

4/2/2000

No. 93 of 1999.

Value Added Tax (Budget Provisions 2000) Act 1999.

Certified on :

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

Value Added Tax (Budget Provisions 2000) Act 1999.

ARRANGEMENT OF SECTIONS.

1. Compliance with Constitutional Requirements.
2. Transfer of land (Amendment of Section 12).
3. Calculation of Tax Payable (Amendment of Section 30).
4. New Section 86A.

"86A. ISSUE OF CLEARANCE CERTIFICATE".

5. New Section 86B.

"86B. CLEARANCE CERTIFICATE TO BE PRODUCED TO SHIP OWNER, ETC."

6. New Section 112A.

"112A. POWER TO OBTAIN INFORMATION AND EVIDENCE".

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1999.

AN ACT

entitled

Value Added Tax (Budget Provisions 2000) Act 1999.

Being an Act to amend the *Value Added Tax Act 1998*,

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. TRANSFER OF LAND (AMENDMENT OF SECTION 12).

Section 12 of the Principal Act is amended -

- (a) by repealing Subsection (2) and replacing it with the following:-

“(2) Subsection (1) shall not apply in relation to the transfer of improvements and structures on the land whether transferred with the land or without the transfer of ownership of land.”; and

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(b) by adding the following new subsection:-

“(4) For the purposes of this section, where land is transferred with improvements and structures, the value of land shall not be greater than the last unimproved capital valuation provided by the Department of Lands or a valuation provided by a Registered Valuer.”.

3. CALCULATION OF TAX PAYABLE (AMENDMENT OF SECTION 30).

Section 30(13) of the Principal Act is amended by repealing the word and figures “Section 114(1)” and replacing them with the following:-

“Section 116(1)”.

4. NEW SECTION 86A.

Part XII of the Principal Act is amended by inserting after Section 86, the following new section:-

“86A. ISSUE OF CLEARANCE CERTIFICATE.

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

- (a) that tax is not payable by that person; or
- (b) that arrangements have been made to the satisfaction of the Commissioner for the payment of any tax 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
- (b) the certificate is revoked.

whichever first occurs.”.

5. NEW SECTION 86B.

Part XII of the Principal Act is amended by inserting after Section 86A, the following new section:-

“86B. CLEARANCE CERTIFICATE TO BE PRODUCED TO SHIPOWNER, ETC.

(1) When so required by the Commissioner, the owner or charterer or an agent or other representative of the owner or charterer.

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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 86A, being a certificate that is in force on the day 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 tax, if any, that is or may become payable by that last mentioned person and, in addition, is guilty of an offence punishable upon conviction by 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 Section 86A 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 -

- (a) that 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.”

“(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 more than K1,000.00.”

6. NEW SECTION 112A.

The Principal Act is amended by inserting after Section 112, the following new section:-

“112A. POWER TO OBTAIN INFORMATION AND EVIDENCE.

(1) The Commissioner, or an officer authorized by him for that purpose may, by notice in writing, require a person, whether a

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registered person or not, including a person employed in the Public Service or an authority constituted by or under a law of Papua New Guinea -

- (a) to furnish such information as the Commissioner may require; and
- (b) to attend and give evidence concerning his or any other person's tax; and
- (c) to produce all books, documents and other papers in his custody or under his control relating to that tax.

“(2) The Commissioner, or the authorized person may require the information or evidence referred to in Subsection (1) to be given on oath, and verbally or in writing, and for that purpose the Commissioner or the authorized officer may administer the oath.

“(3) The Regulations may prescribe scales of expenses to be allowed to persons required under this section to attend.”

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

Clerk of the National Parliament.

I hereby certify that the *Value Added Tax (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.