



National Gazette

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THE PAPUA NEW GUINEA NATIONAL GAZETTE

The Papua New Guinea National Gazette is published sectionally in accordance with the following arrangements set out below.

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Departments authorising the publication of Special Gazettes are required to pay all printing charges under the instructions from the Manual of Financial Procedures Section 13.3, Subsection 11.

K. KAIAH,
Government Printer.

Income Tax Act 1959 (as amended)

LODGEMENT OF INCOME TAX RETURNS

I, Betty Palaso, Commissioner General of the Internal Revenue Commission (the "Commissioner General"), by virtue of the powers conferred on me by Section 223 of the *Income Tax Act 1959* (as amended) (the "Act") and all other powers me enabling, hereby require every person categorized in the Schedule below to furnish to me a return signed by that person, setting forth a full and complete statement of the total income derived by that person during the year of income, and any deductions claimed, for the year of income commencing on 1st January and ending on 31st December, 2013, (or within a substituted accounting period adopted in lieu of that year pursuant to Section 12A of the Act), containing such information and lodged within the times specified in the Schedule below.

SCHEDULE

A. Categories of persons required to lodge income tax returns

- (1) Every company resident in Papua New Guinea whose total income derived from all sources, both in and out of Papua New Guinea, was in excess of K2.00.
- (2) (a) Every non-resident company whose total income derived from all sources in Papua New Guinea was in excess of K2.00.
(b) However, a non-resident company whose income from Papua New Guinea consisted solely of dividends which have borne Papua New Guinea dividend (withholding) tax or interest which has borne Papua New Guinea interest withholding tax or whose sole income from Papua New Guinea was from a prescribed contract and such income has borne Papua New Guinea foreign contractors (withholding) tax is not required to lodge a return of income.
- (3) (a) Every non-resident person (other than a company) whose total income derived from all sources in Papua New Guinea in excess of K1.00.
(b) However, a non resident person whose income from Papua New Guinea sources consisted solely of dividends which have borne Papua New Guinea dividend (withholding) tax or interest which has borne Papua New Guinea interest withholding tax or whose sole income from Papua New Guinea was from a prescribed contract and such income has borne Papua New Guinea foreign contractors (withholding) tax is not required to lodge a return of income.

Lodgement of Income Tax Returns—continued

Schedule—continued

- (4) Every company resident in Papua New Guinea whose total income from all sources, both in and out of Papua New Guinea (other than repatriation, age and invalid pensions and other exempt income as defined in the Act), including income derived by way of salary or wages where that salary or those wages were not subject to salary or wages tax in accordance with the Act and the *Income Tax (Salary or Wages Tax) (Rates) Act 1979* as amended.
- (5) Every person resident in Papua New Guinea who derived a capital amount, being an allowance, gratuity, compensation or distribution from a superannuation fund, which is deemed to be salary or wages in whole or in part because that allowances, etc, was paid in consequence of retirement from or the termination of, an office or employment.
- (6) Every person resident in Papua New Guinea who derived a housing allowance or any other allowance not fully taxed, which was deemed to be salary or wages subject to salary or wages tax in accordance with the Act and the *Income Tax (Salary or Wages Tax) (Rates) Act 1979* as amended.
- (7)
 - (a) Every person resident in Papua New Guinea, whose total income from all sources, both in and out of Papua New Guinea (other than income specifically exempted from tax in the Act) consists of or includes income derived by way of investment, or income so deemed by virtue of the Act, including rent, interest, annuities, dividends, or income by way of royalties or other income from any source which is not otherwise specified in this Gazette, where that income (when taken together with any other income in this Gazette and income derived by way of salary or wages, whether or not subjected to salary or wages tax in accordance with the *Income Tax (Salary or Wages Tax) (Rates) Act 1979* as amended, was in excess of K10,000.00.
 - (b) However, a person resident in Papua New Guinea who derived income other than salary or wages, described in this item as investment income, where that income is gross before allowance or any deductions, rebates or credits, and does not exceed K100.00, is not required to lodge a return of income unless especially requested to do so by the Commissioner General.
- (8) Every person resident in Papua New Guinea who whose total income from all sources both in and out of Papua New Guinea, derived wholly or partly from personal exertion (other than in the capacity of an employee) from a source which is a business in the ordinary acceptance of that term or within the ordinary meaning of that term, including a professional business, where that income (when taken together with any other item of income in this Gazette and income derived by way of salary or wages, if any, whether or not subjected to salary or wages tax in accordance with the *Income Tax (Salary or Wages Tax) (Rates) Act 1979* as amended, was in excess of K10,000.00.
- (9) Every employer whose annual payroll is over K200,000.00 is required to furnish a training levy return.
- (10)
 - (a) Every partnership is required to lodge a return showing the income of the partnership by the partner resident in Papua New Guinea or by any of them.
 - (b) Where there is no partner resident in Papua New Guinea, the return is required to be furnished by the agent in Papua New Guinea for the partnership.
- (11) Every person resident in Papua New Guinea being or having been a member of a partnership (other than a company) whose total income from the partnership, when taken together with income from all other sources both in and out of Papua New Guinea, including any other item of income in this Gazette and income derived by way of salary or wages, whether or not subjected to salary or wages tax in accordance with the *Income Tax (Salary or Wages Tax) (Rates) Act 1979* as amended, was in excess of K10,000.00.

