

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Industry, Science and Technology)*

**PASSENGER MOVEMENT CHARGE COLLECTION  
AMENDMENT BILL 1995**

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COLLECTION ACT 1978**



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## A BILL

FOR

### **An Act to amend the *Passenger Movement Charge Collection Act 1978*, and for related purposes**

The Parliament of Australia enacts:

#### **Short title**

1. This Act may be cited as the *Passenger Movement Charge Collection Amendment Act 1995*.

#### **5 Commencement**

2. This Act commences on 1 July 1995.

**Schedule**

3. The *Passenger Movement Charge Collection Act 1978* is amended in accordance with the applicable items in the Schedule, and the other item in the Schedule has effect according to its terms.

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**SCHEDULE**

Section 3

**AMENDMENTS OF THE PASSENGER MOVEMENT CHARGE  
COLLECTION ACT 1978**

**1. Section 3 (definition of *authorised officer*):**

Omit the definition, substitute:

***“authorised officer*** means:

- (a) an officer of Customs; or
- (b) any other person authorised in writing by the Chief Executive Officer of Customs to be an authorised officer for the purposes of this Act.”.

**2. Section 3 (definitions of *exempt passenger* and *vessel*):**

Omit the definitions.

**3. Section 3:**

Insert:

***“aircraft*** means any machine or craft that can derive support in the atmosphere from the reactions of the air.

***Area A of the Zone of Cooperation*** has the same meaning as in the *Petroleum (Australia-Indonesia Zone of Cooperation) Act 1990*.

***Australia*** includes:

- (a) the Territory of Christmas Island; and
- (b) the Territory of Cocos (Keeling) Islands;

but does not include any external Territory.

***child*** means a child who is under 18 years old and includes an adopted child or a step-child.

***crew member***, in relation to an aircraft or a ship, includes the person in charge of the aircraft or ship.

***emergency passenger*** means a person:

- (a) who arrives in Australia as a passenger on an aircraft or a ship only because of:
  - (i) the illness of a person (including that person) on board the aircraft or ship; or
  - (ii) bad weather conditions; or
  - (iii) another kind of emergency; and
- (b) who departs from Australia as soon as it is reasonably practicable for the person to do so.

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

**SCHEDULE—continued**

***petroleum*** has the same meaning as in the Timor Gap Treaty.

***petroleum operations*** has the same meaning as in the Timor Gap Treaty.

***positioning crew member*** means:

- (a) a passenger on an aircraft whose departure from Australia is undertaken for the purpose of later becoming a crew member of that aircraft, another aircraft or a ship; or
- (b) a passenger on a ship whose departure from Australia is undertaken for the purpose of later becoming a crew member of that ship or another ship.

***ship*** means any vessel used in navigation, other than air navigation.

***spouse***, in relation to a person, includes another person who, although not legally married to the person, lives with the person on a genuine domestic basis as the husband or wife of the person.

***Timor Gap Treaty*** means the Treaty between Australia and the Republic of Indonesia on the Zone of Cooperation in an area between the Indonesian Province of East Timor and Northern Australia:

- (a) that was done over the Zone of Cooperation on 11 December 1989; and
- (b) the text of which is set out in the Schedule to the *Petroleum (Australia-Indonesia Zone of Cooperation) Act 1990*.

***Torres Strait Treaty*** means the Treaty between Australia and the Independent State of Papua New Guinea:

- (a) that was signed at Sydney on 18 December 1978; and
- (b) the text of which is set out in the Schedule to the *Torres Strait Fisheries Act 1984*.

***traditional activities*** has the same meaning as in the Torres Strait Treaty.

***traditional inhabitants*** has the same meaning as in the *Torres Strait Fisheries Act 1984*.

***transit passenger*** means a person who arrives in Australia from a place outside Australia for the purpose only of a journey from that place to a place outside Australia and who departs from Australia:

- (a) in the case of a person who arrives in Australia on an aircraft and who departs from Australia on that aircraft or another aircraft:
  - (i) without being immigration cleared within the meaning of section 172 of the *Migration Act 1958*; or
  - (ii) if the person is so immigration cleared to enter Australia for reasons beyond the person's control—as soon as it is reasonably practicable for the person to do so after those reasons no longer exist; or

**SCHEDULE—continued**

(b) in any other case:

- (i) less than 48 hours after the person arrived in Australia; or
- (ii) if the person is prevented from departing from Australia less than 48 hours after the person arrived in Australia for reasons beyond the person's control—as soon as it is reasonably practicable for the person to do so after those reasons no longer exist.

***Zone of Cooperation*** has the same meaning as in the Timor Gap Treaty.”.

**4. Section 5:**

Repeal the section, substitute:

**Persons exempt from passenger movement charge**

“5. A person departing from Australia does not have to pay the charge in relation to his or her departure if, at the time of his or her departure, the person:

- (a) is under 12 years old; or
- (b) is a traditional inhabitant whose departure is undertaken in connection with the performance of traditional activities; or
- (c) is a member of the defence force of a country other than Australia whose departure is undertaken:
  - (i) in the course of his or her duty as such a member; and
  - (ii) on an aircraft or a ship of a defence force; or
- (d) is a spouse or a child:
  - (i) of a member of the defence force of a country other than Australia to whom paragraph (c) applies; and
  - (ii) whose departure from Australia is undertaken in the company of the member; or
- (e) is a crew member of an aircraft or a ship whose departure from Australia is on the aircraft or ship; or
- (f) is a spouse or a child:
  - (i) of a crew member of a ship to whom paragraph (e) applies; and
  - (ii) whose departure from Australia is undertaken in the company of the member; or
- (g) is a positioning crew member; or
- (h) is a transit passenger; or
- (i) is an emergency passenger; or
- (j) is in the course of a journey that has involved a previous departure by the person from Australia in respect of which the person paid the charge; or

**SCHEDULE—continued**

- (k) does not have to pay the charge because of the operation of:
  - (i) the *Consular Privileges and Immunities Act 1972*; or
  - (ii) the *Diplomatic Privileges and Immunities Act 1967*; or
  - (iii) the *International Organisations (Privileges and Immunities) Act 1963*; or
- (l) is a passenger whose departure from Australia is undertaken for the purpose of travelling to Area A of the Zone of Cooperation in connection with the prospecting for petroleum or the undertaking of petroleum operations.”.

**5. Subsection 7(1):**

Omit the subsection.

**6. Subsection 7(2):**

After “him” insert “or her”.

**7. Subsections 8(3) and (4):**

After “his” (wherever occurring) insert “or her”.

**8. Subsection 10(4):**

Omit the subsection, substitute:

“(4) Despite anything in this section, the Minister must not make an arrangement under this section that is to apply in respect of any person departing from Australia for another country on an aircraft before 1 July 1995.”.

**9. Subsection 11(2):**

Omit “subsection 5(1)”, substitute “section 5”.

**10. Transitional**

(1) Despite the amendments of the *Passenger Movement Charge Collection Act 1978* made by this Act, that Act, as in force immediately before 1 July 1995, and any regulations under that Act as so in force, continue to have effect in respect of departures from Australia before that date as if the amendments made by this Act had not been made.

(2) If:

- (a) an exemption stamp has, before 1 July 1995, been issued under section 11 of the *Passenger Movement Charge Collection Act 1978* in respect of a person in relation to a departure on or after that day; and



**SCHEDULE—continued**

(b) the person would not be exempt from passenger movement charge under that Act as amended by this Act;  
the person is to be treated, for the purposes of that Act as so amended, as being so exempt despite the fact that the person does not fall within any category of person specified under section 5 of that Act as so amended as being so exempt.













