

No. 7 of 2008.

Excise (PNG LNG Project) (Amendment) Act 2008.

Certified on : 07.10.08



No. of 2008.

Excise (PNG LNG Project)(Amendment) Act 2008.

ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 1).
2. Payment of Duty (Amendment of Section 39).



No. . of 2008.

AN ACT

entitled

Excise (PNG LNG Project)(Amendment) Act 2008.

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

MADE by the National Parliament and deemed to have come into operation on 22 May 2008.

1. INTERPRETATION (AMENDMENT OF SECTION 1).

Section 1 of the Principal Act is amended by:-

- (a) inserting before the definition of "by authority" the following:-

"Affiliate" has the meaning given in the PNG LNG Gas Agreement; and

- (b) inserting after the definition of "licensed factory" the following:-

"LNG Project" has the meaning given in the PNG LNG Gas Agreement;
'LNG Project Company' has the meaning given in the PNG LNG Gas Agreement;
'LNG Project Petroleum' has the meaning given in the PNG LNG Gas Agreement; and

- (c) inserting after the definition of "permission" the following:-

"PNG LNG Gas Agreement" means the PNG LNG Gas Agreement dated 22 May 2008 between the Independent State of Papua New Guinea and each of Esso Highlands Limited, Esso PNG Juha Limited, Ampolex (Papua New Guinea) Limited, Ampolex (PNG Petroleum), Inc., Ampolex (Highlands) Limited, Oil Search Limited, Oil Search (PNG) Limited, Oil Search (Tumbudu) Limited, Merlin Petroleum Company, Merlin Pacific Oil Company Limited, Santos Hides Ltd, Lavana Limited, AGL Gas Developments (PNG) Pty Limited, Petroleum Resources Kutubu Limited, Petroleum Resources Gobe Limited and Eda Oil Limited, as amended, novated or replaced from time to time;".

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2. PAYMENT OF DUTY (AMENDMENT OF SECTION 39).

Section 39 of the Principal Act is amended:-

(a) in Subsection (1) by deleting the word "The" and substituting the words "Subject to Subsection (1A) and (1B), the"; and

(b) by inserting after Subsection (1) the following new subsections:-

“(1A) Notwithstanding any other provision of this Act, LNG Project Petroleum is not excisable goods or excisable material for the purposes of this Act and no bond, rate, tax, excise, rent, charge, due, fee, duty, withholding, tariff, or other levy or impost shall be applied or payable under this Act in respect of the export of LNG Project Petroleum by a LNG Project Company or any customer of a LNG Project Company.

“(1B) Notwithstanding any other provision of this Act, neither an LNG Project Company, nor its Affiliate, nor any person engaged by an LNG Project Company pursuant to any written agreement, is liable for the payment of any bond, rate, tax, excise, rent, charge, due, fee, duty, withholding, tariff, or other levy or impost under this Act on the import into, movement within, use or export of goods and consumables to be used or consumed for or by the LNG Project in connection with the initial construction or any subsequent phase of the project whose total cost exceeds USD 50 million or equivalent.”.

I hereby certify that the above is a fair print of the *Excise (PNG LNG Project) (Amendment) Act 2008* which has been made by the National Parliament.

Clerk of the National Parliament.

I hereby certify that the *Excise (PNG LNG Project) (Amendment) Act 2008* was made by the National Parliament on 18 September 2008.

Speaker of the National Parliament.