver's tender.

(7) The Minister, in his discretion, may grant or refuse an application for a licence.

(8) A licence granted under this section—

- (a) is subject to the conditions specified in the licence; and
- (b) in the case of a licence under Subsection (3)—may be specially endorsed for the purposes of Paragraph (b) of the definition of "traditional fishing" in Section 1(1), allowing sedentary organisms taken in accordance with Paragraph (a) of that definition to be trans-shipped to it; and
- (c) remains in force for the period specified in the licence.

(9) On the application of the holder of a licence in respect of a ship and of another person as proposed transferee, the Minister, in his discretion, may transfer the licence to that other person.

(10) The prescribed fees (if any) are payable in respect of the grant or the transfer of a licence under this section.

(11) A licence shall be in a form approved by the Minister.

(12) Registers showing the licences granted under this section and in force from time to time shall be kept at such places as the Minister directs.

(Amended by No. 5 of 1977, s. 5 and Schedule.)

#### 8. Cancellation and suspension of licences.

(1) The Minister may cancel a licence under this section if—

- (a) he is satisfied that there has been a contravention of, or a failure to comply with, a condition to which the licence is subject; or
- (b) the licensee has been convicted of an offence against this Act or the *Fisheries Act*.

(2) The Minister may, by written notice expressed to be under this subsection given to a licensee, suspend the licence if he has reasonable grounds to suspect that there has been a contravention of, or a failure to comply with, a condition to which the licence is subject, not being a ground in relation to which he has previously exercised his powers under this subsection in relation to that licensee.

(3) Unless sooner revoked, the suspension of a licence under Subsection (2) ceases—

- (a) where proceedings for an offence in respect of the licence are instituted against the licensee within one month after the suspension—on the completion of the proceedings; or
- (b) in any other case—on the expiration of one month after the suspension.

(4) The Minister may, by written notice expressed to be under this subsection given to a licensee, suspend the licence for a specified time if he is satisfied that suspension for that period is necessary for the proper management of sedentary organisms in an area of the sea-bed or subsoil of the sea.

(5) A suspension of a licence under Subsection (2) or (4) may be expressed to operate generally or so far as the licence applies in relation to an area of the continental shelf or to sedentary organisms of a specified kind.

#### 9. Powers of officers.

An officer may—

- (a) board or enter on a ship—
  - (i) in a shelf area; or
  - (ii) that he has reason to believe has been used, is being used or is intended to be used for searching for sedentary organisms in a shelf area,  
and search the ship for equipment used or capable of being used for searching for or taking sedentary organisms; and
- (b) enter and search any vehicle, premises or place—
  - (i) in or on which he has reason to believe that evidence of an offence against this Act may be found; or
  - (ii) that it is necessary or expedient to search in order to ascertain whether the provisions of this Act are being or have been complied with; and
- (c) examine any equipment that is found on any ship or in or on any vehicle, premises or place, and equipment that he has reason to believe has been used,

is being used or is intended to be used for searching for or taking sedentary organisms in a shelf area; and

- (d) seize, take, detain, remove and secure—
  - (i) any ship that he has reason to believe has been used, is being used or is intended to be used in contravention of this Act; or
  - (ii) any sedentary organisms that he has reason to believe have been taken in contravention of this Act; and
- (e) arrest, without warrant, a person whom the officer has reason to believe has committed an offence against this Act; and
- (f) require the master or other person in charge of a ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act—
  - (i) to bring the ship to a place in the country specified by the officer; and
  - (ii) to remain in control of the ship at that place until an officer permits him to depart from that place; and
- (g) bring a ship that the officer has reason to believe has been used, is being used or is intended to be used in contravention of this Act to a place in the country, and remain in control of the ship pending the taking and determination of proceedings in respect of the contravention; and
- (h) where a ship is seized under Section 15, require the master or other person who was in charge of the ship immediately before it was seized—
  - (i) to bring the ship to a place in the country specified by the officer; and
  - (ii) to remain in control of the ship at that place until an officer permits him to depart from that place; and
- (i) bring a ship seized under Section 15 to a place in the country, and remain in control of the ship pending the condemnation, recovery or release of the ship; and
- (j) require the master or other person in charge of a ship in respect of which a licence under this Act is required—
  - (i) to produce the licence (and may take copies of, or extracts from, the licence); and
  - (ii) to give information concerning the ship and the crew and any person on board the ship; and
- (k) require a person who—
  - (i) is on board a ship in respect of which a licence under this Act is required; or
  - (ii) is engaged in searching for or taking any sedentary organisms in a shelf area,  
to state his name and place of abode; or
- (l) require a person whom the officer has reason to believe has committed an offence against this Act to state his name and place of abode; and



