



Passenger Movement Charge Act 1978

Act No. 118 of 1978 as amended

This compilation was prepared on 15 August 2012
taking into account amendments up to Act No. 94 of 2012

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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

1 Short title [see Note 1]

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

2 Commencement [see Note 1]

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

3 Definitions

In this Act:

Australia has the same meaning as in the Collection 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 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 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.
- (4) For the purposes of this Act, if:
 - (a) a person departs from a part of Australia other than 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 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 \$55.

Table of Acts**Notes to the *Passenger Movement Charge Act 1978*****Note 1**

The *Passenger Movement Charge Act 1978* as shown in this compilation comprises Act No. 118, 1978 amended as indicated in the Tables below.

All relevant information pertaining to application, saving or transitional provisions prior to 30 June 1998 is not included in this compilation. For subsequent information *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Departure Tax Act 1978</i>	118, 1978	29 Sept 1978	24 Oct 1978 (<i>see</i> Gazette 1978, No. S216)	
<i>Departure Tax Amendment Act 1981</i>	131, 1981	30 Sept 1981	1 Oct 1981	S. 4
<i>Departure Tax Amendment Act 1988</i>	47, 1988	15 June 1988	1 July 1988	—
<i>Departure Tax Amendment Act 1991</i>	77, 1991	25 June 1991	1 Aug 1991	S. 4
<i>Departure Tax Amendment Act 1993</i>	96, 1993	22 Dec 1993	1 Jan 1994	S. 4
<i>Departure Tax Amendment Act 1994</i>	146, 1994	8 Dec 1994	16 Dec 1994 (<i>see</i> s. 2)	Ss. 3 and 9
<i>Passenger Movement Charge Amendment Act 1995</i>	64, 1995	30 June 1995	1 July 1995	Sch. (item 2)
<i>Passenger Movement Charge Amendment Act 1998</i>	66, 1998	30 June 1998	1 Jan 1999	Sch. 1 (item 2) [<i>see</i> Table A]
<i>Timor Gap Treaty (Transitional Arrangements) Act 2000</i>	25, 2000	3 Apr 2000	Ss. 4–6 and Schedule 2 (item 37): (a)	Ss. 4–6 [<i>see</i> Table A]
<i>Passenger Movement Charge Amendment Act 2001</i>	79, 2001	30 June 2001	1 July 2001	Sch. 1 (item 2) [<i>see</i> Table A]
<i>Passenger Movement Charge (Timor Sea Treaty) Amendment Act 2003</i>	11, 2003	2 Apr 2003	20 May 2002	—
<i>Passenger Movement Charge Amendment Act 2008</i>	58, 2008	30 June 2008	1 July 2008	Sch. 1 (item 2) [<i>see</i> Table A]

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Passenger Movement Charge Amendment Act 2012</i>	94, 2012	29 June 2012	1 July 2012	Sch. 1 (item 2) [see Table A]

Act Notes

- (a) The *Passenger Movement Charge Act 1978* was amended by Schedule 2 (item 37) only of the *Timor Gap Treaty (Transitional Arrangements) Act 2000*, subsection 2(2) of which provides as follows:
- (2) Sections 3 to 7 and Schedules 1 and 2 (other than items 18 to 25 of Schedule 2) are taken to have commenced at the transition time. [see Table A]

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Title.....	am. No. 146, 1994
S. 1	am. No. 146, 1994
S. 3	am. No. 146, 1994 rs. No. 64, 1995 am. No. 25, 2000; No. 11, 2003
S. 4	rs. No. 64, 1995 am. No. 11, 2003
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

Table A

Table A

Application, saving or transitional provisions

Passenger Movement Charge Amendment Act 1998 (No. 66, 1998)

2 Application

The amendment of the *Passenger Movement Charge Act 1978* made by this Act applies in relation to the departure of a person from Australia on or after 1 January 1999.

Timor Gap Treaty (Transitional Arrangements) Act 2000 (No. 25, 2000)

4 The transition time

In this Act:

transition time means 1.23 am Australian Central Standard Time on 26 October 1999.

Note: This time corresponds to the time in New York when the United Nations Security Council adopted Resolution 1272 (1999), which established UNTAET and gave it responsibility for the administration of East Timor. In 2000 the text of the Resolution was available in the Library of the Department of Foreign Affairs and Trade and accessible on the Internet through the Department's or the United Nations' world-wide web site.

Passenger Movement Charge Amendment Act 2001 (No. 79, 2001)

Schedule 1

2 Application

The amendment of section 6 of the *Passenger Movement Charge Act 1978* made by this Schedule applies in relation to the departure of a person from Australia on or after 1 July 2001, unless:

- (a) the person departs using a ticket or equivalent authority; and
- (b) the ticket or authority was sold or issued before 1 July 2001.

Table A

Passenger Movement Charge Amendment Act 2008 (No. 58, 2008)

Schedule 1

2 Application

The amendment made by item 1 applies in relation to the departure of a person from Australia on or after 1 July 2008, unless:

- (a) the person departs using a ticket or equivalent authority; and
- (b) the ticket or authority was sold or issued before 1 July 2008.

Passenger Movement Charge Amendment Act 2012 (No. 94, 2012)

Schedule 1

2 Application provision

The amendment made by item 1 applies in relation to the departure of a person from Australia on or after 1 July 2012, unless:

- (a) the person departs using a ticket or equivalent authority; and
- (b) the ticket or authority was sold or issued before 1 July 2012.