

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 247.

Submarine Cables and Pipelines Protection (Adopted).

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), while the administration of this Chapter was not specifically vested in any Minister, it seems likely from the determination of the functions of Departments that it came within the responsibilities of the Minister for Transport and Works.

The Chapter does not refer to "the Minister", "the Departmental Head" or "the Department".

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ARRANGEMENT OF SECTIONS.

1. Saving of other laws.
2. Interpretation—
"the high seas".
3. Act binds the State.
4. Injuring submarine cables or pipelines.
5. Liability.
6. Indemnity for loss of anchor, etc.

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Being an Act relating to the protection of submarine cables and pipelines beneath the high seas, adopted by Section Sch. 2.6 (*adoption of pre-Independence laws*) of, and Part 1 of Schedule 5 to, the Constitution.

1. Saving of other laws.

This Act is in addition to, and not in derogation of or in substitution for, any other law.

2. Interpretation.

(1) In this section, "the high seas" has the same meaning as in the Convention on the High Seas signed at Geneva on the 29 April 1958.

(2) A reference in this Act to a submarine cable or pipeline shall be read as a reference only to—

- (a) a cable or pipeline beneath the high seas; or
- (b) to such part of a cable or pipeline as is beneath the high seas.

3. Act binds the State.

This Act binds the State and any authority constituted by or under law.

4. Injuring submarine cables or pipelines.

(1) Subject to Subsection (2), a person who wilfully, or through culpable negligence—

- (a) breaks or injures or causes a ship registered in Papua New Guinea to break or injure, a submarine telegraph or telephone cable in such manner as might interrupt or obstruct telegraphic or telephonic communications; or
- (b) breaks or injures or causes a ship registered in Papua New Guinea to break or injure, a submarine pipeline or a submarine high-voltage power cable,

is guilty of an offence.

Penalty: Where the person acted wilfully—a fine not exceeding K2 000.00 or imprisonment for a term not exceeding one year.

In any other case—a fine not exceeding K1 000.00 or imprisonment for a term not exceeding three months.

(2) Subsection (1) does not apply in relation to a breakage of, or an injury to, a cable or pipeline where—

- (a) the breakage or injury is caused by persons acting with the sole object of saving their lives or their ships; and
- (b) the persons took all necessary precautions to avoid breaking or injuring the cable or pipeline.

(3) An offence against Subsection (1) may be prosecuted summarily or on indictment.

(4) In summary proceedings against a person for an offence against Subsection (1), the court shall not impose on him a penalty in respect of the offence exceeding K1 000.00 or imprisonment for a term exceeding three months.

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(5) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this Act shall not be exercised except by a Magistrate Grade III. or IV.

5. Liability.

If in the course of laying or repairing a submarine cable or pipeline of which he is the owner a person causes a break in, or injury to, another cable or pipeline, he is liable to bear the cost of repairing the break or injury.

6. Indemnity for loss of anchor, etc.

If, after all reasonable precautionary measures have been taken, an anchor, a net or any other fishing gear belonging to a ship is sacrificed in order to avoid injuring a submarine cable or pipeline, the owner of the ship is entitled to be indemnified for his loss by the owner of the cable or pipeline.

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APPENDIX.

SOURCE OF THE SUBMARINE CABLES AND PIPELINES PROTECTION ACT
(ADOPTED).

Part A.—Previous Legislation.

*Submarine Cables and Pipelines Protection Act 1963-1973 of Australia, as adopted by
Constitution, Section Sch.2.6 and Part 1 of Schedule 5¹.*

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous Reference ² .
1	3(1)
2	5
3	6
4	7,10,11(3)
5	8
6	9

¹ Printed in *Acts of the Australian Parliament 1901-1973*, Vol. 11, p. 697.

² Unless otherwise indicated, references are to the Act set out in Part A.

