

INDEPENDENT STATE OF PAPUA NEW GUINEA [Chapter 101C].

*Customs (Prohibited Imports) Regulation 1973*

**ARRANGEMENT OF SECTIONS**

1. Interpretation of Part I.
2. Effect.
3. Restriction on importation.
4. Restriction on importation of drugs.
5. Interpretation of Part III.
6. Restriction on importation of rice.

**PART I – IMPORTATION GENERALLY**

**1. INTERPRETATION OF PART I**

In this Part, unless the contrary intention appears—

**“drug import licence”** means a licence granted under Section 4(2) for the importation of restricted drugs;

**“film”** means a cinematograph film, slide, video tape or video disc, television programme or any other form of recording from which a visual image can be produced;

**“poppy straw”** means any part (other than the seeds) of the opium poppy (*Papaver somniferum*);

**“restricted drug”** means a drug the importation of which is prohibited unless the requirements of Section 4 are complied with;

**“slide”** means a glass or film slide intended for projection as a still picture by lantern or other type of projector, and includes a series of still pictures included in a single strip of glass or film.

**2. EFFECT**

The provisions of this Part are in addition to, and not in derogation of, the operation of any other law relating to the importation of goods.

**3. RESTRICTION ON IMPORTATION**

The importation of any goods specified in the second column of Schedule 2 is prohibited—

- (a) in the case where the words “Prohibited absolutely” appear in the third column opposite to the description of the goods—absolutely; and
- (b) in a case where the words “Subject to Section 4” appear in the third column of the Schedule opposite to the description of the goods—unless the requirements of Section 4 are complied with; and
- (c) in the case where the words “Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g))” appear in the third column of that Schedule opposite to the description of the goods—is prohibited unless the requirements of Section 4 (other than Section 4(5)(d), (e), (f) and (g)) are complied with; and

- (d) in the case where the words “Permission of”, followed by the name or description of one or more persons or a body, appear in the third column of the Schedule opposite to the description of the goods—unless the prior written permission of that person or of one of those persons, or of that body, as the case may be, is obtained for importation; and
- (e) in a case where conditions or requirements are set out in the third column of the Schedule opposite to the description of those goods—unless the conditions or requirements are complied with.

## **PART II – IMPORTATION OF DRUGS**

### **4. RESTRICTION ON IMPORTATION OF DRUGS**

- (1) In this section, “drug”, when described in terms of a plant, includes the plant or part of the plant.
- (2) The importation of a restricted drug is prohibited—
  - (a) unless the person importing it has been granted a licence in Form 1 that—
    - (i) is in force at the time of importation; and
    - (ii) has been granted for its importation; and
  - (b) unless the Commissioner General gives his prior written permission for each importation of it.
- (3) The Commissioner General may grant a drug import licence to—
  - (a) a medical practitioner, veterinary surgeon, dentist or pharmacist; or
  - (b) a person who proves to the satisfaction of the Commissioner General that—
    - (i) he is a fit and proper person to be allowed to import restricted drugs; or
    - (ii) in a case where he is seeking to import one or more restricted drugs—he is a fit and proper person to be allowed to import it or them; or
    - (iii) in a case where he is seeking to import those drugs or one or more restricted drugs in a particular form—that he is a fit and proper person to be allowed to import it or them in that form,and who makes written application to the Commissioner General.
- (4) A drug import licence may authorize—
  - (a) the importation of all restricted drugs, or of one or more restricted drugs; or
  - (b) the importation of restricted drugs or of one or more restricted drugs in a particular form only.
- (5) A drug import licence is subject to the following conditions:—
  - (a) the licensee shall not dispose of a restricted drug, or a substance or mixture in the preparation of which a restricted drug has been used, except—

- (i) for use for medical or scientific purposes; and
    - (ii) after the licensee has satisfied himself that it will be so used;
  - (b) the licensee shall not dispose of a restricted drug, or a substance or mixture in the preparation of which a restricted drug has been used, except to a person approved by the Commissioner General;
  - (c) the licensee shall keep all restricted drugs, and all substances and mixtures in the preparation of which a restricted drug has been used, in safe custody until he disposes of them;
  - (d) the licensee shall record in a book kept by him for that purpose—
    - (i) the quantity of each restricted drug, and each substance and mixture in the preparation of which a restricted drug has been used, and the name and address of the person from whom he obtained the drug, substance or mixture; and
    - (ii) the quantity of each restricted drug, and each substance or mixture in the preparation of which a restricted drug has been used, supplied by him to another person, and the name and address of that person; and
    - (iii) the quantity of each restricted drug used by him in the manufacture of substances or mixtures, the quantity of each restricted drug lost, destroyed, evaporated or wasted in such manufacture and the quantity and nature of the substances and mixtures;
  - (e) the licensee shall ensure that the books kept by him—
    - (i) are in an up-to-date condition; and
    - (ii) are an accurate record of all matters required by this Part to be recorded;
  - (f) the licensee shall retain the books kept by him under this section until the Commissioner General approves of their destruction;
  - (g) the licensee shall, when required by the Commissioner General, produce promptly for examination—
    - (i) the books kept under this section; and
    - (ii) all restricted drugs, and all substances and mixtures in the preparation of which a restricted drug has been used, that are in his possession.
- (6) Unless sooner determined, a drug import licence remains in force for a period of one year from the date of grant.
- (7) Where the Minister is of opinion that a condition specified in Subsection (5) has not been complied with, he shall forward to the licensee a notice in Form 2.
- (8) Where the licensee does not show cause, within 14 days of receipt of a notice under Subsection (7), why the licence specified in that notice should not be revoked, the Commissioner General shall revoke the licence.

