

PASSENGER MOVEMENT CHARGE

ARRANGEMENT
(XX month year to 30 June 2010)

BETWEEN

THE COMMONWEALTH OF AUSTRALIA

AND

[Shipping & Air Charter Operator Name]



Australian Government
Australian Customs Service

PASSENGER MOVEMENT CHARGE ARRANGEMENT
INCORPORATED SHIPPING ENTITY

- 1) This Arrangement applies in relation to the departure of passengers between 1 February 2008 and 30 June 2010.

- 2) Arrangement pursuant to section 10 of the *Passenger Movement Charge Collection Act 1978* between:

The Commonwealth of Australia

and

['XYZ Pty. Limited (ABN 00 123 456 789), a company incorporated in the State/Territory ofand having its registered office at.....']

- 3) **[Incorporated Company Name and ABN]**
 - (a) agree to be bound by the terms and conditions contained in Annexure A to this agreement (Procedures for Payment by Cruise Shipping Operators and Cargo Vessel Operators); and

 - (b) agree to pay to the Commonwealth, within 30 days after the departure of a voyage, an amount equal to the Passenger Movement Charge for each passenger liable to pay the Passenger Movement Charge.

EXECUTED by

[Full Company Name (ABN)]

pursuant to section 127 of the *Corporations Act 2001* (Cth) by authority of its directors.

.....
(Print Name of Director)

.....
(Signature of Director)

Date: / /

In the presence of

.....
(Print Name of Witness)

.....
(Signature of Witness)

Date: / /

.....
(Name of Director/ Company Secretary)

.....
(Signature of Director/Company Secretary)

Date: / /

In the presence of

.....
(Print Name of Witness)

.....
(Signature of Witness)

Date: / /

SIGNED by

Craig Sommerville
National Manager
Passenger Operations
Australian Customs Service

.....
(Signature of Delegate)

On behalf of the Minister for Justice
and Customs

In the presence of

.....
(Print Name of Witness)

.....
(Signature of Witness)

Date: / /



PASSENGER MOVEMENT CHARGE (PMC)

PROCEDURES FOR PAYMENT OF PMC BY SHIPPING ENTITIES

(CRUISE SHIPPING OPERATORS AND CARGO VESSEL OPERATORS)

The following procedures apply to the payment of the Passenger Movement Charge (PMC) by passengers departing Australia for an overseas destination on cruise ships and cargo vessels, and who are liable to pay the PMC. The Arrangements are the result of original negotiations between the Australian Chamber of Shipping and the Australian Customs Service and have been endorsed by both organisations. This document has been revised to incorporate current policies and procedures relating to the collection and remittance of PMC.

A shipping entity, which enters into a PMC payment arrangement with the Commonwealth agrees to be bound by the terms and conditions contained in this annexure.

The PMC rate is presently AUD \$38.00 as determined by the *Passenger Movement Charge Act 1978*.

PAYMENT

An explanation of PMC liability in relation to different categories of sea travel is attached (Attachment A), together with a sample of the reporting format to be used by all shipping entities (Attachment B).

Shipping entities will make their PMC payments in accordance with the following procedure: -

1. **Cruise Shipping** Operators will provide the National Pay and Accounts Centre (NPAC) PMC Unit with a schedule of their passenger cruises, updated as necessary when the schedule changes.
2. **Cargo Vessel** Operators will only report (and make payment) to the NPAC PMC Unit in instances where passengers who are liable to pay the PMC are carried on a voyage.
3. The Cruise Shipping Operator/Cargo Vessel Operator shall collect an amount equal to the PMC from each departing passenger who is liable to pay the PMC.
4. Certain categories of passengers are exempt from paying the PMC. The charge should not be collected from exempt passengers (Attachment A).

