

No. 13 of 1992.

*Oil Palm Industry Corporation Act 1992.*

Certified on : 15.4.92

0.1

0.2

0.3

0.4

0.5

0.6

0.7

0.8

0.9

1.0

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1992.

*Oil Palm Industry Corporation Act 1992.*

ARRANGEMENT OF SECTIONS.

**PART I. - PRELIMINARY.**

1. Compliance with Constitutional requirements.
2. Application.
3. Interpretation -
  - "Board"
  - "Committee"
  - "Corporation"
  - "General Secretary"
  - "Grower Association"
  - "processing company"
  - "Project Area"
  - "Project Manager"
  - "Secretariat"
  - "small-holder"
  - "this Act".

**PART II. - THE OIL PALM INDUSTRY CORPORATION.**

*Division 1. - Establishment, functions etc., of the Corporation.*

4. Establishment of the Corporation.
5. Functions of the Corporation.
6. Powers of the Corporation.

*Division 2. - The Board.*

7. The Board.
8. Membership.
9. Alternate members.
10. Chairman and Deputy Chairman.
11. Vacation of office.
12. Vacancy not to affect powers or functions.
13. Meetings of the Board.
14. Disclosure of interest by members.
15. Reports.

*Division 3. - Staff.*

16. Establishment of Secretariat.
17. Appointment, etc., of General Secretary.

18. Appointment of Staff.

**PART III. - LOCAL PLANNING COMMITTEES.**

19. Establishment of Local Planning Committees.
20. Chairman and Deputy Chairman.
21. Vacation of office.
22. Vacancy not to affect powers or functions.
23. Disclosure of interest.
24. Meetings of the Committee.
25. Functions of a Committee.
26. Powers of a Committee.
27. Report.

**PART IV. - FINANCES ETC.,**

28. Application of *Public Finances (Management) Act 1986*.
29. Funds of the Corporation.
30. Taxation.
31. Imposition and collection of levy.

**PART V. - MISCELLANEOUS.**

32. Purposes of the Corporation to be public purpose.
33. Proof of certain matters.
34. Service of process.
35. Authentication of documents.
36. Appointment of Attorneys.
37. Compensation.
38. Recovery of money due.
39. Protection from personal liability.
40. Regulations.

**SCHEDULE -**

INDEPENDENT STATE OF PAPUA NEW GUINEA

No. of 1992.

AN ACT

entitled

*Oil Palm Industry Corporation Act 1992.*

Being an Act to provide for the establishment of the Oil Palm Industry Corporation, and to define its powers and functions and for related purposes,

MADE by the National Parliament to come into operation in accordance with a notice in the National Gazette by the Head of State, acting with, and in accordance with, the advice of the Minister.

**1. COMPLIANCE WITH CONSTITUTION REQUIREMENTS.**

(1) This Act, to the extent that it regulates or restricts a right or freedom conferred by Subdivision III.3.C. (*qualified rights*) of the Constitution namely -

- (a) the right of freedom of movement from arbitrary search and entry conferred by Section 44 of the Constitution; and
  - (b) the right of freedom of employment conferred by Section 48 of the Constitution; and
  - (c) the right of privacy conferred by Section 49 of the Constitution,
- is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

(2) For the purposes of Section 29 of the *Organic Law on Provincial Government*, it is hereby declared that this law relates to a matter of national interest.

**2. APPLICATION.**

(1) This Act binds the State.

(2) The Minister may, by a notice in the National Gazette, and on the recommendation and advice of the Board, declare an area to be a Project Area to which this Act shall apply.

(3) The Minister may, in respect of a Project Area declared under Subsection (2), by a notice in the National Gazette, and -

- (a) on the recommendation of the Departmental Head of the Department responsible for agriculture and livestock matters, declare an association to be the recognised Grower Association for the Project Area for the purposes of this Act; and
- (b) on the recommendation of the Board, declare a company to be the processing company for the Project Area for the purposes of this Act.

(4) In making a declaration under Subsection (3)(a), the Minister shall satisfy himself that the association -

## *Oil Palm Industry Corporation*

- (a) has its membership comprised solely of oil palm growers in the Project Area; and
- (b) represents legitimate oil palm growers in the Project Area; and
- (c) is -
  - (i) an association duly incorporated under the *Associations Incorporation Act* (Chapter 142); or
  - (ii) an association or group which, in the opinion of the Minister, represents small-holders of the Project Area.

