

Copra Marketing Board Act 1983

Chapter 212.

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Certified on: / /20 .

INDEPENDENT STATE OF PAPUA NEW GUINEA.



Chapter 212.

Copra Marketing Board Act 1983.

ARRANGEMENT OF SECTIONS.

1. Compliance with Constitutional requirements.
2. Interpretation.
3. Establishment of the Board.
4. Constitution of the Board.
5. Duties of members.
6. Leave of absence of members.
7. Vacation of office of members.
8. Meetings of the Board.
9. Disclosure of interest by member.
- 9A. Annual reports.
10. Indemnity of members.
11. Functions of the Board.
12. Exercise of powers of Board.
13. Delegation.
14. Appointment of agents.
15. Appointment of officers.
16. Temporary and casual employees.
17. Application of *Public Finances (Management) Act 1995*.
18. Distribution of excess.
19. Disposal of surplus moneys on winding-up of Board.
20. Application of Part VI in respect of desiccated coconut and coconut oil.
21. Papua New Guinea Copra Fund.
22. Former Fund.
23. Payments into the Fund.
24. Payments out of the Fund.
25. Investment of money standing to the credit of the Fund.
26. Imposition and collection of levy.
27. Bounty.

28. Payment of bounty.
29. Purchaser to display notice of bounty.
30. Application for advance and bounty.
- 30A. Papua New Guinea Copra Research Fund.
- 30B. Imposition and collection of research cess.
- 30C. Payment into Research Fund.
- 30D. Payment out of Research Fund.
- 30E. Papua New Guinea Coconut Extension Fund.
- 30F. Imposition and collection of extension levy.
- 30G. Payment into extension Fund.
- 30H. Payment out of Extension Fund.
31. Manufacturers and exporters to be registered, etc.
32. Regulations.
33. First appointments to the Copra Marketing Board.
34. Former officers of existing Board.
35. Transfer of assets, etc., to Board.
36. Saving of contracts.
37. Actions, etc., not to abate.
38. Applications of Acts, etc.

INDEPENDENT STATE OF PAPUA NEW GUINEA.



AN ACT

entitled

Copra Marketing Board Act 1983,

Being an Act relating to the control of the copra industry and for related purposes.

PART I. – PRELIMINARY.

1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.

^[1]For the purpose of Section 41 of the *Organic Law on Provincial Governments and Local-level Governments*, it is declared that this Act relates to a matter of national interest.

2. INTERPRETATION.

In this Act, unless the contrary intention appears—

“**the Board**” means the Copra Marketing Board of Papua New Guinea established under Section 3;

“**bounty**” means the Copra Fund bounty payable under Section 27;

[2]“**coconut product**” means any product of any kind processed out of copra;
“**the commencement date**” means 15 November 1984, being the date on which the *Copra Marketing Board Act 1983* came into force;
“**copra**” includes coconut, the dried kernel of coconuts, the meat of coconuts, desiccated coconut, coconut oil and other products of the coconut endocarp;
[3]“**downstream processing**” means any method of processing copra in any form or kind including manufacturing and trading of coconut products;
[4]“**Extension Fund**” means the Papua New Guinea Coconut Extension Fund established by Section 30E;
[5]“**extension levy**” means the coconut extension levy imposed under Section 30F;
[6]“**extension services**” means any services to assist copra producers in the growing of coconuts and production and processing of copra;
“**the Fund**” means the Papua New Guinea Copra Fund established under Section 21;
“**the former Board**” means the Copra Marketing Board of Papua New Guinea established under the repealed Act;
“**the former Fund**” means the Papua New Guinea Copra Fund established under the repealed Act;
“**the levy**” means the rate of levy payable under Section 26;
“**member**” means a member of the Board and includes the Chairman;
“**permitted exporter**” means a person registered as a permitted exporter of copra under Section 31;
“**registered manufacturer**” means a person registered as a manufacturer under Section 31;
[7]“**research cess**” means the copra research cess imposed under Section 30B;
[8]“**Research Fund**” means the Papua New Guinea Copra Research Fund established under Section 30A;
“**Service of the Board**” means the Service of the Board established under Part IV;
“**the repealed Act**” means the *Copra Marketing Board Act* repealed by this Act;
“**this Act**” includes the regulations.