- (m) require a person engaged in searching for or taking sedentary organisms in a shelf area to state whether he is a licensee under Section 7(1) or (6) and, if so, to produce the licence; and
- (n) sell any sedentary organisms seized by him under this Act.

(Amended by No. 5 of 1977, s. 6.)

PART III.—OFFENCES.

10. Offences in relation to licences and unlicensed operations.

- (1) A person who, in the shelf area in relation to sedentary organisms of any kind—
  - (a) on his own account or as the partner, agent or employee of another person, searches for or takes sedentary organisms of that kind except as authorized by a licence granted to him under Section 7(1); or
  - (b) uses a ship (other than an exempt boat) in searching for or taking sedentary organisms of that kind except as authorized by a licence granted to him, or to a person on whose behalf he is acting, under Section 7(3); or
  - (c) uses a foreign ship in searching for or taking sedentary organisms of that kind unless there is in force a licence under Section 7(3) authorizing the use of the ship in that area,

is guilty of an offence.

(2) A person who, in the shelf area, has in his possession or in his charge a ship (other than an exempt boat) for use in searching for or taking sedentary organisms is guilty of an offence unless there is in force in respect of the ship a licence under Section 7(3) authorizing the use of the ship by him, or by a person on whose behalf he is acting, in searching for and taking sedentary organisms in that area.

(3) A person who, in the shelf area, has in his possession or in his charge a foreign ship for use in searching for or taking sedentary organisms is guilty of an offence unless there is in force a licence under Section 7(3) authorizing the use of the ship in that area.

(4) Except with the consent of the Minister, and subject to such conditions as the Minister thinks fit, or by virtue of an endorsement under Section 7(8)(b), a person who, in the shelf area, trans-ships sedentary organisms to or from a ship for which there is no licence in force under Section 7 in relation to that area is guilty of an offence.

(5) A person who, in the shelf area, employs or has on board a ship, for the purpose of searching for or taking any sedentary organisms, a diver, trial diver or diver's tender is guilty of an offence unless there is in force in respect of him a licence granted under Section 7(6) authorizing his employment, in that area, as a diver, trial diver or diver's tender, as the case may be.

(6) A person who—

- (a) is the holder of a licence under this Act; or
- (b) is acting on behalf of the holder of a licence under Section 7(3),

and who contravenes a condition of the licence is guilty of an offence.

(7) It is a defence to a prosecution for an offence against Subsection (1), (3) or (5) if the person charged with the offence, being—

- (a) a citizen; or

(b) a non-citizen ordinarily resident in Papua New Guinea,

proves—

- (c) in the case of an offence against Subsection (1)(a)—that he was not searching for or taking sedentary organisms for a commercial purpose; or
- (d) in the case of an offence against Subsection (1)(b) or (c)—that he was not using a ship in searching for or taking sedentary organisms for a commercial purpose; or
- (e) in the case of an offence against Subsection (3)—that he did not have a ship in his possession or in his charge for use in searching for or taking sedentary organisms for a commercial purpose; or
- (f) in the case of an offence against Subsection (5)—that the diver, trial diver or diver's tender was not employed or on board the ship for the purpose of searching for or taking sedentary organisms for a commercial purpose.

