

## **Unvalidated References:**

*Liquor (Licensing) Act 1963*

*Mining Act*

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.**

Chapter 312B.

***Liquor (Panguna Canteen) Regulation 1968***



## ARRANGEMENT OF SECTIONS.

1. Interpretation.
  - “canteen”
  - “the Canteen Licence”
  - “the employer”
  - “the Manager”
  - “the Panguna area”
2. Application of Act.
3. Duration of Canteen Licence.
4. Establishment of canteen.
5. Approval of canteens.
6. Sale of liquor at canteens.
  - “employee”
  - “resident”
  - “visitor”
7. Trading hours.
8. Signs to be exhibited in canteens.
9. Manager and Deputy Manager.
10. Fees.

### *Liquor (Panguna Canteen) Regulation 1968*

MADE under the *Liquor (Licensing) Act 1963*.

Dated                      200 .

#### 1. INTERPRETATION.

In this Regulation, unless the contrary intention appears—

“**canteen**” means a canteen established by the employer in the Panguna area;

“**the Canteen Licence**” means the licence granted or to be granted to the employer under Section 74 of the Act in respect of canteens in the Panguna area;

“**the employer**” means Bougainville Copper Limited, a company incorporated in Papua New Guinea and having its registered office at Panguna, Bougainville;

“**the Manager**”, in relation to a canteen, means the Manager appointed under Section 9;

“**the Panguna area**” means—

- (a) the area of Bougainville Island to which Prospecting Authorities Nos. 1 to 7 (N.G.) granted under the *Mining Act* of the former Territory of New Guinea (Adopted) apply; and
- (b) all that piece or parcel of land situate in the Milinch of Kieta Fourmil of Bougainville South containing an area of 70 hectares or thereabouts commencing at the north-western corner of Portion 43 Milinch of Kieta Fourmil of Bougainville South (Loloho Plantation) and bounded thence on the south-west by a straight line bearing 337° for about 1,350 m to a point on the sea-shore at high-water of the South Pacific Ocean generally on the north and east by the said sea-shore at high-water easterly and southerly for about 1,980 m to the northernmost corner of Portion 15 Milinch of Kieta Fourmil of Bougainville South on the south by the northern boundaries of the said Portions 15 and 43 being straight line bearing 268° 12' 30" for 465 m and 277° 28' for 32.51 m to the point of commencement be the said several dimensions all a little more or less and all bearings Fourmil Standard.

## **2. APPLICATION OF ACT.**

Part I, Part II (other than Section 13), Section 46, Division III.14, Part IV, Part V, Part VI (other than Sections 97, 124 and 133), Part VII and Part VIII (other than Sections 150 and 152) of the Act apply to and in relation to all canteens and to the Canteen Licence.

## **3. DURATION OF CANTEEN LICENCE.**

(1) The Canteen Licence takes effect from the date of payment of the initial fee prescribed by Section 10.

(2) The Canteen Licence continues in force until—

- (a) it is cancelled or suspended by the Commission in accordance with Division III.11 of the Act; or
- (b) the Commission advises the employer, by written notice, that the Commission is satisfied that the employer is no longer employing at least 100 employees in the Panguna area; or
- (c) the Head of State, acting on advice, after giving four weeks written notice of his intention to cancel the Canteen Licence, and after considering any representations made by the employer, cancels it,

whichever first occurs.

## **4. ESTABLISHMENT OF CANTEEN.**

(1) The Canteen Licence authorizes the employer to establish such number of canteens, in the Panguna area, as are—

- (a) specified in the Canteen Licence; or

(b) subsequently approved by the Commission.

(2) Each canteen shall be erected in accordance with construction plans and specifications approved by the Commission and at locations approved by the Commission.

(3) The employer shall supply to the Commission such maps, plans and information in relation to an application by the employer for approval by the Commission under this section as the Commission requires.

## 5. APPROVAL OF CANTEENS.

(1) No liquor shall be sold, supplied or disposed of at a canteen unless the consent of the Commission has first been obtained.

(2) The Commission shall not consent to the sale, supply or disposal of liquor at a canteen unless—

(a) the Commission is satisfied, on evidence supplied by the Licensing Inspector, that—

(i) the canteen has been erected in accordance with the plans and specifications and any reasonable requirements of the Commission; and

(ii) the premises are fit for the purposes of the canteen; and

(b) a Canteen Manager and one or more Deputy Managers have been appointed in accordance with Section 9; and

(c) the initial fee prescribed by Section 10 has been paid.

## 6. SALE OF LIQUOR AT CANTEENS.

(1) In this section—

**“employee”** means any person employed by the employer in the Panguna area;

**“resident”** means any person resident in the Panguna area whose name has been entered in a book kept by the employer for the purpose, if the entry is signed by the Manager;

**“visitor”** means a person, other than a resident, who is invited to the canteen by an employee or by a resident, and whose name has been entered on the day of his visit to the canteen in a Register of Visitors kept by the Manager, if the entry has been signed both by the visitor and by the person by whom he was invited.

