Proceeds of Crime (Border Declaration Form) Regulations 2023

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Proceeds of Crime (Border Declaration Form) Regulations 2023

TABLE OF AMENDMENTS

The Proceeds of Crime (Border Declaration Form) Regulations 2023 SL 21 were notified and commenced on 10 July 2023 (GN No 765/2023; Gaz 138/2023).

Amending Legislation	Notified	Date of Commencement
Proceeds of Crime (Border Declaration Form) (Amendment) Regulations 2024 SL 5	28 March 2024	28 March 2024

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The Cabinet makes these Regulations under Sections 96 and 96A of the *Proceeds of Crime Act 2004*:

1 Citation

These Regulations may be cited as the *Proceeds of Crime (Border Declaration Form) Regulations 2023*.

2 Commencement

These Regulations commence on the day they are notified in the Gazette.

3 Border Declaration Form

(1) A person transporting into or out of the Republic, in the value of more than $5,000 of or its equivalence in any other currency:
  (a) cash;
  (b) bearer negotiable instrument; or
  (c) precious metals or precious stones,
shall make a declaration in the Form in the Schedule.

[subreg (1) renum and am SL 5 of 2024 reg 4, opn 28 Mar 2024]

(2) The Nauru Customs Service shall provide a copy each of the Border Declaration Form to the Financial Intelligence Unit.

[subreg (2) insrt SL 5 of 2024 reg 4, opn 28 Mar 2024]

4 Record keeping

(1) A declaration made in the Form in the Schedule, shall be kept and maintained for a period of 7 years by the:
  (a) Nauru Customs Service; and
  (b) Financial Intelligence Unit.

[subreg (1) renum and am SL 5 of 2024 reg 5, opn 28 Mar 2024]

(2) An electronic declaration made for the purposes of this Regulation or any other written law, shall be kept and maintained in an electronic storage database or system.

[subreg (2) insrt SL 5 of 2024 reg 5, opn 28 Mar 2024]

5 Declaration of transportation of cash and other items by mail or cargo

(1) Where cash, bearer negotiable instruments, precious metals or stones including sapphire, gold and silver are transported from or into the Republic through mail or cargo, the manifest for such transportation shall be appropriately recorded the following in the Customs system:
  (a) amount in Australian dollars or its equivalent in foreign currency; and
  (b) value of any of the precious sapphire, gold and silver in Australian dollars or its equivalent in foreign currency.

(2) The Nauru Customs Service shall report the transportation of cash, bearer negotiable instruments, precious metals or stones including sapphire, gold and silver under subregulation (1) to the Financial Intelligence Unit.

(3) The Financial Intelligence Unit shall ensure to keep and maintain all reports received under subregulation (2), on a monthly basis, for a period of 7 years.

(4) For the purpose of this Regulation ***'Customs system'*** has the meaning given to it under the *Customs Regulations 2023*.

[reg 5 insrt SL 5 of 2024 reg 6, opn 28 Mar 2024]

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SCHEDULE

(Regulation 3)

BORDER DECLARATION FORM

Republic of Nauru



BORDER DECLARATION FORM

Please complete in **INK** and in **CAPITAL LETTERS**

Complete this form if you are carrying cash, negotiable bearer instruments or precious metals or stones with a value of more than $5,000. Reporting is required by law under Section 96 and 96A of the *Proceeds of Crime Act 2004*. Reporting is required for cash which includes bearer negotiable instruments of the value of more than $5,000 or its equivalence in any other currency:

(a) on his or her person;

(b) in his or her luggage; or

(c) in his or her mail or cargo.

PART A — DETAILS OF DECLARATION

1. Are you carrying more than $5,000 in cash/bearer negotiable instruments/precious metals or stones:

Into Nauru □ Out of Nauru □

2. What is the total value?

3. Date of arrival/departure

DD MM YEAR

4. Flight number and name of vessel:

5. If you are declaring cash to be carried out of Nauru, please answer the following:

(a) Have you received approval to export cash?

□ YES

(b) Have you attached the approval?

□ YES

(c) Provide Tax Identification Number:

(d) State source of cash (salary/other):

Note: Failure to produce the requisite approval from the Chief Collector of Customs, will result in the seizing of the cash being declared.

PART B — DETAILS OF PERSON DECLARING CASH

6. Full name of person declaring cash:

Title (Mr/Mrs/Ms): Surname:

Given names:

Also knowns as:

Male/Female: M F

Date of birth:

. . . . . /. . . . . /. . . . . .

DD MM YEAR

Country of birth:

7. Passport Number:

8. Country of Issue:

9. Date of Issue:

10. Date of Expiry:

11. Residential address (cannot be a PO Box)

12. Occupation or business

13. Are you a resident of Nauru?

□ YES (go to 16) □ NO (go to 14)

14. Your contact details in Nauru

Phone number:

Address:

15. **Purpose of your visit**

□ Vacation □ Business
□ Employment □ Conference
□ Visiting friends □ Other (specify)

16. **Travel itinerary** — where travel commenced and where cash was obtained and where travel continues to or final destination:

eg Hong Kong-Sydney-Brisbane-Nauru

. . . . . .
. . . . . .
. . . . . .
. . . . . .

17. Are you carrying cash/bearer negotiable instruments precious stones and metals on your own behalf?

□ YES (go to 25) □ NO (go to 18)

PART C — IF NOT YOUR OWN, ON WHOSE BEHALF?

18. State full name of person/corporation on whose behalf you are acting:

19. Residential/ Business address of person/corporation (street address and P.O. Box)

. . . . . .
. . . . . .P.O.Box . . . . . .
Country: . . . . . Phone No: . . . . . .

20. Occupation, business or principal activity of this person or corporation:

PART D — IF NOT FOR YOURSELF TO WHOM ARE YOU DELIVERING THE CASH?

21. State full name of person or corporation receiving the cash:

22. Residential/ Business address of person/corporation (street address and P.O. Box)

. . . . . .
. . . . . .P.O.Box . . . . . .
Country: . . . . . Phone No: . . . . . .

23. Occupation, business or principal activity of this person or corporation:

24. Give details of cash/bearer negotiable instrument/precious stones or metals being carried:

Type (eg Cash/BNI/precious stones or metals	Value

PART E — DECLARATION AND SIGNATURE

25. I confirm that the information contained in this form is true and correct to the best of my knowledge:

SIGN

HERE_____

Penalty: Any person who fails to make a declaration or who makes a declaration knowing it to be false or misleading in this form commits a strict liability offence under Section 96 or 96A of the *Proceeds of Crime Act 2004* and is liable to pay a fine not exceeding $20,000/$50,000 or to imprisonment not exceeding 2 years or both the fine and imprisonment term or seizure of cash, bearer negotiable instruments or precious stones or metals.

NAURU/CUSTOMS IMMIGRATION USE ONLY

Verified:

	YES	NO
Name:		
Date of birth:		
Country of birth:		
Passport Number:		
Type (eg Cash/BNI/precious stones or metals		

26. Name of customs/immigration officer:
27 Date of Completion
28. Other comments:

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