(8) Subsections 1(b) and (c), and (2) and (3) do not apply in relation to a foreign ship if—

- (a) the equipment for searching for and taking sedentary organisms belonging to the ship is stowed and secured; and
- (b) the work of cutting up, dismembering, cleaning, sorting or packing sedentary organisms is not being carried out on the ship.

*(Amended by No. 5 of 1977, s. 7. and No. 16 of 1984, s. 2.)*

#### 11. Offences against Section 6.

(1) A person (including a person who is, or is acting on behalf of the person who is, a licensee under this Act or in respect of whom a licence is in force under this Act), who contravenes a notice under Section 6 is guilty of an offence.

(2) For the purposes of the prosecution of a person for an offence against Subsection (1), an act done by an employee or other agent of the person charged shall be deemed to have been done also by that person.

#### 12. Obstruction of officers, etc.

A person who—

- (a) fails to facilitate by all reasonable means the boarding of a ship by an officer acting under this Act; or
- (b) refuses to allow a search to be made that is authorized by or under this Act; or
- (c) refuses or neglects to comply with a requirement made by an officer under Section 9; or
- (d) when lawfully required to state his name and place of abode to an officer acting under this Act, states a false name or place of abode to the officer; or
- (e) when lawfully required to give information by an officer acting under this Act, gives false or misleading information to the officer; or
- (f) uses abusive or threatening language to an officer acting under this Act; or
- (g) assaults, resists or obstructs an officer acting under this Act; or
- (h) impersonates an officer; or
- (i) in an application for the purposes of this Act, makes a statement or gives information that is false or misleading in any particular,

is guilty of an offence.

13. Liability of master or person in charge of ship.

(1) The master or other person in charge of a ship on which, or by the use of which, an offence against this Act (in this section referred to as "the primary offence") is committed is guilty of an offence against this section.

(2) A person may be convicted of an offence against this section, whether or not the identity of the person who committed the primary offence appears, or has appeared, from the evidence in the proceedings in respect of the offence against this section or in any other proceedings, but may not be convicted of both an offence against this section and of the primary offence.

(3) Section 14 applies in relation to an offence against this section in like manner as it would apply if that offence were the primary offence.

14. Dealing with offences.

(1) Subject to this section, an offence against this Act shall be prosecuted summarily and is punishable by a fine not exceeding K1 000.00.

(2) An offence against Section 10(1)(b) or (c) or 10(3), may be presented summarily or on indictment, and is punishable—

(a) on summary conviction, by a fine not exceeding K1 000.00 or imprisonment for a term not exceeding six months, or both; or

(b) on conviction on indictment, by a fine of not less than K1 000.00 and not exceeding K10 000.00 or imprisonment for a term not exceeding one year, or both.

(3) An offence against Section 12 is punishable by a fine not exceeding K1 000.00 or imprisonment for a term not exceeding six months.

(4) Where proceedings for an offence against Section 10(1)(b) or (c), or 10(2) or (3), committed in respect of a foreign ship are brought in a court of summary jurisdiction, the court may—

(a) commit the defendant for trial; or

(b) with the consent of the defendant, determine the proceedings.

(5) Subject to Subsection (6), where a person is convicted of an offence against Section 10 or 11 the court that convicts him may order the forfeiture of—

(a) any ship used or otherwise involved in the commission of the offence; and

(b) its equipment and contents (other than the personal effects of members of the crew); and

(c) any sedentary organisms found on it or the proceeds of the sale of any sedentary organisms found on it.

(6) Where a person is convicted by a court of an offence against Section 11 or 12 in the commission of which a ship that was a foreign ship was used or otherwise involved, the court shall order the forfeiture of—

(a) any equipment for taking sedentary organisms that was on the ship at the time of the offence; and

(b) any sedentary organisms that were on the ship at the time of the offence and that have not been sold under Section 9.

(7) A ship or goods ordered by a court to be forfeited under this section, or a ship and equipment forfeited under Section 15 and condemned as forfeited, becomes the property

of the State and shall be dealt with or disposed of in accordance with the directions of the Minister.

