



Lae Chamber of Commerce Inc. Weekly News Update

28 February 2014

VOLUME: 08 - 14

LAE CHAMBER OF COMMERCE INC.

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The website is main-
tained by Kuakawa
Business Solutions on
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Index

In this Issue From the Presidents Desk

Ethnic Clashes & Lae
Roads

Result of INA Survey on
Challenges to business

Business Advantage News

PNG Power Notice

ICC News – the merchants
of peace

Thank you

FROM THE PRESIDENTS DESK

Ethnic Clashes Continue – Cause Further Road Problems

Whilst the public are still severely handicapped by vehicular restrictions around Lae City, the back road past the Telikom Training College is now a dangerous alternative route.

The ethnic clash between the Kabwum and Menyamya people flared up again this week in the Malahang area, which resulted in over 200 people being arrested and charged by the Police for fighting. The Police foresee multiple convictions from this fight, which may again put stress on the overcrowded Buimo Jail, but that is another story.

This road had been used by some Taraka and Unitech people, as an alternate route to Butibum Road to drive to Lae. After this clash, drivers will need to think twice before driving along this route.

The road closures due to the new Road Works in and around the City have continued to cause congestion problems and some of the bypass roads that go through residential areas, have resulted in unbelievable problems for the residents.

Airways Avenue residents have had to put up with dangerous busted power lines, which have fallen across the road and over fences, bogged trucks, unbelievable dust causing all sorts of respiratory problems, speeding vehicles and an overall dangerous situation. The residents know that they must sacrifice some comfort in the name of better roads for the city, but a lot of the problems they face need not happen.

Shorncliffes the contractor on the Voco Point Road, are responsible for the use of Airways Avenue as a bypass road, were slow to realize the danger of the dust and the uncontrolled traffic. They have now provided sufficient water trucks to dampen the dusty damaged sections of the road after countless complaints from the residents were passed onto them by the Project Managers the Department of Works, via the LCCI.

On Saturday Morning Shorncliffe will be sealing Kwila Road, and they have advised that they will guarantee access to all residences along Kwila Road for the residents.

The Police have provided some traffic control along Butibum Road, during peak hours, where there have been back logs of vehicles trying to turn into the Busu Road. We will continue our dialogue with the Police on this problem.

If you have a problem you face with the road closures, please contact the LCCI and we will pass this onto the Project Managers and the Contractors, to address.



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Objectives
of the LCCI

- To promote the business interests of the private sector;
- To further the economic development in Lae;
- To ensure the provision of services and utilities essential to such development;
- To provide a representative body for business people, which government can consult;
- To promote support or oppose legislation; or take any other measures to improve the business community;
- To provide a forum for discussion of private sector goals;
- To pool the strengths of business people so that together, they can accomplish tasks that each one alone cannot achieve;
- To promote the economic viability of the area, so those current businesses will grow and new ones will be developed locally;
- To provide business with a common voice.



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Challenges of Doing Business in PNG

The Asian Development Bank and the Institute of National Affairs (INA) were assisted by AusAID and New Zealand Aid to conduct a survey in 2013, "The Business and Investment Environment in Papua New Guinea in 2012: Private Sector Perspective". From this survey a report was written on the Challenges of Doing business in PNG, which was presented in Power Point form at a Breakfast hosted by the POMCCI this week in Port Moresby. The following is a series of graphs which formed the bulk of the report, which give a clear indication of the Challenges we face. Remember that as this report was prepared from a Nationwide Survey, the information relates to PNG as a whole. If the graphs are too small to view properly, copy them and enlarge them, as they have extremely useful information. See the following article from the National this week on this presentation:

grow the economy and recognise

ADB: Crime and graft restrain business

DESPITE improvements in the business environment over the past decade, law and order and corruption have remained the most severe constraints to doing business in Papua New Guinea, new analysis from the Asian Development Bank (ADB) has revealed.

