

Unvalidated References:

This reprint of this Statutory Instrument incorporates all amendments, if any, made before 25 November 2006 and in force at 1 January 2003.

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Legislative Counsel
Dated 25 November 2006

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. 12 of 2002.

Kokonas Industri Koporesen Regulation 2002

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SCHEDULE 1 – .

Kokonas Industri Koporesen Regulation 2002

MADE by Head of State, acting with and in accordance with the advice of the National Executive Council, under the *Kokonas Industri Koporesen Act 2002*.

PART 1. – PRELIMINARY.

1. INTERPRETATION.

In these regulations, unless the contrary intention appears –

“**Commissioner of Customs**” means the Commissioner of Customs appointed under the *Customs Act 1951*;

“**copra production area**” means a province recognized by the Koporesen as a province where copra is produced;

“**inspection**” includes examination and sampling;

“**licensee**” means a person who is issued a licence under Section 52 of the Act;

“**licensed bank**” means a bank licensed under the *Banks and Financial Institutions Act 2000*;

“**Papua New Guinea export copra**” means copra that is exported or intended to be exported;

“**Koporesen**” means the Kokonas Industri Koporesen established under Section 3 of the Act;

“**quality standards**” means –

- (a) in respect of copra, processed copra by hot air drying or sun drying; and
- (b) in respect of coconut product other than copra, a standard that is commonly accepted as the applicable quality standard by which the standard of a product is measured with from time to time within the industry for the particular coconut product;

“**sampling**” includes testing and analysis;

“**threshold price**” means the threshold price calculated under Section 15.

2. SUPPLY OF INFORMATION TO THE KOPORESEN.

(1) A person engaged in the coconut industry shall promptly supply to the Koporesen, when required by it, information verified by statutory declaration in respect of –

- (a) details of contracts relating to the purchase or sale of a coconut product to which the person is a party including any contracts that, at the time of receipt of the requisition the person proposes or intends to become a party, specifying the places at which delivery of the coconut product is intended to be effected; and
- (b) details of all coconut products acquired, purchased, sold or exported by the person during the period specified in the requisition; and
- (c) details of prices paid or to be paid by the person for a coconut product during the period specified under Paragraph (c), and

s. 2.

Kokonas Industri Koporesen Regulation 2002

(d) estimates of the destination of coconut products that are held in store or are likely to be exported by the person during a specified period.

(2) A person who fails to supply information under Subsection (1) is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00

Default penalty: A fine not exceeding K500.00

PART 2. – EXPORT OF COCONUT PRODUCTS.

3. MANNER OF INSPECTION.

(1) Copra intended for export shall be examined by an Inspector in accordance with the methods or practices used within the industry for an examination of copra.

(2) Coconut product other than copra may be inspected prior to export by an Inspector who may during the course of examination take samples of the product being inspected in accordance with the methods or practices used within the industry in relation to the inspection, examination or sampling of such product.

4. QUALITY STANDARD FOR EXPORT.

(1) Copra intended for export as Papua New Guinea export copra shall –

- (a) be copra that have been through the drying processes by means of hot air drying or sun drying; and
- (b) contain a moisture content of a minimum of 5% and a maximum of 7% per tonne of copra by weight.

(2) Coconut product other than copra intended for export as Papua New Guinea export coconut product shall comply with the standards commonly accepted within the industry as the standard product quality for that particular coconut product.

5. CERTIFICATE OF INSPECTION.

(1) After examination of a consignment of a coconut product intended for export and having being satisfied of the quality standard of the product for export, an Inspector shall issue to an exporter a certificate in Form 1 of the Schedule.

(2) The certificate referred to in Subsection (1) shall be forwarded to the Commissioner of Customs.

(3) A certificate issued in respect of Papua New Guinea export quality coconut product under Subsection (1) shall cease to be valid after expiration of two months from the date of examination unless a later date is specified by the Inspector on the certificate.

PART 3. – REGISTRATION OF ASSOCIATIONS.

6. APPLICATION FOR REGISTRATION.

(1) An application for registration of an association lodged under Section 55(2) of the Act shall be in Form 2 of the Schedule.

(2) A certificate of registration of an association issued under Section 57 of the Act shall be in Form 3 of the Schedule.

PART 4. – LICENCES.

7. APPLICATION FOR LICENCE.

(1) Subject to Subsection (2), an application for an issue of a licence under Section 50 of the Act to engage in the business of –

- (a) buying and selling of; or
- (b) manufacturing or processing of; or
- (c) exporting of,

coconut product shall be in Form 4 of the Schedule.