## PART III – IMPORTATION OF RICE

### 5. INTERPRETATION OF PART III

In this Part, unless the contrary intention appears–

**“brewer’s rice”** means the grain of *Oryza sativa* processed as a brewing adjunct, in the same manner as that in which the grain is processed for edible purposes, by removing from the kernel the outer husk, the bran layers and the germ;

**“broken kernel”** means a particle of rice consisting of less than half of a grain;

**“broken rice”** means rice which contains more than 60% of broken kernel;

**“brown rice”** means rice of import standard that consists of the grain of *Oryza sativa* obtained by removing the hulls only from first-class paddy rice that has been properly matured and dried;

**“pre-packed rice meal”** means a rice meal that–

(a) is imported in a package containing not more than 1 kg of white rice; and

(b) contains other ingredients that in the opinion of the Commissioner General are sufficient to constitute a complete meal;

**“rice of import standard”** means rice that–

(a) is free of hulls, dirt, dust, straw, musty or mouldy grain or foreign seeds; and

(b) contains not more than–

(i) 20% of broken kernel; and

(ii) 3% of red grains; and

(iii) 14.5% of moisture content;

**“vitamin-enriched white rice”** means white rice enriched by a process that gives the Vitamin B complex obtained in brown rice so that there is a Thiamin content of not less than 300 micrograms per 100g of rice;

**“white rice”** means rice of import standard that consists of the grain of *Oryza sativa* obtained by removing all the bran coat and germ from brown rice or undermilled rice.

### 6. RESTRICTION ON IMPORTATION OF RICE

(1) Subject to Subsection (2), the importation of rice other than–

(a) broken rice; or

(b) glutinous rice; or

(c) as a pre-packed rice meal; or

(d) brewer’s rice in respect of which the Commissioner General has given his prior written permission for importation,

is prohibited.

(2) The importation of–

(a) brown rice; or

(b) vitamin-enriched white rice,

is prohibited unless prior written permission for importation has been given—  
(c) by the Minister; or  
(d) by the Assistant Secretary, Trade Policy, or the Principal Trade Officer.

- (3) Permission under Subsections (1) and (2) ceases to have effect—  
(a) where only one date is specified for that purpose in the written form of permission—on that date; or  
(b) where more than one date is so specified—on each date, in relation to the part of the goods to which the date relates.

**PART IV** – [Repealed]

**PART V** – [Repealed]

## **PART VI – THE IMPORTATION OF GOODS THAT INFRINGE UPON INTELLECTUAL PROPERTY RIGHTS**

### **7. INTERPRETATION OF PART VI**

In this Regulation, unless the contrary intention appears –

**“goods infringing intellectual property rights”** means any goods which are made, reproduced, put into circulation or otherwise used in breach of the intellectual property laws and without the consent of the right holder or a person duly authorised to do so by the right holder. If such making, reproduction, use or putting into circulation of the goods took place outside the country, the goods are deemed to be infringing if the acts would have constituted an infringement in the country had they been undertaken in the country. For the purposes of this Part, goods protected with copyright or related rights with respect to which the rights management information they may incorporate has been removed, altered, or added without the right holders’ authorisation shall be deemed to be goods infringing the said intellectual property rights;

**“intellectual property”** means any intellectual property rights as defined in the *Copyright and Neighbouring Rights Act 2003* and any law on intellectual property such as copyright and related rights, trademarks, geographical indications, industrial designs, patents, layout-designs (topographies) of integrated circuits and protection of undisclosed information;

**“protection defeating devices”** means devices, products, components or parts, such as unauthorised smart cards, set top decoders or circumvention software, which are primarily designed or adapted to circumvent any technological measure, and shall be deemed to include any illegitimate authentication means;

**“technological measure”** means any technology, device or component that in the normal course of its operation, either controls access to a protected work or subject matter protected by related rights, or protects any copyright or any related rights or facilitate the detection of counterfeit trademark goods or goods protected by a copyright or related right;

**“Commissioner”** has the same meaning as that provided in the principal Act.

*Division – Application for Intervention by Customs*

**8. RECORDATION OF INTELLECTUAL PROPERTY RIGHT WITH CUSTOMS**

- (1) A right holder may submit applications to Customs, in accordance with the procedures and under the conditions set out in this law, for the suspension of the customs clearance and the detention of imported goods, goods destined for exportation and goods in transit.
- (2) A right holder may submit an application to Customs –
  - (a) requesting that Customs suspend clearance of goods that are suspected of infringing the rights in the trademark; or
  - (b) requesting that Customs suspend clearance of goods that are suspected of infringing his copyright or related rights or suspected of being protection-defeating devices; or
  - (c) requesting that Customs suspend the clearance of goods infringing intellectual property rights other than those set out in Paragraphs (a) and (b), provided that in the case of geographical indications, the applicant must provide evidence that the goods are in violation of national law in the country of origin, and where the release of the goods is suspended upon exportation or transit, that the use of the geographical indication is a violation of the national law in the country of ultimate destination or sale.
- (3) The application shall be in a form as approved by the Commissioner and be valid for two years.
- (4) The right holder shall inform the Commissioner when the intellectual property right ceases to be valid.

**9. APPLICATION FOR INTERVENTION BY CUSTOMS**

- (1) Any application in respect of goods infringing intellectual property rights including protection defeating devices shall be presented in writing and shall be accompanied, where appropriate, by –
  - (a) details concerning the applicant and appropriate contact information; and
  - (b) where the applicant is an authorized representative, authorization from the right holder in accordance with the applicable law; and
  - (c) adequate evidence of the existence and ownership of a valid intellectual property right by, or on behalf of, the applicant; and
  - (d) a statement of the grounds for the application for border measures related to shipments in general; or
  - (e) in the case of a specific shipment of allegedly infringing goods a statement of the grounds for the application, including prima facie evidence showing that –
    - (i) such intellectual property rights have been infringed; or
    - (ii) that rights are about to be infringed; or

- (iii) that the shipment contains protection defeating devices; and
- (f) a sufficiently detailed description of the goods in respect of which an intellectual property right applies, together, where appropriate, with a sample of a genuine product; and
- (g) a non-refundable fee of as determined by the Commissioner.