Lodgement of Income Tax Returns—*continued*

Schedule—*continued*

- (12) Every person resident in Papua New Guinea whose total income from a Papua New Guinea trust estate or a foreign trust estate, when taken together with income from all other sources both in and out of Papua New Guinea including any other item of income in this Gazette and income derived by way of salary or wages, if any whether or not subject to salary or wages tax in accordance with the *Income Tax (Salary or Wages Tax) (Rates) Act* 1979, as amended, was in excess of K10,000.00.
- (13) Every trust estate or trustee of a trust estate, including a Papua New Guinea trust estate or the trustee thereof, which is or has been resident in Papua New Guinea, whose total income derived from all sources in and out of Papua New Guinea was in excess of K1.
- (14) (a) Every trust estate, or foreign trust estate, or the trustee thereof, which is not a resident of Papua New Guinea whose total income derived from all sources in Papua New Guinea was in excess of K1.00.
- (b) (i) A return of the total income of every trust is required to be furnished by the trustees thereof resident in Papua New Guinea or by any one of them.
- (ii) Where there is no trustee resident in Papua New Guinea, the return is required to be furnished by the agent in Papua New Guinea for the trustee.
- (15) A return is required to be furnished by the master of a ship or the agent or other representative in Papua New Guinea, of the owner of a ship belonging to or chartered by a person whose principal place of business is out of Papua New Guinea, showing the amounts paid or payable in or out of Papua New Guinea during the year ended 31st December, 2013 in respect of the carriage of passengers, livestock, mails or goods shipped in Papua New Guinea in a ship belonging to or chartered by a person whose principal place of business is out of Papua New Guinea as required by Section 191 of the Act.
- (16) Every agent for a principal, whether resident or non-resident, is required to furnish a return demanded by the principal.
- (17) Every person or institution holding money lodged at interest in Papua New Guinea is required to furnish, in addition to their return of income, a statement showing the name and address of each depositor, whether a resident or non-resident of Papua New Guinea, to whom interest in excess of K1000 was paid or credited and including the actual amount of interest paid or credited to each such depositor during the year ended 31st December, 2013.
- (18) Every provident, benefit or superannuation fund being a resident in Papua New Guinea whose total income derived from all sources in or out of Papua New Guinea, or where a non-resident fund, whose total income derived from all sources in Papua New Guinea, in each case, exceeds K2.00.
- (19) Every public authority for the purposes of Section 24(3) of the Act, prescribed by the Regulation as being taxable, whose total income derived from all sources exceeds K2.00.
- (20) Every provincial authority, local government and local level government body, by whatever name known, whose income from any business or commercial undertaking or activity, other than from the provision of normal council services, exceeds K2.
- (21) Every religious and charitable body whether or not exempt from income tax, whose income from any business or commercial undertaking in or out of Papua New Guinea exceeds K2.00.
- (22) Every taxpayer with an approved substituted accounting period granted under Section 12A of the Act.

