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[1994

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

No. 1 OF 1994

Harbours Board (General) (Amendment) By-Laws, 1994

ARRANGEMENT OF CLAUSES

1. Repeal and replacement of Section 192.
"192. LICENSING OF STEVEDORES".
2. Repeal and replacement of Section 201.
"201. CANCELLATION OF LICENCE".
3. Amendment of Schedule 1.
4. Repeal and replacement of Schedule 3.

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

No. 1 OF 1994

Harbours Board (General) (Amendment) By-Laws, 1994

being

A By-law to amend the *Harbours Board (General) By-Law*, (Chapter 240),

MADE by the Papua New Guinea Harbours Board under the *Harbours Board Act* (Chapter 240).

1. REPEAL AND REPLACEMENT OF SECTION 192.

Section 192 of the Principal By-law, is repealed and replaced by the following:—

"192. LICENSING OF STEVEDORES.

Repeal and Replacement of Section 192—continued

(1) Subject to Section 193, a person shall not carry on the business of a stevedore within the boundaries of a declared port unless he is the holder of a licence.

"(2) An application for a licence—

- (a) shall, subject to any agreement between the Board and a person that applies, be made only by a person in the sense of a company that is 100% beneficially owned directly or indirectly by a citizen, but not by any such company in which the control exercisable in law or by any agreement between the company and a third party, or in practice, is maintained by a person other than a citizen; and
- (b) shall be in Form 14; and
- (c) shall be accompanied by, in the form of an annexure to Form 14:—
 - (i) particulars of equity shareholding; and
 - (ii) details of a training scheme to improve operating and supervisory standards; and
 - (iii) in the case of employment of non-citizens—a training and localisation scheme approved pursuant to the *Employment of Non-Citizens Act* (Chapter 374); and
 - (iv) particulars of proposals made in compliance with Sections 194 to 199 (inclusive); and
 - (v) details of a policy of insurance with a reputable insurer sufficient to indemnify and keep indemnified the Board as required under Section 48 of the Act.

"(3) The Board may require an applicant to furnish to it additional informations (including documents) as the Board thinks necessary for the purposes of this Section.

"(4) On payment of the prescribed fee, the Board may issue or renew a licence for a term of not more than 5 years and which licence is to be issued to and held by a person to carry on the business of stevedore subject to annual review of the licence.

"(5) The person making an application for a licence is required to pay an application fee of K500.00 that is non-refundable.

2. REPEAL AND REPLACEMENT OF SECTION 201.

Section 201 of the Principal By-law, is repealed and replaced by the following:—

"201. CANCELLATION OF LICENCE.

In addition to any other penalty that may be imposed under the Act and the By-laws, the Board may cancel a licence—

- (a) for a breach of this Part; or
- (b) for general unsatisfactory performance of stevedoring duties adversely affecting, or likely to adversely affect, the efficiency of port operations; or
- (c) where its holder has ceased during the term of the licence to be a company that is beneficially owned and controlled in accordance with Section 192(2)(a) of the By-laws."

3. AMENDMENT OF SCHEDULE 1.

Schedule 1 to the Principal By-law, is amended—

- (a) by repealing Form 14 and replacing it with the following:—

"PAPUA NEW GUINEA

Harbours Board Act

"By-laws, Sec. 192(2).

Form 14.

APPLICATION FOR STEVEDORE'S LICENCE

I, _____, of _____, hereby apply for a licence to carry on the business of a Stevedore at the declared Port of _____

The detailed proposals as set out below form part of this application:—

1. The full name and address of the applicant is _____
2. The applicant has previously held a Stevedore's Licence at declared ports. _____
3. The applicant has/will conduct a training scheme and details whereof are annexed to this application. _____
4. The applicant is aware of the provisions of Sections 194 to 199 (inclusive) of the By-laws and undertakes to comply with such provisions in every particular. _____

Amendment of Schedule 1—continued

5. The applicant is a person in the sense of a company:—

(a) that is beneficially owned and controlled in accordance with Section 192(2)(a) of the By-laws; or

(b) that is applying on the basis of an agreement is entered into on the _____ day of _____ 19____
with the Board for a term of _____ years.

The prescribed fee of K _____ is enclosed herewith.

