

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 211.

Copra.

GENERAL ANNOTATION.

ADMINISTRATION.

As at 13 February 1976 (the date of gazettal of the most comprehensive allocation of responsibilities to Ministers and Departments at about the effective date), the administration of this Chapter was vested in the Minister for Primary Industry.

Accordingly, as at that date, except where a different intention is clearly indicated, by note or in the text, references in and in relation to this Chapter to—

“the Minister”—should be read as references to the Minister for Primary Industry;

“the Departmental Head”—should be read as references to the Secretary for Primary Industry¹;

“the Department”—should be read as references to the Department of Primary Industry².

TABLE OF CONTENTS.

	<i>Page.</i>
<i>Copra Act</i>	3
<i>Copra Inspection Regulation</i>	9
Subsidiary legislation	—
Appendixes—	
1. Source of Act.	
2. Source of Regulation.	

¹Previously the Director of Agriculture, Stock and Fisheries.

²Previously the Department of Agriculture, Stock and Fisheries

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 211.

Copra Act.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 "Inspector"
 "person"
 "the regulations".
2. Appointment of Inspectors.
3. Sub-standard copra.
4. Inspection of copra, etc.
5. Examination of copra for export.
6. Appeal.
7. Immunity of Inspector.
8. Special permits to purchase undried copra.
9. Regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 211.

Copra Act.

Being an Act relating to copra.

1. Interpretation.

In this Act, unless the contrary intention appears—

“Inspector” means an Inspector appointed under Section 2;

“person” includes a partnership, a company or a co-operative society¹;

“the regulations” means any regulations made under this Act.

2. Appointment of Inspectors.

The Minister may, by notice in the National Gazette, appoint persons to be Inspectors for the purposes of this Act.

3. Sub-standard copra.

(1) A person who makes copra from immature coconuts is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(2) A person who purchases, sells, offers for sale, barter or receives—

(a) the undried kernel or meat of coconuts; or

(b) imperfectly dried, sweated or rotten copra; or

(c) copra made from immature coconuts; or

(d) copra mixed with pieces of coconut shell, husk, stone, sand or any other foreign substance,

is guilty of an offence.

Penalty: A fine not exceeding K200.00.

(3) On the conviction of a person of an offence against this section, the court that convicts him may, in addition to any other penalty, order that the kernel or meat of coconuts or copra in respect of which that offence was committed is forfeited to the State and shall be destroyed.

(4) The presence on any premises of the kernel or meat of coconuts or copra of any of the types specified in Subsection (2) is prima facie evidence that the kernel or meat or copra was made, purchased or received by the owner of those premises.

(5) Notwithstanding this Act, the Minister may issue a permit to a person to buy or sell undried kernel or meat of coconuts for the purpose of manufacturing desiccated coconut.

¹ By Section 4 of the pre-Independence *Companies (Co-operative Companies) Act 1975* co-operative societies were converted into “co-operative companies” under Division XII.5 of the *Companies Act*. The former Act was not yet in force on the effective date, and when it comes into force the definition will read as follows:—
“ ‘person’ includes a partnership and a company;”.

4. Inspection of copra, etc.

- (1) At all reasonable times, an Inspector may—
 - (a) enter any premises or ship for the purpose of examining copra and classifying copra into prescribed grades; and
 - (b) examine and take extracts from or copies of a delivery docket, way bill, book or other writing evidencing the purchase, sale, delivery, ownership, place of production or destination of any copra found on any premises or ship.
- (2) A person in charge of any premises or ship in which copra is stored who—
 - (a) hinders or obstructs an Inspector in his entry to the premises or ship for the purposes of this section; or
 - (b) fails to produce on request any documents in his possession or under his control for examination by the Inspector under Subsection (1)(b),

is guilty of an offence.

Penalty: A fine not exceeding K100.00.

(3) A person who makes a false entry in a book, record or document relating to the purchase, sale, delivery, ownership, place of production or destination of any copra is guilty of an offence.

