

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 361.

National Seas.

GENERAL ANNOTATION.

ADMINISTRATION.

The administration of this Chapter was vested in the Minister for Foreign Affairs and Trade 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.

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CHAPTER NO. 361.

National Seas Act.

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 - "low water elevation"
 - "low water line"
 - "miles".

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 361.

National Seas Act.

Being an Act to describe and provide for the demarcation of—

- (a) the territorial sea; and
- (b) the internal waters; and
- (c) the offshore seas; and
- (d) the archipelagic waters,

for the purpose of asserting the rights of the State in relation to those areas.

PART I.—PRELIMINARY.

1. Interpretation.

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

“baseline” means territorial sea baseline;

“low water elevation” means a naturally formed area of land surrounded by and above water at mean low water springs but submerged at high water;

“low water line” means the low water line at mean low water springs;

“miles” means international nautical miles.

- (2) For the purposes of this Act—

(a) the eastern part of the island of New Guinea; and

(b) each island under the sovereignty of the State,

shall be deemed to have a separate continuous baseline.

PART II.—TERRITORIAL SEA.

2. Description of territorial sea.

The territorial sea of the State comprises all the waters, being waters forming part of the offshore seas, contained between the baselines and the outer-limit lines except for any such waters proclaimed under this section by the Head of State, acting on advice, not to form part of the territorial sea.

3. Location of limits of territorial sea.

(1) In this section “limit point” means a point that is 12 miles seaward from the nearest point on a baseline.

- (2) For the purposes of Section 2—

(a) the location of a baseline or a part of a baseline may be determined by the Head of State, acting on advice, by notice in the National Gazette; and

(b) an outer-limit line is the line every point of which is a limit point.

4. Baselines where no determination made.

Where no determination has been made under Section 3 in relation to any part of the coast, then to that extent the location of the baseline shall be ascertained in accordance with Schedule 1.

PART III.—INTERNAL WATERS.

5. Description of internal waters.

(1) In this section, "waters" includes bays, gulfs, inlets of the sea, rivers, rivulets, streams, lakes and lagoons.

(2) The internal waters of the State comprise the waters in any part of the country including all waters on the landward side of the baselines.

PART IV.—OFFSHORE SEAS.

6. Description of offshore seas.

Subject to delimitation of boundaries in relation to neighbouring states, the offshore seas of the State—

- (a) extend to a distance of 200 miles seaward from the baselines; and
- (b) unless otherwise specified, shall be deemed to comprise all the waters outside the baselines and within a line proclaimed for the purposes of this section by the Head of State, acting on advice, in the National Gazette.

PART V.—ARCHIPELAGIC WATERS.

7. Description of archipelagic waters.

(1) In this section—

"associated feature" means any—

- (a) islet; or
- (b) rock; or
- (c) drying reef; or
- (d) off-lying low water elevation,

that is within the area of the offshore seas and is adjacent to, near or associated with a feature of the coastline;

"feature of the coastline" includes promontory, cape, reef, mud bank, and sandbar;

"low water point" means the mark at mean low water springs on a feature of the coastline or on an associated feature;

"the Nukumanu Islands Archipelago" means all of the islands lying between the parallels 4°20' and 4°50' south latitude and between the meridians 159° and 160° east longitude;

"the Tauu Islands Archipelago" means all of the islands lying between the parallels 4°30' and 5° south latitude and between the meridians 156°30' and 157°30' east longitude.

(2) The archipelagic waters of the State comprise all the waters of the archipelagos under the sovereignty of the State, being waters which, subject to Subsection (3), form part of the offshore seas.

(3) The internal waters of the Tauu Islands Archipelago and of the Nukumanu Islands Archipelago may form part of the archipelagic waters.

(4) For the purposes of Subsection (2) the waters of an archipelago are the waters within a line delimited, for the purposes of this section, by the Head of State, acting on advice, by notice in the National Gazette.

(5) Archipelagic waters may be delimited in relation to land areas by reference to low water points.

PART VI.—MISCELLANEOUS.

8. Location of lines in cases of doubt.

(1) In any case where there is doubt as to the location of a baseline or any other line delimited under this Act the Minister may, by notice in the National Gazette, declare the location of the baseline or other line by whatever method appears to him to be appropriate.

(2) A reference in Subsection (1) to a baseline or other line includes a reference to part of a baseline or other line.

PART VII.—TRANSITIONAL.

9. Interim delimitation of archipelagic waters.

(1) This section and Schedule 2 expire on the commencement of the first notice made under Section 7.

(2) Until the archipelagic waters are delimited in accordance with Section 7 the archipelagic waters shall be deemed to have been delimited under that section in accordance with the line described in Schedule 2.

SCHEDULE 1.

Sec. 4.

PRINCIPLES FOR ASCERTAINING BASELINES.

Sch.1.1. Interpretation of Schedule 1.

(1) In this Schedule "bay" means an indentation in the coastline the area of which is at least as great as that of a semicircle with a diameter equal to the distance across the mouth of the indentation.

(2) For the purposes of this Schedule the outermost permanent harbour works that form an integral part of a harbour system shall be deemed to form part of the coast.

Sch.1.2. General principle.

Subject to this Schedule, in respect of each part of the coast the baseline follows the low water line.

Sch.1.3. Bays.

Where the distance between the low water line on each natural entrance point of a bay—

(a) does not exceed 24 miles, the baseline follows a straight line between those two points;
or

(b) exceeds 24 miles, the baseline follows a straight line of 24 miles length within the bay positioned so as to enclose the maximum area of water.