(2) In the event any of the information listed Subsection (1) is not provided with the application Customs shall, if such information is deemed materially necessary, ask the applicant to complement the application and will not reject an application without further examination on the basis that the applicant has not provided some of the information listed in Subsection(1).

(3) This application for intervention shall be in a form as approved by the Commissioner.

## **10. RESULT OF APPLICATION FOR CUSTOMS TO INTERVENE**

(1) Within 30 working days of the receipt of an application pursuant to Section 9 of this regulation, the Commissioner shall notify the applicant that the application has been granted, rejected or reserved for further consideration.

(2) Where there is any urgent application in which immediate action is required and where sufficiently specific information concerning known shipments containing allegedly infringing goods is provided –

(a) the application will be assessed by Customs, and notification by Customs to the rights holder will be made within three working days; and

(b) where the application is granted, it shall be effective for such period as specified by the Commissioner. If the application is rejected, the reasons will be notified to the applicant.

## **11. PROVISION OF SECURITY**

(1) Where the application is granted, the applicant shall provide security, or certified documents from certified accountants showing that the applicant has sufficient assets to cover any possible damages claim which is sufficient to compensate the importer, consignee, consignor, exporter or owner of the goods and the Commissioner, for any loss or damage that may result from the wrongful suspension of customs clearance of the goods and its detention.

(2) The Commissioner may request the right holder to sign an undertaking to accept the actual costs incurred in detaining and suspending the goods from customs clearance, which may include storage, handling, destruction and other operational costs incurred, where the infringer can not be located.

(3) The undertaking may be requested at the time of making the application, or at the time when the goods are being suspended from clearance or at a later time.

*Division 2 – Suspension of Customs Clearance and Detention of the goods*

**12. SUSPENSION FROM CUSTOMS CLEARANCE AND DETENTION**

- (1) Where the Commissioner is satisfied, after consulting with the applicant if necessary, that the imported or exported goods or the goods in transit are suspected to infringe an intellectual property right covered by the decision granting the application, the commissioner shall suspend the clearance of the goods referred to in the application.
- (2) The period of suspension from customs clearance be for a period of up to ten working days, and any extension thereof, as specified by the Commissioner.
- (3) The Commissioner will inform the importer, exporter, consignee or the consignor and the applicant of the suspension of the clearance of the goods or of the detention of goods destined for exports or goods in transit and shall state the reasons for such suspension or detention within the period of suspension mentioned at Subsection (2).
- (4) The Commissioner will provide the notification in a form approved by him.

**13. PERIOD OF SUSPENSION**

- (1) Where the Commissioner has not been informed that proceedings leading to a decision on the merits of the case have been initiated by a party other than the defendant, within the period of suspension, the goods shall be released, provided that all other conditions for importation or exportation have been complied with.
- (2) The time limit may be extended by another ten working days in upon the request of the right holder.
- (3) Where there are perishable goods suspected of infringing an intellectual property right, the period of suspension shall be three working days and this period will not be extended.
- (4) If proceedings leading to a decision on the merits of the case have been initiated, a review, including a hearing if requested, shall take place, upon the request of the defendant, with a view to deciding, within a reasonable period, whether these measures shall be modified, revoked or confirmed.
- (5) Notwithstanding Subsection (4), where the suspension of the release of goods is carried out or continued in accordance with a provisional seizure order from a court –
  - (a) the period of suspension will be determined by the court; or
  - (b) in the absence of such a determination, the period shall not exceed 20 working days or 31 calendar days, whichever is longer.
- (6) Where, pursuant to an application under Section 9, the clearance of goods involving other intellectual property rights than trademarks, copyright and related



rights has been suspended by Customs, and the period provided for in Subsections (2), (3) and (5) has expired without the competent Court having granted a provisional seizure order, and provided that all other conditions for importation have been complied with, the owner, exporter, importer, consignee or consignor of such goods shall be entitled to clearance on the posting of a security in an amount sufficient to protect the right holder for any infringement.

(7) The payment of such security does not prejudice any other remedy available to the right holder.

(8) The security referred to in Subsection (7) will be released if the right holder fails to pursue his right of action within a reasonable period of time.

#### **14. REMOVAL AND TESTING OF SAMPLES**

A right holder, importer or exporter may, subject to the approval of the Commissioner remove samples of the examine and obtain samples of goods, the clearance of which has been suspended under Section 41 of the Act, for examination, testing and analysis to determine whether the goods are pirated, counterfeit or otherwise infringe an intellectual property right or whether the goods are protection defeating devices.

#### **15. PROVISION OF FURTHER INFORMATION TO RIGHT HOLDER**

Subject to the Customs Act, the Commissioner may provide the right holder with any further information which would assist in determining whether the goods are counterfeit, pirated or otherwise infringe an intellectual property right or a protection defeating device.

#### **16. EX- OFFICIO ACTION**

(1) The Commissioner may, on his own initiative, suspend customs clearance and detain goods in respect of which he has acquired prima facie evidence or has reasonable cause to believe that an intellectual property right has been infringed or the goods are protection-defeating devices.

(2) Subject to Subsection (1) the Commissioner may require the right holder to provide, without payment, any information or assistance, including technical expertise and facilities for the purpose of determining whether goods are counterfeit, pirated or otherwise infringe an intellectual property right.

(3) The Commissioner shall immediately inform the right holder and the importer or exporter of the place and date of the suspension of customs clearance of the goods and the right holder may within ten working days request the Commissioner to suspend the goods from customs clearance.

(4) The provisions of this Part on suspension and disposal of infringing goods shall apply where the Commissioner acts on his own initiative.

- (5) The Commissioner is not liable for any loss or injury to goods affected by the exercise of his powers under this provision.