Penalty: A fine not exceeding K100.00.

5. Examination of copra for export.

- (1) Copra intended for export must not be shipped until—
 - (a) examined by an Inspector; and
 - (b) passed by him as fit for export; and
 - (c) classified by him into a prescribed grade; and
 - (d) marked with prescribed marks appropriate to its grade.
- (2) An Inspector may—
 - (a) condemn any copra as unfit for export, whether or not it has previously been passed by an Inspector as fit for export; and
 - (b) refuse to pass copra as fit for export until it is reconditioned in a manner directed by him.
- (3) Where copra that—
 - (a) has not been examined, passed, classified and marked under this section; or
 - (b) has been condemned as unfit for export, whether or not it has previously been passed as fit for export,

is shipped for export, the shipper and his employer are each guilty of an offence.

Penalty: A fine not exceeding K200.00.

(4) The Minister may, by notice in the National Gazette, exempt from Subsections (1) and (3) copra shipped for export at a port or place named in the notice.

6. Appeal.

Where an Inspector—

- (a) classifies copra into a grade other than that into which the owner has classified it; or

(b) condemns copra as unfit for export,

the owner may apply to a District Court for an order calling on the Inspector to show cause why the copra has been so classified or condemned, and the Court shall hear evidence relevant to the question and make such order as it thinks just.

7. Immunity of Inspector.

An Inspector is not liable for damage occasioned by carrying out the provisions of this Act unless the damage was occasioned maliciously or without reasonable cause.

8. Special permits to purchase undried copra.

(1) Notwithstanding this Act, a District Officer, on application, may grant to a person a special permit to purchase the undried kernel or meat of coconuts or imperfectly dried copra on such terms, and subject to such conditions and restrictions, as are specified in the permit.

(2) A duplicate of a special permit granted under Subsection (1) shall be sent to the Departmental Head immediately after the granting of the special permit.

(3) Nothing in this Act concerning the sale, purchase, barter or receipt of the undried kernel or meat of coconuts or imperfectly dried copra applies to the sale, purchase, barter or receipt of the kernel or meat of coconuts or copra in accordance with the terms and conditions of a permit granted under this section.

9. 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 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 matters for and in relation to—

- (a) the storage on any premises or ship, before export, of copra intended for export; and
- (b) the classification of copra into grades and the method of marking appropriate to each grade; and
- (c) the certification of copra as fit for export and the cancellation of such a certification; and
- (d) the application for and grant of special permits to purchase the undried kernel or meat of coconuts or imperfectly dried copra; and
- (e) the imposition of penalties of fines not exceeding K40.00 for offences against the regulations.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 211.

Copra Inspection Regulation.

ARRANGEMENT OF SECTIONS.

1. Interpretation—
 - "copra from germinated nuts"
 - "desiccated cocnut peelings and residue"
 - "foreign matter"
 - "owner"
 - "purchase".
 2. Export of desiccated coconut, etc.
 3. Copra grades.
 4. Requirements of grades.
 5. Distinguishing numbers.
 6. Bagging of copra.
 7. Re-examination and reconditioning.
 8. Removal of copra for reconditioning.
 9. Down-grading.
 10. Interference with marks.
 11. Provision of materials for re-marking, etc.
 12. Points of concentration.
 13. Condemnation of storage space.
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INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 211.

Copra Inspection Regulation.

MADE under the *Copra Act*.

1. Interpretation.

In this Regulation, unless the contrary intention appears—

“copra from germinated nuts” means copra the whole of the surface of which has been thinned by germination, but does not include copra that has merely been tapered towards the plumule by the natural development of haustorium;

“desiccated coconut peelings and residue” means by-products of the desiccated coconut industry;

“foreign matter” means matter other than copra;

“owner” includes a servant or agent of the owner;

“purchase” includes obtain by barter.

2. Export of desiccated coconut, etc.

(1) A person must not export desiccated coconut or desiccated coconut peelings and residue as copra.