PART II. – COPRA MARKETING BOARD.

3. ESTABLISHMENT OF THE BOARD.

(1) The Copra Marketing Board of Papua New Guinea is hereby established.

(2) The Board–

- (a) is a corporation with perpetual succession; and
- (b) shall have a seal; and
- (c) may acquire, hold and dispose of property; and
- (d) may sue or be sued in its corporate name.

(3) All courts, Judges and persons acting judicially shall take judicial notice of the seal of the Board affixed in a document and shall presume that it was duly affixed.

4. CONSTITUTION OF THE BOARD.

(1) The Board shall consist of–

- (a) the Chairman; and
- (b) five members representing copra producers in Papua New Guinea; and
- (c) the Departmental Head or his nominee.

(2) The Chairman and the members of the Board referred to in Subsection (1)(b)–

- (a) shall be appointed by the Minister from nominations submitted by organizations and bodies that, in the opinion of the Minister, represent the interests of copra producers in the country, by notice in the National Gazette; and
- (b) shall be appointed for a period not exceeding three years; and
- (c) are eligible for re-appointment; and
- (d) shall appoint one of their own number to be the Deputy Chairman.

(3) Subject to this Act, the terms and conditions of appointment of the Chairman, the Deputy Chairman and members are as fixed by the Minister responsible for public service matters.

(4) Subject to the directions of the Chairman, the Deputy Chairman may–

- (a) exercise all or any of the powers; and
- (b) perform all or any of the functions,

of the Chairman.

5. DUTIES OF MEMBERS.

The functions and duties of each member are–

- (a) to attend meeting of the Board; and
- (b) subject to the directions of the Board–to make known to producers the activities of the Board; and
- (c) to make known to the Board the marketing problems and other matters concerning the operation of the Board in relation to producers,

for the more effective exercise of the powers and functions of the Board.

6. LEAVE OF ABSENCE OF MEMBERS.

(1) The Minister may grant leave of absence to the Chairman on such terms and conditions as he determines.

(2) The Chairman may grant leave of absence to a member on such terms and conditions as he determines.

7. VACATION OF OFFICE OF MEMBERS.

(1) Where a member–

- (a) becomes permanently incapable of performing his duties; or
- (b) resigns his office by written notice to the Minister; or
- (c) is absent, except on leave granted in accordance with Section 6, from three consecutive

meetings of the Board; or

(d) fails to comply with Section 9; or

(e) becomes bankrupt, 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) stands for election to, or becomes a member of, the National Parliament or of a provincial legislature,

the Minister shall terminate his appointment.

(2) The Minister may, at any time, by written notice, advise a member of his intention to terminate the appointment of the member for inability, inefficiency, incapacity or misbehaviour.

(3) If the member referred to in Subsection (2) fails, within 14 days of receipt of the notice referred to in that subsection, to reply by written notice to the satisfaction of the Minister, his appointment is terminated.

(4) Where the appointment of a member is terminated under this section, the Minister shall, by notice in the National Gazette, declare his office vacant.

(5) Where an office is declared vacant under Subsection (4) the vacancy shall be filled in accordance with Section 4.

8. MEETINGS OF THE BOARD.

(1) The Board shall meet at such times and places as, in the opinion of the Chairman, are necessary for the efficient conduct of its affairs, and in any event not less than three times in each year.

(2) Where requested by not less than three members, the Chairman shall call a meeting of the Board as soon as practicable after receiving the request.