(2) A person may apply for multiple licences where the person wishes to engage in two or more of the business's referred to in Subsection (1)(a), (b) or (c).

8. LICENCE.

(1) Subject to Subsection (2) a licence to engage in the business referred to in –

- (a) Section 7(1)(a), shall be in Form 5; and
- (b) Section 7(1)(b) shall be in Form 6; and
- (c) Section 7(1)(c), shall be in Form 7,

of the Schedule.

(2) The issue of a licence to carry out the business referred to under Section 7(1)(a) is limited to one copra production area only.

9. RENEWAL OF LICENCES.

(1) A holder of a licence shall apply for the renewal of the licence at least three months prior to the expiry of the licence.

(2) An application for the renewal of a licence shall be in Form 8 of the Schedule.

10. FEES, ETC.

The following fees are payable as required under the Act –

- (a) on a lodgement of an application for an issue of or a renewal of licence under Section 50 of the Act is, in the case of an application to engage in or carry out the business referred to in –
 - (i) Section 7(1)(a) –K1, 000.00;
 - (ii) Section 7(1)(b) –K2, 000.00;
 - (iii) Section 7(1)(c) –K2, 500.00; and
- (b) on a lodgement of a application for registration of an Association under Section 55(2) of the Act –K100.00

PART 5. – LEVIES.

11. CALCULATION AND PAYMENT OF MANAGEMENT LEVY.

(1) The Koporesen shall, by notice in the National Gazette, fix the rate for the management levy under Section 24 of the Act not exceeding –

- (a) in the case of copra –K60.00 per tonne; and
- (b) in the case of coconut oil –K80.00 per tonne; and
- (c) in the case of coconut products other than copra and coconut oil –K30.00 per tonne.

(2) An amount equal to the management levy payable on a coconut product as calculated in accordance with Subsection (1) is payable by the exporter prior to the export of he product.

(3) A person who has not paid to the Koporesen the levy fixed in accordance with Subsection (1) prior to exporting coconut products is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00 in respect of each consignment exported without payment of the levy.

Default penalty: A fine of K500.00

12. NON PAYMENT OF INDUSTRY LEVY.

A person who has not paid to the Koporesen the levy fixed in accordance with Section 30 of the Act prior to exporting of coconut products is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00 in respect of each consignment exported without payment of the levy.

Default penalty: A fine of K500.00.

13. REVIEW AND DETERMINATION OF RESEARCH CESS AND EXTENSION LEVY.

(1) The Koporesen shall –

- (a) annually review the amount of research cess and extension levy imposed; and
- (b) take into account the findings of the review carried out under Paragraph (a) and determine annually –
 - (i) the amount of research cess; and
 - (ii) the amount of extension levy,

to be imposed.

(2) The Koporesen is not limited to the findings of a review carried out under Subsection (1)(a) but may take into consideration certain practices and conditions prevailing within the coconut industry concerning the imposition of the research cess

or extension levy, as the case may be, before determining the amount of research cess or extension levy, as the case may be, to be imposed on coconut products.

14. PAYMENT OF LEVIES, ETC.

(1) An exporter intending to export coconut products from the country shall lodge with a branch of a licensed commercial bank –

- (a) the particulars of the coconut product proposed to be exported; and
- (b) an amount equal to the management levy payable on the coconut product; and
- (c) an amount equal to the industry levy payable on the coconut product; and
- (d) an amount equal to the research cess payable on the coconut product; and
- (e) an amount equal to the extension levy payable on the coconut product.

(2) The manager of a branch of a licensed bank shall, as soon as practicable after receiving an amount referred to in Subsection (1), remit that amount by bank cheque, telegraphic transfer or other safe and usual banking transfer of funds to the Koporesen or credit the Koporesen's account accordingly where the Koporesen maintains an account with that bank.

(3) A copy of particulars under Subsection (1)(a) shall be forwarded to the Koporesen by the exporter.

PART 6. – MISCELLANEOUS.**15. PRESCRIBED DOCKET.**

A docket as required to be given by a licensed processor or exporter under Section 28 of the Act shall be in Form 9 of the Schedule.

16. LICENSEE NOT TO BUY COCONUT PRODUCT BELOW FARM OR MILL GATE PRICE.

A licensee who buys a coconut product below the minimum farm gate or mill gate prices as set by the Koporesen under Section 5(h) of the Act is guilty of an offence.

Penalty: A fine not exceeding K1, 000.00.