### 3. INTERPRETATION.

- (1) In this Act, unless the contrary intention appears -

"Board" means the Oil Palm Industry Corporation Board established under Section 7;

"Committee" means a Local Planning Committee established under Section 19 and, in respect of a Project Area, means the Committee for that Project Area;

"Corporation" means the Oil Palm Industry Corporation established under Section 4;

"General Secretary" means a person appointed under Section 17;

"Grower Association" means an Association declared under Section 2(3)(a), and in respect of a Project Area, means the Grower Association for that Project Area;

"processing company" means a company declared under Section 2(3)(b), and in respect of a Project Area, means the processing company for that Project Area;

"Project Area" means an area declared under Section 2(2);

"Project Manager" means a person appointed under Section 18(1)(a) and in respect of a Project Area, means the Project Manager of that Project Area;

"Secretariat" means the Secretariat established under Section 16;

"small-holder" means a person who cultivates oil palm from an area of ground not exceeding 20 ha, or from areas of ground not exceeding a total of 20 ha, and who sells oil palm fresh fruit bunch;

"this Act" includes the Regulations.

## PART II. - THE OIL PALM INDUSTRY CORPORATION.

### *Division 1. - Establishment, functions etc., of the Corporation.*

#### 4. ESTABLISHMENT OF THE CORPORATION.

- (1) A Oil Palm Industry Corporation is hereby established.

- (2) The Corporation -

(a) is a body corporate; and

(b) has perpetual succession; and

(c) shall have a seal; and

(d) may acquire, hold and dispose of property; and

(e) is capable of suing and being sued in its corporate name.

- (3) All courts, judges and persons acting judicially shall take judicial notice of the seal of the Corporation affixed to a document, and shall presume that it was duly affixed.

*Oil Palm Industry Corporation*

**5. FUNCTIONS OF THE CORPORATION.**

The functions of the Corporation are -

- (a) to promote and encourage increase in productivity in the oil palm industry by the more efficient provision of extension services to small-holders; and
- (b) to promote the development of the oil palm industry, and in particular -
  - (i) the implementation of improved husbandry technologies to increase production by small-holders; and
  - (ii) the introduction of techniques for effective control and regulation of oil palm pests and diseases by small-holders; and
  - (iii) the development of representative grower groups amongst small-holders; and
- (c) to promote the use of improved management techniques for the cultivation, harvesting and quality control techniques by small-holders; and
- (d) to collect, compile and circulate information, statistics and data relating to growers, crops and land amongst small-holders; and
- (e) to provide advice and disseminate information and educate small-holders regarding oil palm production methods; and
- (f) to consult, liaise and collaborate with the State and other agencies and authorities concerned or involved in the palm oil industry as well as growers and organizations interested or involved in the oil palm industry; and
- (g) generally to do such supplementary, incidental or consequential acts and things as are necessary and convenient for carrying out or giving effect to its functions.

**6. POWERS OF THE CORPORATION.**

(1) Subject to Subsection (2) the Corporation has, in addition to the powers conferred on it by this Act, power to do, within the country or elsewhere, all things necessary or convenient to be done for or in connection with the performance of its functions.

(2) The Corporation has no power or direction or control of any Department or of any instrumentality of the State.

*Division 2. - The Board.*

**7. THE BOARD.**

(1) The Oil Palm Industry Corporation Board is hereby established.

(2) The Board shall direct the affairs of the Corporation and shall otherwise perform such functions and exercise such powers as are given to it in this Act or any other law.

**8. MEMBERSHIP.**

(1) The Board shall consist of -

- (a) the Departmental Head of the Department responsible for agriculture and livestock matters or his nominee, *ex officio*; and
- (b) the Departmental Head of the Department responsible for financial and planning matters or his nominee, *ex officio*; and
- (c) the Chairman of the Palm Oil Producers Association or his nominee, *ex officio*; and

*Oil Palm Industry Corporation*

- (d) the Chairman of the Oil Palm Research Association or his nominee *ex officio*; and
- (e) three grower representatives appointed by the Minister.