(3) At a meeting of the Board—

(a) a quorum is four members; and

(b) the Chairman or Deputy Chairman shall preside; and

(c) where both the Chairman and the Deputy Chairman are absent, the members present shall elect one of their number to preside; and

(d) all questions shall be decided by a majority of the votes of the members present and voting; and

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

(4) The Board shall cause minutes of its meetings to be kept, and forward copies of the minutes to the Minister.

(5) The exercise or the performance of any function of the Board shall not be invalidated by reason only of a vacancy in the membership of the Board.

(6) Subject to this Act, the procedures of the Board are as determined by the Board.

9. DISCLOSURE OF INTEREST BY MEMBER.

(1) A member who is directly or indirectly interested in a contract made or proposed to be made or under consideration by the Board, otherwise than as a member and in common with the other members of an incorporated company consisting of not less than 25 persons, 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 with respect to the contract; and

(b) shall be disregarded for the purpose of constituting a quorum of the Board for any such deliberation or decision.

9A. ANNUAL REPORTS.

^[9]As soon as practicable after 31 March in each year the Board shall submit to the Minister—

(a) a report on the operations of the Board during the year ending on the preceding 31 December; and

(b) financial statements in such form as the Minister approves in respect of that year.

10. INDEMNITY OF MEMBERS.

A member is not personally liable for any act of the Board or of a member acting as such, done in good faith.

PART III. – POWERS AND FUNCTIONS OF THE BOARD.

11. FUNCTIONS OF THE BOARD.

Subject to Section 12 and to any directions of the Minister, the powers and functions of the Board in relation to the export or marketing of copra are—

(a) to purchase or otherwise acquire copra; and

(b) to determine the price to be paid for any copra or grade or class of copra purchased by or on behalf of the Board; and

(c) to sell or dispose of any copra purchased or otherwise acquired by or on behalf of the Board; and

(d) to manage and control all matters connected with the handling, storage, protection, treatment, transfer, shipment, sale or disposal of any copra purchased or otherwise acquired by or on behalf of the Board; and

(e) to administer the Fund; and

(f) to keep a register of manufacturers and permitted exporters of copra; and

(g)^[10] by itself or in co-operation with other persons or bodies, to engage in research and development programmes for the benefit of the copra industry; and

(ga)^[11] to engage in downstream processing of copra by itself or in co-operation with other persons or bodies for the benefit of the copra industry; and

(gb)^[12] to engage in extension services and related programmes by itself or in co-operation with other persons or bodies for the benefit of the copra industry; and
(h)^[13] to do all things that it is required by this Act to do, or that are necessary or convenient to be done by the Board for giving effect to this Act.

12. EXERCISE OF POWERS OF BOARD.

The Board shall exercise its powers under Section 11 in the manner that the Board considers to be in the best interest of copra producers in the country.

13. DELEGATION.

The Board may, by instrument, delegate to a member, or to an officer of the Board, all or any of its powers and functions (except this power of delegation).

14. APPOINTMENT OF AGENTS.

(1) Subject to the approval of the Minister, the Board may enter into an agreement with any person authorizing the person to act as the agent of the Board in respect of such matters and for such remuneration as are provided in the agreement.

(2) For the purposes of Subsection (1), the Board may enter into an agreement with a person outside the country, to act as the agent of the Board in the country or countries specified in the agreement.

PART IV. – THE SERVICE OF THE BOARD.

15. APPOINTMENT OF OFFICERS.

(1) The Board may appoint to be officers of the Board such persons as it thinks fit and necessary for the purposes of the Board.

(2) The officers of the Board constitute the Service of the Board and hold office on such terms and conditions as the Minister responsible for public service matters determines, subject to the *Salaries and Conditions Monitoring Committee Act*.

16. TEMPORARY AND CASUAL EMPLOYEES.

(1) The Board may appoint such temporary and casual employees as it thinks necessary for the purposes of this Act.

(2) Employees appointed under Subsection (1) shall be employed on such terms and conditions as the Board fixes from time to time.