### *Division 3 – Disposal of Infringing Goods*

#### **17. DISPOSAL OF COUNTERFEIT OR PIRATED GOODS**

- (1) Where it is determined that goods are counterfeit or pirated or otherwise infringe an intellectual property right they are deemed to be condemned and shall, unless requested otherwise by the right holder be disposed of by the Commissioner-
- (a) by destruction; or
  - (b) by such other manner as the Commissioner directs,
- provided that manner of disposal shall be outside normal channels of commerce and be without detriment to the right holder.
- (2) Notwithstanding Subsection (1), the Commissioner or the right holder under Customs supervision may dispose of any goods, without a court order where –
- (a) the right holder has provided adequate evidence to prove that the goods are infringing goods; and
  - (b) the importer, the exporter, the consignee, the consignor, the owner of the goods, or the declarant has been served by customs with the notice of suspension referred to in Section 10, has been informed about the possibility of confiscation and destruction or disposal outside the channels of commerce by default of the allegedly infringing goods and he does not oppose the measure within 20 working days after having been served the notice; or
  - (c) if, after reasonable efforts by Customs the importer, exporter, consignee, consignor, the owner of the goods, or the declarant has not been identified; or
  - (d) in the event the applicant is granted an extension of the time limit for taking legal actions, such extension is automatically applied to the opposition procedure referred to in this subsection.
- (3) A Right holder may, prior to the destruction or the disposal of the suspended goods, apply for a retention of samples, for evidentiary purposes in pending or future legal actions involving his intellectual property right.
- (4) The owner, the importer, the exporter, the consignee or the consignor will pay the costs of storage and destruction of any goods suspended and determined to be counterfeit, pirated or otherwise infringes an intellectual property right.

#### **18. DE MINIMUS LIMIT**

- (1) Infringing goods of a non-commercial nature and intended for the importer's or consignee's own personal use contained in personal luggage or sent in small consignments are not subject to the suspension procedure provided by this Regulation.

- (2) The importation of multiple identical copies of the same product is not allowed under this exception.

#### *Division 4 – Miscellaneous*

### **19. PUBLICATION**

The Commissioner may publish such forms as he approves on issues relating to the practical application of this law and to specify such fees as are reasonable to cover administrative costs of Customs.

### **20. FURNISHING OF INFORMATION TO RIGHT HOLDER**

Where the goods are proven during suspension of customs clearance or after any judicial proceedings, to be counterfeit, pirated, or otherwise infringe an intellectual property right, the Commissioner may –

- (a) inform the right holder of the name and address of the exporter, the importer and the consignee and of the quantity of the goods in question; and
- (b) upon request provide the right holder with copies of documents lodged in respect of such goods or with any available information or documents relating to any previous importation of similar goods by the same importer.

### **21. INDEMNITY OF THE COMMISSIONER**

Subject to the provisions of the Customs Act and this Part, where an application for customs intervention has been received, the Commissioner or a Customs Officer shall not be liable for –

- (a) any failure to detect any goods that may infringe any trademark, copyright or other intellectual property right or protection – defeating device; or
- (b) the inadvertent release of the goods; or
- (c) any action taken in good faith in respect of the goods.

### **22. DAMAGES FOR WRONGFUL DETENTION**

- (1) In this section “*wrongful detention*” means the suspension, pursuant to an application by the right holder for the release of goods when the substantive decision by the competent Court has established that the goods are not infringing goods.
- (2) An importer, exporter, consignee, consignor or the owner of the goods may seek appropriate monetary compensation for injury caused to them through wrongful detention of goods or circumvention devices in the Court of first instance.

# SCHEDULE 1

## *Form 1 – Drug Import Licence*

Reg., Sec. 4(2). Form 1

Licence No.

Subject to the *Customs (Prohibited Imports) Regulation, . . . of . . .* is licensed for a period of one year from (*insert date of grant*) to import all restricted drugs (or the following restricted drugs:—)

(*where the licence does not relate to all restricted drugs specify the relevant drugs*) and those drugs (or certain of those drugs), as specified in the Schedule to this licence, may be imported only in the form specified in that Schedule opposite to the description of each drug\*.

### **SCHEDULE.\***

*Description of Drug\** . . . . . *Form of Drug\**.

Dated . . . 20 . . . . .

Commissioner General.

\* Strike out if inapplicable.

**Form 2 – Notice to Licensee**

Reg., Sec. 4(7). Form 2

To: (name of licensee).

I am of opinion that you have failed to comply with a condition of the Customs (Prohibited Imports) Regulation, namely that (insert a short statement of the circumstances allegedly constituting a breach or breaches of the Regulation).

You are required to show cause to me within 14 days of receipt of this notice why Drug Import Licence No . . . , granted to you on . . . 20 . . . , should not be revoked.

Dated . . . 20...

Commissioner General.

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## SCHEDULE 2 – PROHIBITIONS AND RESTRICTIONS

Reg., Sec. 3.

Item No.	Description of goods.	Nature of prohibition or conditions, etc., or name of person to give permission.
1.	Acetorphine (M. 183)	Subject to Section 4.
2.	Acetyldihydrocodeine, except in preparations containing not more than 100 mg of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations	Subject to Section 4.
3.	Acetylmethadol	Subject to Section 4.
4.	Advertising matter relating to any goods the importation of which is prohibited absolutely	Prohibited absolutely.
4A.	Advertising matter, not included in Item 4, as defined in the <a href="#">Classification of Publication (Censorship) Act 1989</a> .	Subject to compliance with the provisions of the <a href="#">Classification of Publication (Censorship) Act 1989</a> and Regulations thereunder.
5.	Aircraft, airframes and aircraft engines	Permission of the Controller of Civil Aviation.
6.	Allobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
7.	Allylprodine	Subject to Section 4.
8.	Alphacetylmethadol	Subject to Section 4.
9.	Alphameprodine	Subject to Section 4.
10.	Alphamethadol	1. Permission of the Minister or a person authorized by him.
11.	Alphaprodine	Subject to Section 4.
12.	Amfecloral	Subject to Section 4.
13.	Amfepramone	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
14.	Amobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
15.	Amphetamine except when the base is supplied for inhalation and is absorbed on an inert solid	Subject to Section 4.

