

Passenger Movement Charge Act 1978

No. 118, 1978

**Compilation No. 12**

**Compilation date:** 1 July 2017

**Includes amendments up to:** Act No. 93, 2016

**Registered:** 19 July 2017

**About this compilation**

**This compilation**

This is a compilation of the *Passenger Movement Charge Act 1978* that shows the text of the law as amended and in force on 1 July 2017 (the ***compilation date***).

The notes at the end of this compilation (the ***endnotes***) include information about amending laws and the amendment history of provisions of the compiled law.

**Uncommenced amendments**

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

**Application, saving and transitional provisions for provisions and amendments**

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

**Editorial changes**

For more information about any editorial changes made in this compilation, see the endnotes.

**Modifications**

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

**Self‑repealing provisions**

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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An Act to impose a charge in respect of the departure of persons from Australia

1 Short title

This Act may be cited as the *Passenger Movement Charge Act 1978*.

2 Commencement

This Act shall come into operation on a date to be fixed by Proclamation.

3 Definitions

In this Act:

***Collection Act***means the *Passenger Movement Charge Collection Act 1978*.

***external Territory***has the same meaning as in the Collection Act.

***Indian Ocean Territory***means:

(a) the Territory of Christmas Island; or

(b) the Territory of Cocos (Keeling) Islands.

***installation in the Joint Petroleum Development Area*** means a resources installation, or a sea installation, that is attached to the seabed in the Joint Petroleum Development Area.

***Joint Petroleum Development Area*** has the same meaning as in the *Petroleum (Timor Sea Treaty) Act 2003*.

***resources installation***has the same meaning as in subsection 4(1) of the *Customs Act 1901*.

***sea installation***has the same meaning as in subsection 4(1) of the *Customs Act 1901*.

4 Travel involving intermediate destinations

(1) For the purposes of this Act, if:

(a) a person departs from Australia for an external Territory; and

(b) the person is not ordinarily resident in that external Territory; and

(c) the person intends, at the time of the departure, to depart from that external Territory for another country, or for an installation in the Joint Petroleum Development Area, within 3 months after the departure from Australia;

the first‑mentioned departure is taken to be a departure of the person from Australia for that other country or for that installation, as the case requires.

(2) For the purposes of this Act (including subsection (1)), if:

(a) a person departs from Australia for another country or for an installation in the Joint Petroleum Development Area; and

(b) the person intends, at the time of the departure, to depart from that other country, or from an installation in the Joint Petroleum Development Area, for an external Territory within 7 days after the departure from Australia;

the first‑mentioned departure is taken to be a departure from Australia for that external Territory.

(3) For the purposes of this Act, if:

(a) a person departs from Norfolk Island or an Indian Ocean Territory for another country or for an installation in the Joint Petroleum Development Area; and

(b) the person intends, at the time of the departure, to depart from that other country, or from an installation in the Joint Petroleum Development Area, for a place in Australia other than that first‑mentioned Territory within 7 days after the first‑mentioned departure;

the first‑mentioned departure is taken not to be a departure from Australia for another country or for an installation in the Joint Petroleum Development Area.

(4) For the purposes of this Act, if:

(a) a person departs from a part of Australia other than Norfolk Island or an Indian Ocean Territory for another country or for an installation in the Joint Petroleum Development Area; and

(b) the person intends, at the time of the departure, to depart from that other country, or from an installation in the Joint Petroleum Development Area, for Norfolk Island or an Indian Ocean Territory within 7 days after the first‑mentioned departure;

the first‑mentioned departure is taken not to be a departure from Australia for another country or for an installation in the Joint Petroleum Development Area.

5 Imposition of passenger movement charge

Charge, called passenger movement charge, is imposed in respect of the departure of a person from Australia:

(a) for another country, after the commencement of this Act; or

(b) for an installation in the Joint Petroleum Development Area, on or after 1 July 1995;

whether or not the person intends to return to Australia.

6 Rate of passenger movement charge

The rate of charge imposed by this Act in respect of the departure of a person from Australia is $60 and does not increase from 1 July 2017 for 5 years thereafter.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

**Abbreviation key—Endnote 2**

The abbreviation key sets out abbreviations that may be used in the endnotes.

