

Export (Desiccated Coconut) Regulation 1956

Unvalidated References:

Customs Act 1951

Food Sanitation Act 1991

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 101E.

Export (Desiccated Coconut) Regulation 1956

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Export (Desiccated Coconut) Regulation 1956

MADE under the *Customs Act 1951* and the *Commerce (Trade Descriptions) Act 1952*.

Dated 200 .

PART I. – PRELIMINARY.

1. INTERPRETATION.

In this Regulation, unless the contrary intention appears–

“**approved for export stamp**” means a stamp in a form approved by the Director;

“**the Director**” means the Director of Public Health;

“**officer**” means an officer of the Public Service appointed under Section 3;

“**registered brand**” means a brand registered under Part V;

“**registered factory**” means a factory registered under Section 9.

2. APPLICATION.

This Regulation does not apply to or in relation to desiccated coconut that–

(a) is not intended for human consumption; and

(b) is exported in packages clearly marked “Not for Human Consumption.”

3. APPOINTMENT OF OFFICERS.

The Director may, by notice in the National Gazette, appoint officers of the Public Service to be officers for the purposes of this Regulation.

4. DELEGATION.

The Director may, by writing under his hand, delegate to a medical officer of the Public Service all or any of his powers and functions under this Regulation (except this power of delegation).

PART II. – GENERAL PROVISIONS AS TO EXPORTATION OF DESICCATED COCONUT.

5. GENERAL RESTRICTIONS ON EXPORT.

(1) The exportation of desiccated coconut is prohibited unless–

(a) the Director is satisfied that the desiccated coconut has been processed and packed in a registered factory; and

(b) the exporter has obtained an export permit in accordance with this Regulation in respect of the desiccated coconut; and

(c) the approved for export stamp has been applied to the container of the desiccated coconut; and

(d) the provisions of this Regulation and of the *Food Sanitation Act 1991* and the regulations made under that Act, have been complied with.

(2) Subsection (1) does not apply to desiccated coconut in respect of which the Director certifies that for the purpose of experiment or testing, or on account of exceptional circumstances, it is desirable that that subsection should not apply, and such desiccated coconut may be exported subject to such conditions and restrictions as the Director thinks proper.

PART III. – TRADE DESCRIPTIONS.

6. REQUIREMENT OF TRADE DESCRIPTION.

Subject to this Regulation, the exportation of desiccated coconut is prohibited unless there is applied to the desiccated coconut a trade description in accordance with this Regulation.

7. NATURE OF TRADE DESCRIPTION.

(1) The trade description to be applied to desiccated coconut–

(a) shall be in the form of a principal label or brand affixed to the containers of the desiccated coconut in a prominent position and in a conspicuous and reasonably permanent manner; and

(b) shall contain, in prominent and legible characters, the words “Desiccated Coconut”, together with the words “Papua New Guinea”; and

(c) may include, in addition, the name of the part of the country in which the desiccated coconut was processed; and

(d) shall, subject to Subsections (2) and (3), include one, and may include both, of the following particulars–

(i) the name of the processor or exporter; and

(ii) the registered brand of the processor or exporter, and

(e) shall specify the net weight of the desiccated coconut.

(2) The Director may, subject to such conditions as he thinks proper, permit the consignee’s brand to be included in the trade description instead of the registered brand of the processor or exporter.

(3) Where the producer or processor is not the exporter, the trade description shall include the name of the producer or the processor, or the registered brand of the producer or processor, unless the exporter sets out in the notice of intention to export the name and address of the producer or the processor.

8. INTERFERENCE WITH TRADE DESCRIPTIONS.

A person who, except by the authority of an officer, removes, alters or interferes with a trade description applied to desiccated coconut that has been inspected by an officer is guilty of an offence.

PART IV. – SUPERVISION, INSPECTION AND EXAMINATION.

9. REGISTERING OF FACTORIES.

(1) A person who is the owner or occupier of premises used for the processing of desiccated coconut may apply to the Director, in Form 1, for the registration of the premises as a registered factory.

(2) Where the Director is satisfied that the premises the subject of an application under Subsection (1) are constructed, equipped and operated in an efficient and hygienic manner, and are in conformity with this Regulation, he may, subject to such conditions and restrictions as he thinks proper, register them as a factory and shall issue to the applicant a certificate of registration in Form 2.

(3) The certificate of registration shall specify the conditions and restrictions under which the registration is granted.

(4) Unless sooner cancelled, a certificate of registration expires at the end of the period of 12 months after the date on which it was issued, but may, on written application in Form 1, be renewed from time to time.

10. RESTRICTIONS ON REGISTRATION.

The Director shall not register or renew the registration of a factory unless he is satisfied that—

- (a) the premises and the proposed process are in accordance with this Regulation; and
- (b) the proposed process will produce from the factory desiccated coconut that will conform with the standards of desiccated coconut prescribed by this Regulation.