Responses from 130 firms surveyed by the PNG Institute of National Affairs (INA), confirmed that crime and measures needed to prevent it contributed heavily to business costs in PNG.

Law and order was found to be the most pressing issue for business which was its highest priority for reform.

Most of the businesses surveyed reported they had been victims of crime and now employ private security guards and other measures to protect themselves.

Confidence in law enforcement was low, the survey showed.

The analysis was undertaken by ADB's Pacific Private Sector Development Initiative (PSDI) and was captured in a new joint ADB/INA publication – *The Challenges of Doing Business in Papua New Guinea* – which was released yesterday.

"The survey confirms that the business environment has improved since 2002, but doing business in PNG remains extremely challenging," Dr Andrea Iffland, regional director of ADB's Pacific liaison and coordination office, said.

"Further efforts to improve the business environment will help create a foundation for sustained, inclusive, and diversified economic growth."

Business owners believed government services had improved since 2002 but suggested major reforms were needed to make services better.

Deep reforms by the government resulted in the most noticeable improvement in the business environment, according to those surveyed.

The Institute of National Affairs (INA) had found more than half of all businesses surveyed were concerned about the stability of rules and regulations.

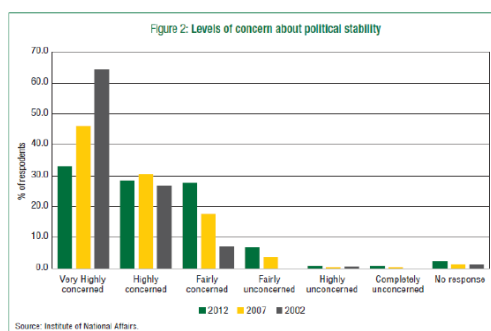
ADB believed closer consultation with the private sector on planned reforms would help allay these fears and improve the environment for business and investment.

The survey also found that poor quality transport and power infrastructure was a major concern for business owners.

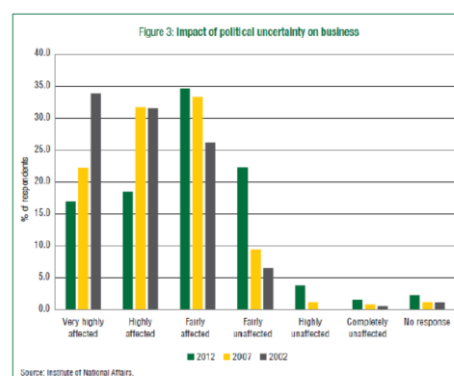
PSDI recommended reforming state-owned enterprises and more broadly including public-private partnerships (PPPs) to help to address these concerns.

PSDI is a regional technical assistance facility co-financed by Australian Aid, the New Zealand Aid Programme and ADB.

Levels of concern about political stability



Impact of political uncertainty on business



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Chairman, Host Organising Committee,
PNG Games 2014,
C/- P O Box 1991, LAE
411
Morobe Province.

Telephones:

4791200/1/2; 4791220

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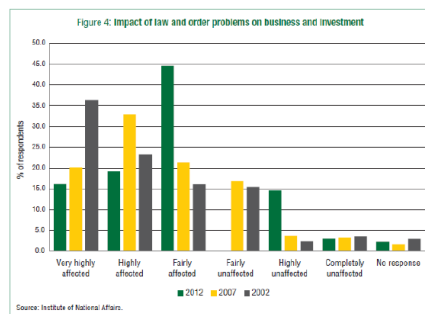