(2) The members referred to in Subsection (1)(e) shall -

- (a) each be a grower representative of a Committee established under Section 19; and
- (b) not be members of the same Committee; and
- (c) hold office until -

- (i) the expiration of their respective appointments; or
- (ii) they cease to be members; or
- (iii) they cease to be members of the respective Committees from which they were appointed,

whichever first occurs; and

- (d) be appointed by the Minister on the recommendation of the Departmental Head of the Department responsible for agriculture and livestock matters, by a notice in the National Gazette; and
- (e) be appointed for a period of two years; and
- (f) be eligible for re-appointment.

(3) All members referred to Subsection (1) shall hold office on such terms and conditions as are determined under the *Boards (Fees and Allowances) Act* (Chapter 299).

(4) A nominee referred to in Subsection (1)(a) and (b) shall be of a level not less than that of an Assistant Secretary in the Public Service or the equivalent.

**9. ALTERNATE MEMBERS.**

(1) For each of the members appointed under Section 8(1)(e), an alternate member shall be appointed in the same way and subject to the same conditions as the member for whom he is the alternate.

(2) In the event of the absence or inability of the member for whom he is the alternate to act in relation to a matter or to exercise and perform his powers, functions, duties and responsibilities under this Act, the alternate member has and may exercise and perform all the powers, functions, duties and responsibilities of the member, and this Act applies accordingly.

(3) Except as provided in Subsection (2), an alternate member may, unless the Board otherwise directs, attend all meetings of the Board, but shall not take part in debate, vote on any matter or be counted towards a quorum.

(4) An alternate member is entitled to receive independently all notices, papers, minutes of meetings and other relevant information to which members are entitled.

**10. CHAIRMAN AND DEPUTY CHAIRMAN.**

(1) The Minister shall, by a notice in the National Gazette, and on the recommendation of the members of the Board, appoint one of the members to be the Chairman of the Board and one other member to be the Deputy Chairman of the Board for a period of two years.

(2) The Chairman and Deputy Chairman shall hold office as Chairman and Deputy Chairman until the expiration of their respective appointments or until they cease to be members, whichever first occurs.



*Oil Palm Industry Corporation*

**11. VACATION OF OFFICE.**

(1) A member, other than an *ex officio* member, may resign his office by writing signed by him and delivered to the Minister.

(2) If a member, other than an *ex officio* member -

(a) becomes permanently incapable of performing his duties; or

(b) resigns his office in accordance with Subsection (1); or

(c) is absent, except with the written consent of the Minister, from three consecutive meetings of the Board; or

(d) fails to comply with Section 14; or

(e) becomes bankrupt, or applies to take the benefit of any law for the benefit of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or

(f) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and as a result of the conviction is sentenced to imprisonment or death,

the Minister shall terminate his appointment.

(3) The Minister, may at any time, by written notice, advise a member other than an *ex officio* member that he intends to terminate his appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within 14 days of the receipt of a notice under Subsection (3), the member may reply in writing to the Minister, who shall consider the reply, and, where appropriate, terminate the appointment.

(5) Where the member referred to in Subsection (3) does not reply in accordance with Subsection (4), his appointment is terminated.

**12. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.**

The exercise of a power or the performance of a function of the Board is not invalidated by reason only of a vacancy in the membership of the Board.

**13. MEETINGS OF THE BOARD.**

(1) The Board shall meet as often as the business of the Corporation requires, and at such times and places as the Chairman directs, but in any event not less frequently than twice in every year.

(2) Five members jointly, but not exclusively, may convene a meeting of the Board.

(3) At a meeting of the Board -

(a) five members constitute a quorum; and

(b) the Chairman, or in his absence the Deputy Chairman, shall preside, and if both the Chairman and Deputy Chairman are absent, the members present shall appoint, from among their own number, a chairman for that meeting; and

(c) matters arising shall be decided by a majority of the votes of the members present and voting; and

(d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

(3) The Board shall cause minutes of its meetings to be recorded and kept.

(4) Subject to this Act, the procedures of the Board are as determined by the Board and shall be determined at the first meeting of the Board and amended as required from time to time.