#### 15. Forfeiture of foreign ships.

(1) For the purposes of this section, the equipment of a ship, other than equipment for taking sedentary organisms, shall be deemed to form part of the ship.

(2) Where a foreign ship is used or otherwise involved in the commission of an offence against this Act, it is forfeited to the State.

(3) An officer may seize any ship forfeited, or that he has reason to believe is forfeited, under this section.

(4) The Minister may authorize a ship seized under this section to be released to its master on the giving of security for payment of the value of the ship if it is condemned.

(5) The State may bring an action for the condemnation of a ship seized under this section.

(6) If—

(a) no person claiming an interest in a ship seized under this section brings an action in the country against the State for the recovery of the ship within 60 days after its seizure; or

(b) all such actions (if any) brought within that time are dismissed,

the ship shall be deemed to be condemned.

(7) For the purposes of Subsection (6), an action for the recovery of a ship seized under this section shall be deemed not to have been brought within 60 days after its seizure if the writ in the action has not been served on the Government within that time.

(8) Where a ship is forfeited under this section by reason of the commission of an offence, the conviction of a person of the offence has effect as a condemnation of the ship.

(9) In an action for the condemnation or recovery of a ship seized under this section, a party to the action may not allege that an offence under this Act has been committed by a person if a court has acquitted the person of the offence.

#### 16. Evidentiary certificates.

(1A) In this section "specified" means specified in the certificate under Subsection (2).

(1) The Minister or a person authorized in writing by him to give certificates under this section may give a certificate that, at a time specified in the certificate, a ship specified in the certificate was, or was not, a Papua New Guinea ship.

(2) The Minister or a person authorized in writing by him to give a certificate under this subsection may give a certificate that—

(a) a specified submarine area is, or was at a specified time, within the shelf area;  
or

(b) at a time specified—

(i) a specified person was, or was not, the holder of a licence under Section 7(1)—

(A) authorizing him to search for and take sedentary organisms of a specified kind in, or in a specified part of, the shelf area; or

(B) endorsed under Section 7(2) so as to authorize him to search for and take sedentary organisms of a specified kind in a specified part of the shelf area; or

- (ii) a person specified was, or was not, or no person was, the holder of a licence under Section 7(3)—
  - (A) authorizing the use of a ship by him or by a person acting on his behalf in searching for and taking sedentary organisms of a specified kind in, or in a specified part of, the shelf area; or
  - (B) in respect of a ship, endorsed under Section 7(4) so as to authorize the use of the ship by him or by a person acting on his behalf in searching for and taking sedentary organisms of a specified kind in a specified part of the shelf area; or
- (iii) a licence under Section 7(6) was not in force authorizing the employment of a specified person, in a specified area, as a diver, as a trial diver or as a diver's tender, as the case may be.

(3) A person giving a certificate under Subsection (2)(b)(ii)(A) or (B) that a person was the holder of a licence may certify in the certificate that conditions specified in the certificate were the conditions specified in the licence.

(4) In proceedings for an offence against this Act or in proceedings for the condemnation or recovery of a ship seized under this Act, a certificate under this section is prima facie evidence of the matters specified in the certificate.

(5) For the purposes of this section, unless the contrary is proved a writing purporting to be a certificate under this section shall be deemed to be such a certificate and to have been duly given.

(6) Where a person is at any place that is, or is above, a part of the continental shelf and has in his possession or under his control any sedentary organism, then in a prosecution of him for an offence against Section 10(1)(a) the possession or control is evidence that the person took the sedentary organism in that part of the continental shelf.

*(Amended by No. 5 of 1977, s. 8 and Schedule.)*

#### PART IV.—RESEARCH.

#### 17. Research in relation to the living natural resources of the continental shelf.

The Minister may cause research to be carried out—

- (a) into the living natural resources of the continental shelf; and
- (b) without limiting the generality of Paragraph (a), into means for—
  - (i) developing the commercial exploitation of those resources; or
  - (ii) the conservation of those resources.