	material	
16.	Aniteridine	Subject to Section 4.
16A.	[Repealed]	
17.	Animals of all kinds and semen of animals	Permission of the Minister.
18.	Aprobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
19.	Bags and sacks, second-hand	1. Permission of the Minister.
		2. Evidence of fumigation or cleansing to the satisfaction of the Minister.
20.	Bank notes, counterfeit, and all articles that, not being bank notes so nearly resemble bank notes as to be likely to deceive	Prohibited absolutely.
21.	Barbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
21AA.	[Repealed]	
21A.	Beef, prime cuts of	Imported into the Morobe, Madang or Milne Bay Provinces for a period of 6 months on and from 10 February 1983. This prohibition to be reviewed three months after its introduction.
22.	Benzethidine	Subject to Section 4.
23.	Benzylmorphine	Subject to Section 4.
24.	Betacetylmethadol	Subject to Section 4.
25.	Betameprodine	Subject to Section 4.
26.	Betamethadol	Subject to Section 4.
27.	Betaprodine	Subject to Section 4.
28.	Bezitrانide	Subject to Section 4.
29.	Birds of all kinds other than birds the importation of which is prohibited absolutely	Permission of the Minister.
30.	Blankets or rugs, second-hand	1. Permission of the Minister or a person authorized by him.
31.	Brallobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).

32.	Bufotenine	Subject to Section 4.
33.	Bunamiodyl	Subject to Section 4.
34.	Butabarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
35.	Butalbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
36.	Butallylonal	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
37.	Butobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
38.	Cannabis; Cannabis resin and extracts and tinctures of Cannabis; flowering or fruiting tops of a plant of the genus Cannabis, by whatever name the tops are called, from which the resin has not been extracted; the leaves of a plant of the genus Cannabis; seeds of a plant of the genus Cannabis; plants of the genus Cannabis	Subject to Section 4.
38A.	[Repealed]	
39.	Chlorphentermine	Subject to Section 4.
40.	Clonitazene	Subject to Section 4.
41.	Cocoa leaf	Subject to Section 4.
42.	Cocaine except in preparations containing not more than 0.1 % of cocaine	Subject to Section 4.
43.	Codeine except in preparations containing not more than 2.5% of codeine	Subject to Section 4.
44.	Codoxime (dihydrocodeinone-6-carboxymethyloxime)	Subject to Section 4.
45.	Coin, counterfeit, including—	Prohibited absolutely.
	(a) coin that is not genuine but that resembles or is apparently intended to resemble or pass for genuine coin; and	
	(b) genuine coin that has been prepared or altered so as to resemble or be apparently intended to resemble or pass for a coin of a higher denomination; and	
	(c) genuine coin that has been clipped or filed, or	



	the size or weight of which has otherwise been diminished, and that has been prepared or altered so as to conceal the clipping, filing or diminution, whether or not–	
	(i) the coin is in a fit state to be used, dealt with or acted on as if it were genuine; and	
	(ii) the process of preparation or alteration is complete	
46.	Copies of copyright works that–	Prohibited absolutely.
	(a) are made out of the country; and	
	(b) if made in the country would infringe copyright,	
	and as to which the owner of the copyright has, by himself or his agent, given to the Comptroller–	
	(c) evidence of the existence of the copyright and of his ownership of the copyright; and	
	(d) a written notice stating that he wishes that the copies should not be imported into the country	
47.	Cultures, living, of bacteria, fungi, mycoplasmas, viruses and other micro-organisms	1. Permission of the Minister.
		2. The conditions and restrictions imposed by the Minister in any particular case.
48.	Cyclobarbitol	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
49.	Cyclopentobarbitol	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
50.	Desomorphine	Subject to Section 4.
51.	Dexamphetamine	Subject to Section 4.
52.	Dextromoramide	Subject to Section 4.
53.	Dextropropoxyphene except in preparations containing not more than 100 mg of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations	Subject to Section 4.
54.	Diacetylnalorphine	Subject to Section 4.
55.	Diampromide	Subject to Section 4.

56.	Diethylaminophenobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
57.	Diethylpropion	Subject to Section 4.
58.	Diethylthiambutene	Subject to Section 4.
59.	Dihydrocodeine except in preparations containing not more than 2.5% of dihydrocodeine	Subject to Section 4.
60.	Dihydrohydroxymorphinone (Oxymorphone)	Subject to Section 4.
61.	Dihydromorphone	Subject to Section 4.
62.	Dimenoxadol	Subject to Section 4.
63.	Dimepheptanol	Subject to Section 4.
64.	Dimethylthiambutene	Subject to Section 4.
65.	Dimethyltryptamine	Subject to Section 4.
66.	Dioxaphetyl butyrate	Subject to Section 4.
67.	Diphenoxylate except in preparations containing not more than 2.5mg of diphenoxylate calculated as the base and not less than 25 micrograms of atropine sulphate per dosage unit	Subject to Section 4.
68.	Dipipanone	Subject to Section 4.
69.	Drugs containing the chemical substances Oxypheisatin acetate, Diacetyldiphenolisatin and Triacetyldiphenolisatin	Prohibited absolutely.
70.	Drugs of whatever kind (other than a drug or form of a drug the importation of which is prohibited absolutely) that are, or are likely to be, productive, or are capable of being converted into substances that are, or are likely to be, productive, of ill-effects substantially of the same character or nature as, or analogous to, those produced by a drug specified or referred to elsewhere in this Schedule as being a drug to which Section 4 applies	Subject to Section 4.
71.	Ecgonine	Subject to Section 4.
72.	[Repealed]	
73.	Enallylpropymal	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
74.	Ethallobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).

