

DO NOT REMOVE

4/2/2000

No. 8 of 1999.

Excise (Budget Provisions 2000) Act 1999.

Certified on :

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INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

Excise (Budget Provisions 2000) Act 1999.

ARRANGEMENT OF SECTIONS.

1. Compliance with Constitutional Requirements.
2. New Section 93A.
 "93A. ISSUE OF CLEARANCE CERTIFICATE".
3. New Section 93B.
 "93B. CLEARANCE CERTIFICATE TO BE PRODUCED TO SHIPOWNER. ETC."

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

AN ACT

entitled

Excise (Budget Provisions 2000) Act 1999.

Being an Act to amend the *Excise Act* (Chapter 105).

MADE by the National Parliament 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. NEW SECTION 93A.

The Principal Act is amended by inserting after Section 93 the following new Section:-

“93A. 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.”

“(2) A certificate issued under Subsection (1) 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

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(b) the certificate is revoked,
whichever first occurs.”.

3. NEW SECTION 93B.

The Principal Act is amended by inserting after Section 93A, the following new section:-

“93B. 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 93A, being a certificate that is in force on the date on which it is presented.

“(2) A person who, in contravention of 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 exceeding 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 the Section 93A 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) the certificate; and
- (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.

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“(4) A person who fails to comply with the last preceding subsection is guilty of an offence.

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

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

Clerk of the National Parliament.

I hereby certify that the Excise (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.