PART V. – FINANCE, ETC.

17. APPLICATION OF *PUBLIC FINANCES (MANAGEMENT) ACT 1995*.

^[14](1) Part VIII of the *Public Finances (Management) Act 1995*–

(a) applies to and in relation to the Board subject to the exceptions and modifications specified in Schedule 1; and

(b)^[15] otherwise than in relation to audit, does not apply to—

(i) the Fund; or

(ii) the Research Fund; or

(iii) the Extension Fund.

(2) For the purposes of Section 62(2) of the *Public Finances (Management) Act 1995*, the Board is hereby declared to be a trading enterprise.

18. DISTRIBUTION OF EXCESS.

(1) Where, in relation to any period, including a period before, or partly before the commencement date, the Board is satisfied that the proceeds of its operations during that period have exceeded the costs and expenses (including payments made in respect of the purchase of copra) of its operations during that period, it may, subject to any direction of the Minister, at such time or times as it thinks fit—

(a) distribute an amount equal to the excess, or such less amount as the Board determines, to the persons who sold copra to the Board during the period; or

(b) treat part or all of the excess as moneys received from the collection of the levy.

(2) As far as practicable, an amount to be distributed under Subsection (1)(a) in respect of a period shall be distributed by the Board among the persons who sold copra to the Board during the period in proportion to the respective quantities of copra so sold by them.

19. DISPOSAL OF SURPLUS MONEYS ON WINDING-UP OF BOARD.

(1) On the cessation of operations of the Board and the winding-up of its affairs, any surplus money of the Board, including money representing proceeds of the realization of its assets, may be expended for the benefit of agriculture generally in such manner as the Minister directs.

(2) Subsection (1) shall not be construed as implying a power to wind up the affairs of the Board except by virtue of an Act.

PART VI. – FUND, LEVY AND BOUNTY.

Division 1.

Application of Part VI.

20. APPLICATION OF PART VI IN RESPECT OF DESICCATED COCONUT AND COCONUT OIL.

(1) Subject to this section, the provisions of this Act relating to copra and the payment of the levy and the payment of the bounty apply to and in relation to husked or unhusked coconuts purchased or otherwise acquired by a registered manufacturer or a permitted exporter, or received into store by a registered manufacturer or permitted exporter for manufacture into desiccated coconut or coconut oil, as if it were copra.

(2) The levy imposed, or the bounty to be paid, for husked or unhusked coconuts shall be determined by means of the prescribed formula by which the weight of husked coconuts or unhusked coconuts, as the case may be, is related to the equivalent weight of copra.

(3) A registered manufacturer or permitted exporter who purchases or otherwise acquires husked or unhusked coconuts for manufacture into desiccated coconut or coconut oil must give to the supplier a docket in the prescribed form specifying the amount of levy collected or the amount of bounty paid, as the case may be, in relation to those coconuts in accordance with Section 26 or 28.

Penalty: A fine not exceeding K1,000.00.

Division 2.

Copra Fund.

21. PAPUA NEW GUINEA COPRA FUND.

(1) A Papua New Guinea Copra Fund, into which shall be paid such money as is specified by this or any other Act, is hereby established.

(2) The Fund shall be administered by the Board but is not an asset of the Board.

(3) Whether he had paid any amount of the levy or not, a person is not entitled—

- (a) to any interest in the Fund; or
- (b) to receive any payment or benefit from the Fund,

except in accordance with this Part.

22. FORMER FUND.

(1) All money standing to the credit of, or forming part of, the former Fund immediately before the commencement date, and all securities or deposits in which any such money was, immediately before that date, invested, is by virtue of this section, on that date, transferred to and into the name of, and forms part of, the Fund.

(2) A reference to the former Fund in any law in force shall be deemed to be a reference to the Fund.