5. Payment will be made by close of business on the 30th day following the date of the last departure of the voyage from Australia for an overseas destination.
6. Payment will be made in Australian currency either by cheque to the NPAC PMC Unit or by direct credit to the Westpac Bank account. Cheques should be made payable to the "Australian Customs Service". Direct credit is the preferred mode of payment.
7. At the same time that payment of an amount equal to PMC is made, the **Passenger Movement Charge Remittance Report - Shipping Entities** (Attachment B) is to be forwarded by email, fax or post to the NPAC PMC Unit detailing the number of passengers for whom the PMC has been paid, the number of exemptions and the amount paid. An electronic version of Attachment B is available by email: npacpmc@customs.gov.au
8. Only send a report if you are remitting PMC (i.e. a "nil" report is not required).

REFUNDS

Passengers who have mistakenly paid an amount equal to the PMC when they should have been exempt are entitled to a refund.

If the PMC has not yet been paid to the Commonwealth by the shipping entity, then the responsibility for making the refund lies with the shipping entity. If the PMC has been paid to the Commonwealth by the shipping entity, then responsibility for making the refund lies with the Commonwealth. In the latter circumstance, the passenger may write to the NPAC PMC Unit seeking a refund. Suitable evidence must be provided to support this claim

ACCESS TO RECORDS

An Officer of Customs may on reasonable notice, enter onto the premises of the Cruise Ship Operator/Cargo Vessel Operator for the purpose of verifying information relating to the collection of the PMC from passengers and may take copies or take extracts from any accounts, books, documents or any other records and may have reasonable access to computers for the purpose of obtaining information.

The Cruise Shipping Operator/Cargo Vessel Operator shall provide all reasonable facilities and assistance in relation to the task of verifying information relating to the collection of the PMC.

TERMINATION

The Commonwealth may terminate the arrangement by giving 7 to 14 days notice in writing.

CORRESPONDENCE

All enquires and correspondence should be directed to the NPAC PMC Unit at the address and contact numbers below.

Address for correspondence and payment by cheque:

Passenger Movement Charge Unit
Australian Customs Service
GPO Box 2809
Melbourne VIC 3001
Phone: 03 9244 8389
Fax: 03 9244 8908

Cheques should be made payable to "Australian Customs Service".

Payment by direct credit should be made into the following bank account:

Bank: Westpac Bank - 277 William St., Melbourne
BSB No: 033-340
Account Number: 143279
Account Name: Australian Customs Service – PMC

- If paying by direct credit please ensure that your payment directions to the bank include your company name and, on the same date, forward your **Passenger Movement Charge Remittance Report - Shipping Entities** (Attachment B) to the NPAC PMC Unit by:

EMAIL: npacpmc@customs.gov.au;
FAX: 03 9244 8908; or
POST: to the address above

PASSENGER MOVEMENT CHARGE

EXPLANATIONS, DEFINITIONS & EXEMPTIONS (FOR SHIPPING ENTITIES)

The following information is supplied to clarify the liability to pay the PMC for different categories of sea travel.

For the purpose of the PMC, cruise ships and cargo vessels are deemed to have arrived in Australia at the time that the ship berths at its first Australian port of call. Departure from Australia is deemed to have taken place at the time that the ship leaves its berth at the last Australian port of call.

EXPLANATIONS & DEFINITIONS

Transit Passengers

For the purpose of travel by sea, a transit passenger is a person who spends less than 48 hours in Australia after their arrival from overseas before departing for another country on the same voyage.

Fly-Cruise-Fly Passengers

The transit definition notwithstanding, fly-cruise-fly passengers are required to pay the PMC once. Payment will be made to Customs by the airline carrying the passenger out of Australia after the cruise. Passengers who purchase their air travel separately to their cruise run the risk of paying the PMC twice. In this circumstance the passenger may write to the PMC Unit seeking a refund of one of the PMC payments. Suitable evidence must be provided to support such a claim.

Voyages to Nowhere

Passengers on voyages originating in Australia which do not call at any overseas ports are not liable for PMC.