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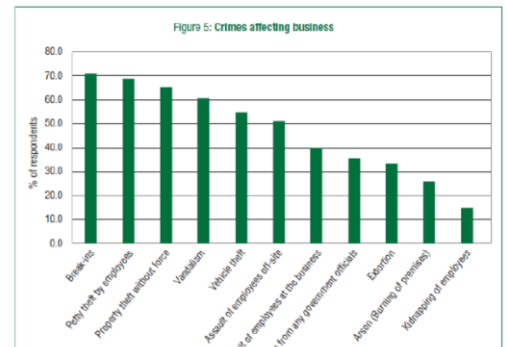
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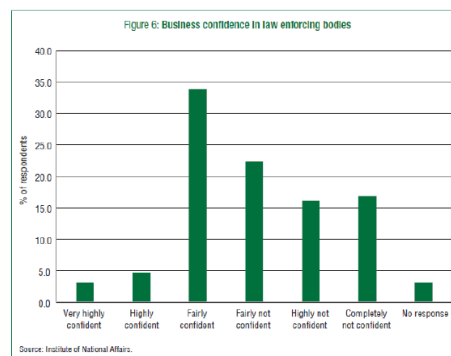
Impact of law and order problems in business and investment



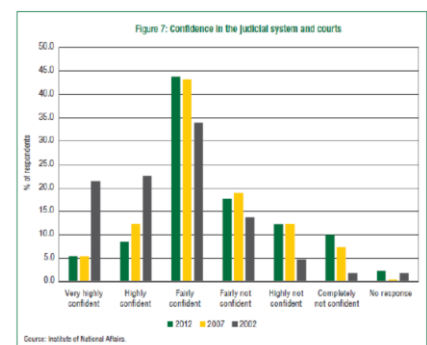
Crimes affecting business



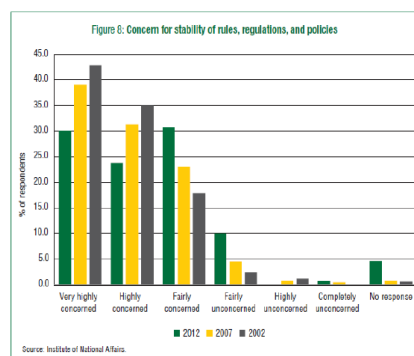
Business confidence in law enforcing bodies



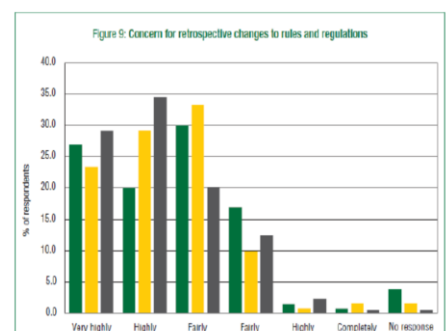
Confidence in the judicial system and courts



Concern for stability of rules, regulations, and policies



Concern for retrospective changes to rules and regulations



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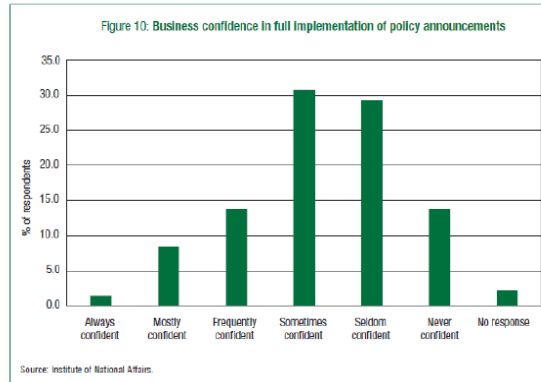
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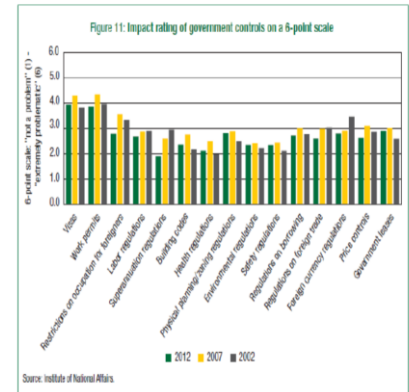
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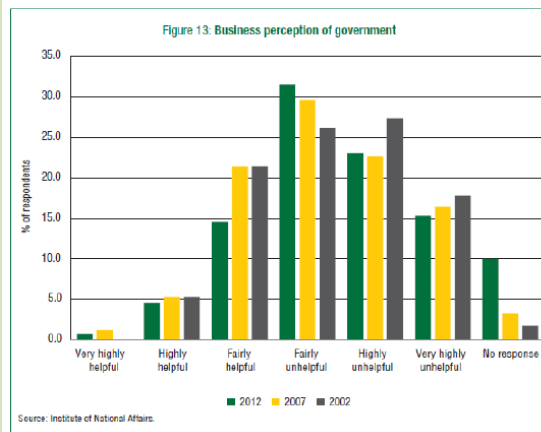
Business confidence in full implementation of policy announcements