Dated _____ 19____

(Signature of Applicant)."; and

(b) by repealing Form 15 and replacing it with the following:—

"PAPUA NEW GUINEA

Harbours Board Act

"By-laws, Sec. 192(4).

Form 15.

STEVEDORE'S LICENCE

_____, of _____, is licenced to carry on the business of a stevedore in the
declared port of _____ for a term of _____ years or _____ calendar months from the date of this licence. This
licence is subject to annual review by the Board.

Dated _____ 19____

Secretary,
Papua New Guinea Harbours Board."

4. REPEAL AND REPLACEMENT OF SCHEDULE 3.

Schedule 3 to the Principal By-law, is repealed and replaced by the following:—

"PAPUA NEW GUINEA

Harbours Board Act

"SCHEDULE 3.

MISCELLANEOUS CHARGES

"By-laws, Sec. 192(2), 215.

	K
1. Licence to carry on retail trade on a wharf	100.00 per annum
2. Licence to bring into use machinery for business for hoisting and conveying goods on the Board's property	150.00 per annum
3. Licence to operate as stevedore at wharves under control of the Board per licence at each port	0.10t per revenue tonne of cargo handled per annum that is payable on a quarterly in arrears. A refundable security deposit of K5,000.00 is to be paid on or before the first day of each year of the licence.
4. Application for Lease	20.00 per annum
5. Permit to construct works below high water mark	500.00 per annum
6. Licence for a commercial vehicle to enter a wharf area under the control of the Board	25.00 per annum
7. Use of mooring sites per buoy or laid up at anchor as follows:—	
(a) For pleasure craft—	
(i) 30m length and over	16.00 per annum
(ii) 20m and under 30m length	10.00 per annum
(iii) 10m and under 20m length	5.00 per annum
(iv) under 10m length	Nil

Repeal and Replacement of Schedule 3—continued

(b) For costal commercial vessels	100.00 per annum
(c) For overseas vessels	100.00 per annum
8. Cleaning a wharf after departure of a vessel	100.00 per annum
9. Supply of fresh water to shipping	0.70t per 1 000 litres
10. Reservation for a Berth—	
(a) Cargo and Passenger Ships	200.00 on each occasion at Port Moresby, Lae, Rabaul, Madang and 100.00 on each occasion at other ports.
(b) Tankers	300.00 on each occasion
Each alteration to arrival times	50.00
11. Laying of pipelines and cables on bed of harbour	200.00 per annum
12. Personal pass to enter declared port	15.00 per annum
13. Replacement of personal pass	15.00
14. Personal car pass to enter a wharf area under the control of the Board	5.00 per annum
15. Replacement of any licence issued	10.00
16. Office space rental, etc.	
space per square metre (m ²)	120.00 per annum
power outlet	135.00 per unit per annum
Air Conditioner	650.00 per unit per annum
17. Open storage area rental per square metre (m ²)	30.00 per annum
18. Cleaning of containers in port area	5.00 per unit
19. Mooring gang per vessel for each mooring and unmooring	20.00
20. Containers landed and reloaded on the same vessel without stuffing and unstuffing.	20.00 per unit
21. Use of power point for mechanical equipment per hour or part of an hour	5.00
22. Hire of gangway per day or part of a day	20.00
23. Hire of Board's staff for overtime and special duties	cost to Board plus 50%
24. Transport of Cargo from transit shed to bonded warehouse or free store per tonne or part of a tonne	5.00 per annum
25. Licence to operate berthing tug	500.00 per annum
26. Licence to operate mooring boat	200.00 per annum
27. Fee for inspection under Part X (Inflammable Liquid and Dangerous Goods) S.267	100.00

Dated this 1st day of June, 1994.

A. DANIEL,
Chairman.

G. PISIMI,
Member.

M. TOMUTNARAM,
Secretary.

I, Wiwa Korowi, G.C.M.G., K.St.J., Governor-General, by virtue of the powers conferred by Section 31 of the *Harbours Board Act* (Chapter 240) and all other powers me enabling, acting with, and in accordance with, the advice of the National Executive Council, hereby approve this By-law.

Dated this 7th day of June, 1994.

WIWA KOROWI,
Governor-General.