(2) Subject to this Regulation, the Canteen Licence authorizes the employer to sell, supply and dispose of liquor at a canteen—

(a) during trading hours—to employees, residents of the Panguna area and visitors; and

(b) between such hours as are approved for the purpose by the Commission—to employees, residents of the Panguna area and visitors having a bona fide meal at the canteen, as part of the meal.

(3) The name of a person shall not be entered in a Register of Visitors unless the Manager of the canteen is satisfied that—

(a) that person is temporarily residing in the Panguna area at the invitation of the employer or with an employee or a resident; or

(b) that person is a *bona fide* visitor to the Panguna area for a period not exceeding two days.

## **7. TRADING HOURS.**

(1) Trading hours in relation to a canteen established under the Canteen Licence are such hours, not exceeding 12 hours in any one day, as are approved by the Commission for the canteen.

(2) The Commission may, on application by—

(a) the employer; or

(b) if seven days' written notice is first given to the employer—by the Licensing Inspector,

vary the trading hours for a canteen.

(3) The trading hours for each canteen shall be endorsed by the Commission on the Canteen Licence.

(4) For the purpose of this section, the Commission may require the employer to deliver the Canteen Licence to the Commission for endorsement within such reasonable time as is fixed by the Commission, and the employer must comply with any such requirement.

Penalty: A fine not exceeding K50.00.

## **8. SIGNS TO BE EXHIBITED IN CANTEENS.**

(1) The employer must exhibit and keep exhibited, in a conspicuous position approved by the Licensing Inspector, in each bar or other place in a canteen where liquor is served or supplied notices in clearly legible characters setting out—

(a) the trading hours for the canteen; and

(b) any minimum standards of dress imposed in accordance with Section 146(2) and (3) of the Act in relation to persons resorting to that bar or place; and

(c) complete lists of charges made by the employer for each variety of liquor and for meals which the employer offers for sale at the canteen; and

(d) such extracts from this Regulation or from the Act as the Commission directs.

Penalty: A fine not exceeding K50.00.

(2) A notice under Subsection (1) shall be—

- (a) in English; and
- (b) in any other language spoken by persons employed or resident in the Panguna area that the Commission requires either generally or in relation to any particular notice.

(3) Where the employer imposes—

- (a) a cover charge additional to the charge for a meal; or
- (b) a minimum charge for a meal,

whether or not entertainment of any sort is provided with the meal, he must include a statement to that effect in the notice under Subsection (1).

Penalty: A fine not exceeding K50.00.

## **9. MANAGER AND DEPUTY MANAGER.**

(1) The employer shall, from time to time, appoint a Manager and one or more Deputy Managers for each canteen to directly represent the employer in the conduct of the canteen, and the name of each such Manager and Deputy Manager shall be endorsed on the Canteen Licence.

(2) The Commission may, at any time, on the application of the employer and on payment of a fee of K2.00, substitute the name of another person as Manager or a Deputy Manager and amend the Canteen Licence and the records of the Commission accordingly.

(3) An appointment of a Manager or Deputy Manager—

- (a) shall be notified to the Commission; and
- (b) subject to Subsection (4), has no force or effect until approved by the Commission.

(4) Pending a decision by the Commission as to an appointment referred to in Subsection (3), the Licensing Inspector may grant interim approval of the appointment.

(5) If, during any absence of the Manager from a canteen, a Deputy Manager is on, in or at, or in control of, the canteen, he shall, for the purposes of the Act and this Regulation, be deemed to be the Manager of the canteen.

(6) After giving to the employer and the Manager or Deputy Manager an opportunity of appearing and being heard, the Commission may at any time withdraw its approval of the appointment of a Manager or Deputy Manager.

(7) Where authorized to do so by the employer, a Manager appointed under this section, or a director, secretary or employee of the employer, may, on behalf of the employer, give a notice, make an application or carry out a duty required in respect of the Canteen Licence.



(8) The employer—

- (a) is liable for an offence against the Act or this Regulation in respect of the Canteen Licence as if it were a private person; and
- (b) is subject to the same penalties in so far as those penalties are capable of enforcement against a company.

(9) If a Manager, Deputy Manager, director, secretary or employee of the employer referred to in this section is guilty of an offence, or knowingly authorizes or permits an offence, in respect of the Canteen Licence, he is also liable for it.

**10. FEES.**

(1) The fee for the Canteen Licence is K200.00 per annum.

(2) With the exception of the initial fee which is payable before the Canteen Licence takes effect and applies to the period ending on 30 June next following the date on which it takes effect, the fee prescribed by Subsection (1) is payable on or before 1 July in each year.

(3) If the fee is not paid in accordance with Subsection (2), the Canteen Licence ceases to have any effect until the fee is paid and, in addition, the Commission may cancel the licence.

*Liquor (Panguna Canteen) Regulation 1968*