11. SALE OR LEASE OF REGISTERED FACTORIES.

If a registered factory is leased or sold, the lessee or transferee shall not, without the approval of the Director, use the premises for the processing of desiccated coconut for export.

12. INSPECTION, ETC..

(1) The Director or a medical officer of the Public Service or Health Inspector authorized for the purpose by the Director—

- (a) shall inspect a factory immediately before its registration or the renewal of its registration; and
- (b) may at any time, and shall at least six times during the currency of a registration or a renewal of a registration and so that no more than three months is allowed to elapse between successive inspections, inspect it; and
- (c) shall, if it is found that it or the processing or desiccated coconut produced is not in accordance with this Regulation, cancel immediately or, if in his opinion the matter is one that can quickly and simply be rectified, suspend the registration.

(2) Where a registration is suspended under Subsection (1)—

- (a) the suspension shall not be lifted until a further inspection under that subsection has shown that the factory, the processing and desiccated coconut produced are in accordance with this Regulation; and
- (b) the period of suspension shall be taken into consideration for the purpose of calculating the date of expiry of the registration.

13. STANDARDS FOR DESICCATED COCONUT.

Desiccated coconut for export—

- (a) shall be the clean, sound, wholesome product of the meat of sound, mature, ungerminated coconuts; and
- (b) shall have, when fresh, a moisture content not exceeding 4%; and
- (c) shall have an oil content of not less than 65%; and
- (d) shall be free from rancidity; and
- (e) shall not contain peelings, shell, skin, dirt or other impurities; and
- (f) shall not contain any pathogenic organisms.

14. FACTORY AND PROCESSING.

(1) A factory shall—

- (a) be so constructed that all rooms or places where—
 - (i) coconut meat or desiccated coconut is stored or kept; or
 - (ii) the cartons or other containers in which the desiccated coconut is to be contained are stored or kept,

are insect-proof and vermin-proof; and

- (b) be provided with toilet and sanitary facilities, to the satisfaction of the Director, so constructed as to obviate the risk of the contamination of air, water or surface soil or of the spreading of any infection by insects or vermin; and
- (c) be provided with a plentiful supply of running water that complies with Subsection (2).

(2) All water used for any purpose in the factory shall be water that has been—

- (a) obtained from a source approved in writing for the purpose by the Director; or
- (b) distilled, boiled or otherwise treated by a process that has been approved for the purpose by the Director,

and shall—

- (c) contain not more than 100 micro-organisms in 1cm³, no pathogenic micro-organisms, no poisonous chemical constituents, and no sediment; and
- (d) be colourless; and
- (e) have been so kept between its collection or sterilization and its use as to preserve it from contamination.

(3) The floor of the factory shall be swept at least twice each day on which the factory is in use, and all husks, droppings or other refuse shall immediately be removed from the factory and burnt.

(4) All surfaces on which coconut meat or desiccated coconut is placed before packaging shall—

- (a) be completely covered by polyvinyl plastic or other impervious material approved by the Director for the purpose, which shall be turned down around all edges for a distance of not

less than 25.4mm; and

(b) be washed clean at least twice per day.

(5) Coconut meat or desiccated coconut shall not be deposited on a floor, and any such deposit shall be kept—

(a) at least 0.610m clear of the floor so that there is a clear space between the floor and the underside of the staging or support on which the deposit is kept; or

(b) so that the staging or support is supported by a rat-proof wall.

(6) (6) The desiccation process shall include a sterilization process of a type approved by the Director such as to ensure the destruction of all pathogenic organisms.

(7) Before the sterilization process, the coconut meat or desiccated coconut shall be handled as little as possible.

(8) After the sterilization process, the coconut meat shall not be handled in any way, but a mechanical device or a scoop of a type, and constructed of an impervious material, approved by the Director shall be used.

(9) Coconut meat or desiccated coconut that—

(a) has passed through the desiccation process; and

(b) has subsequently—

(i) come into contact with any part of the human body; or

(ii) been exposed to the danger of infection,

shall not be mixed with other desiccated coconut or packed or sold until it has been re-sterilized.

15. TEMPERATURE RECORDS.

(1) The desiccating machine and, where a separate sterilizing device is used, the sterilizing device, shall be fitted with recording thermometers, to the satisfaction of the Director, such that complete records are kept of the temperature at which the coconut meat or desiccated coconut is treated.

(2) The Director or an officer authorized by him for the purpose may at any time inspect any records kept under Subsection (1).

16. NOTICE OF INTENTION TO EXPORT AND DECLARATION.

^1 A person who intends to export desiccated coconut shall, at least three clear working days before the proposed date of shipment, furnish to the Director a notice and declaration in Form 3.