Lodgement of Income Tax Returns—*continued***Schedule—*continued***

Note: Where a taxpayer has an approved substituted accounting period the final day of that substituted accounting period should be understood, for the purposes of this Gazette, as applying wherever this Gazette uses the words “31st December, 2013”.

B. Information to be furnished in the tax return

The information to be furnished must be on such forms as provided for the purposes as are applicable, containing the information and particulars required in the relevant forms and must be verified by such declarations as set forth therein, and accompanied by all such balance sheets, profit and loss accounts, statements and any other documents as are mentioned in the forms or as are required.

C. General requirements for all corporate taxpayers

Every company is required to furnish in addition to the return of income, separate statements to accompany the return showing where ever applicable:—

- (a) the name and address of each company, whether resident or non-resident, to which dividends, royalties, management fees and/or interest was paid or credited, and the amount paid or credited during the period covered by the return.
- (b) the name and address of each individual taxpayer, whether resident or non-resident, to whom dividends, royalties, management fees, and/or interest in excess of K1000 were paid or credited, and the amount paid or credited to each during the period covered by the return.
- (c) the total amount of interest paid or credited, during the period covered by the return, to debenture holders who are not residents of Papua New Guinea on money secured by debentures of the company, and used in Papua New Guinea, or used in acquiring assets for use or disposal in Papua New Guinea, and to depositors who are not residents of Papua New Guinea on money lodged at interest in Papua New Guinea with the company.
- (d) the total amount of interest paid or credited during the period covered by the return, in respect of debentures payable to bearer, the names and addresses of the holders of which are not supplied to the Commissioner General.
- (e) the name and address of each non resident insurance company or insurer with whom an insurance contract has been entered into and the amount of the insurance premium paid to them during the period covered by the return.
- (f) fully completed International Dealings Schedule and Losses Schedule.
 - (i) International Dealings Schedule is to be completed by companies who conducted businesses with related or associated companies.
 - (ii) The Losses Schedule is to be completed by all taxpayers that have losses brought forward or incurred loss.
 - (iii) The Losses Schedule must also be completed by individual taxpayers and sole traders as the case may be.
- (g) in the case of insurance companies re-insuring with non residents, the following additional details:—
 - (i) the name and address of the non resident re-insurer,
 - (ii) the amount of the premiums paid or credited to each such insurer during the period covered by the return, and
 - (iii) indicate whether an election in terms of Section 209(2) of the Act is enclosed.

Lodgement of Income Tax Returns—continued**Schedule—continued****D. Due dates for lodgement of tax returns**

Categories of persons required to furnish income tax returns	Due Date to lodge tax return
1. Categories 1 to 14 and 18 to 19	on or by 28th February, 2014
2. Categories 15, 20 and 21	on or by 30th April, 2014
3. Category 22	on or by the expiry of two months after the end of the relevant substituted accounting period

¹ *In light of the Impending upgrade and roll out of the New Revenue Accounting IT System (RASII), persons required to furnish income tax returns should contact the Assistant Commissioner of Assess and Prioritise to seek further information how to proceed if they are unable to comply with the due dates as specified.

E. Penalty for failure to furnish return

A person that is required in this Gazette to furnish a return of income and who fails to lodge a tax return within the time required, commits an offence within the meaning of Section 313 of the *Income Tax Act* and is liable to be prosecuted and adjudged a penalty of no less than K500.00 and up K5,000.00 as decided by the Court plus an additional fine of K50.00 for each day that the return is not lodged.

F. Place of lodgement of the return

Consistent with Section 24 of the Income Tax Regulation, all returns of income shall be furnished to the Commissioner General on the appropriate forms at our offices at Level 1, Bogan Gapo Building, Champion Parade, Port Moresby, Papua New Guinea. In addition the following Internal Revenue Commission Provincial Offices namely; Lae, Mount Hagen, Goroka, Kundiawa, Vanimo, Wewak, Madang, Popondetta, Alotau, Kiunga, Kokopo, Kimbe, Buka, Kavieng, Manus, and Wabag have been duly authorized by the Commissioner General to receive all returns of income.

Dated this 8th day of January, 2014.