23. PAYMENTS INTO THE FUND.

(1) Subject to Subsection (2), there shall be paid into the Fund all money—

- (a) received from the collection of the levy; and
- (b) received as interest from money standing to the credit of the Fund invested under Section 25; and
- (c) collected as fees under Section 31(3).

(2) The Board may retain such money from the collection of the levy as it considers necessary for its efficient day-to-day operations, but shall, at such times as it considers convenient or desirable, pay into the Fund an amount equivalent to the money retained.

24. PAYMENTS OUT OF THE FUND.

(1) There shall be paid out of the Fund—

- (a) all amounts of advances authorized under Section 28(2); and
- (b) all amounts of bounty payable under Section 28; and
- (c) the costs of administering the Fund as approved by the Minister.

(2) Money shall not be expended from the Fund other than for the purposes specified in Subsection (1).

25. INVESTMENT OF MONEY STANDING TO THE CREDIT OF THE FUND.

Money standing to the credit of the Fund may be invested in any securities approved for the purpose by the Minister responsible for financial matters.

Division 3.

Levy and Bounty.

26. IMPOSITION AND COLLECTION OF LEVY.

(1) The Minister may, after consultation with—

- (a) the Minister responsible for financial matters; and
- (b) the Board,

by notice in the National Gazette, publish a schedule of rates of levy imposed on copra.

(2) Different rates of levy may be imposed under Subsection (1) in relation to different purchase prices for copra.

(3) The amount of levy payable shall be deducted from the amount payable to a producer for copra purchased from him.

(4) Where a registered manufacturer or permitted exporter purchases or acquires copra including copra produced by him, he must at least once each month and at such other intervals as the Board requires, remit to the Board the amount of the levy payable in respect of the copra at the rate that applied on the day on which the copra was received.

Penalty: A fine not exceeding K1,000.00.

(5) The levy is not payable more than once—

- (a) in relation to any copra; and
- (b) in relation to any coconut or part of any coconut even though that coconut or part is used in more than one manufacturing process.

27. BOUNTY.

(1) Subject to—

- (a) the capacity of the Fund to meet the requirements of this section at the relevant time; and
- (b) the approval of the Minister responsible for financial matters,

the Minister may, by notice in the National Gazette, publish a schedule of rates of bounty for copra.

(2) Different rates of bounty payable may be specified under Subsection (1) in relation to different purchase prices for copra.

28. PAYMENT OF BOUNTY.

(1) Where the Board, a registered manufacturer or a permitted exporter purchases or otherwise acquires copra from another person, it or he shall, as soon as practicable and to the extent only of money held by him by way of advance under Subsection (2), pay to the seller or supplier, in addition to the purchase price of the copra, the amount of bounty in respect of that copra which applied on the day on which the copra was purchased or acquired.

(2) For the purpose of enabling the Board, a registered manufacturer or a permitted exporter to make payments under Subsection (1), on application in accordance with Section 30(1) the Minister may from time to time, in the prescribed manner, authorize the Board to make advances out of the Fund to itself or the manufacturer or exporter.

(3) Where the Board is satisfied that an amount of bounty has not been paid as required by Subsection (1), it shall, subject to this section, authorize payment of the bounty to the person to whom it should, under that subsection, have been paid.

(4) Where a registered manufacturer or permitted exporter has received into store copra produced by him for the manufacture of goods for sale or for export, as the case may be, the Board shall, on receipt of an application in accordance with Section 30(2), pay to the manufacturer or exporter, as the case may be, the amount of the bounty in respect of that copra which applied on the day on which the copra was received.

(5) Notwithstanding this Act, the bounty shall not be paid more than once—

- (a) in relation to any copra; or
- (b) in relation to any coconut or part of any coconut, even though that coconut or part of that coconut is used in more than one manufacturing process.