(2) A person who makes a false or misleading statement in a declaration furnished under Subsection (1) is guilty of an offence.

Penalty: ^[2]A fine not exceeding K500.00.

(3) In any proceedings for an offence against Subsection (2), a certificate signed by the Director, certifying that the declaration—

- (a) was furnished under Subsection (1); and
- (b) was made by the person by whom it purports to have been made,

is *prima facie* evidence of the matters so certified.

(4) Judicial notice shall be taken of the signature to a certificate under Subsection (3), and of the fact that the person whose signature it purports to bear holds, or has held at the time when the certificate was made, the office of the Director.

17. APPROVED FOR EXPORT STAMP.

Where an officer is satisfied that any desiccated coconut has been prepared or processed and packed in a sealed container in accordance with this Regulation, he shall apply the approved for export stamp to the container.

18. EXPORT PERMITS AND CERTIFICATES AS TO EXAMINATION.

(1) When an officer has examined any desiccated coconut and—

- (a) the desiccated coconut is marked in accordance with this Regulation; and
- (b) the officer is satisfied that the conditions and restrictions applicable under this Regulation in respect of the desiccated coconut have been complied with,

he shall issue to the exporter an export permit in Form 4.

(2) When the desiccated coconut is brought to a wharf for shipment, the exporter shall deliver the export permit to the officer on duty at the ship by which the desiccated coconut is to be exported.

(3) When the officer is satisfied that the desiccated coconut has been shipped in accordance with this Regulation, he shall issue to the exporter a certificate of the condition of the desiccated coconut in Form 5.

19. RE-EXAMINATION.

^[3](1) If an officer has reasonable cause to think that, since the examination of any desiccated coconut, the condition of the desiccated coconut has changed, he may re-examine the desiccated coconut and if, having regard to the condition of the desiccated coconut as disclosed by the re-examination, he is satisfied that—

- (a) the containers are not marked in accordance with this Regulation; or
- (b) a condition or restriction applicable under this Regulation has not been complied with,

he may cancel the export permit issued in respect of the desiccated coconut.

(2) Where an export permit has been cancelled under Subsection (1), the exporter must, if so required by an officer, immediately surrender the permit to the officer.

Penalty: ^[4]A fine not exceeding K500.00.

PART V. – REGISTRATION OF BRANDS.

20. REGISTER OF BRANDS.

(1) Subject to Section 22, the Director may register a brand as a brand that may be included in the trade description of any desiccated coconut.

(2) The Director shall keep a register of brands registered under Subsection (1).

21. APPLICATION FOR REGISTRATION.

An application for the registration of a brand shall be accompanied by seven copies of the brand.

22. REGISTRATION AS TRADE MARK.

A brand shall not be registered under Section 20 unless–

(a) it is registered as a trade mark under–

(i) the *Trade Marks Act* 1905 of Australia as in force from time to time; or

(ii) The *Trade Marks Act* 1978; and

(b) the applicant is the registered proprietor of the trade mark.

23. REGISTRATION NUMBER.

The Director shall allot a number in respect of each registered brand, and that number shall be applied to desiccated coconut in conjunction with the brand.

24. ASSIGNMENTS AND TRANSMISSIONS OF TRADE MARKS TO BE NOTIFIED.

Where a trade mark that is registered as a brand under this Regulation is assigned or transmitted, the assignee or transmittee shall give notice of the assignment or transmission to the Director.

25. CANCELLATION OF BRAND WHERE NO LONGER REGISTERED AS A TRADE MARK.

Where a trade mark that is registered as a brand under this Regulation ceases to be registered as a trade mark, the Director shall cancel the registration of the brand.

PART VI. – MISCELLANEOUS.

26. OBSTRUCTION.

^[5]A person who in any way, directly or indirectly, hinders or obstructs an officer in the exercise of his powers or the performance of his duties under this Regulation is guilty of an offence.

Penalty: ^[6]A fine not exceeding K1,000.00 or imprisonment for a term not exceeding six months.

SCHEDULE.

Form 1.—Application for Registration of Premises as a Registered Factory.

PAPUA NEW GUINEA.

Customs Act 1951: Commerce (Trade Descriptions) Act 1952.

Export (Desiccated Coconut) Regulation 1956.

Reg., Sec. 9(1).

Form 1.

APPLICATION FOR REGISTRATION OF PREMISES AS A REGISTERED FACTORY.

No.

To the Director of Public Health.

I/We* (*full name of applicant*) of (*address*) apply under the *Exports (Desiccated Coconut) Regulation* for the registration of the (*name and description of premises*) situated at . . . as a registered factory and I/we* declare—

(i) that I am/we are* the owner(s)/occupier(s)* of the premises; and

(ii) that the premises are constructed, equipped and operated in an efficient and hygienic manner and in accordance with the *Export (Desiccated Coconut) Regulation*.