B. PALASO, OBE.,
Commissioner General,
Internal Revenue Commission.

Superannuation (General Provisions) Act 2000**Notice**

Niugini Capital Limited—Licensed Investment Manager

The Bank of Papua New Guinea acting under Sections 7 and 12 of the Superannuation (*General Provisions*) Act 2000 (the “Act”) and all other powers enabling it, grants a licence to Niugini Capital Limited as a Licensed Investment Manager subject to the conditions set out below:

Conditions:

1. The Licence Holder must ensure that the Fund to which the Licence Holder is to be its Licensed Investment Manager must hold an authorization under Section 8 of the Act.

Niugini Capital Limited—Licensed Investment Manager—continued

2. The Licence holder must at all times conduct its business with integrity and the professional skills appropriate to the nature, scale and risks inherent in its activities.
3. The Licence Holder must at all times conduct its business in a prudent manner.
4. The Licence Holder's capital resources must at all times be satisfactory to the Bank.
5. The Licence Holder must at all times maintain adequate liquidity, having regard to the relationship between its actual and contingent liabilities, to the times at which those liabilities will or may fall due and its assets mature, and to any relevant other factors.
6. The Licence Holder must at all times make adequate provision for depreciation or diminution in the value of its assets (including provisions for bad or doubtful debts), for liabilities which will or may fall to be discharged by it and for losses which it will or may incur.
7. The Licence Holder must take appropriate steps to limit the risk of loss of the assets of the Fund.
8. The Licence Holder must at all times maintain adequate accounting and other records of its business and adequate systems of control of its business and records, sufficient to enable the business of the licence holder to be prudently managed and the Licence Holder to comply with the duties imposed on it by or under the Act, an instrument, or an agreement under which the licence holder holds or manages assets of the Fund.
9. The Licence Holder must give to the Bank, by no later than 12 months after the date of this licence:
 - (a) all outstanding information, required by the Bank, not originally submitted in the investment manager licensing application; and
 - (b) particulars of the Licence Holder's arrangements for the management of its business.
10. The Licence Holder must ensure that a person does not become a director or a secretary of the licence holder without the prior written approval of the Bank.
11. The Licence Holder must ensure that a person does not become an officer or employee of the Licence Holder with responsibilities for the operation of the Fund unless the officer or employee is approved by the Bank, or is within a class approved by the Bank.
12. The Licence Holder must not:
 - a) engage a service provider (including an actuary and an auditor), either for itself or for the Fund, where the services provided have or may have a material effect on the Fund; or
 - b) vary an agreement under which it has engaged such a service provider; without first having obtained the approval of the Bank to the engagement or variation.
13. The Licence Holder must not enter into an arrangement that would have the effect of:
 - a) varying an agreement between the Licence Holder and the Licensed Trustee of the Fund; or
 - b) terminating an agreement between the Licence Holder and the Licensed Trustee of the Fund; without first having obtained the approval of the Bank to the variation or termination.

Dated this 24th day of December, 2013.

L.M. BAKANI,
Governor,
Bank of Papua New Guinea.

Land Act 1996

LAND AVAILABLE FOR LEASING

A. APPLICANT:

Applicants or Tenderers should note—

1. Full name (block letters), occupation and address;
2. If a Company, the proper Registered Company name and address of the Company representative;
3. If more than one person, the tenancy desired and, if tenancy in common, the division of shares.

Applicants or tenderers should note—

4. That a lease cannot be held in a name registered under the *Business Names Act* only; and
5. That in the case of death in joint tenancy, the deceased partner's interest vests in the surviving partner and, in the case of tenancy in common, the deceased partner's interest vests in his estate.

B. TYPE OF LEASE:

Leases provided for a Business, Residence, Pastoral, Agricultural, Mission or Special Purposes. State Leases may be granted for a maximum period of 99 years. Applicants should note that, in the case of land within physical planning areas the purpose of the lease must be in accordance with the zoning requirements of the *Physical Planning Act*.

C. PROPOSED PURPOSES, IMPROVEMENTS, ETC:

The applicant or tenderer should provide fullest details (on attachment if necessary) of his proposal for the lease including information on—

1. Financial status or prospects;
2. Details of other land holdings in Papua New Guinea including approximate value of improvements to these holdings;
3. Approximate value and type of proposed improvements to the land applied for;
4. Experience and abilities to develop the land;
5. Any other details which would support the application.