**Legislation history and amendment history—Endnotes 3 and 4**

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

**Editorial changes**

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

**Misdescribed amendments**

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

|  |  |
| --- | --- |
| ad = added or inserted | o = order(s) |
| am = amended | Ord = Ordinance |
| amdt = amendment | orig = original |
| c = clause(s) | par = paragraph(s)/subparagraph(s) |
| C[x] = Compilation No. x | /sub‑subparagraph(s) |
| Ch = Chapter(s) | pres = present |
| def = definition(s) | prev = previous |
| Dict = Dictionary | (prev…) = previously |
| disallowed = disallowed by Parliament | Pt = Part(s) |
| Div = Division(s) | r = regulation(s)/rule(s) |
| ed = editorial change | reloc = relocated |
| exp = expires/expired or ceases/ceased to have | renum = renumbered |
| effect | rep = repealed |
| F = Federal Register of Legislation | rs = repealed and substituted |
| gaz = gazette | s = section(s)/subsection(s) |
| LA = *Legislation Act 2003* | Sch = Schedule(s) |
| LIA = *Legislative Instruments Act 2003* | Sdiv = Subdivision(s) |
| (md) = misdescribed amendment can be given | SLI = Select Legislative Instrument |
| effect | SR = Statutory Rules |
| (md not incorp) = misdescribed amendment | Sub‑Ch = Sub‑Chapter(s) |
| cannot be given effect | SubPt = Subpart(s) |
| mod = modified/modification | underlining = whole or part not |
| No. = Number(s) | commenced or to be commenced |

Endnote 3—Legislation history

| Act | Number and year | Assent | Commencement | Application, saving and transitional provisions |
| --- | --- | --- | --- | --- |
| Departure Tax Act 1978 | 118, 1978 | 29 Sept 1978 | 24 Oct 1978 (*see Gazette* 1978, No. S216) |  |
| Departure Tax Amendment Act 1981 | 131, 1981 | 30 Sept 1981 | 1 Oct 1981 | s. 4 |
| Departure Tax Amendment Act 1988 | 47, 1988 | 15 June 1988 | 1 July 1988 | — |
| Departure Tax Amendment Act 1991 | 77, 1991 | 25 June 1991 | 1 Aug 1991 | s. 4 |
| Departure Tax Amendment Act 1993 | 96, 1993 | 22 Dec 1993 | 1 Jan 1994 | s. 4 |
| Departure Tax Amendment Act 1994 | 146, 1994 | 8 Dec 1994 | 16 Dec 1994 (*see* s. 2) | s 3 and 9 |
| Passenger Movement Charge Amendment Act 1995 | 64, 1995 | 30 June 1995 | 1 July 1995 | Sch (item 2) |
| Passenger Movement Charge Amendment Act 1998 | 66, 1998 | 30 June 1998 | 1 Jan 1999 | Sch 1 (item 2 |
| Timor Gap Treaty (Transitional Arrangements) Act 2000 | 25, 2000 | 3 Apr 2000 | ss. 4–6 and Schedule 2 (item 37): *(a)* | s 4–6 |
| Passenger Movement Charge Amendment Act 2001 | 79, 2001 | 30 June 2001 | 1 July 2001 | Sch 1 (item 2) |
| Passenger Movement Charge (Timor Sea Treaty) Amendment Act 2003 | 11, 2003 | 2 Apr 2003 | 20 May 2002 | — |
| Passenger Movement Charge Amendment Act 2008 | 58, 2008 | 30 June 2008 | 1 July 2008 | Sch 1 (item 2) |
| Passenger Movement Charge Amendment Act 2012 | 94, 2012 | 29 June 2012 | 1 July 2012 | Sch 1 (item 2) |
| Passenger Movement Charge Amendment (Norfolk Island) Act 2016 | 32, 2016 | 23 Mar 2016 | Sch 1: 1 July 2016 (s 2(1) item 2) | — |
| Passenger Movement Charge Amendment Act 2016 | 91, 2016 | 2 Dec 2016 | 1 July 2017 (s 2(1) item 1) | Sch 1 (item 2) |
| Passenger Movement Charge Amendment Act (No. 2) 2016 | 93, 2016 | 2 Dec 2016 | 1 July 2017 (s 2(1) item 1) | — |

Endnote 4—Amendment history

| Provision affected | How affected |
| --- | --- |
| Title | am. No. 146, 1994 |
| s. 1 | am. No. 146, 1994 |
| s. 3 | am. No. 146, 1994; No 32, 2016 |
|  | rs. No. 64, 1995 |
|  | am. No. 25, 2000; No. 11, 2003 |
| s. 4 | rs. No. 64, 1995 |
|  | am. No. 11, 2003; No 32, 2016 |
| s. 5 | am. No. 146, 1994 |
|  | rs. No. 64, 1995 |
|  | am. No. 11, 2003 |
| s. 6 | am. No. 131, 1981; No. 47, 1988; No. 77, 1991; No. 96, 1993; No. 146, 1994 ; No. 66, 1998; No. 79, 2001; No. 58, 2008; No. 94, 2012; No 91, 2016; No 93, 2016 |