(2) Desiccated coconut or desiccated coconut peelings and residue exported must be clearly marked on the bag or other container—

(a) as desiccated coconut or desiccated coconut peelings and residue; and

(b) with the place of origin.

Penalty: A fine not exceeding K40.00.

3. Copra grades.

Copra intended for export shall be classified into one of the following grades—

(a) PNG Hot Air; or

(b) PNG Fair Merchantable Standard; or

(c) PNG Smoke.

4. Requirements of grades.

(1) PNG Hot Air copra must be—

(a) dried by hot air, Ceylon-drying or some other method approved by the Departmental Head; and

(b) clean, of good colour and free from smoke permeation, excess mould or insect infestation, charred pieces and foreign matter; and

(c) free from an unreasonable admixture of copra from germinated nuts; and

(d) of a moisture content not exceeding approximately 6%; and

(e) of a free fatty acid content not exceeding approximately 3%.

(2) PNG Fair Merchantable Standard copra must be—

(a) dried by a method approved by the Departmental Head; and

- (b) clean, not unreasonably discoloured and free from smoke permeation, excess mould or insect infestation, charred pieces and foreign matter; and
- (c) free from an unreasonable admixture of copra from germinated nuts; and
- (d) of a moisture content not exceeding approximately 6%; and
- (e) of a free fatty acid content not exceeding approximately 3%.

(3) Copra that is not of a sufficiently high standard to be classified as PNG Hot Air copra or PNG Fair Merchantable Standard copra, but that is—

- (a) free from excess mould or insect infestation, excessively charred pieces and foreign matter; and
- (b) of a moisture content not exceeding approximately 7%; and
- (c) of a free fatty acid content not exceeding approximately 3%,

is PNG Smoke copra.

5. Distinguishing numbers.

(1) The Departmental Head shall allot to each person producing copra intended for export a distinguishing number and an index letter to distinguish copra produced in the former Territory of Papua and the former Territory of New Guinea, respectively.

(2) A person who exports or attempts to export copra that is not marked in accordance with this section is guilty of an offence.

Penalty: A fine not exceeding K40.00.

(3) Distinguishing numbers and index letters specified in Subsection (1) must be stencilled or marked on one or both sides of the bag by the owner of the copra and where the copra is graded by him as—

- (a) PNG Hot Air—in green; or
- (b) PNG Fair Merchantable Standard—in black; or
- (c) PNG Smoke—in red.

(4) A person other than an Inspector must not place a mark, other than the proper distinguishing number and index letter, on a bag of copra for export, but, where desired by the owner, the name of the estate on which the copra was produced may be marked on the bag.

Penalty: A fine not exceeding K40.00.

(5) Where copra is down-graded under this Regulation, any further mark or marks that is or are required to denote the grade to which the copra has been down-graded shall be added to the bag by the Inspector, and the previous marks shall be cancelled by him.

6. Bagging of copra.

(1) Copra intended for export must be contained in sound bags standard in the copra trade.

(2) Bags containing copra for export must—

- (a) be securely sewn at the mouth; and
- (b) contain not more than 78 kg or less than 68 kg net weight of copra; and
- (c) not be rammed so tightly as to cause damage to the bag or to the copra.

(3) A bag found to be in a damaged condition or otherwise considered unserviceable by an Inspector may be condemned and the copra contained in the bag may be transferred

to a sound bag, and all costs relating to the transfer and of the destruction of the condemned bag are recoverable from the owner as a debt.

(4) Unless the bags have been treated so as to eliminate insect infestation in a manner approved by the Departmental Head, copra intended for export as copra must not be contained in second-hand bags that may be insect-infested.

7. Re-examination and reconditioning.

(1) An Inspector, at any time, may inspect or re-examine copra for export and require that the copra be reconditioned in a manner to be directed by him, where he considers that such action is necessary—

- (a) to make the copra fit for export; or
- (b) to protect the storage premises and contents from any likelihood of damage.

(2) The cost of reconditioning required under Subsection (1) shall be borne by—

- (a) the owner of the copra; or
- (b) where the fault lies with the storage premises, the owner of the premises.