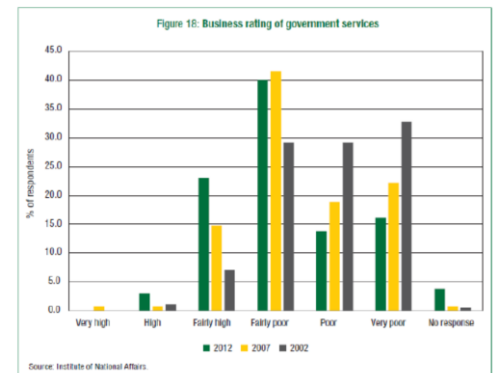
Impact rating of government controls on a 6-point scale



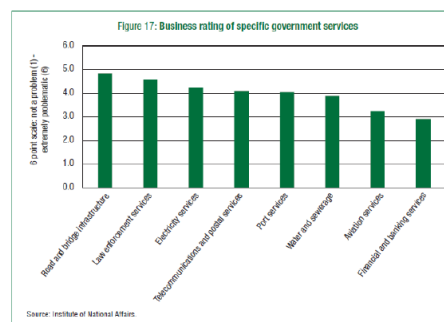
Business perception of government



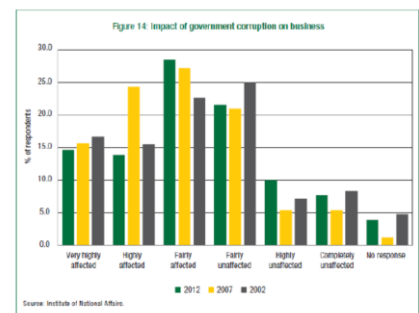
Business rating of government services



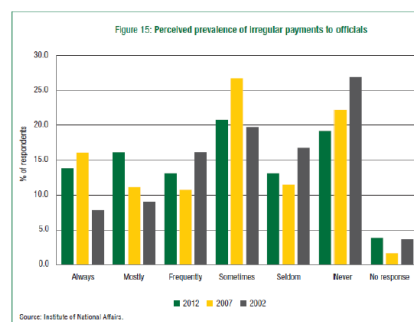
Business rating of specific government services



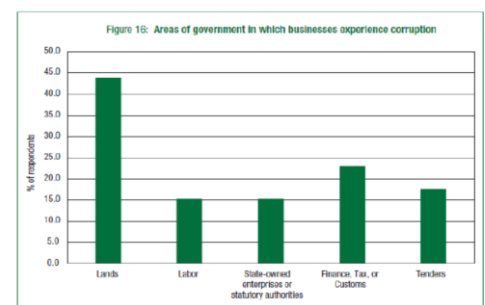
Impact of government corruption on business



Perceived prevalence of irregular payments to officials



Areas of government in which businesses experience corruption



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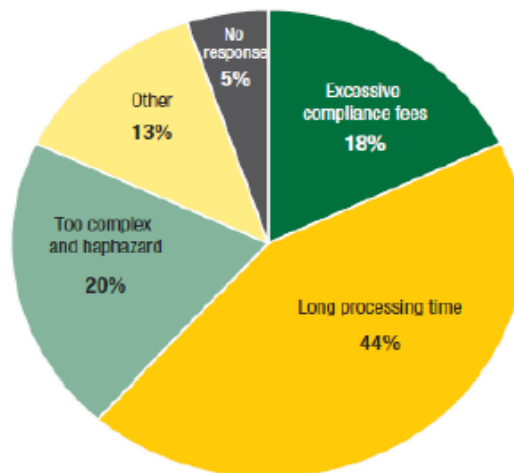
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Reasons for deciding not to proceed with a major investment