29. PURCHASER TO DISPLAY NOTICE OF BOUNTY.

(1) A person who purchases or acquires copra intended for export must—

- (a) have conspicuously displayed on the premises or place at which copra is purchased or acquired a notice in the prescribed form showing the amount of bounty as at the day on which

the copra is purchased or acquired; and

(b) take such other steps as are necessary to ensure that the amount of bounty is advised to the vendor or supplier before the purchase or acquisition is completed.

Penalty: A fine not exceeding K1,000.00.

(2) It is a defence to a charge of an offence under Subsection (1) if the person charged proves that, on the date on which the offence is alleged to have been committed, he had no reasonable means of complying with the provisions of that subsection.

30. APPLICATION FOR ADVANCE AND BOUNTY.

(1) An application for an advance under Section 28(2) shall be in the prescribed form.

(2) An application by a registered manufacturer or a permitted exporter for payment of bounty under Section 28(4) shall be made in the prescribed form and be accompanied by such documents as the Minister in any particular case requires.

(3) An advance under Section 28(2) shall be accounted for in the manner and at the times prescribed, or as the Minister, in any particular case, directs.

Division 4.^[16]

Research Fund.

30A. PAPUA NEW GUINEA COPRA RESEARCH FUND.

^[17](1) There is hereby established the Papua New Guinea Copra Research Fund into which shall be paid such money as is specified by this or any other Act.

(2) The Research Fund shall be administered by the Board but is not an asset of the Board.

(3) A person who pays research cess under Section 30B is not entitled by reason only of such payment—

(a) to any interest in the Research Fund; or

(b) to receive any payment or benefit from the Research Fund,

other than such benefit, if any, as derives to the copra industry pursuant to any research undertaken under Section 11(g).

30B. IMPOSITION AND COLLECTION OF RESEARCH CESS.

^[18](1) There is hereby imposed on copra a research cess to be known as the copra research cess.

(2) The amount of research cess payable on copra shall be such amount, not exceeding 2% of the price per tonne of copra, or its equivalent, paid to producers before the addition to or deduction of monies from the Copra Fund as the Board, after consultation with the Minister, may determine.

(3) Where a registered manufacturer or a permitted exporter purchases or otherwise acquires copra (including copra produced by such registered manufacturer or permitted exporter) he shall—

(a) at least once each month; and

(b) at such other intervals as the Board requires,

remit to the Board the amount of research cess payable in respect of copra at the rate applicable under Subsection (2).

Penalty: A fine not exceeding K1,000.00.

30C. PAYMENT INTO RESEARCH FUND.

^[19]All moneys received from the collection of the research cess shall be paid into the Research Fund.

30D. PAYMENT OUT OF RESEARCH FUND.

^[20]No money shall be paid out of the Research Fund except for the purposes of research under Section 11(g).

Division 5.^[21]

Extension Fund.

30E. PAPUA NEW GUINEA COCONUT EXTENSION FUND.

^[22](1) There is hereby established the Papua New Guinea Copra Extension Fund into which shall be paid such money as is specified by this or any other Act.

(2) The Extension Fund shall be administered by the Board but is not an asset of the Board.

(3) A person who pays extension levy under Section 30F is not entitled by reason energy of such payment—

(a) to any interest in the Extension Fund; or

(b) to receive any payment or benefit from the Extension Fund,

other than such benefit, if any, as derives to the copra industry pursuant to any extension services undertaken under Section 11(gb).

30F. IMPOSITION AND COLLECTION OF EXTENSION LEVY.

^[23](1) There is hereby imposed on coconut products a coconut extension levy.

(2) The amount of coconut extension levy payable on—

(a) copra—shall be such amount, not exceeding 2% of the price per tonne of copra, or its equivalent, paid to producers before the addition to the deduction of monies from the Copra

Fund as the Board, after consultation with the Minister, may determine, and
(b) coconut oil or dessicated coconut, in respect of a registered manufacturer or person engaged in the processing of coconut oil and dessicated coconut—shall be such amount not exceeding 2% of the price per tonne of coconut oil or any other by-product or its equivalent.

