



DEPARTURE FEE ACT 1980

[Consolidated as at 20 December 2013
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

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Departure Fee Act 1980

An Act to impose a fee on certain persons departing from Norfolk Island

Short title

1. This Act may be cited as the *Departure Fee Act 1980*.

Commencement

2. This Act shall come into operation on a date fixed by the Administrator by notice published in the Gazette.

Imposition of departure fee

3. (1) Subject to subsection 3(2) a person who intends to leave Norfolk Island, either temporarily or permanently, shall immediately before his departure pay to the Administration a fee, if any, as prescribed.

(1A) A person who refuses to pay to the Administration the fee referred to in subsection 3(1) is guilty of an offence.

Penalty: 2 penalty units.

- (2) Subsection 3(1) does not apply to —
 - (a) the Head of State of a country and a person accompanying him in an official capacity; or
 - (b) a person under the age of 16 years; or
 - (c) a member of the Defence Force of Australia or a member of the armed forces of another country who has been engaged in Norfolk Island in the course of his or her duty; or
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 - (e) a member of the crew of a vessel or aircraft —
 - (i) in transit for not more than 24 hours;
 - (ii) joining the vessel or aircraft; or
 - (iii) loading or unloading cargo or embarking or disembarking passengers,
at Norfolk Island; or
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 - (g) a passenger of an aircraft or vessel stopping over at Norfolk Island who remains on Norfolk Island for not more than 24 hours; or

- (h) a person who intends —
 - (i) to be away from Norfolk Island for a period of less than 30 days; and
 - (ii) to visit no country, including Australia, during his absence from Norfolk Island; or

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- (j) a person who —
 - (i) entered Norfolk Island under circumstances of emergency; and
 - (ii) is leaving within 7 days of so entering Norfolk Island; or
- (k) a person who, in the opinion of a person authorised in that behalf by the Minister —
 - (i) is leaving Norfolk Island primarily for the purpose of receiving medical treatment; or
 - (ii) must necessarily accompany a person referred to in subparagraph 3(k)(i); or
- (l) a person who —
 - (i) has attained the age of 16 years but has not attained the age of 25 years; and
 - (ii) in the opinion of a person authorised in that behalf by the Minister, is leaving Norfolk Island primarily for the purpose of receiving full time education at a school, college or university.

(3) The Minister may make arrangements for the collection of the fee imposed under subsection 3(1).

(4) In paragraph (2)(e) the expression “member of a crew” refers to a person who is, or is intended to be, engaged in operational duties on the vessel or aircraft after leaving Norfolk Island and before berthing or landing at another place.

Repeal

4. The *Visiting Fee Act 1976* is repealed.

Regulations

5. (1) The Administrator may make Regulations not inconsistent with this Act, prescribing matters —
- (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

NOTES

The *Departure Fee Act 1980* as shown in this consolidation comprises Act No. 14 of 1980 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Departure Fee Act 1980</i>	14, 1980	1.8.80	
<i>Departure Fee (Amendment) Act 1982</i>	8, 1983	25.8.83	
<i>Departure Fee (Amendment) Act 1983</i>	12, 1983	7.11.83	
<i>Departure Fee (Amendment) Act 1986</i>	28, 1986	6.11.86	
<i>Departure Fee Amendment Act 1991</i>	5, 1991	7.3.91	
<i>Departure Fee Amendment (No. 2) Act 1991</i>	16, 1991	31.10.91	
<i>Departure Fee Amendment Act 1994</i>	9, 1994	28.3.94	
<i>Departure Fee Amendment (No. 2) Act 1994</i>	19, 1994	23.2.95	
<i>Departure Fee Amendment Act 2003</i>	11, 2003	1.7.03	
<i>Departure Fee (Amendment) Act 2005</i>	10, 2005	29.4.2005	
			[Previously consolidated as at 12 May 2005]
<i>Departure Fee (Amendment) Act 2009</i>	9, 2009	30.6.09	
			[Previously consolidated as at 2 July 2009]
<i>Departure Fee (Amendment) Act 2011</i>	6, 2011	30.6.11 to take effect from 1.7.11	
			[previously consolidated as at 2 July 2011]
<i>Interpretation (Amendment) Act 2012</i> [to substitute throughout — Commonwealth Minister for Minister; and to substitute Minister for executive member]	14, 2012	28.12.12	

Table of Amendments

ad = added or am = amended Rep = repealed rs = repealed and
 inserted substituted

Provisions affected	How affected
3(1)	Am 12, 1983; 5, 1991; 9, 1994; 11, 2003; 10, 2005; 9, 2009; 6, 2011; 14, 2012
3(1A)	Ad 28, 1986
3(2)	Am 8, 1983; 5, 1991; 16, 1991; 19, 1994; 9, 2009; 6, 2011
3(4)	Ad 10, 2005
5	Ad 6, 2011

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