Default penalty: A fine not exceeding K500.00.

17. GENERAL PENALTY.

(1) A person who contravenes or fails to comply with a provision of this regulation is guilty of an offence and where no other penalty is provided is punishable by a fine not exceeding K1, 000.00.

(2) Where a person is convicted of an offence under this regulation the court may, in addition to, or instead of, imposing any other penalty, order that a coconut product, be forfeited to the Koporesen.

(3) A coconut product forfeited to the Koporesen under Subsection (2) is the property of the Koporesen.

18. APPEALS.

(1) A person aggrieved by –

(a) the decision of or an exercise of a power of an Inspector;

(b) a decision of the Koporesen,

made under the Act, may appeal against that decision by giving written notice to the Appeal Committee within 21 days after notification by an Inspector or the Koporesen as the case may be, of his or its decision.

(2) An appeal required to be lodged under the Act –

(a) against a decision of or an exercise of a power of an Inspector made under the Act; or

(b) against a decision of the Koporesen made under the Act, shall be in Form 10 of the Schedule.

SCHEDULE 1 – .
INDEPENDENT STATE OF PAPUA NEW GUINEA

<i>Kokonas Industri Koporesen Act 2002</i>		
Reg.Sec.5 Form 1.		
CERTIFICATE OF QUALITY STANDARD		
The Commissioner of Customs,		
Port of:		
I certify that I have examined the consignment of the coconut product details of which are set out and certify that the said coconut product meets the quality standard as required under Section 4 of the Act and I therefore authorise the licensee named below to export the said coconut product referred to below.		
DATED this	day of	,20...
INSPECTOR.		
Export Licence Holder No:		
Port of Export:		
Destination:		
Type of Coconut Product:		
Quality and Grade:		
Tonnes/Bags:		
Date of Inspection:		
<i>(Note: Attach a copy of this certificate together with any relevant customs clearance documents of the vessel by which the coconut product is to be shipped.)</i>		
INDEPENDENT STATE OF PAPUA NEW GUINEA		
<i>Kokonas Industri Koporesen Act 2002</i>		

Act., Sec.55.	
Reg.Sec.6	
Form 2.	
APPLICATION FOR REGISTRATION OF AN ASSOCIATION	
<i>(Note: Information provided in this Form must be either typed or hand/written in block letters.)</i>	
Kokonas Industri Koporesen.	
1. NAME OF ASSOCIATION:	
2. DATE OF INCORPORATION:	
3. RESIDENTIAL ADDRESS:	
<i>(State name of the suburb, street, or the location of the property, the district or the province where the Association is located. Where the Association is located at the premises of a firm, company or other person, or in a building, state the name of such firm, company or the person as the case may be and particulars of the location within such building.)</i>	
4. POSTAL ADDRESS:	
5. PRINCIPAL ACTIVITIES OF THE ASSOCIATION:	(1)
	(2)
	(3)
	(4)
6. MEMBERSHIP OF ASSOCIATION:	
<i>(Attach a certified list of all members of the Association together with this Form.)</i>	

- Specify the number of individual members, forming an Association.		
- Specify the number of companies and the full details of the shareholders of the said companies forming an Association.		
7. OFFICIALS OF THE ASSOCIATION:		
Name	Position	
<i>(Provide details of the officials of an Association if representing a company and the position(s) held in that company by the official. If insufficient space, supply names or further details of the officials on a separate A4 paper attached to this Form.)</i>		
8. CONSTITUTION.		
<i>(Place a cross ((x)) in the appropriate box below. If the answer to the undermentioned question is yes, also submit a certified copy of the constitution or the rules of the Association together with this Form.)</i>		
	YES	NO
Does the Association have a constitution or rules of association?		
9. DECLARATION AND SIGNATURE.		
I certify that an information supplied in this Form is true and correct and a copy of a document submitted together with this Form is a true and correct copy of the original document.		

Signature _____ of _____ official _____ of _____ Association: _____
Name of applicant: _____
Position held in the Association: _____
Date: _____
<i>(Note: The declaration by and signature of an Association must be made and signed on this Form by an official of an Association submitting application.)</i>
OFFICE USE ONLY
Date of Application Received:
Approved/Rejected:
Application fee:
Receipt No:

INDEPENDENT STATE OF PAPUA NEW GUINEA

Kokonas Indastri Koporesen Act 2002

Ac, Sec. 57.

Reg. Sec. 6

Form 3.

