

REPUBLIC OF VANUATU

**BILL FOR THE
CUSTOMS (AMENDMENT)
ACT NO. OF 2017**

Explanatory Note

This Bill amends the Customs Act No. 7 of 2013 by adding a provision to help facilitate cooperation between Customs and the Vanuatu Police Force in relation to police operations and investigations.

It further provides protection from criminal liability for Customs officers who take part in controlled delivery operations, where their conduct would otherwise contravene border control provisions in the Act. A new Police Powers Act introduces controlled delivery operations as a special investigative technique available to law enforcement. A controlled delivery operation is an operation that allows the entry into, or movement through, Vanuatu of property, including money or goods, (where that entry or movement would otherwise be illegal) to enable law enforcement officers to identify persons involved in the commission of an offence.

Minister of Finance and Economic Management



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Arrangement of Sections

1	Amendment	2
2	Commencement.....	2

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BILL FOR THE CUSTOMS (AMENDMENT) ACT NO. OF 2017

An Act to amend the Customs Act No. 7 of 2013.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Customs Act No. 7 of 2013 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF CUSTOMS ACT NO. 7 OF 2013

1 After section 159

Insert in Part 12

“159A Assistance to police

- (1) A customs officer can facilitate, take part or otherwise assist in any lawful operation or investigation by a police officer.

- (2) A customs officer who facilitates, takes part or otherwise assists with a controlled delivery under section 19 of the Police Powers Act No. of 2017 or section 46 of the Counter Terrorism and Transnational Organised Crime Act [CAP 313] is not criminally liable for conduct that would otherwise constitute an offence against this Act if that conduct is carried out by the customs officer in the faithful exercise of his or her duties.”