

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1977.

Interpretation (Application of Laws) Act 1977.

ARRANGEMENT OF SECTIONS.

1. New Division 11.1A -

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2A. - Laws to operate within boundaries, airspace, ships
and aircraft.

2. Interpretation of terms (Amendment of Section 3) -

"archipelagic waters".

"internal waters".

"offshore seas".

"territorial sea".

3. Meaning of certain references (Amendment of Section 4).

THE INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1977.

Interpretation (Application of Laws) Act 1977,

Being an Act to amend the *Interpretation (Interim Provisions) Act 1975** -

- (a) to provide a statutory presumption as to the application of certain laws; and
- (b) to insert certain definitions as a result of the making of the *National Seas Act 1977*; and
- (c) to provide for references in a provision to the land boundary between Papua New Guinea and Indonesia; and
- (d) to provide for references in a provision to the area of the State,

MADE by the National Parliament.

1. - NEW DIVISION 11.1A.

Before Division 11.1 of the Principal Act the following Division is inserted in Part II:-

Division 1A. - Application.

"2A. - LAWS TO OPERATE WITHIN BOUNDARIES, AIRSPACE, SHIPS AND AIRCRAFT.

(1) Subject to Subsection (2), it shall be presumed, unless the contrary intention appears, that a provision is intended to operate -

- (a) throughout the land territory under the sovereignty of the State; and
- (b) within the area of the internal waters and territorial sea; and
- (c) throughout the superjacent airspace of the land territory, the internal waters and territorial sea; and
- (d) in relation to all ships and aircraft

*Adopted by Section Sch.2.6 of the Constitution and embodying the terms of Act No. 91,1975 as amended by No. 92,1975 (Section 18(2)(b)).

(wherever located) which have Papua New Guinea nationality and in particular to all persons and things for the time being on board those ships and aircraft.

"(2) Subsection (1) does not apply to -

- (a) an adopted Act which embodies the terms of a pre-Independence law of the former Territory of Papua or of the former Territory of New Guinea; or
- (b) a subordinate enactment made under an Act referred to in paragraph (a); or
- (c) provincial government laws, Local Government rules or to any other subordinate enactment made under a power which is limited to the making of statutory instruments to operate in or for the purposes of an area smaller than the country.

"(3) Nothing in this section shall be construed -

- (a) as limiting the operation which an adopted Act or subordinate enactment has apart from this section; and
- (b) as extending any power to make subordinate enactments."

2. - INTERPRETATION OF TERMS (AMENDMENT OF SECTION 3).

Section 3(1) of the Principal Act is amended -

- (a) by inserting after the definition of "Affirmation of Allegiance" the following definition:-

"'archipelagic waters' means the waters which are archipelagic waters in accordance with Section 7 of the *National Seas Act 1977*"; and

- (b) by inserting after the definition of "interest in land" the following definition:-

"'internal waters' means the waters described in Section 5 of the *National Seas Act 1977*"; and

- (c) by inserting after the definition of "officer", "officer of Papua New Guinea" and "officer of the Public Service" the following definition:-

"'offshore seas' means the waters which comprise the offshore seas in accordance with Section 6 of the *National Seas Act 1977*"; and

- (d) by inserting after the definition of "the Teaching Service Commission" the following definition:-

"'territorial sea' means the waters which comprise the territorial sea in accordance with Part II of the *National Seas Act 1977*;"

3. - MEANING OF CERTAIN REFERENCES (AMENDMENT OF SECTION 4).

Section 4(1) of the Principal Act is amended by inserting after paragraph (s) the following paragraphs:-

"(t) to the land boundary with Indonesia shall be read as a reference to the boundary demarcated in accordance with Articles 1, 4 and 9 of the Agreement set out in the Schedule to the *Indonesian Border Agreement Act 1973*; and

(u) to the area of the State includes a reference to -

- (i) the internal waters and the territorial sea; and
- (ii) the superjacent airspace of the internal waters, territorial sea and of the land territory under the sovereignty of the State."

I hereby certify that the above is a fair print of the *Interpretation (Application of Laws) Act 1977* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Interpretation (Application of Laws) Act 1977* was made by the National Parliament on 4 February 1977.

Speaker of the National Parliament.