CERTIFICATE OF REGISTRATION OF AN ASSOCIATION

	Certificate No.:

CONDITIONS AND RESTRICTIONS.

(Insert such conditions and restrictions as the Koporesen may decide to impose.)

DATE this	day of	,20..

<p>KOKONAS INDASTRI KOPORESEN.</p> <p>-----</p>
<p>*Strike out whichever is inapplicable.</p>
<p>INDEPENDENT STATE OF PAPUA NEW GUINEA <i>Kokonas Indastri Koporesen Act 2002</i></p>
<p>Act.Sec.50 Reg.Sec.7 Form 4.</p>
<p>APPLICATION FOR LICENCE</p>
<p><i>(Note: Information provided in this Form must be either typed or handwritten in black letters.)</i></p>
<p>1. NAME OF APPLICANT:</p>
<p>2. SPECIFY DATE OF INCORPORATION OR REGISTRATION IF APPLICANT COMPANY OR CORPORATE BODY:</p>
<p>3. RESIDENTIAL ADDRESS:</p> <p><i>(State name of the suburb, street, or the residential address of the property, the district or the province where the applicant carries out or intends to carry out the business being the province where the applicants business or proposed business is or is to be located at the premises of some other firm, company or other person, or in a building state the name of such firm company or the person in whose premises the applicants business is located or is intended to be located and particulars of the location within such building.)</i></p>
<p>4. POSTAL ADDRESS:</p>
<p>5. (a) NATURE OF BUSINESS FOR WHICH A LICENCE IS APPLIED FOR: <i>(Place a cross ((x)) in the appropriate box below.)</i></p>

(i) Buying and selling of coconut product.	(ii) Manufacturing or processing of coconut product.	(iii) Exporting of coconut.
(b) PLACE OF BUSINESS:		
<i>(Specify the location or the proposed location of where the licence applied for as stated under item 5(a)(i) is carried out or to be carried out.)</i>	<i>(Specify the location or the proposed location of where the licence applied for as stated under item 5(a)(ii) is carried out or to be carried out.)</i>	<i>(Specify the location or the proposed location of where the licence applied for as stated under item 5(a)(iii) is carried out or to be carried out.)</i>
6. DETAILS OF DIRECTORS, SECRETARY OR CHIEF EXECUTIVE OFFICER IF APPLICANT COMPANY OR CORPORATE BODY:		
NAME	POSITION	
<i>(If insufficient space, supply names or further details of the officials of the applicant company on a separate A4 paper attached to this Form.)</i>		
7. MEMORANDUM AND ARTICLES OF ASSOCIATION:		
<i>(Place a cross ((x)) in the appropriate box below. If the answer to the undermentioned question is yes, also submit a certified copy of the memorandum and articles of association together with this Form.)</i>		
	YES	NO

If applicant company, does it have a memorandum and articles of association?		
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8. PARTICULARS OF THE APPLICANTS FINANCIAL POSITION AND PROPOSALS.

(State the full particulars of the applicant's financial position and proposals relating to the establishment of or access to facilities and the applicant's capacity in relation to the performance of the functions relating to the handling, storage, quality control and marketing of the relevant coconut product.)

9. DECLARATION AND SIGNATURE.

I certify that an information supplied in this Form is true and correct and a copy of a document submitted together with this Form is a true and correct copy of the original document.

Signature of applicant: _____

Name of applicant: _____

Position held: _____ Seal _____

DATE this day of ,20..

(Note: The declaration by and signature of an applicant company must be made, signed and sealed on this Form by a director of the company submitting application and the applicant named herein must state the position held in the company.)

INDEPENDENT STATE OF PAPUA NEW GUINEA

Kokonas Industri Koporesen Act 2002

Act.Sec.52

Reg.Sec.8(1)(a).

Form 5.

BUYER LICENCE

Licence No.:

<p style="text-align: center;">of</p> <p>, is to carry out the business of buying and selling of (<i>state particulars of the coconut product</i>) at (<i>specify place</i>) subject to the following conditions and restrictions.</p>		
This licence remains in force until		
CONDITIONS AND RESTRICTIONS.		
DATE this	day of	,20..
KOKONAS INDASTRI KOPORESEN.		
INDEPENDENT STATE OF PAPUA NEW GUINEA		
<i>Kokonas Industri Koporesen Act 2002</i>		
Act, Sec.52.		
Reg.Sec.8(1)(b).		
Form 6.		
PROCESSOR LICENCE		
		Licence No.:
<p style="text-align: center;">of</p> <p>, is licensed to carry out the business of manufacturing or processing of (<i>state particulars of the coconut</i>) at (<i>specify place</i>) subject to the following conditions and restrictions.</p>		
This licence remains in force until		
CONDITIONS AND RESTRICTIONS.		
DATE this	day of	,20..
KOKONAS INDASTRI KOPORESEN.		
INDEPENDENT STATE OF PAPUA NEW GUINEA		
<i>Kokonas Industri Koporesen Act 2002</i>		
Act.Sec.52		
Reg.Sec.8(1)(c)		
Form 7.		
EXPORT LICENCE		