D. DESCRIPTION OF LAND:

To be used only when NOT in response to an advertisement. A brief description giving area and locality is required. A sketch plan should be provided on an attachment. Where possible the land parcel should be identified on a map published by the Department of Lands & Physical Planning.

In the case of Tenders or an advertisement of land available for leasing the description is to be inserted in the column provided under the heading "Tender or Land Available Preference".

E. TENDER OF LAND AVAILABLE PREFERENCE:

The preference should be clearly indicated. In cases where there are more than 20 preferences the additional preferences may be shown on attachment. The "Description" should give the Lot and Section number or the Portion number as shown in the *Gazette*. The "Amount Offered" column need only be completed in the case of tenders.

F. TENDERERS:

Tenderers should take particular note that a tender for an amount less than the reserve price is invalid and shall not be considered. The successful tenderer will be required to pay the full amount of the tender.

G. TOWN SUBDIVISION LEASES:

In addition to the requirements of the relevant sections above, an applicant or tenderer for a Town Subdivision Lease shall submit:

- (i) A preliminary proposal for the subdivision.
- (ii) A preliminary sketch plan of the proposed subdivision.
- (iii) Provisional proposals for subdivision surveys and installation of roads and drainage.

H. FEES:

- 1 All applications or tenders must be accompanied by a Registration of Application Fee. These are regulated as follows:—

				K					K
Residential high covenant	....	....	....	50.00	Mission Leases	....	....	....	20.00
Residential low-medium covenant	....	....	....	20.00	Agricultural Leases	....	....	....	20.00
Business and Special Purposes	....	....	....	100.00	Pastoral Leases	....	....	....	20.00
Leases over Settlement land (Urban & Rural)	....	....	....	20.00					

2. Following the grant of the lease, an additional fee of K50 (preparation of lease fee), and if surveyed, the survey fee as prescribed and, in the case of tender, the amount of the tender shall be payable within two months from the date of grant, ie. from the date of gazettal of therecommended lease holder in the *PNG National Gazette*.

3. If not surveyed, the payment of survey fee may be deferred until survey.

NOTE: If more than one block is required an additional Application Fee for each additional block must be paid.

I. GENERAL:

1. All applications must be lodged with the Secretary of Lands & Physical Planning;
2. All applications will be considered by the Land Board at a date which will be notified to the applicant and in the *National Gazette*.

Land available for Leasing—*continued**(Closing date: Tender closes at 3.00 p.m. on Wednesday, 29th January, 2014)*

TENDER No. 260/2013—CITY OF PORT MORESBY—BOROKO—(NATIONAL CAPITAL DISTRICT)

URBAN DEVELOPMENT LEASE (UDL—RESIDENTIAL ZONE)

Location: Allotment 29, Section 26, Boroko.

Area in Hectares: 1.278 Hectares.

Annual Rent 1st 10 Years: K32,000.00 p/a

Urban Development Lease Improvements: The lease shall be subject to the following Terms and Conditions:—