75.	Ethchlorvynol	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
76.	Ethinamate	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
77.	Ethylmethylthiarnbutene	Subject to Section 4.
78.	Ethylmorphine except in preparation with a concentration of 2.5% or less	Subject to Section 4.
79.	Etonitazene	Subject to Section 4.
80.	Etorphine (M.99)	Subject to Section 4.
81.	Etoxidine	Subject to Section 4.
82.	Fentanyl	Subject to Section 4.
83.	Films	Subject to compliance with the provisions of the <a href="#">Classification of Publication (Censorship) Act 1989</a> and Regulations thereunder.
84.	Firearms or weapons of a lethal nature from which any shot, bullet or other missile can be discharged, or any part of any such firearm or weapon, or the ammunition for use with any such firearm or weapon	Permission of the Commissioner of Police.
85.	Fireworks	Permission of the Minister.
85A.	[Repealed]	
86.	Fish, living, and the spawn of fish	Permission of the Director of Agriculture.
86A.	[Repealed]	
86B.	[Repealed]	
87.	Furethidine	Subject to Section 4.
88.	Glutethimide	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
89.	Goods distributed by the person or persons trading under the name "Lucky Boy" registered under The Business Names Act of 1962 of the State of Queensland, as amended	Prohibited absolutely.
90.	[Repealed].	
91.	Goods imported in a ship or aircraft that is not lawfully registered	Prohibited absolutely.

92.	Goods manufactured by a manufacturer who employs prison labour, which goods are of a like character to–	Prohibited absolutely.
	(a) any goods, manufactured by the manufacturer, that are manufactured wholly or in part by prison labour; or	
	(b) any goods, manufactured by the manufacturer, that are made wholly or in part within or in connection with a prison, gaol or penitentiary	
93.	Goods manufactured or produced wholly or in part by prison labour or that have been made within or in connection with a prison, gaol or penitentiary	Prohibited absolutely.
94.	Goods on or in connection with which there is a false suggestion or a warranty, guarantee or concern as to their production or quality, by any person, public official, government or country	Prohibited absolutely.
95.	Goods the description of which includes the word “Anzac”, or bearing the word “Anzac”, or a word so nearly resembling the word “Anzac” as to be likely to deceive	Prohibited absolutely.
96.	Goods that, in the opinion of the Minister, are of a dangerous character and a menace to the community	Permission of the Minister.
97.	Goods (other than films) which, whether of their own nature or having regard to any literary or other work or matter that is embodied, recorded or reproduced in, or can be reproduced from, them–	Subject to compliance with the provisions of the <a href="#">Classification of Publication (Censorship) Act 1989</a> .
	(a) are blasphemous, indecent or obscene; or	
	(b) unduly emphasize matters of sex, horror, violence or crime; or	
	(c) are likely to encourage depravity,	
	and advertising matter relating to such goods	
98.	Hair dyes comprised of substances or preparations containing phenylene diamine, toluene diamine or any other aromatic amine for use as hair dyes in quantities in excess of 227.304 ml for liquid preparations and 56.699 g for other preparations	Permission of the Minister or a person authorized by him.
99.	Hair relaxa takeda (whether under that name or	The importer must satisfy the

	any other name)	Comptroller that–
		(a) the importer bona fide carries on the trade of a hairdresser; and
		(b) the preparation is for use, and is used, by or under the supervision of the importer in the business of a hairdresser; and
		(c) the importer is a person approved by the Director of Public Health in writing as being qualified to use the preparation.
100.	Heptabarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
101.	Heptane derivatives having addictive properties and not specified or referred to elsewhere in this Schedule	Subject to Section 4.
102.	Heptobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
103.	Heroin (Diacetylmorphine)	Subject to Section 4.
104.	Hexethal	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
104A.	[Repealed]	
105.	Hydrocodone (dihydrocodeinone)	Subject to Section 4.
106.	Hydromorphinol (14-hydroxydihydromorphine)	Subject to Section 4.
107.	Hydromorphone (dihydromorphinone)	Subject to Section 4.
108.	Hydroxyamphetamine	Subject to Section 4.
109.	Hydroxypethidine	Subject to Section 4.
110.	Isomethadone	Subject to Section 4.
111.	Ketobemidone	Subject to Section 4.
112.	Knives that incorporate a lever or stud that, when pressed, operates a spring that causes the knife to spring open and to lock automatically in the open position	Prohibited absolutely.
112A.	Laundry soap	The goods shall not be

		imported into Papua New Guinea except where–
		(a) the importer, on presentation of documentary evidence or on statutory declaration to the Comptroller of Customs, satisfies the Minister that he has purchased locally produced laundry soap; and
		(b) the Minister has granted permission for the importation of the goods in such proportion to the amount of locally produced laundry soap purchased as the Minister determines.
113.	Levomethorphan	Subject to Section 4.
114.	Levomoramide	Subject to Section 4.
115.	Levophenacylmorphan	Subject to Section 4.
116.	Levorphanol	Subject to Section 4.
117.	Linen, second-hand, intended to be used for bandages	1. Permission of the Minister or a person authorized by him.
		2. Evidence of fumigation or cleansing, to the satisfaction of the Minister or a person authorized by him.
118.	Literature commonly known as chain letters (whether or not described as or purporting to be chain letters) and advertising material relating to chain letter schemes	Prohibited absolutely.
119.	Literature that advocates–	Head of State, acting on advice.
	(a) the overthrow by force or violence of the established government of Papua New Guinea, Australia, a State of Australia, any other civilized country or a state or similar division of any other civilized country; or	
	(b) the overthrow by force or violence of all forms of law; or	
	(c) the abolition of organized government; or	