(3) Where a registered manufacturer or permitted exporter purchases or otherwise acquires copra (including copra produced by such registered manufacturer or permitted exporter) he shall—

- (a) at least once a month; and
- (b) at such other intervals as the Board requires,

remit to the Board the amount of coconut extension levy payable in respect of copra and coconut oil and its by-products at the rate applicable under Subsection (2).

(4) A person, who fails to comply with Subsection (3) is guilty of an offence.

Penalty: A fine not exceeding K1,000.00.

30G. PAYMENT INTO EXTENSION FUND.

^[24]All monies received from the coconut extension levy shall be paid into the Extension Fund.

30H. PAYMENT OUT OF EXTENSION FUND.

^[25]No money shall be paid out of the Extension Fund except for purposes of extension under Section 11(gb).

PART VII. – COPRA MANUFACTURERS AND EXPORTERS.

31. MANUFACTURERS AND EXPORTERS TO BE REGISTERED, ETC.

(1) Subject to this Section, no person other than the Board shall export copra.

(2) A person may apply to the Board for registration as—

- (a) a registered manufacturer; or
- (b) a permitted exporter,

of copra.

(3) An application under Subsection (1) shall be in the prescribed form accompanied by the prescribed fee.

(4) The Board may grant registration subject to such conditions as it thinks fit, or refuse registration.

(5) A permitted exporter must not export copra except in accordance with the conditions (if any) referred to in Subsection (4).

Penalty: A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months or both.

(6) The Board shall maintain a register of registered manufacturers and permitted exporters.

(7) A registered manufacturer or permitted exporter shall keep and maintain such returns and books, and shall furnish copies of them to the Board, as prescribed.

(8) A person must not manufacture or export copra unless he is registered under this section.

Penalty: A fine not exceeding K1,000.00.

(9) Where a registered manufacturer or a permitted exporter, or his officer, agent or employee is convicted of an offence under this Act, the Board shall cancel his registration.

(10) A person who is aggrieved by a decision of the Board under Subsections (4) or (9) may appeal to the Prime Minister.

PART VIII. – MISCELLANEOUS.

32. REGULATIONS.

The Head of State, acting on advice, may make regulations, not inconsistent with this Act, prescribing all matters that by this Act are required to be prescribed, or that are necessary or convenient to be prescribed, for carrying out and giving effect to this Act, and in particular for prescribing—

- (a) the form of application for registration and certificate of registration as registered manufacturer or permitted exporter; and
- (b) the fees payable for registration as a registered manufacturer or permitted exporter; and
- (c) the form of returns to be furnished to the Board by registered manufacturers and permitted exporters; and
- (d) the conversion formula for husked and unhusked coconuts; and
- (e) the conversion formula for desiccated coconut and coconut oil; and
- (f) penalties of fines not exceeding K500.00 for offences against the regulations; and
- (g) provisions relating to a superannuation or retirement benefits scheme to provide benefits for the officers of the Board or for the dependents of officers of the Board on retirement, resignation, retrenchment or death.

PART IX. – TRANSITIONAL PROVISIONS.

33. FIRST APPOINTMENTS TO THE COPRA MARKETING BOARD.

The persons holding office, immediately before the commencement date, as the Chairman and members of the Papua New Guinea Copra Marketing Board under the repealed Act shall, on that date, be deemed to have been appointed as the Chairman and members, respectively, of the Board under this Act for the balance of the respective periods of their appointments under the repealed Act and on the same terms and conditions.

34. FORMER OFFICERS OF EXISTING BOARD.

A person who, immediately before the commencement date, held office under the former Board shall be deemed, on that date, to have been appointed to the same office or a similar office under the Board on the same terms and conditions of appointment as were applicable to him immediately before that date.

35. TRANSFER OF ASSETS, ETC., TO BOARD.

All the assets, property, rights, obligations and liabilities which, immediately before the commencement date, were vested in or imposed on the former Board shall, on that date, be deemed to have been transferred to and become the assets, property, rights, obligations and liabilities of the Board.