Sch.1.4. Low water elevations.

(1) Where a low water elevation is situated wholly or partly within 12 miles of the coast the baseline follows the low water line of the elevation.

(2) A low water elevation does not become part of the coast by virtue of Subsection (1).

Sch.1.5. Rivers.

In respect of the mouth of each mouth of a river which flows into the sea the baseline follows a straight line across the river mouth between the points on the low water line of each bank.

SCHEDULE 2.

Sec. 9(2).

INTERIM DELIMITATION OF ARCHIPELAGIC WATERS.

PART 1.

The Principal Archipelago.

A line commencing at the southernmost point of the land boundary with Indonesia and following that boundary to its northernmost point and then following the geodesic lines successively linking the outermost low water points of the following land areas, namely :—

- (a) Wuvulu Island;
- (b) Aua Island;
- (c) Manu Island;
- (d) Palitolla Island (Pellelehu Group);
- (e) Heina Islands;
- (f) Sae Islands;
- (g) Kaniet Islands;
- (h) Marengan Island;
- (i) Ahet Island;
- (j) Ponam Island;
- (k) Andra Island;
- (l) Hapinbuch Island;
- (m) Hus Island;
- (n) Onpeta Island;
- (o) Mandrindr Island;
- (p) Pityilu Island;
- (q) Hauwei Island;
- (r) Ndrilo Island;
- (s) Koruniat Island;
- (t) Los Negros Island;
- (u) Pak Island;
- (v) Tong Island;
- (w) Towi Island;
- (x) Putuli Island;

- (y) Mbatmanda Island;
- (z) Mussau Island;
- (za) Emirau Island;
- (zb) Elomusao Island;
- (zc) Enus Island;
- (zd) Simberi Island;
- (ze) Mahur Island;
- (zf) Boang Island;
- (zg) Malum Islands;
- (zh) Southern Nuguria Islands;
- (zi) Kilinailau Islands;
- (zj) Anusagaio Island;
- (zk) Islands and low water points around the south east and south coast of Bougainville to Kabukeai Island;
- (zl) Motupena Point;
- (zm) Puruata Island;
- (zn) Islands and low water points along the north west coast of Bouganville to Cape Rungnoum;
- (zo) Cape St. George (New Ireland);
- (zp) Cape Orford (New Britain);
- (zq) Islands and low water points along the south coast of New Britain to Kauprimeti Island;
- (zr) Tami Island;
- (zs) Mitre Rock;
- (zt) Cape Nelson;
- (zu) Kanapu Island;
- (zv) Gwadarab Island;
- (zw) Kuaniagal Island;
- (zx) Simlindon Island;
- (zy) Kadai Island;
- (zz) Bomatu Point (Kiriwina Island);
- (zza) Iwa Island;
- (zzb) Dugumenu Island;
- (zzc) Cam Point (Madau Island);
- (zzd) Woodlark Island;
- (zze) Cannac Island;
- (zzf) Wabomar Island;
- zzg) Budelun Island;
- (zzh) Bukulan Island;
- (zzi) Oburak Island;
- (zzj) Tokona Island;
- (zzk) Cape Henry (Misima Island);

- (zzl) Renard Islands;
- (zzm) Rossel Island;
- (zzn) Loa Boloba Island;
- (zzo) Tagula Island;
- (zzp) Duchateau Island;
- (zzq) Pana Boba Island;
- (zzr) Montemont Island;
- (zzs) Pana Waipona Island;
- (zzt) Punawan Island;
- (zzu) Duperre Islets;
- (zzv) Lejeune Island;
- (zzw) Long Reef Island;
- (zzx) Sable Island;
- (zzy) Quessant Island;
- (zzz) Steuers Island;
- (zzza) Dumoulin Island;
- (zzzb) Harikoia Island;
- (zzzc) Brumer Island;
- (zzzd) Baibesiga Island;
- (zzze) Suau Island;
- (zzzf) the southern coast of the island of New Guinea (in a westerly direction to the point of commencement).

PART 2.

The Tauu Islands Archipelago.

A line enclosing all islands, shoals, rocks and reefs (whether or not submerged) lying between the parallels $4^{\circ}30'$ and 5° south latitude and between the meridians $156^{\circ}30'$ and $157^{\circ}30'$ east longitude the line being a continuous line drawn between the outermost points of islands, shoals, rocks and reefs and shown on a chart designated by the Minister by notice in the National Gazette.

PART 3.

The Nukumanu Islands Archipelago.

A line enclosing all islands, shoals, rocks and reefs (whether or not submerged) lying between the parallels $4^{\circ}20'$ and $4^{\circ}50'$ south latitude and between the meridians 159° and 160° east longitude the line being a continuous line drawn between the outermost points of islands, shoals, rocks and reefs and shown on a chart designated by the Minister by notice in the National Gazette.

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CHAPTER NO. 361.

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SUBSIDIARY LEGISLATION.

Act, Section 6—Offshore Seas Proclamation.

A proclamation—

- (a) to delimit the offshore seas of the State;
 - (b) to provide that certain waters do not form part of the territorial sea of the State. Gaz.No.24, 30.3.1978.
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APPENDIX.

SOURCE OF THE NATIONAL SEAS ACT.

Part A.—Previous Legislation.

National Seas Act 1977 (No.7 of 1977).

Part B.—Cross References.

Section, etc. in Revised Edition.	Previous References ¹ .
1	1
2	2
3	3
4	4
5	5
6	6
7	7
8	8
9	9
Schedule 1	Schedule 1
Schedule 2	Schedule 2

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

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