*Oil Palm Industry Corporation*

**14. DISCLOSURE OF INTEREST BY MEMBERS.**

(1) A member who has a direct or indirect interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under Subsection (1), shall be recorded in the minutes of the Board, and the member -

- (a) shall not take part, after the disclosure, in any deliberation or decision of the Board in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

**15. REPORTS.**

(1) The Board shall furnish to the Minister -

- (a) on 31 March in each year, a report on the progress and the performance of the Corporation in relation to its functions for the preceding year; and
- (b) such other reports in relation to the functions of the Corporation as are requested by the Minister.

(2) As soon as practicable after he has received the report referred to in Subsection (1)(a), the Minister shall forward the report to the Speaker for presentation to the Parliament.

***Division 3. - Staff.***

**16. ESTABLISHMENT OF SECRETARIAT.**

(1) There is established a Secretariat of the Corporation.

(2) The Secretariat shall consist of -

- (a) the General Secretary; and
- (b) the officers, appointed in accordance with this Division.

(3) The Secretariat shall assist the Board efficiently to manage and direct the affairs of the Corporation, and, in relation to the management of the Corporation and the direction of its affairs, shall act in accordance with any policies determined by the Board.

**17. APPOINTMENT, ETC., OF GENERAL SECRETARY.**

(1) There shall be a General Secretary of the Corporation who shall, subject to the *Salaries and Conditions Monitoring Committee Act 1988*, be appointed by the Board on such terms and conditions as the Board determines.

(2) The General Secretary is -

- (a) the chief officer of the Corporation; and
- (b) the head of the Secretariat.

**18. APPOINTMENT OF STAFF.**

(1) The Board may appoint to be officers of the Corporation -

- (a) a person to be the Project Manager for a Project Area; and
- (b) such other persons as it considers necessary for the purpose of giving effect to this Act.

(2) Subject to the *Salaries and Conditions Monitoring Act 1988*, the officers appointed under Subsection (1) shall be appointed on such terms and conditions as the Board determines.

Oil Palm Industry Corporation

PART III. - LOCAL PLANNING COMMITTEES.

19. ESTABLISHMENT OF LOCAL PLANNING COMMITTEES.

- (1) There is established a Local Planning Committee for each Project Area.
- (2) A Committee established under Subsection (1) shall consist of -
  - (a) the Chairman of the recognised Grower Association within the Project Area or his nominee, *ex officio*; and
  - (b) the person appointed by the Corporation to be the Project Manager of the Project Area or his nominee, *ex officio*; and
  - (c) the person appointed under Section 50 of the *Organic Law on Provincial Government* for the Province in which the Project Area is situated or his nominee, *ex officio*; and
  - (d) the Chief Executive of the processing company of the Project Area or his nominee, *ex officio*; and
  - (e) the Director of the Oil Palm Research Association or his nominee, *ex officio*.
- (3) In addition to the members appointed under Subsection (2), the Board may, from time to time as it considers necessary, appoint no more than two other persons involved in or associated with the oil palm industry in the Province in which the Project Area is situated, to be members of the Committee.
- (4) In respect of an appointment under Subsection (2)(a), the Board shall satisfy itself that the Grower Association concerned has been declared a recognised Grower Association for the Project Area under Section 2(3)(a).
- (5) The members referred to in Subsection (2)(a) to (e) inclusive shall hold office until they cease to hold office in their respective organizations from which they were appointed.
- (6) A member referred to in Subsection (3) -
  - (a) shall be appointed for a period of two years; and
  - (b) is eligible for re-appointment.
- (7) For each member referred to in Subsection (3), an alternate member may be appointed in the same way and subject to the same conditions as the member for whom he is the alternate.
- (8) An alternate member appointed under Subsection (7) -
  - (a) in the event of the absence or inability of the member for whom he is the alternate to act in relation to a matter or to exercise and perform his powers, functions, duties and responsibilities under this Act, has and may exercise and perform all the powers, functions, duties and responsibilities of the member, and this Act applies accordingly; and
  - (b) except as provided in Paragraph (a), may, unless the Committee otherwise directs, attend all meetings of the Committee, but shall not take part in debate, vote on any matter or be counted towards a quorum; and
  - (c) is entitled to receive independently all notices, papers, minutes of meetings and other relevant information to which members are entitled.
- (9) A member of a Committee is subject to the same terms and conditions as a member of the Board.

