



# National Gazette

**PUBLISHED BY AUTHORITY**

(Registered at the General Post Office, Port Moresby, for transmission by post as a Qualified Publication)

**No. G3]**

**PORT MORESBY, FRIDAY, 6th JANUARY**

**[1995**

INDEPENDENT STATE OF PAPUA NEW GUINEA

STATUTORY INSTRUMENT

NO. 20 OF 1994

*Harbours Board (General) (Amendment No. 2) By-law, 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Section 192 of the Principal By-law is repealed and is replaced with the following:—

### "192. LICENSING OF STEVEDORES.

(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) With effect from 1st January, 1996 an application for a licence—

(a) shall be made only by a corporate person in which citizens hold not less than 51% of the share capital; 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 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

(iii) particulars of proposals made in compliance with Sections 194 to 199 (inclusive); and

(iv) 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 such additional information (including documents) as the Board thinks necessary for the purpose of this section.

**Repeal and Replacement of Section 192—continued**

"(4) On payment of the prescribed fee, the Board may issue or renew a licence for a term of not more than 5 years, such licence 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Section 201 of the Principal By-law is repealed and is replaced with the following—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 I 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).

**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.
5. The applicant is a corporate person—
  - (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 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

- (c) 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 licensed 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."

Made this 30th day of December, 1994.

A. DANIEL,  
Chairman.S. SENNART,  
Member.M. TOMUTNARAM.  
Secretary.*Harbours Board (General) (Amendment No. 2)*

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 the foregoing By-law.

Dated this 5th day of January, 1995.

WIWA KOROWI,  
Governor-General.*Harbours Board Act (Chapter 240)***NOTIFICATION OF MAKING OF BY-LAWS AND COMMENCEMENT OF BY-LAWS**

NOTIFICATION is hereby given that the *Harbours Board (General) (Amendment No. 2) By-law 1994*, which is published in this edition of the *National Gazette*, was—

(a) made by the Harbours Board on 30th December, 1994 and approved by the Head of State, acting with, and in accordance with, the advice of the National Executive Council, on 5th January, 1995; and

(b) comes into operation on the date of publication of this notice in the *National Gazette*.

Dated this 6th day of January, 1995.

P. EKA,  
Secretary, National Executive Council.