Figure 12: Reasons for deciding not to proceed with a major investment



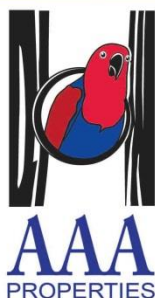
Source: Institute of National Affairs.

LABOUR MARKET SURVEY

The Institute of National Affairs (INA) is again doing a survey in 2014 called the **LABOUR MARKET SURVEY**. There are a few hard copies of this survey at the LCCI Office for you to collect, but if you miss out and still want the form, we will obtain an electronic version to be sent to you.

Again this survey is a very time consuming document, which may take up to one hour to complete but it is extremely worthwhile, and the information revealed is vital for a true reflection of Labour trends and relativity of the salary and salary structure. We would recommend that companies assign an HR or similarly appointed person to complete the bulk of the form to be returned to the INA for processing.

Should you have any queries regarding the survey and manner in which it should be completed please contact Dr McGavin on drpamcgavin@bigpond.com or Steven Goie on phone 3211044/5 or steven.goie@cimcpng.org.



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**Business Advantage
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[Business Advantage](#)

**New Made in PNG
2014 Edition
Coming Soon**

Business Advantage International is proud to announce the third edition of [Made in PNG](#), a publication dedicated to Papua New Guinea's productive sectors: manufacturing, agriculture, fisheries and forestry. It will be published in January 2014 in partnership with the Manufacturers Council of PNG.

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This is open to any PNG producers or service providers (contact ads@businessadvantageinternational.com)

Business Advantage PNG

YOUR GATEWAY TO PAPUA NEW GUINEA AND THE REGION

Papua New Guinea manufacturers' vote of confidence

26 Feb 2014 by [Business Advantage](#) [Leave a Comment](#)

While Papua New Guinea's economy has slowed in the past year, many of the country's manufacturers continue to see growth as the longer-term trend, and are investing in new plant, new products and new marketing approaches.



Lae-based manufacturer K K Kingston is just one of a number of manufacturers making major investments in new plant. Credit: K K Kingston



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BUSINESS ADVANTAGE ARTICLE (Cont)

'We've probably injected more capital into this business in the last three years than we have previously—a combination of replacing ageing equipment and also putting more advanced technologies into our plant,' Goodman Fielder Asia-Pacific's General Manager for PNG, Peter Tannahill tells *Business Advantage PNG*.

The food manufacturer is in the process of finalising the construction of a brand new snack plant in Lae, consolidating its manufacturing sites in that city into one location.

'It's a combination of getting everything onto one site, but also upgrading our existing facility,' says Tannahill, who indicates the company will be continuing to invest in capital expenditure over the next couple of years.

Goodman Fielder's move follows on from that of Lae Biscuit Company, which has reaped the benefits of its major new factory since it opened in Lae in 2010.

Companies to open significant new plants in Lae (PNG's industrial hub) in the past year include meat processor [Prima Smallgoods](#) and fish-canning joint venture [Majestic Seafoods](#).

Meanwhile, local food manufacturer Paradise Foods is building a major new bottling plant in the city, as part of its ongoing plans to re-launch the Pepsi-Cola drink brand in PNG.

Brewer's rise

Based on increased demand for beer and other beverages, S P Brewery has involved in a major multi-year capital investment program for its plants in both Lae and Port Moresby.

General Manager Stan Joyce expects the upgrades to be completed by June 2014.

'If you don't replace equipment every now and again, it becomes inefficient. So there are efficiency gains, there's a greater diversity of products and of packaging configurations,' he tells *Business Advantage PNG*.