*Oil Palm Industry Corporation*

**20. CHAIRMAN AND DEPUTY CHAIRMAN.**

(1) The Board shall, on the recommendation of the Committee, appoint one of the members of the Committee to be the Chairman of the Committee, and one other member to be the Deputy Chairman of the Committee for such period as the Board determines.

(2) The Chairman and Deputy Chairman shall hold office as Chairman and Deputy Chairman until the expiration of their respective appointments or until the cease to be members, whichever first occurs.

**21. VACATION OF OFFICE.**

(1) A member of the Committee, other than an *ex officio* member, may resign his Office by writing signed by him and delivered to the Chairman of the Board.

(2) If a member of the Committee other than an *ex officio* member -

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office under Subsection (1); or
- (c) is absent, except with the written consent of the Chairman of the Committee, from three consecutive meetings of the Committee; or
- (d) fails to comply with Section 23; or
- (e) becomes bankrupt, or applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his remuneration for their benefit; or
- (f) is convicted of an offence punishable under a law by a term of imprisonment for one year or longer, or by death, and as a result of the conviction, is sentenced to imprisonment or death,

the Board shall terminate his appointment.

(3) The Board, may, at any time, by written notice, advise a member other than an *ex officio* member of the Committee that it intends to terminate his appointment on the grounds of inefficiency, incapacity or misbehaviour.

(4) Within 14 days of the receipt of a notice under Subsection (3), the member of the Committee may reply in writing to the Board, who shall consider the reply, and, where appropriate, terminate the appointment.

(5) Where the member of the Committee referred to in Subsection (3) does not reply in accordance with Subsection (4), his appointment is terminated.

**22. VACANCY NOT TO AFFECT POWERS OR FUNCTIONS.**

The exercise or performance of a power or function of the Committee is not invalidated by reason of a vacancy in the membership of the Committee.

**23. DISCLOSURE OF INTEREST.**

(1) A member of the Committee who has a direct or indirect interest in a matter being considered or about to be considered by the Committee shall, as soon as the relevant facts have come to his knowledge, declare his interest at a meeting of the Committee.

(2) A declaration under Subsection (1) shall be recorded in the minutes of the Committee and the member -

- (a) shall not take part, after the declaration, in any deliberation or decision of the Committee in relation to the matter; and
- (b) shall be disregarded for the purpose of constituting a quorum of the Committee in that deliberation or decision.

*Oil Palm Industry Corporation*

**24. MEETINGS OF THE COMMITTEE.**

(1) The Committee shall meet as often as the business of the Committee requires, and at such times and places as it determines, or as the Chairman of the Committee, or in his absence, the Deputy Chairman of the Committee, directs, but in any event shall meet not less frequently than once in every quarter.

(2) At a meeting of the Committee -

(a) where -

(i) there is no appointment under Section 19(3) - three members shall form a quorum; and

(ii) there is one appointment under Section 19(3) - four members shall form a quorum; and

(iii) there are two appointments under Section 19(3) - five members shall form a quorum; and

(b) the Chairman of the Committee, or in his absence the Deputy Chairman of the Committee, shall preside and if both the Chairman and the Deputy Chairman of the Committee are absent, the members present shall appoint a Chairman for that meeting from among their own number; and

(c) matters arising shall be decided by a majority of the votes of the members present and voting; and

(d) the person presiding has a deliberative, and in the event of an equality of votes on any matter, also a casting vote.

(3) The Committee shall cause minutes of its meetings to be recorded and kept.

(4) Subject to this Act, the procedures of the Committee are as determined by the Committee and subject to approval by the Board.

**25. FUNCTIONS OF A COMMITTEE.**

The functions of a Committee are -

(a) to prepare annual budgets and plans for work to be done by the Corporation in the Project Area for presentation to the Board; and

(b) to monitor and review progress of the implementation of annual budgets and plans in the Project Area; and

(c) to promote and implement policies of the Board relating to any aspect of the oil palm industry in the Project Area; and

(d) to report and make such recommendations as it deems fit in respect of small-holders of the oil palm industry within the Project Area; and

(e) generally to do such supplementary, incidental or consequential acts and things as are necessary or convenient for carrying out or giving effect to its functions.