- (a) Survey shall be at the lessee's expenses;
- (b) The lease shall be for a term of five (5) years;
- (c) Rent shall be paid at a rate of one (1) per centum of the unimproved capital value per annum;
- (d) Excision of easements for electricity, water, sewerage, drainage and telephone;
- (e) Roads and associated drainage, culverting, shoulders and invert, water reticulation and sewerage, shall be constructed in accordance with and specifications prepared by a competent engineer and submitted to and approved by the National Capital District Commission Engineer;
- (f) Electricity reticulation shall be constructed in accordance with the plans and specifications as laid down by the PNG Power Limited;
- (g) Telecommunication reticulation shall be constructed in accordance with the plans and specifications as laid down by Telikom Limited (PANGTEL);
- (h) The infrastructure development shall be open at all reasonable times for inspection by the Chief Physical Planner or his delegate, the Surveyor-General or his delegate, an Engineer from the Office of Works or the National Capital District Commission or his delegate and staff of Water Board, the PNG Power Limited and Telikom Limited;
- (i) Upon surrender of part or if the whole of the lease in accordance with the provisions of Section 110 of the *Land Act* 1996;
 - (1) All roads and drainage reserves shall become the property of the State following acceptance by the National Capital District Commission and Department of Works Engineer's of all these services after six (6) months maintenance period by the lessee from the date of surrender;
 - (2) All water supply and sewerage reticulation services shall become the property of Eda Ranu Limited, on behalf of the State;
 - (3) All electricity reticulation services shall become the property of PNG Power Limited, on behalf of the State;
 - (4) All Telecommunication reticulation services shall become the property of Telikom Limited, on behalf of the State;
- (j) New leases to issue subsequent to the surrender of part or the whole of the Urban Development Lease shall commence on the date of acceptance of surrender and shall be subject to the completion of all infrastructure development as certified by the Chief Physical Planner or his delegate, an Engineer from National Capital District Commission or his delegate, staff from the Eda Ranu Limited and PNG Power Limited;
- (k) The lessee shall not sell or transfer the lease or an interest thereon as a part of a business undertaking, including the sale of a Company or Corporation under which the land has been leased to unless all the terms and conditions of the infrastructure is fully completed; and
- (l) Where a Company or a Corporation is due to be sold, transferred or liquidated any unimproved leases held by such a Company or Corporation shall in the first instance become forfeited to the State forthwith.
- (m) All other uses such as Public Utility, Open Space, Industrial, Commercial or Public Institutions uses shall be automatically transferred to the State (Department of Lands & Physical Planning Office) to advertise and tender for the public.

Copies of Tender No. 260/2013 and plans will be displayed on the Notice Boards at the Department of Lands & Physical Planning Office, Waigani, Alienated Lands Division (2nd Floor, Aopi Centre), Waigani.

They may also be examined in the Land Allocation Section and Land Board Section (Southern Region) of the Department of Lands & Physical Planning Headquarters, (2nd Floor, Aopi Centre), Waigani, National Capital District.

Companies Act 1997
Companies Number 1-51628

**NOTICE OF INTENTION TO REINSTATE A COMPANY
REMOVED FROM THE REGISTER OF REGISTERED
COMPANIES**

I, Dalos Umul of P.O. Box 29, University PO, National Capital District, give notice that I intend to apply to the Registrar of Companies to reinstate 3G Concept Limited., a company that was removed from the Register of Registered Companies, and give notice that my grounds of application are:—

1. I was and am the sole director and shareholder of 3G Concept Limited at the time it was removed from the Register of Registered Companies and therefore an aggrieved person; and
2. The company had assets and therefore was carrying on business at the time of its removal from the Register of Registered Companies; and
3. And that the company should not have been removed from the Register of Registered Companies.

Dated this 7th day of January, 2014.

D. UMUL,
Signature of person giving this Notice.

This Notice has been approved by the Registrar of Companies.

A. TONGAYU,
Registrar of Companies.

Note:—A person may within one month after the publication of this Notice, lodge with the Registrar of Companies an Objection and reasons thereof to the reinstatement of the Maden Company Ltd in accordance with Section 378(3)(d) of the *Companies Act 1997*.

Companies Act 1997
Companies Number 1-63944

**NOTICE OF INTENTION TO REINSTATE A COMPANY
REMOVED FROM THE REGISTER OF REGISTERED
COMPANIES**

I, Davies Tamanabae of P.O. Box 186, Popondetta, Northern Province, give notice that I intend to apply to the Registrar of Companies to reinstate Northern Management Consultant Ltd., a company that was removed from the Register of Registered Companies on 20th April, 2010, and give notice that my grounds of application will be that:—

1. I was a Director/Shareholder at the time the above named company was removed; and
2. The company was in the process of carrying on business at the time it was removed from the Register; and
3. The company should not have been removed from the Register.

Dated this 25th day of October, 2013.

D. TAMANABAE,
Signature of person giving this Notice.

This Notice has been approved by the Registrar of Companies.

Dated this 28th day of October, 2013.

A. TONGAYU,
Registrar of Companies.

Note:—A person may within one month after the publication of this Notice, lodge with the Registrar of Companies an Objection and reasons thereof to the reinstatement of the defunct company in accordance with Section 378(3)(d) of the *Companies Act 1997*.