Dated . . . 20

(*Signature(s) of Applicant(s).*)

*Strike out whichever is inapplicable.

Form 2.—Certificate of Registration of Premises as a Registered Factory.

PAPUA NEW GUINEA.

Customs Act 1951: Commerce (Trade Descriptions) Act 1952.

Export (Desiccated Coconut) Regulation 1956.

Reg., Sec. 9(2).

Form 2.

CERTIFICATE OF REGISTRATION OF PREMISES AS A REGISTERED FACTORY.

Certificate No.

I certify that subject to the conditions indicated below the premises situated at . . . have been registered in the name of . . . as a registered factory under the *Export (Desiccated Coconut) Regulation*.

This certificate is granted subject to the conditions that operations will be conducted in accordance with the requirements prescribed by or under the *Customs Act* and the *Commerce (Trade Descriptions) Act*, and that the registration will be liable to be cancelled in the event of a contravention of the *Export (Desiccated Coconut) Regulation* or other applicable regulations in force for the time being and to the special conditions set out below.

SPECIAL CONDITIONS.

This certificate will remain in force until . . . 20

Dated . . . 20

Director of Public Health.

Form 3.—Notice of Intention to Export Desiccated Coconut.

PAPUA NEW GUINEA.

Customs Act 1951: Commerce (Trade Descriptions) Act 1952.

Export (Desiccated Coconut) Regulation 1956.

Reg., Sec. 16(1).

Form 3.

NOTICE OF INTENTION TO EXPORT DESICCATED COCONUT.

To the Director of Public Health.

Port of

Notice is given that I/we* intend to export desiccated coconut as set out below.

The desiccated coconut may be inspected at . . . on . . .

I declare—

(i) that I am the owner/agent duly authorized by (*insert name of owner*) the owner* of the desiccated coconut specified below; and

(ii) that the conditions and restrictions applicable in respect of the desiccated coconut under the *Export (Desiccated Coconut) Regulation* have been complied with; and

(iii) that the desiccated coconut is marked in the prescribed manner with the prescribed trade description.

STATEMENT OF DESICCATED COCONUT TO BE EXPORTED.

Brands. Number of packages. Size, weight of measure and number of cartons. Export ship. Destination. Date of sailing.

(Signature of Owner or Agent.)

(Business address.)

(Witness to signature of owner or agent.)

I certify that—

(i) the desiccated coconut referred to above is marked in the prescribed manner with the prescribed trade description; and

(ii) I am satisfied that the conditions and restrictions applicable in respect of the desiccated coconut under the *Export (Desiccated Coconut) Regulation* have been complied with.

Dated . . . 20

Inspecting Officer.

* Strike out whichever is inapplicable.

Form 4.—Export Permit.

PAPUA NEW GUINEA.

Customs Act 1951: Commerce (Trade Descriptions) Act 1952.

Export (Desiccated Coconut) Regulation 1956.

Reg., Sec. 18(1).

Form 4.

EXPORT PERMIT.

Wharf

Port of

The desiccated coconut, to be shipped per . . . is marked in the prescribed manner with the prescribed trade description and the conditions and restrictions applicable in respect of the desiccated coconut under the *Export (Desiccated Coconut) Regulation* have been complied with:—

Marks. Exporter. Quantity.

Officer appointed under the Regulation.

Dated . . . 20

Shipped the above desiccated coconut.

Officer of Customs.

Dated . . . 20

Form 5.—Certificate as to Condition of Desiccated Coconut.

PAPUA NEW GUINEA.

Customs Act 1951: Commerce (Trade Descriptions) Act 1952.

Export (Desiccated Coconut) Regulation 1956.

Reg., Sec. 18(3).

Form 5.

CERTIFICATE AS TO CONDITION OF DESICCATED COCONUT.

This is to certify that . . . of . . . , branded . . . and shipped per . . . to . . . on . . . 20 . . . , have been packed in an export establishment in compliance with the provisions of the *Export (Desiccated Coconut) Regulation* and that the desiccated coconut is free from contamination and fit for human consumption.

Dated . . . 20

Officer appointed under the Regulation.

Office of Legislative Counsel, PNG

[¹] Section 16 amended by No. 20 of 1982.

[²] Section 16(2): Penalty clause amended by *Customs (Penalties) Regulation* 1993 (No. 11 of 1993), s2.

[³] Section 19 amended by No. 20 of 1982.

[⁴] Section 19(2): Penalty clause amended by *Customs (Penalties) Regulation* 1993 (No. 11 of 1993), s2.

[⁵] Section 26 amended by No. 20 of 1982.

[⁶] Section 26: Penalty clause amended by *Customs (Penalties) Regulation* 1993 (No. 11 of 1993), s2.