**26. POWERS OF A COMMITTEE.**

A Committee has, in addition to the powers conferred on it by this Act, power to do, within the Project Area, all things necessary or convenient to be done for or in connection with the performance of its functions.

**27. REPORT.**

A Committee shall, at such other times as the Board requires, furnish to the Board a report on the progress and performance of its functions.

*Oil Palm Industry Corporation*

**PART IV. - FINANCES ETC.,**

**28. APPLICATION OF PUBLIC FINANCES (MANAGEMENT) ACT 1986.**

The provisions of Part VIII of *Public Finances (Management) Act 1986* shall apply to and in relation to the Corporation subject to the exceptions and modifications set out in the Schedule.

**29. FUNDS OF THE CORPORATION.**

The funds of the Corporation shall consist of -

- (a) funds appropriated by the State from the Consolidated Revenue Fund for purposes of the Corporation for the first five years of its operation; and
- (b) funds raised by a levy imposed by the Corporation under Section 31; and
- (c) profits from any commercial enterprise undertaken by the Corporation; and
- (d) such funds as are received by the Corporation, whether by gift, loan or otherwise in the exercise or performance of its powers and functions under this Act.

**30. TAXATION.**

The income, property and operations of the Corporation are subject to taxation under the laws of Papua New Guinea other than income tax under the *Income Tax Act 1959*.

**31. IMPOSITION AND COLLECTION OF LEVY.**

(1) The Minister may, on the recommendation of the Board -

- (a) impose a levy on oil palm fresh fruit bunch produced by small-holders in a Project Area; and
- (b) impose a service charge for the collection of the levy.

(2) The Minister shall, by notice in the National Gazette -

- (a) publish a schedule of rates of a levy imposed under Subsection (1); and
- (b) specify the date from which the levy is payable.

(3) The Minister may specify different rates of levy imposed under Subsection (1) in respect of different purchase prices for oil palm fresh fruit bunch, and may specify different rates of service charge for the collection of such levy.

(4) A person who purchases oil palm fresh fruit bunch from a small-holder shall deduct from the price payable the amount of the levy imposed under Subsection (1) at the rate applying on the day on which the oil palm fresh fruit bunch was purchased and the service charge for the collection of the levy.

(5) A person who deducts an amount of levy under Subsection (4) shall, at such intervals as the Corporation directs, remit to the Corporation the amount of levy collected.

(6) A person who -

- (a) fails to deduct the levy under Subsection (4); or
- (b) fails to remit to the Corporation the amount of levy collected as required under Subsection (5),

is guilty of an offence.

Penalty: A fine not exceeding K500.00.

*Oil Palm Industry Corporation*

**PART V. - MISCELLANEOUS.**

**32. PURPOSES OF THE CORPORATION TO BE PUBLIC PURPOSE.**

The purposes of the Corporation are a public purpose within the meaning of any law.

**33. PROOF OF CERTAIN MATTERS.**

In any proceedings by or against the Corporation, proof is not required, unless evidence is given to the contrary, of -

- (a) the constitution of the Corporation; or
- (b) a resolution of the Board; or
- (c) the appointment of a member, officer, servant or agent of the Corporation; or
- (d) the presence of a quorum at a meeting at which a determination is made or an act done by the Corporation.

**34. SERVICE OF PROCESS.**

Any notice, summons, writ or other process required to be served on the Corporation may be served by being left at the office of the Corporation or, in the case of a notice, by post.

**35. AUTHENTICATION OF DOCUMENTS.**

Any document requiring authentication by the Corporation is sufficiently authenticated with the seal of the Corporation if signed by the General Secretary.

**36. APPOINTMENT OF ATTORNEYS.**

(1) The Corporation may, by instrument under its seal, appoint a person to act as its attorney outside the country for the purpose of doing anything that the Corporation itself might lawfully do.

(2) A person appointed under Subsection (1) may, on behalf of and in the name of the Corporation, do any act, exercise any power and perform any function that he is authorized by the instrument to do, exercise or perform.