8. Removal of copra for reconditioning.

Copra that an Inspector requires to be reconditioned must, if he so requires, be removed by the owner from the storage premises where it was inspected to an area provided for the purpose by the owner, and if the owner fails to do so within a reasonable time after the requirement—

- (a) an Inspector may remove it or cause it to be removed from the storage premises; and
- (b) the expenses of the removal may be recovered by the State from the owner as a debt; and
- (c) the State is not liable for any loss or damage suffered by the owner by reason of the removal.

9. Down-grading.

(1) Where copra is submitted for inspection and marked by the owner as being of a particular grade, and—

- (a) in the opinion of an Inspector, is not of the standard prescribed by this Regulation in relation to that grade; and
- (b) cannot be reconditioned to that standard,

it shall be down-graded by the Inspector to a lower grade with the standard for which it complies.

(2) Notwithstanding Subsection (1), where, in the opinion of an Inspector, copra to which that subsection applies is not of exportable standard in any of the grades specified in Section 3 it shall be returned to the owner and all costs incurred by the State relating to the return are recoverable from the owner as a debt.

(3) Copra that—

- (a) has been damaged by rain water or bilge water; or
- (b) has become surf-wet in transit from the place of manufacture to any other place; or

- (c) has deteriorated as a result of flood, storm or fire, or from age or any other cause,

shall not be received into storage until an Inspector is satisfied that it is storable without risk of damage to other copra in store or to the storage premises.

(4) Where, in the opinion of an Inspector, copra in store is in such a condition as to be a danger to other copra in the store or to the storage premises, he may—

- (a) require its removal from the store; and
- (b) in default of its being removed by the owner within a reasonable time after the requirement, remove it or cause it to be removed from the store,

and the State—

- (c) may recover the cost of the removal from the owner as a debt; and
- (d) is not liable for any loss or damage suffered by the owner by reason of the removal.

10. Interference with marks.

A person other than an Inspector who alters, defaces or adds to the distinguishing number or index letter on a bag of copra that has been inspected by an Inspector is guilty of an offence.

Penalty: A fine not exceeding K40.00.

11. Provision of materials for re-marking, etc.

Materials for re-marking and inspection of bags and copra shall be supplied by the Government.

12. Points of concentration.

The Minister may, by notice in the National Gazette, appoint places to be points of concentration for the export of copra, and copra must not be exported except from or through one of those places.

Penalty: A fine not exceeding K40.00.

13. Condemnation of storage space.

Where an Inspector considers that any premises used for the storage of copra for export are unsuitable for that purpose, he may condemn them, and after such condemnation a person who knowingly or negligently keeps or stores, or allows to be kept or stored, copra for export in those premises before an Inspector certifies that the premises are fit to store copra for export is guilty of an offence.

Penalty: A fine not exceeding K40.00.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

CHAPTER NO. 211.

Copra.

APPENDIXES.

APPENDIX 1.

SOURCE OF THE COPRA ACT.

Part A.—Previous Legislation.

Copra Act 1953 (No. 3 of 1953).

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References ¹ .
1	4
2	5
3	6
4	7
5	8
6	9
7	10
8	11
9	12

¹ Unless otherwise indicated, references are to the Act set out in Part A.

APPENDIX 2.

SOURCE OF THE COPRA REGULATION.

Part A.—Previous Legislation.

Copra Inspection Regulations 1953 (Regulations No. 18 of 1953)

as amended by—

Regulations No. 33 of 1956.

Regulations No. 46 of 1957.

Regulations No. 11 of 1962.

Part B.—Cross References.

Section, etc., in Revised Edition.	Previous References ¹ .	Section, etc., in Revised Edition.	Previous References ¹ .
1	2	8	9
2	3	9	10
3	4	10	11
4	5	11	12
5	6	12	13
6	7	13	14
7	8		

¹ Unless otherwise indicated, references are to the regulations set out in Part A.