Nestlé is also upgrading its manufacturing operations in PNG, last week unveiling the first stage of a \$9.5 million (K21.6 million) expansion of its plant in Lae, which is expected to deliver a 30% increase in production.

New products, higher quality

Another Lae-based company, industrial and household supplies manufacturer K K Kingston, has 'returned to our core business' in 2013, according to General Manager, Michael Kingston. A key part of this is a program of restructuring and rationalisation.

'Our Speedway project continues to progress. This is a project to consolidate all our Lae operations onto one new green-field site on the outskirts of Lae,' he says.

Kingston is also expanding its range of products.

'We have introduced a number of new and updated products in 2013. This includes a new paper towel product, a new toilet paper product and a new-formula laundry detergent powder to upgrade our current product,' explains Kingston. 'We expect to bring six to 10 new products to market in 2014.'

Chicken producer Tablebirds is another company embracing higher quality, and is currently certifying its processing plant to meet international standards.

'It means we can be able to sell our products to local markets including the mines, gas, oil and extracting industries, as well as obtain opportunities if they present themselves for export,' says Dr Keith Galgal, Mainland Holdings Limited's Corporate Affairs and Research Manager.

A version of this article appears in the 2014 edition of Made in PNG: showcasing Papua New Guinea's produce and producers, published by Business Advantage International in association with the Manufacturers Council of PNG.

**CONTACTS TO
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Phone numbers.

4720252 - Acting Commander Alphonse Amia

Emergency Numbers are still the ones in the directory which are:

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ENTRY VISAS

Remember that after 1st March 2014, there will be no further PNG Visas available at Jacksons Airport for Australian Passport Holders.

The Cairns Consulate has reopened, and the contact is Jessy Rumb on attached contacts :

Jessy Rumb

Consulate of Papua New Guinea
Immigration officer

(07) 4041-4801 Work
jessyrumb@immigration.gov.pg

Consulate of Papua New Guinea
Suit 4, Conservatory Building
12-14 Lake Street Cairns 4870

BUSINESS ADVANTAGE ARTICLES (Cont)

My shipment to Papua New Guinea hasn't been paid for! Now what?'

26 Feb 2014 by [Erik Andersen](#) [Leave a Comment](#)

For companies doing business across borders, questions of the applicable law and the methods for enforcing contracts can be critical. Erik Andersen outlines the options in Papua New Guinea should a deal hit problems.



Gadens' Erik Andersen

For transactions large enough to have lawyers advising on the deal as it is being put together, it will be one of the first issues considered, but the issue can be just as important for the small or medium-sized business (SME), whether you're shipping goods to buyers in PNG or providing services to PNG resident entities without the protection of a lengthy contract.

Where something goes wrong enough to need court action and you need to consider the question of where to commence proceedings, it is important to think about whether or not any judgment you obtain in your home country will be able to be enforced in PNG and if so, how much trouble and cost doing so will entail.

International agreements

As many business people will be aware, there is a network of international linkages that allows judgments in one country to be enforced in another with relatively little procedural difficulty, and PNG is not excluded from this process. But the legislation in PNG is now of considerable age and has not kept pace with the development of court systems in many countries. The current Reciprocal Enforcement of Judgements Act (shall we be lawyerly and call it the 'REJAct') dates from 1976, with an update in 1980.

'For example, the New South Wales District Court has a jurisdiction up to the equivalent of nearly K2.0 million (US\$0.78 million)—a fairly material sum for an SME—but it is not enforceable in PNG under the REJAct.'

To be captured by the REJAct, two principal requirements must be satisfied. First, the country in which the judgment was originally given must be listed by gazette in PNG. The [list of countries](#) for which this recognition is given is limited, and largely reflects trading patterns from the 1950s (when the original legislation was enacted) and PNG's colonial past as part of the British Commonwealth. It also contains various inclusions and omissions from the wash of history or other quirks of fate. (For example, Singapore is in but Hong Kong is not; Manitoba is in but Canada as a whole is not.)