*(Amended by No. 5 of 1977, Schedule.)*

#### 18. Investigations into economic matters.

The Minister may cause investigations to be carried out into economic matters relating to the exploitation of the living natural resources of the continental shelf.

*(Amended by No. 5 of 1977, Schedule.)*

## PART V.—MISCELLANEOUS.

**19. Issue of permits for scientific purposes.**

(1) The Minister, or a person authorized in writing by him to grant permits under this section, may grant a permit to a person authorizing that person—

- (a) in an area of the continental shelf; and
- (b) subject to such conditions as are specified in the permit,

to search for and take, for scientific purposes, sedentary organisms the taking of which is otherwise prohibited by or under this Act.

*(Amended by No. 5 of 1977, Schedule.)*

(2) The holder of a permit under this section is not guilty of an offence against this Act by reason of anything done by him that is authorized by the permit.

**20. Description of areas by reference to larger area, etc.**

(1) For the purposes of this Act, a part of the shelf area is sufficiently identified in an instrument under this Act if it is described in the instrument as being such part of the shelf area as is within an area specified in the instrument, notwithstanding the fact that the area specified in the instrument includes any area that is not part of the shelf area.

*(Amended by No. 5 of 1977, s. 9.)*

(2) For the purposes of this Act, an area of continental shelf is sufficiently described in an instrument under this Act if it is described in the instrument as being the area of continental shelf beneath an area of waters specified in the instrument.

**21. Regulations.**

(1) The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required to be prescribed, or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and, in particular—

- (a) for prescribing short methods of reference to areas of the continental shelf specified in the regulations, and the purposes for which those methods of reference may be used; and
- (b) for prescribing signals and rules of navigation to be observed by persons in charge of ships engaged in searching for or taking sedentary organisms in the shelf area; and
- (c) for prescribing the method of marking a ship in respect of which a licence is in force under this Act; and
- (d) for providing for service in actions for the condemnation of foreign ships seized as forfeited; and
- (e) for providing for the sale or disposal of—
  - (i) any ship, sedentary organisms or other goods the forfeiture of which is ordered under this Act; or
  - (ii) a ship and equipment forfeited under Section 15 and condemned as forfeited; or
  - (iii) unclaimed equipment for use in searching for or taking sedentary organisms found in the shelf area; and
- (f) for regulating the rights of priority, in respect of the searching for or taking of sedentary organisms in the shelf area, as between persons engaged in searching for or taking sedentary organisms in the shelf area, and for

prescribing rules to be observed by persons engaged in searching for or taking sedentary organisms in the shelf area; and

- (g) for providing for the supplying of statistics in relation to—
  - (i) the taking of sedentary organisms in the shelf area; and
  - (ii) the sale or disposal of sedentary organisms taken in the shelf area; and
- (b) for prescribing penalties of fines not exceeding K200.00 for offences against the regulations.

*(Amended by No. 5 of 1977, s. 10.)*

(2) The regulations may provide for scales of fees for licences, which may be based, amongst other things, on the size or value of the operation in relation to which a licence is granted or to its actual or potential contribution to the development of Papua New Guinea, and may provide for the levying of provisional fees.

PART VI.—THE CONVENTION ON THE CONTINENTAL SHELF.

