

No. 5 of 1998.

*Customs (Amendment) Act 1998.*

Certified on : 28.4.98  
1.1.98

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No.      of 1998.

*Customs (Amendment) Act 1998.*

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 1).
2. Repeal and Replacement of Section 146.

**“146. FORFEITED GOODS.”**

3. Consequential Amendment.

INDEPENDENT STATE OF PAPUA NEW GUINEA.

No. of 1998.

AN ACT

entitled

*Customs (Amendment) Act 1998,*

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

MADE by the National Parliament to be deemed to have come into operation on 1 January 1998.

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

Section 1 of the Principal Act is amended -

- (a) by repealing the definition of "aerodrome" and replacing it with the following:-

"'airport' means a place declared under Section 7(1)(d) to be, for the purposes of this Act, a place for the landing of aircraft;"; and

- (b) by repealing the definition of "aerodrome owner" and replacing it with the following:-

"'airport owner' includes the occupier of an airport;"; and

- (c) by inserting after the definition of "by authority" the following new definitions:-

"'cannabinoids' means cannabinoids of all kinds, other than a cannabinoid of a kind that can be obtained from a plant that is not a cannabis plant;

'cannabis' means a cannabis plant, whether living or dead, and includes, in any form, any flowering or fruiting tops, leaves, seeds, stalks or any other part of a cannabis plant or cannabis plants and any mixture of parts of a cannabis plant or cannabis plants, but does not include cannabis resin or cannabis fibre;

'cannabis fibre' means goods that consist wholly or substantially of fibre obtained from a cannabis plant or cannabis plants but do not contain any other substance or thing obtained from a cannabis plant;

'cannabis plant' means a plant of the genus *Cannabis*;

'cannabis resin' means a substance that consists wholly or substantially of resin (whether crude, purified or in any other form) obtained from a cannabis plant or cannabis plants;"; and

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- (d) by repealing the definition of "goods" and replacing it with the following:-

"goods' include -

- (a) ships and aircraft; and
- (b) all kinds of movable personal property;"; and

- (e) by repealing the definition of "smuggling" and replacing it with the following:-

"smuggling' means any importation, introduction or exportation, or attempted importation, introduction or exportation of goods with intent to defraud the revenue."

## **2. REPEAL AND REPLACEMENT OF SECTION 146.**

Section 146 of the Principal Act is repealed and replaced with the following:-

### **"146. FORFEITED GOODS.**

- (1) The following goods shall be forfeited to the State:-

- (a) all goods that are smuggled or unlawfully imported, exported or conveyed; and
- (b) all prohibited imports; and
- (c) all goods the importation of which has been prohibited unless a licence or permission containing conditions or requirements has been granted, and the conditions or requirements of the necessary licence or permission has not been complied with; and
- (d) all goods imported or exported in any ship, boat or aircraft in which goods are prohibited to be imported or exported; and
- (e) all dutiable goods found on any ship, boat or aircraft that is unlawfully in any place; and
- (f) all goods found on any ship, boat or aircraft after arrival in a port or at an airport that are not specified or referred to in the cargo report made under Section 30 and not being baggage belonging to the crew or passengers and that are not satisfactorily accounted for; and
- (g) all goods in respect of which bulk is unlawfully broken; and
- (h) all goods subject to the control of the Customs that are moved, altered or interfered with otherwise than by authority and in accordance with this Act; and
- (i) all goods that, by this Act, are required to be moved or dealt with in any way and that are not moved or dealt with accordingly; and
- (j) all goods in respect of which any entry, invoice, declaration, answer, statement or representation that is false or wilfully misleading in any particular has been delivered, made or produced; and
- (k) any carriage or animal used in smuggling or in the unlawful importation, exportation or conveyance of any goods; and

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- (l) the cargo of any ship, boat or aircraft that hovers about the coast or land and does not depart within 12 hours after being required by an officer to do so; and
- (m) all goods, not being passengers' baggage, found on any ship or aircraft after clearance, that are not -
  - (i) specified or referred to in the outward manifest; or
  - (ii) accounted for to the satisfaction of the Collector; and
- (n) all prohibited exports that are -
  - (i) put on any ship, boat or aircraft for export; or
  - (ii) brought on any wharf or place for the purpose of export; and
- (o) all dutiable goods that are concealed in any manner; and
- (p) any package in which there are concealed goods -
  - (i) not enumerated in the entry; or
  - (ii) so packed as to deceive the officer; and
- (q) all dutiable goods found in the possession of, or in the baggage of, any person who has got out of, landed from or gone on board any ship, boat or aircraft and who -
  - (i) has denied that he has any dutiable goods in his possession; or
  - (ii) when questioned by an officer, has not fully disclosed that the goods are in his possession or in his baggage; and
- (r) all goods offered for sale on the pretence that they are prohibited or smuggled goods; and
- (s) all packages in which forfeited goods are contained; and
- (t) all goods packaged or contained in forfeited packages.

(2) Notwithstanding the provisions of Section 145, this section applies in relation to ships, boats and aircraft as well as other goods.”.

### **3. CONSEQUENTIAL AMENDMENT.**

The Principal Act is amended by repealing the word “aerodrome” (wherever occurring) and replacing it with the following:-

“airport”.

I hereby certify that the above is a fair print of the *Customs (Amendment) Act 1998* which has been made by the National Parliament.

Acting Clerk of the National Parliament.

I hereby certify that the *Customs (Amendment) Act 1998* was made by the National Parliament on 17 March 1998.

Speaker of the National Parliament.