36. SAVING OF CONTRACTS.

All contracts, agreements, conveyances, deeds, leases, licences and other instruments and undertakings entered into by, made with, or addressed to, the former Board, whether alone or with any other person, before, and in effect immediately before, the commencement date, are, on that date, to the extent that they were previously binding on and enforceable against the former Board, binding and of full force and effect in every respect against or in favour of the Board as fully and effectually as if, instead of the former Board, the Board had been a party to them or bound by them or entitled to the benefit of them.

37. ACTIONS, ETC., NOT TO ABATE.

Where, immediately before the commencement date, any action, arbitration or proceeding, or any cause of action arbitration or proceeding, was pending or existing by, against or in favour of the former Board, it does not, on that date, abate or discontinue or be in any way affected by any provision of this Act, but it may be prosecuted, continued and enforced by, against or in favour of the Board as and when it might have been enforced by, against or in favour of the former Board if this Act has not been made.

38. APPLICATIONS OF ACTS, ETC.

Where—

- (a) any Act or subordinate enactment other than this Act; or
- (b) any document or instrument whenever made or executed,

contains a reference express or implied to the former Board, that reference shall, after the commencement date and except where the context otherwise requires, be read and construed and has effect as a reference to the Board.

SCHEDULE 1 – ^[26]EXCEPTIONS AND MODIFICATIONS TO THE *PUBLIC FINANCES (MANAGEMENT) ACT 1995*.

Sec 17.

<i>Provision</i>	<i>Modification</i>
Section 51	Not applicable

Section 56	Not applicable
Section 59	Not applicable.

Office of Legislative Counsel, PNG

^[1] Section 1 replaced by No. 9 of 1983.

^[2] Section 2 (definition of “coconut product”) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s2(a).

^[3] Section 2 (definition of “downstream processing”) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s2(b).

^[4] Section 2 (definition of “Extension Fund”) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s2(b).

^[5] Section 2 (definition of “extension levy”) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s2(b).

^[6] Section 2 (definition of “extension services”) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s2(b).

^[7] Section 2 (definition of “research cess”) inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s1.

^[8] Section 2 (definition of “Research Fund”) inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s1.

^[9] Section 9A inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s2.

^[10] Section 11(g) inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s3(a).

^[11] Section 11(ga) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s3.

^[12] Section 11(gb) inserted by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s3.

^[13] Section 11(h) renumbered by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s3(b).

^[14] Section 17 repealed and replaced by *Copra Marketing Board (Amendment) Act 1997* (No. 14 of 1997), s4.

^[15] Section 17(1)(b) repealed and replaced by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s4.

^[16] Division 4 inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s5.

^[17] Section 30A inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s5.

^[18] Section 30B inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s5.

^[19] Section 30B inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s5.

^[20] Section 30D inserted by *Copra Marketing Board (Amendment) Act 1986* (No. 43 of 1986), s5.

^[21] Division 5 inserted by *Copra Marketing Board (Amendment) Act 1986 (No. 43 of 1986)*, s5.

^[22] Section 30E inserted by *Copra Marketing Board (Amendment) Act 1986 (No. 43 of 1986)*, s5.

^[23] Section 30F inserted by *Copra Marketing Board (Amendment) Act 1986 (No. 43 of 1986)*, s5.

^[24] Section 30G inserted by *Copra Marketing Board (Amendment) Act 1986 (No. 43 of 1986)*, s5.

^[25] Section 30H inserted by *Copra Marketing Board (Amendment) Act 1986 (No. 43 of 1986)*, s5.

^[26] Schedule 1 amended by *Copra Marketing Board (Amendment) Act 1986 (No. 43 of 1986)*, s6; repealed and replaced by *Copra Marketing Board (Amendment) Act 1997 (No. 14 of 1997)*, s6.