	(d) the assassination of public officials; or	
	(e) the unlawful destruction of property	
120.	Literature that indicates an intention or advocates the undertaking of an enterprise to carry out an intention–	Permission of the Minister.
	(a) to bring the Queen and Head of State into hatred or contempt; or	
	(b) to incite disaffection against the Government or Constitution of Papua New Guinea or against the National Parliament; or	
	(c) to incite disaffection against–	
	(i) the Queen; or	
	(ii) the Government or Constitution of the United Kingdom; or	
	(iii) either House of the Parliament of the United Kingdom; or	
	(d) to incite disaffection against–	
	(i) the Government or Constitution of any of the Queen’s dominions; or	
	(ii) either House of the Parliament, or of one of the Parliaments, of one of those dominions; or	
	(e) to incite disaffection against the connection of the Queen’s dominions under the Crown; or	
	(f) to incite any person to attempt to procure the alteration, otherwise than by lawful means, of any matter in Papua New Guinea established by the law of Papua New Guinea; or	
	(g) to promote feelings of ill-will and hostility between different classes of persons so as to endanger the peace, order or good government of Papua New Guinea	
121.	Lysergic Acid –	Subject to Section 4.
122.	Lysergic Acid Diethylamide	Subject to Section 4.
123.	Margarine and similar butter substitutes	The packages in which the goods are imported must be distinctly branded with the name of the goods.
124.	Matches and vestas containing–	Prohibited absolutely.
	(a) the substance known as white phosphorus; or	
	(b) the substance known as yellow phosphorus	

124A.	[Repealed]	
125.	Meprobamate	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
126.	Mescaline	Subject to Section 4.
127.	Metazocine	Subject to Section 4.
128.	Methadone	Subject to Section 4.
129.	Methadone-Intermediate	Subject to Section 4.
130.	Methaqualone	Subject to Section 4.
131.	Metharbitone	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
132.	Methylated spirit or ethyl alcohol	Permission of the Comptroller.
133.	Methyl-desorphone	Subject to Section 4.
134.	Methyldihydromorphine	Subject to Section 4.
135.	Methylphenidate	Subject to Section 4.
136.	Methylphenobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
137.	1-Methyl-4-Phenylpiperidine-4-Carboxylic Acid	Subject to Section 4.
138.	Methyprylon	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
139.	Metopon (5-methyldihydromorphinone)	Subject to Section 4.
140.	Moramide-Intermediate	Subject to Section 4.
141.	Morpheridine	Subject to Section 4.
142.	Morphinan	Subject to Section 4.
143.	Morphine, except in a solution or dilution in an inert substance containing 0.2% or less of morphine calculated as anhydrous morphine	Subject to Section 4.
144.	Morphine derivatives not specified or otherwise referred to elsewhere in this Schedule	Subject to Section 4.
145.	Morphine methobromide and other pentavalent nitrogen morphine derivatives	Subject to Section 4.
146.	Morphine-N-Oxide	Subject to Section 4.
147.	Morphine substitutes not specified or otherwise referred to elsewhere in this Schedule	Subject to Section 4.



148.	Myrophine	Subject to Section 4.
149.	Narcobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
150.	Nealbarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
151.	Nicocodine	Subject to Section 4.
152.	Nicodicodine	Subject to Section 4.
153.	Nicomorphine	Subject to Section 4.
154.	Noracymethadol	Subject to Section 4.
155.	Norlevorphanol	Subject to Section 4.
156.	Normethadone	Subject to Section 4.
157.	Normorphine (demethylmorphine)	Subject to Section 4.
158.	Norpipanone	Subject to Section 4.
159.	Opium in the following forms:-	Subject to Section 4.
	(a) medicinal opium (that is, opium in any form, whether mixed with a neutral substance or not, that has undergone the processes necessary to adapt it for medicinal use); and	
	(b) opium tinctures and extracts containing more than 0.2% of anhydrous morphine; and	
	(c) raw opium, including non-medicinal, powdered and granulated forms of raw opium	
160.	Opium poppy ( <i>Papaver somniferum</i> ) seeds	Permission of the Comptroller.
161.	Opium prepared for smoking, including dross and any other form of charred opium	Prohibited absolutely.
162.	Oxycodone	Subject to Section 4.
163.	Oxymorphine	Subject to Section 4.
164.	Parrots, parakeets or other birds of the family known as Psittacidae	Prohibited absolutely.
164A.	Peanut butter, salted and roasted shell peanuts	The goods shall not for a period of 12 months commencing on and from 23 February 1984, being the date of commencement of this amendment, be imported into Papua New Guinea for retail sale in Morobe Province,

		Madang Province, East Sepik Province and West Sepik Province except–
		(a) with the permission of the Minister responsible for foreign affairs and trade matters; and
		(b) under the conditions and restrictions imposed by that Minister.
165.	Pentazocine	Subject to Section 4.
166.	Pentobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
166A.	Pesticides, being any of the substances defined in Section 1 of the <a href="#">Environmental Contaminants (Pesticides) Regulation 1988</a> .	The goods shall not be imported into Papua New Guinea except in accordance with a permit to import issued under the <a href="#">Environmental Contaminants (Pesticides) Regulation 1988</a> .
167.	Pethidine	Subject to Section 4.
168.	Pethidine-Intermediate-A	Subject to Section 4.
169.	Pethidine-Intermediate-B	Subject to Section 4.
170.	Pethidine-Intermediate-C	Subject to Section 4.
171.	Phenadoxone	Subject to Section 4.
172.	Phenamprodine	Subject to Section 4.
173.	Phenazocine	Subject to Section 4.
174.	Phendimetrazine	Subject to Section 4.
175.	Phenmetrazine	Subject to Section 4.
176.	Phenobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
177.	Phenomorphane	Subject to Section 4.
178.	Phenoperidine	Subject to Section 4.
179.	Phenyl Tertiary Butylamine Resin	Subject to Section 4.
180.	Pholcodine, except in preparations containing not more than 100 mg of the drug per dosage unit and with a concentration of not more than 2.5% in undivided preparations	Subject to Section 4.

