

Offshore Seas Proclamation 1978

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 July 2001.

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Legislative Counsel

Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1978.

ARRANGEMENT OF SECTIONS.

1. Outer limit of offshore seas.
 2. Line described in Schedules 1 and 3.
 3. Temporary limit.
 4. Certain waters not included in offshore seas.
 5. Certain waters not included in territorial sea.

MADE by the Head of State, acting with, and in accordance with, the advice of the National Executive Council under the National Seas Act 1977.

1. OUTER LIMIT OF OFFSHORE SEAS.

The line consecutively described in Schedules 1, 2 and 3 is the line for the purposes of Section 6 of the National Seas Act 1977 and, subject to Sections 3(2) and 4 of this Proclamation, the offshore seas of the State shall be deemed to comprise all the waters outside the baselines and within the line so described.

2. LINE DESCRIBED IN SCHEDULES 1 AND 3.

(1) That part of the line described in Schedules 1 and 3 is drawn—

- (a) to give effect to agreements with other states where agreement on the line has been reached; and
- (b) without prejudice to the ultimate location of appropriate boundary lines, to adopt an interim boundary in areas where no agreement with other states has been reached; and
- (c) to adopt limits of 200 miles from the baselines where no boundary lines with other states may appropriately be drawn.

(2) Subject to Subsection (3), the description contained in Schedules 1 and 3 is based on the nautical charts BA3250, BA3832, BA3830, BA214, BA3419, BA208 and BA2759a in respect of the areas covered by those charts.

(3) the points described in the Schedules as Points 30 to 42 inclusive, and the descriptions of those parts of the line commencing at point 30 and ending at Point 38 and commencing at Point 39 and ending at Point 42 respectively, have been based on the current World Aeronautical Charts of the area in which those points and parts of the line are located.

3. TEMPORARY LIMIT.

(1) In this Section “Secondary Area” means the area of sea bounded by the temporary line described in Schedule 2 and a more southerly line between Points 38 and 39 provisionally agreed upon between the State and Australia to be proclaimed after an opportunity for further consultation between the two governments on outstanding matters of substance concerning the nature and manner of exercise of jurisdiction in that area so as to safeguard the interests of all affected parties.

(2) For the purposes of this Proclamation, so much of the waters of the sea as are within three miles of the land of the islands specified in Schedule 5 that would not, but for this section, fall within the Secondary Area shall be deemed to be within the Secondary Area.

(3) Nothing in Subsection (2) shall be construed as indicating that the State abandons its seabed resources jurisdiction associated with the islands specified in Schedule 5, but that subsection shall be read as indicating only that the State intends to suspend temporarily the exercise of such jurisdiction over and in respect of so much of the area of those waters as lies north of the temporary line described in Schedule 2 pending the outcome of further negotiations between the State and Australia.

4. CERTAIN WATERS NOT INCLUDED IN OFFSHORE SEAS.

The offshore seas of the State shall not be deemed to include the waters described in Schedule 4.

5. CERTAIN WATERS NOT INCLUDED IN TERRITORIAL SEA.

For the purposes of Section 2 of the National Seas Act 1977, so much of the waters of the sea in the area described in Schedule 6 as are contained between the baselines and the 12 mile outer-limit line that are more than three miles seaward from the nearest point on the baselines do not form part of the territorial sea.

SCHEDULE 1 – PART OF PROCLAIMED LINE.

Secs. 1. and 2.

Commencing at the point of the intersection of the meridian 141° east longitude with the mean low water line on the northern coast of the island of New Guinea (Point 1) thence along straight lines successively linking that point and the following points:–

Point 2: the intersection of the parallel 2° 08’ 30” south latitude with the meridian 141° 01’ 30” east longitude.

Point 3: the intersection of the parallel 1° 04’ 00” south latitude with the meridian 141° 23’ 42” east longitude.

- Point 4: the intersection of the parallel $0^{\circ} 55' 54''$ south latitude with the meridian $141^{\circ} 20' 30''$ east longitude.
- Point 5: the intersection of the parallel $0^{\circ} 47' 00''$ north latitude with the meridian $140^{\circ} 49' 00''$ east longitude,