		Licence No.:
<p style="text-align: center;">of</p> <p>, is licensed to carry out the business of exporting of <i>(state particulars of the coconut product to be exported)</i>, subject to the following conditions and restrictions.</p>		
This licence remains in force until		
CONDITIONS AND RESTRICTIONS.		
DATE this	day of	,20..
KOKONAS INDUSTRI KOPORESEN.		
INDEPENDENT STATE OF PAPUA NEW GUINEA		
<i>Kokonas Industri Koporesen Act 2002</i>		
Reg.Sec.9 Form 8.		
APPLICATION FOR RENEWAL OF LICENCE		
<i>(Note: Information provided in this Form must be either typed or handwritten in block letters.)</i>		
Kokonas Industri Koporesen.		
1. NAME OF APPLICANT:		
<i>(Attach together with this Form a current certificate of incorporation if applicant company)</i>		
2. LICENSED BUSINESS:		
3. LICENCE NO.:		
4. DATE OF EXPIRY OF LICENCE:		
5. PERIOD APPLIED FOR RENEWAL OF LICENCE:		
<i>(The period applied for the renewal of licence should not exceed a period of 12 months.)</i>		
6. RESIDENTIAL ADDRESS: (Indicate only if there is a change to the residential address previously indicated.)		

7. POSTAL ADDRESS: <i>(Indicate only if there is a change to the postal address previously indicated.)</i>		
8. NATURE OF BUSINESS FOR WHICH RENEWAL OF LICENCE IS APPLIED FOR: <i>(Place a ((x)) in the appropriate box below.)</i>		
(i) Buying and selling of coconut product.	(ii) Manufacturing or processing of coconut product.	(iii) Exporting of coconut product.
9. NOTIFICATION OF CHANGE OF INFORMATION SUPPLIED:		
<i>(Note: State any material changes applicable to the status of the applicant in respect of the applicant's financial position, the applicant's capacity in relation to the maintenance of or the access to facilities and the performance of functions relating to the handling, storage, quality control and marketing of the relevant coconut product and where charges relate to an applicant company, provide details in respect of changes to its board of directors or shareholders.)</i>		
10. DECLARATION AND SIGNATURE.		
I certify that any information supplied in this Form is true and correct and a copy of a document submitted together with this Form is a true and correct copy of the original document.		
Signature of applicant: _____		
Name of applicant: _____		
Position held: _____ Seal _____		
DATE this	day of	,20..
<i>(Note: The declaration by and signature of an applicant company must be made, signed and sealed on this Form by a director of the company submitting application and the applicant named herein must state the position held in the company.)</i>		

INDEPENDENT STATE OF PAPUA NEW GUINEA <i>Kokonas Industri Koporesen Act 2002</i>	
Act, Form 9. Reg, Sec. 15	Sec.28
DOCKET	
No.:	
<i>(Name of licensed processor or exporter)</i>	
Name of supplier:	
Location supplied:	
Weight:	Signature of Weigher:
Date of supply:	
Levy charged:	
Bounty paid:	
Buyer's seal/signature:	
Supplier's signature:	

INDEPENDENT STATE OF PAPUA NEW GUINEA <i>Kokonas Industri Koporesen Act 2002</i>	
Reg.Sec.18 Form 10.	
NOTICE OF APPEAL	
Appeal No.: /	
Chairman,	
Appeal Committee.	
PART A – DECISION APPEALED AGAINST.	
Nature of decision appealed against:	

Decision made by:
Decision made against:
Date of decision:
Summary of decision appealed against:
PART B – APPEAL BY:
Name of appellant:
Licence or registration no: <i>(where applicable)</i>
Address of appellant:
PART C – GROUNDS OF APPEAL.
<i>(If insufficient space, supply further information on separate A4 paper attach to this Form.)</i>
DATE OF APPEAL:
APPELLANT:
<i>(If appellant company, a duly authorised officer of the company must sign this Form.)</i>