*(Repealed by No. 5 of 1977, Schedule.)*

22. Observance of the Convention. *(Repealed by No. 5 of 1977, Schedule)*

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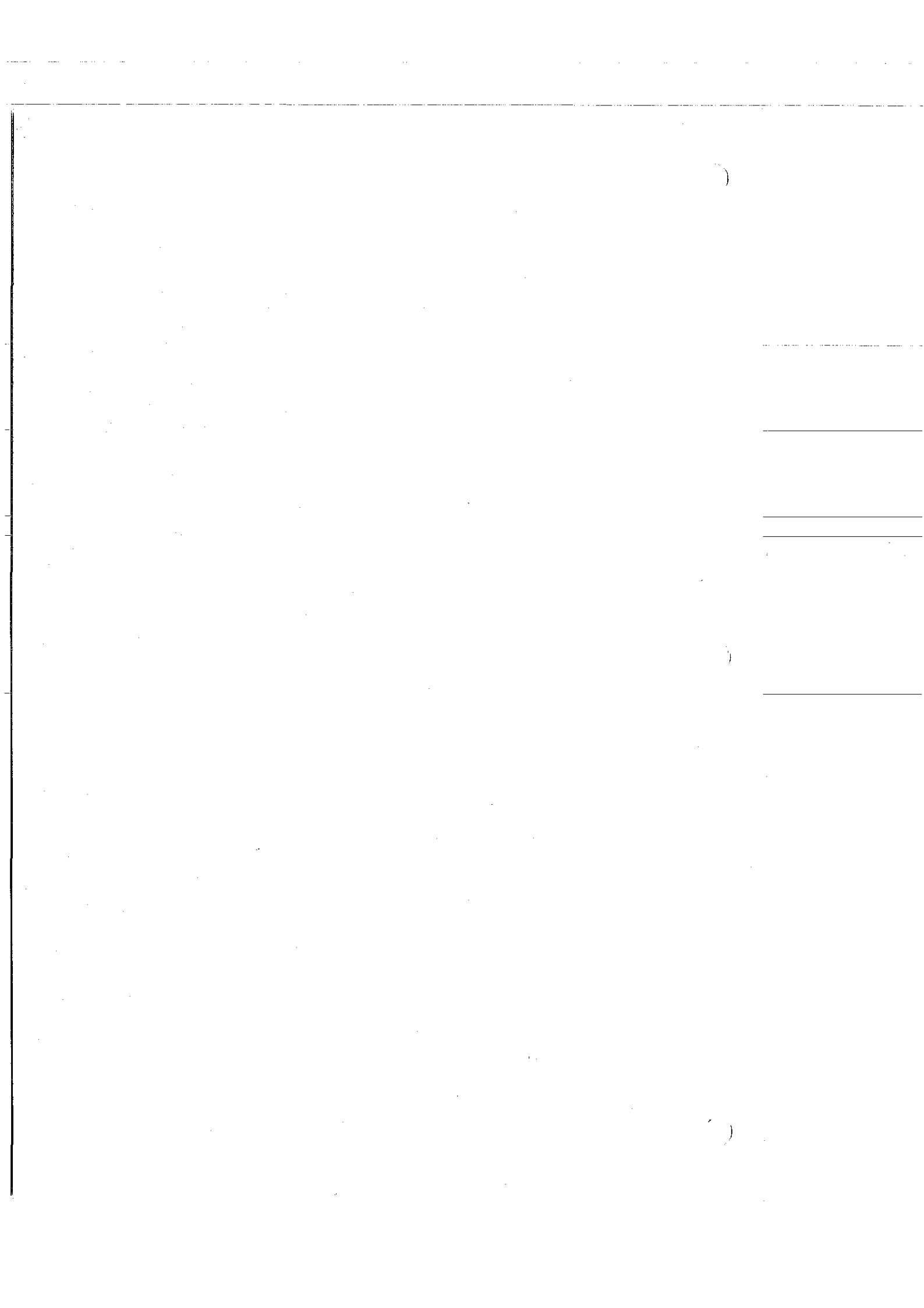
SCHEDULE.

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CONVENTION ON THE CONTINENTAL SHELF.

*(Repealed by No. 5 of 1977, Schedule.)*

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 210.

*Continental Shelf (Living Natural Resources).*

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APPENDIX.

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SOURCE OF THE CONTINENTAL SHELF (LIVING NATURAL RESOURCES) ACT.

Previous Legislation.

*Continental Shelf (Living Natural Resources) Act*

as amended by—

*Continental Shelf (Living Natural Resources) (Amendment) Act 1984 (No. 16 of 1984)*

*Torres Strait Treaty (Miscellaneous Amendments) Act (No. 26 of 1984 s.2).*