The second principal requirement is that the judgement emanate from a 'superior' court of that foreign country. In the Australian context, that would mean the Supreme Courts of the various states. The limitation of the rule to 'superior' courts can have important repercussions, as in many foreign jurisdictions significant amounts are claimable nowadays from statutory courts which aren't 'superior' courts in this context. For example, the New South Wales District Court has a jurisdiction up to the equivalent of nearly K2.0 million (US\$0.78 million)—a fairly material sum for an SME—but it is not enforceable in PNG under the REJAct.

Complications

That isn't the end of the options however, as judgements that are outside the REJAct can still be enforced by the PNG Courts by the much more cumbersome processes that existed in the days before formal reciprocal enforcement arrangements between nations became the norm.

Consequently, a company considering proceedings in, say, NSW against a PNG defendant would be well served to give thought to the trade-off between ease of process in getting a judgment in the NSW District Court versus the Supreme Court, and the ease of enforcing any resulting judgment in PNG.

As ever, it comes back to being thoughtful about your choices and getting good advice at the time.

Erik Andersen is a partner at Gadens Lawyers and has practised in PNG for more than 20 years.



The latest February/
March edition of the
PNG Report has just
been received at the
Lae Chamber office.
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Uni Res, Buimo Rd, Eriku	9am-10am, 11am-12pm, 2pm-3pm, 5pm-6pm
Unitech, Kamkumug, Lae Tech, Butibum, Ampo	9am-11am, 12pm-1pm, 2pm-3pm, 4pm-5pm, 6pm-7pm
Bundi Camp, Police Brks, Huon Rd	10am-11am, 12pm-1pm, 3pm-4pm, 5pm-6pm
Nadzab, Leron, Mutzing	8am-9am, 1pm-2pm, 3pm-4pm, 6pm-7pm
Market, Ela Motors, Hella Cement, BSP Bank	8am-9am, 10am-11am, 1pm-2pm, 4pm-5pm, 6pm-7pm
Air Corps Rd, Shell, SP Brewery, Stadium	9am-10am, 11am-12pm, 1pm-2pm, 3pm-4pm, 6pm-7pm
Abel Tasman St, Milford Rd, Main Wharf	10am-11am, 12pm-1pm, 3pm-4pm, 5pm-6pm
Top Town, Telikom, Huon Rd, China Town	9am-10am, 12pm-1pm, 2pm-3pm, 5pm-6pm
Highway, Morobe Ave, Papua Compound	8am-9am, 11am-12pm, 2pm-3pm, 4pm-5pm

LAE - LOAD SHEDDING SCHEDULE FOR SUNDAY 02.03.14

Areas Affected	Time
PNGWB, East/West Taraka, Igam, PTC, Uni	8am - 9am, 11am-12, 1pm-2pm, 4pm-5pm
Uni Res, Buimo Rd, Eriku	9am-10am, 11am-12pm, 2pm-3pm, 5pm-6pm
Unitech, Kamkumug, Lae Tech, Butibum, Ampo	9am-11am, 12pm-1pm, 2pm-3pm, 4pm-5pm, 6pm-7pm
Bundi Camp, Police Brks, Huon Rd	10am-11am, 12pm-1pm, 3pm-4pm, 5pm-6pm
Nadzab, Leron, Mutzing	8am-9am, 1pm-2pm, 3pm-4pm, 6pm-7pm
Market, Ela Motors, Hella Cement, BSP Bank	8am-9am, 10am-11am, 1pm-2pm, 4pm-5pm, 6pm-7pm
Air Corps Rd, Shell, SP Brewery, Stadium	9am-10am, 11am-12pm, 1pm-2pm, 3pm-4pm, 6pm-7pm
Abel Tasman St, Milford Rd, Main Wharf	10am-11am, 12pm-1pm, 3pm-4pm, 5pm-6pm
Top Town, Telikom, Huon Rd, China Town	9am-10am, 12pm-1pm, 2pm-3pm, 5pm-6pm
Highway, Morobe Ave, Papua Compound	8am-9am, 11am-12pm, 2pm-3pm, 4pm-5pm

NOTE: Load shedding schedule is provided as a guide and is based on available generation capacity from Lae on planned shutdown. Changes in the schedule may change without notice in the event of supply being interrupted by natural causes and vandalism. All consumers with standby sets are requested to supply their own until Power Station is restored as advertised.