**37. COMPENSATION.**

(1) Where loss or damage is suffered by any person by reason of the exercise, by on or behalf of the Corporation, of a power conferred by or under this Act, compensation for the loss or damage is payable to that person by the Corporation.

(2) Subject to Subsection (3), the amount of compensation payable under Subsection (1) is as determined by the Board.

(3) A person aggrieved by a determination of the Board under Subsection (2) may appeal to the National Court.

**38. RECOVERY OF MONEY DUE.**

Any money due to the Corporation under this Act may be recovered by the Corporation as a debt.

**39. PROTECTION FROM PERSONAL LIABILITY.**

A member of the Board or a member of a Committee or an officer or employee or agent of the Corporation is not personally liable for any act or default of himself or the Corporation done or omitted to be done in good faith in the course of the operations of the Corporation or for the purposes of the Corporation.

*Oil Palm Industry Corporation*

**40. REGULATIONS.**

The Head of State, acting on advice, may make regulations, not inconsistent with this Act prescribing all matters that are required or permitted to be prescribed or that are necessary or convenient to be prescribed for carrying out or giving effect to this Act and in particular prescribing fees to be paid in connection with any matter arising under this Act and the imposition of penalties and fines not exceeding K500.00 for offences against the regulations.

**41. DELEGATION.**

The Board may, by instrument in writing, delegate to any person all or any of its functions and powers under this Act, except this power of delegation.

**PART VI. - TRANSITIONAL.**

**42. TRANSFER OF ASSETS.**

All assets (other than land held by the State) which, immediately before the coming into operation of this Act, were held or occupied by the Division of the Department of Agriculture and Livestock responsible for the provision of extension services to the oil palm industry, and all liabilities and obligations of that Division immediately before the coming into operation of this Act are, on that coming into operation, transferred to and become assets and liabilities and obligations of the Corporation.

**43. STAFF.**

(1) A person who, immediately before the coming into operation of this Act, held an office in the Department of Agriculture and Livestock in -

- (a) the West Nakanai Oil Palm Project; or
- (b) the East/Central Nakanai Oil Palm Project; or
- (c) Popondetta Oil Palm Project; or
- (d) Milne Bay Oil Palm Project; or
- (e) New Ireland Oil Palm Project,

shall, on that coming into operation, be deemed to be seconded from the National Public Service to the staff of the Corporation until such time as officers of the Corporation are appointed in accordance with this Act.

(2) A person deemed to be seconded to the Corporation under Subsection (1) until such time as officers of the Corporation are appointed in accordance with this Act, shall hold office on such terms and conditions as are determined in accordance with this Act or, in the absence of such determination, on such terms and conditions as apply to an officer of equivalent level in the National Public Service.

(3) A person to whom Subsection (1) applies who -

- (a) is not offered an appointment as an officer of the Corporation in accordance with this Act; or
- (b) opts not to take up such an appointment,

shall resume his employment as an officer in the National Public Service in such office as the Departmental Head of the Department responsible for agriculture and livestock matters directs."

(4) A person to whom Subsection (1) applies, who is subsequently offered and takes up an appointment as an officer of the Corporation under this Act shall be entitled to receive from the State as at the date of his taking up such appointment payment in lieu of accrued entitlement to furlough leave as at that date.



*Oil Palm Industry Corporation*

SCHEDULE.

S.28

EXCEPTIONS AND MODIFICATIONS TO THE *PUBLIC SERVICE (MANAGEMENT) ACT*.

<u>Provision</u>	<u>Modifications, etc.</u>
Section 50	Does not apply
Section 54	Does not apply
Section 55	Does not apply
Section 58	The Corporation may prescribe its own tender procedures for all works, supplies and services taken by the Corporation.

I hereby certify that the above is a fair print of the *Oil Palm Industry Corporation Act 1992* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Oil Palm Industry Corporation Act 1992* was made by the National Parliament on 3 March 1992 by an absolute majority in accordance with the Constitution.

Speaker of the National Parliament.

1980-1981

1980-1981

1980-1981

1980-1981

1980-1981

1980-1981

1980-1981

1980-1981