thence along a straight line towards the intersection of the parallel $2^{\circ} 41' 00''$ north latitude with the meridian $140^{\circ} 46' 00''$ east longitude to the most northerly point on that line (Point 6) that is 200 miles from the nearest point on a baseline, thence in a generally easterly direction along a line every point on which is 200 miles from the nearest point on a baseline to the first point (Point 7) on that line that is 200 miles from a base point in the Caroline Islands (hereinafter called "the Micronesian base point") which base point shall be deemed to be the intersection of the parallel $1^{\circ} 02' 00''$ north latitude with the meridian $154^{\circ} 46' 00''$ east longitude; thence in a generally easterly direction along a median line between the nearest points on the baselines and the Micronesian base point to the next point on that median line (Point 8) that is 200 miles from the nearest point on a baseline; thence in a generally easterly and southerly direction along a line every point on which is 200 miles from the nearest points on the baselines to the first point on that line (Point 9) that is 200 miles from the nearest point of land in the Solomon Islands; thence in a generally westerly direction along a median line between the nearest points on the baselines and the nearest points of land in the Solomon Islands to the point on that median line (Point 10) that is 20 miles in a generally south easterly direction from the nearest point on a baseline of Nukumanu Atoll; thence along the geodesics successively linking Point 10 and the following points:—

- Point 11: the intersection of the parallel $4^{\circ} 48' 30''$ south latitude with the meridian $158^{\circ} 46' 30''$ east longitude.
- Point 12: the intersection of the parallel $4^{\circ} 45' 00''$ south latitude with the meridian $158^{\circ} 26' 00''$ east longitude.
- Point 13: the intersection of the parallel $4^{\circ} 47' 00''$ south latitude with the meridian $158^{\circ} 09' 00''$ east longitude.
- Point 14: the intersection of the parallel $5^{\circ} 04' 30''$ south latitude with the meridian $158^{\circ} 07' 00''$ east longitude.
- Point 15: the intersection of the parallel $5^{\circ} 37' 00''$ south latitude with the meridian $157^{\circ} 59' 00''$ east longitude.
- Point 16: the intersection of the parallel $5^{\circ} 52' 00''$ south latitude with the meridian $157^{\circ} 56' 00''$ east longitude.
- Point 17: the intersection of the parallel $5^{\circ} 54' 00''$ south latitude with the meridian $157^{\circ} 20' 00''$ east longitude.
- Point 18: the intersection of the parallel $5^{\circ} 40' 00''$ south latitude with the meridian $156^{\circ} 30' 00''$ east longitude.
- Point 19: the intersection of the parallel $5^{\circ} 54' 00''$ south latitude with the meridian $156^{\circ} 26' 00''$ east longitude.
- Point 20: the intersection of the parallel $6^{\circ} 19' 00''$ south latitude with the

meridian 156° 16' 30" east longitude;

thence along the geodesic to Point 21 that is the first point 12 miles seaward and equidistant from the nearest point on the baseline of OTUA Island and the nearest point of land in the Solomon Islands; thence along a line passing to the south of Bougainville Island being a median line between the nearest points on the baselines and the nearest points of land in the Solomon Islands, to a point on that line (Point 22) 12 miles in a generally south easterly direction from the nearest point on the baseline of KABUKEA Island; thence along the geodesics successively linking Point 22 and the following points:–

- Point 23: the intersection of the parallel 7° 15' 00" south latitude with the meridian 155° 13' 30" east longitude.
- Point 24: the intersection of the parallel 7° 29' 00" south latitude with the meridian 154° 52' 00" east longitude.
- Point 25: the intersection of the parallel 9° 20' 00" south latitude with the meridian 155° 31' 00" east longitude.
- Point 26: the intersection of the parallel 10° 41' 00" south latitude with the meridian 156° 40' 00" east longitude.
- Point 27: the intersection of the parallel 11° 14' 00" south latitude with the meridian 157° 05' 00" east longitude.
- Point 28: the intersection of the parallel 12° 52' 00" south latitude with the meridian 157° 25' 00" east longitude.
- Point 29: the intersection of the parallel 13° 43' 00" south latitude with the meridian 157° 07' 30" east longitude.
- Point 30: the intersection of the parallel 14° 05' 00" south latitude with the meridian 156° 40' 00" east longitude.
- Point 31: the intersection of the parallel 14° 45' 00" south latitude with the meridian 154° 15' 00" east longitude.
- Point 32: the intersection of the parallel 14° 38' 00" south latitude with the meridian 152° 07' 00" east longitude.
- Point 33: the intersection of the parallel 13° 15' 00" south latitude with the meridian 148° 10' 00" east longitude.
- Point 34: the intersection of the parallel 13° 10' 00" south latitude with the meridian 148° 03' 00" east longitude.
- Point 35: the intersection of the parallel 12° 35' 00" south latitude with the meridian 147° 05' 00" east longitude.
- Point 36: the intersection of the parallel 12° 20' 00" south latitude with the meridian 146° 30' 00" east longitude.
- Point 37: the intersection of the parallel 9° 51' 00" south latitude with the meridian 144° 44' 00" east longitude.