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A history of the International Chamber of Commerce makes for fascinating reading.



The merchants of peace

In 1919, a handful of entrepreneurs decided to create an organization that would represent business everywhere.



The group of industrialists, financiers and traders were determined to bring economic prosperity to a world that was still reeling from the devastation of World War I. They founded the International Chamber of Commerce and called themselves "the merchants of peace".

The world had few working international structures in the immediate aftermath of the first of the 20th century's global conflicts. There was no world system of rules to govern trade, investment, finance or commercial relations. That the private sector should start filling the gap without waiting for governments was ground-breaking. It was an idea that took hold.

Although they did not know it at the time, the pioneers were creating an organization that would become essential to the global economy. Over the years, ICC has taken a central role in international trade and business. It forges international rules, mechanisms and standards that are used every day throughout a vastly more complex world than that of 1919.

The original nucleus of businessmen from five countries has expanded to become a world business organization with hundreds of thousands of member companies in more than 120 countries. Members include many of the world's biggest multinationals as well as small- and medium-sized companies.

Much of ICC's early impetus came from its first president, Etienne Clémentel, a former French minister of commerce. Under his leadership, the new organization's international secretariat was established in Paris. Mr Clémentel was also instrumental in creating the ICC International Court of Arbitration in 1923.

From the very beginning, ICC spoke out on behalf of business in making representations to governments and intergovernmental organizations. Three ICC members served on the Dawes Commission, which drew up the international treaty on war reparations in 1924.

In the 1920s, ICC focused on reparations and war debts. Then the disastrous Smoot-Hawley tariff in the United States set the scene for the economic nationalism of the 1930s. ICC struggled through those years of depression to hold back the tide of protectionism as another world war loomed.

ICC issued the first version of its Uniform Customs and Practice for Documentary Credits, still used by banks all over the world to finance trade, in 1933. Incoterms® the standard trade definitions that are familiar to every trader came in 1936, updated whenever necessary since then. And, the following year, ICC introduced its first International Code of Advertising Practice.

ICC was awarded the highest level consultative status with the United Nations (UN) in 1946, and since then has represented the private sector by engaging in a broad range of activities with the UN and its specialized agencies.

ICC has remained a diligent advocate of the open multilateral trading system through successive trade rounds, including the Doha Round. As ICC membership included more and more countries in the developing world, the organization stepped up demands for the opening of world markets to their products, especially agriculture.

To meet the needs of its members, ICC has expanded its activities over the years. ICC Commercial Crime Services, based in London, was founded in the 1980s to address all aspects of commercial crime. The World Chambers Federation provides a hub for chambers of commerce throughout the world.

Today, 13 ICC commissions comprising experts from the private sector cover specialized fields of immediate concern to international business. Subjects range from banking techniques to taxation, from competition law to intellectual property rights, telecommunications and information technology, from transport, environment and energy to international investment and trade policy.

All these activities fulfil the pledge in ICC's constitution "to further the development of an open world economy with the firm conviction that international commercial exchanges are conducive to both greater global prosperity and peace among nations."

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PRESENTS...**

The GIANT TOMAHAWK

K110 1kg of frenched bone-in Ribeye. The full length bone is left to enhance the taste and presentation of this deliciously flavorful cut.

Prime Ramu Ribeye
Served with
Jumbo stack of crispy French Fries
Selection of Sauces
Selection of Mustards
Steaks are limited so book early to avoid disappointment!

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