181.	Piminodine	Subject to Section 4.
182.	Piperidine derivatives having addictive properties and not specified or referred to elsewhere in this Schedule	Subject to Section 4.
183.	Pipes for use in opium smoking and all parts of and accessories to such pipes	Prohibited absolutely.
184.	Pipradrol	Subject to Section 4.
185.	Piritramide	Subject to Section 4.
185A	Plastic shopping bags, being any of the substances defined as all High Density Polyethylene (HDPE) plastic bags with or without handles used or provided at the point of sales, used as carrying or transporting of retail or wholesale goods including:- (a) HDPE carry bags; and (b) Vegetable or tear-off bags; and (c) Food bags (used at Kai Bars)	The goods shall be Prohibited Absolutely in accordance with the Environment (Ban on Non-Biodegradable Plastic Shopping Bags) Policy 2009
186.	Plumage and skins of-	1. Permission of the Comptroller.
		2. The goods shall be used only for educational or scientific purposes.
	(a) Birds of Paradise (family Paradiseidae); and	
	(b) Crowned Pigeon (family Columbidae); and	
	(c) any of the several species of large crested pigeons of the genus <i>Goura</i> inhabiting Papua New Guinea and the adjacent islands	
187.	Poker machines, punch boards and all similar instruments of gaming	Permission of the National Gaming Control Board.
187A	All gaming machines, parts and accessories thereof, other than poker machines, such as horse racing machines, roulette tables and wheel sets or other similar games of chance or their parts or accessories.	Prohibited Absolutely.
188.	Poppy straw	Permission of the Comptroller.
189A.	[Repealed]	
189B.	Pork based smallgoods (other than bacon and ham) smoked, dried or salted (not canned)	1. Permission of the Minister.
		2. The conditions and restrictions imposed by the

		Minister.
189.	Poppy straw concentrate (being an extract of poppy straw that contains the alkaloids of poppy straw)	Subject to Section 4.
190A.	[Repealed]	
190.	[Repealed]	
191.	Preparations purporting to be, or represented as being, remedies for the alcohol habit, opium habit, cocaine habit or other drug habits (other than the tobacco habit)	Prohibited absolutely.
192.	Probarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
193.	Proheptazine	Subject to Section 4.
194.	Propallylonal	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
195.	Properidine	Subject to Section 4.
196.	Propirain	Subject to Section 4.
197.	Propylbarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
198.	Psilocin	Subject to Section 4.
199.	Psilocybin	Subject to Section 4.
200.	Racemethorphan	Subject to Section 4.
201.	Racemoramide	Subject to Section 4.
202.	Racemorphan	Subject to Section 4.
203.	Radioactive substances or irradiating apparatus	Permission of the Minister or a person authorized by him.
204.	Rags and second-hand articles of clothing (other than second-hand clothing imported for personal wear from Australia or New Zealand)	Evidence of fumigation or cleansing to the satisfaction of the Minister or a person authorized by him.
204A.	Rice, being brown rice, vitamin-enriched white rice, broken rice, glutinous rice, as a pre-packed rice meal or brower's rice.	The importer must satisfy the Comptroller that the goods comply with—
		(a) health control measures as prescribed by the Minister responsible for health matters; and

		(b) quality control measures as prescribed by the Minister responsible for primary industry matters.
205.	Secobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
206.	Silencers for use with firearms	Prohibited absolutely.
206A.	Slides	Subject to compliance with the <a href="#">Classification of Publication (Censorship) Act 1989</a> and the Regulations thereunder.
207.	Spa-(-)-1-Dimethylamine-1, 2 diphenylethane	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
208.	Spa-alpha-phenyl-N, N-dimethylphenethylamine	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
209.	Spirits (other than gin, Geneva, Holland's Schnapps or liqueurs)	1. The importer shall produce to the Collector a declaration in a form approved by the Head of State, acting on advice.
		2. The Collector is satisfied that the spirits have been matured by storage in wood for not less than two years: in the case of blended spirits of different ages the age of the youngest spirit shall be deemed to be the age of the whole.
		3. The goods—
		(a) must, subject to the Paragraph (b), be imported in packages containing not less than the following quantities:—
		(i) spirits in cases (not being perfumed or medicinal) – 9.092l (reputed); and
		(ii) spirits in bulk –22.730l;

		and
		(b) may be imported in quantities less than those prescribed by Paragraph (a) where–
		(i) the duty is paid promptly on importation; and
		(ii) the Collector is satisfied that the goods–
		(A) are samples only; or
		(B) are intended for private use only by the importer; or
		(C) are for medicinal use only; or
		(D) are surplus ships' stores.
210.	Spirobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
210A.	[Repealed]	
211.	Tea	The goods must comply with the following standards:–
		(a) the tea shall not be–
		(i) exhausted; or
		(ii) adulterated with spurious leaf or exhausted leaves; or
		(iii) unfit for human use; or
		(iv) unwholesome; and
		(b) the tea shall have a soluble extract of not less than 30% by weight, calculated on a moisture-free basis; and
		(c) the total ash shall not be more than 8%; and
		(d) the soluble ash shall not be less than 3% calculated on a moisture-free basis.
212.	Tear gas and similar substances	1. Permission of the Commissioner of Police.
		2. The goods must be for use by the Government.

213.	Tetrabarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
214.	Thalidomide, officially described as a-Phthalimidogularimide, and any preparations and admixtures of it	Prohibited absolutely.
215.	Thebacon	Subject to Section 4.
216.	Thebaine	Subject to Section 4.
217.	Thioamobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
218.	Thiobarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
219.	Tobacco, cigars and cigarettes	The goods—
		(a) must subject to Paragraph (b), be imported in packages containing not less than the following quantities:—
		(i) tobacco—4.536kg net; and
		(ii) cigars—4.536kg net; or
		(iii) cigarettes—2.268kg net; or
		(b) may be imported in quantities less than those prescribed by Paragraph (a) when—
		(i) the duty is paid promptly on importation; and
		(ii) the Collector is satisfied that the goods—
		(a) are samples only; or
		(B) are intended for private use only by the importer; or
		(C) are surplus ships' stores.
220.	Trimeperidine	Subject to Section 4.
221.	Vaccine, living or killed	1. Permission of the Minister.
		2. The conditions and restrictions imposed by the Minister in any particular case.

222.	Vinbarbital	Subject to Section 4 (other than Section 4(5)(d), (e), (f) and (g)).
223.	[Repealed]	

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