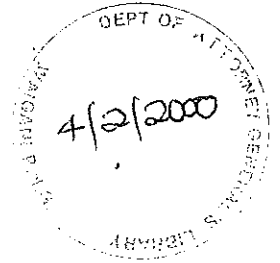


DO NOT REMOVE



No. 6 of 1999.

*Customs (Budget Provisions 2000) Act 1999.*

Certificate on :

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

*Customs (Budget Provisions 2000) Act 1999.*

ARRANGEMENT OF SECTIONS.

1. Compliance with Constitutional requirements.
2. Interpretation (Amendment of Section 1).
3. Declaration of ports, boarding stations, etc., (Amendment of Section 7).
4. New Division IV.3.

*"Division 3. - Entry at Land Border.*

**"22A. LAND BORDER.**

5. New Section 191AB.

**"191AB. ISSUE OF CLEARANCE CERTIFICATE."**

6. New Section 191AC.

**"191AC. CLEARANCE CERTIFICATE TO BE PRODUCED  
TO SHIPOWNER, ETC.,"**

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

AN ACT

entitled

*Customs (Budget Provisions 2000) Act 1999,*

Being an Act to amend the *Customs Act* (Chapter 101),

MADE by the National Parliament and to come into operation on 1 January 2000.

**1. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS.**

This Act, to the extent that it regulates or restricts a right or freedom referred to in Subdivision III.3.C (*qualified rights*) of the *Constitution*, namely -

- (a) the right to freedom from arbitrary search and entry conferred by Section 44 of the *Constitution*; and
- (b) the right to privacy conferred by Section 49 of the *Constitution*; and
- (c) the right to freedom of information conferred by Section 51 of the *Constitution*; and
- (d) the right to freedom of movement conferred by Section 52 of the *Constitution*,

is a law that is made for the purpose of giving effect to the public interest in public order and public welfare.

**2. INTERPRETATION (AMENDMENT OF SECTION 1).**

Section 1 of the Principal Act is amended -

- (a) in Subsection (1), by inserting after the definition of "port", the following:-

"port of entry" means a place declared under Section 7(1)(e) to be, for the purposes of this Act, a port of entry;"

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3. **DECLARATION OF PORTS, BOARDING STATIONS ETC.,  
(AMENDMENT OF SECTION 7).**

Section 7 of the Principal Act is amended -

(a) in Subsection (1), by adding the following new Paragraph:-

“(e) declare places connected by land with another country,  
as port of entry for passengers, goods and vehicles”; and

(b) in Subsection (2), by inserting after the word “Ports” the following:-

“ports of entry; and

4. **NEW DIVISION IV.3**

Part IV of the Principal Act is amended by adding the following new Division:-

*“Division 3. - Entry at land border.*

**“22A. LAND BORDER.**

All the provisions of this Act relating to entry of passengers,  
goods and vehicles at a port, wharf or air boarding station declared under  
Section 7 shall apply to entry of passengers, goods and vehicles at land  
border declared as port of entry under Section 7(1)(e).”

5. **NEW SECTION 191AB.**

The Principal Act is amended by inserting after Section 191AA, the following  
new section:-

**“191AB. ISSUE OF CLEARANCE CERTIFICATE.**

(1) Upon application by or on behalf of a person about to  
leave Papua New Guinea, the Commissioner General may, where he is  
satisfied -

- (a) that duty is not payable by that person; or
- (b) that arrangements have been made to the  
satisfaction of the Commissioner General for the  
payment of any duty that is or may become payable  
by that person,

issue a certificate that there is no objection to the departure of that person  
from Papua New Guinea.

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“(2) A certificate issued under the last preceding subsection remains in force until -

- (a) the expiration of a period of one month from the date of issue of the certificate or such other period, if any, as is specified in the certificate; or
- (b) the certificate is revoked,

whichever first occurs.”.

**6. NEW SECTION 191AC.**

The Principal Act is amended by inserting after Section 191AB, the following new section:-

**“191AC. CLEARANCE CERTIFICATE TO BE PRODUCED TO SHIPOWNER ETC.,**

(1) When so required by the Commissioner General, the owner or charterer or an agent or other representative of the owner or charterer, of a ship or aircraft shall not issue or permit the issue of an authority for a person to travel from Papua New Guinea on the ship or aircraft unless there has been presented to the owner, charterer, agent or other representative, as the case may be, a certificate issued in respect of that person under Section 191AB, being a certificate that is in force on the day on which it is presented.

“(2) A person who, in contravention of the Subsection (1), issues, or permits the issue of, an authority for a person to travel on a ship or aircraft is personally liable to pay the amount of duty, if any, that is or may become payable by that last mentioned person and, in addition, is guilty of an offence.

Penalty: A fine not less than K400.00 and not more than K1,000.00.

“(3) Where a ship or aircraft departs from a place at which the ship or aircraft has taken on board a passenger in respect of whom a certificate issued under Section 191AB has been presented for the purpose of obtaining authority for that person to travel from Papua New Guinea in that ship or aircraft, the owner or charterer of the ship or aircraft, or, where the owner or charterer does not have a place of business at that place, the principal agent of the owner or charterer at that place, shall, not later than the first working day after the departure of the ship or aircraft from that place, or as soon thereafter as is practicable, lodge, or cause to be lodged, at the office of the Commissioner General -

- (a) that certificate; and

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- (b) a list showing the name, last known address in Papua New Guinea and place of destination of every person (other than members of the crew or staff of the ship or aircraft) taken on board the ship or aircraft at that first-mentioned place.

“(4) A person who fails to comply with the Subsection (3) is guilty of an offence.

Penalty: A fine of not less than K400.00 and not more than K1,000.00.

I hereby certify that the above is a fair print of the *Customs (Budget Provisions 2000) Act 1999* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Customs (Budget Provisions 2000) Act 1999* was made by the National Parliament on 7 December 1999 by an absolute majority in accordance with the *Constitution*.

Speaker of the National Parliament.