Point 38: the intersection of the parallel 9° 30' 00" south latitude with the meridian 144° 15' 00" east longitude.

SCHEDULE 2 – TEMPORARY LINE.

Sec. 1.

Commencing at Point 38 described in Schedule 1 and proceeding in a northerly direction along the meridian 144° 15' 00" east to the intersection of that meridian with a longitude composite line being the line every point of which is on—

- (a) the seaward limit of the declared offshore area under the Petroleum (Submerged Lands) Act 1975 as at 16th September 1975; or
- (b) the seaward limit of the declared fishing zone described in Section 2 of the Fisheries Act 1974, as in force on 16th September 1975, as if the baseline within the meaning of the National Seas Act 1977 were the baseline referred to in that section,

whichever limit is, on any meridian of longitude, the more southern; thence in a generally westerly direction along that composite line to its intersection with the meridian 141° 20' 00" east longitude; and thence along that meridian of longitude south to Point 39 being the intersection of that meridian with the parallel 10° 10' 30" south latitude.

Sec. 1.

SCHEDULE 3 – PART OF PROCLAIMED LINE.

Commencing at Point 39 described in Schedule 2 and thence along the geodesics successively linking that point and the following points:—

- Point 40: the intersection of the parallel 10° 59' 00" south latitude with the meridian 140° 00' 00" east longitude.
- Point 41: the intersection of the parallel 11° 09' 00" south latitude with the meridian 139° 23' 00" east longitude.
- Point 42: the intersection of the parallel 10° 50' 00" south latitude with the meridian 139° 12' 00" east longitude;

thence along straight lines successively linking Point 42 and the following points:—

- Point 43: the intersection of the parallel 10° 24' 00" south latitude with the meridian 139° 46' 00" east longitude.
- Point 44: the intersection of the parallel 9° 52' 00" south latitude with the meridian 140° 29' 00" east longitude.
- Point 45: the intersection of the parallel 9° 24' 30" south latitude with the

meridian 140° 49' 30" east longitude.

Point 46: the intersection of the parallel 9° 23' 00" south latitude with the meridian 140° 52' 00" east longitude;

and thence along a straight line between Point 46 and a point described as "point B3" in Articles 3 and 4 of the Agreement set forth in the Schedule to the Indonesian Border Agreement Act 1973, to the point where that line crosses the southern coast of the island of New Guinea, or if that line does not cross that coast, to that point B3 and thence by a straight line between that point and the position of the marker described as "MM14" in Article 1 of that Agreement to the point where that line first crosses the coast or enters the internal waters of the State, as the case may be.

SCHEDULE 4 – WATERS NOT INCLUDED IN OFFSHORE SEAS.

Sec. 4.

1. The waters of the sea contained in the area bounded by a line every point on which is three miles seaward from the nearest points on the coast of the islands of SAIBAI (including for this purpose, KAUAMAG) and DAUAN, except where such a line is less than three miles from any other land, where the line shall be a median line between those islands and that other land.

2. The waters of the sea contained in the area bounded by a line every point on which is three miles seaward from the nearest point on the coast of BOIGU Island (including for this purpose, AUBUSI and MOIMI), except where such a line is less than three miles from any other land, where the line shall be a median line between that island and that other land.

SCHEDULE 5 – ISLANDS.

Sec. 3(2).

1. Deliverance Island.

2. Black Rocks.

3. Bramble Cay.

4. Anchor Cay.

5. East Cay.

SCHEDULE 6 – Sec. 5.

AREA FOR PURPOSES OF SECTION 5.

The area bounded by a line commencing at the intersection of the parallel $9^{\circ} 21' 30''$ south latitude with the meridian $142^{\circ} 33' 15''$ east longitude; thence along the geodesic to the intersection of the parallel $9^{\circ} 08' 15''$ south latitude with the meridian $143^{\circ} 52' 00''$ east longitude; thence south along that meridian of longitude to the parallel $9^{\circ} 40' 00''$ south latitude; thence west along that parallel of latitude to the meridian $142^{\circ} 03' 30''$ east longitude; thence north along that meridian of longitude to its point of intersection with the southern coastline of the island of New Guinea at mean low water springs; thence in a generally easterly direction along the coastline to its intersection with the meridian $142^{\circ} 33' 15''$ east longitude; and thence south along that meridian to the point of commencement.

Dated this 28th day of March, 1978.

Office of Legislative Counsel, PNG