Travel to Australian Territories

Passengers on voyages originating in Australia which make landfall on Australian territory but do not call at any other overseas country are not liable for PMC payment unless the passenger intends to travel to an overseas destination from that territory. The territories subject to this exemption are Norfolk Island, Cocos (Keeling) Islands, Christmas Island and the Australian Antarctic Territory.

Multiple Port Voyages (including Round the World and Round Trip Cruises)

A multiple port voyage is a journey where more than one Australian port is visited on the same voyage. For the purpose of a multiple port voyage the time spent in Australia is assessed in accordance with the transit definition. PMC becomes payable if the time between first arrival and last departure exceeds 48 hours.

Multiple port voyages may occur as Round the World cruises and Round Trip voyages. Countries outside Australia may be visited provided such visits are included in a continuous voyage and the voyage is registered as such. Passengers will be charged only one PMC payment on bona fide multiple port voyages, regardless of the number of departures from Australia. If the voyage numbers change then the PMC will be payable on each voyage.

EXEMPTION CATEGORIES

	EXEMPTION	RELATED INFORMATION
1	Children less than 12 years of age <i>at the time of departure</i> from Australia.	Evidenced by passport or birth certificate
2	Traditional Inhabitants: a person who is a traditional inhabitant of the Torres Strait Islands or Papua New Guinea and who is travelling in connection with the performance of traditional activities eg. religious and secular gatherings, traditional fishing, barter, and market trade. These activities must take place in the Torres Strait and adjacent territory to be eligible for exemption.	Letter indicating where the person is going and the purpose of travel should be presented.
3	A member of a foreign Defence Force departing on a military aircraft or military ship; includes the spouse and/or child of the defence force member when travelling in the company of that member.	Foreign military personnel, including spouse and/or children not travelling on duty i.e. as part of their military employment, are not exempt
4	Crew (operational and positioning). Includes crew who are departing from Australia for the purpose of later becoming a crewmember of that ship or aircraft or another ship or aircraft. Also includes the spouse or child of a ship's crewmember departing Australia on a ship in company with the crewmember.	Ticket and document indicating the person is a member of the crew on duty to be presented. Supernumerary crew are now included in the exemption for the crew. Yachts – spouse and children (under 18) of a crewmember are exempt.
5	Transit Passengers Passengers arriving and departing by air who do not undergo Immigration processing or who are immigration cleared for reasons beyond their control. In all other cases, passengers who depart Australia within 48 hours of their arrival (eg passengers on ships making only 1 port of call in Australia; transfers from ship-to-ship; from ship-to-air; or from air-to-ship).	At time of booking nature of transit should be established. If passenger wishes to enter Australia, a Passenger Movement Charge should be included on the ticket. If the passenger is remaining in the transit area then no Passenger Movement Charge is payable.
6	Emergency Passengers who land in Australia for reasons beyond the person's control eg illness, bad weather or another kind of emergency.	Departure should be made as it is reasonably practicable for the person to do so after those reasons no longer exist.

7	Passengers on single journeys who depart Australia more than once in the course of that journey are only liable to pay the PMC once.	Passengers on fly/cruise type journeys that involve multiple departures from Australia where the charge has already been paid in respect of a previous departure. These passengers are exempt on the second and subsequent departures, as they have already paid the PMC for what can be characterised as a single journey.
8	Diplomatic and Consular representatives of countries other than Australia, their families, and officials of certain international organisations and their families. Australian diplomatic or consular staff are not exempt.	Passport with diplomatic and official visa class 995. Passport with visa class 426 together with an official Australian Government stamp declaring that the holder is entitled to inviolability under the <i>International Organisations (Privileges and Immunities) Act 1963</i> .
9	Passengers departing Australia to an installation in the Joint Petroleum Development Area .	The travel must be for the purpose of prospecting for petroleum or undertaking petroleum operations.
10	A Protective Service Officer (as defined in the <i>Australian Federal Police Act 1979</i>) on an aircraft for the purpose of enhancing the security of the aircraft.	
11	Travel to Norfolk Island is deemed not to have departed Australia unless the passenger intends to depart from there for an overseas destination within 3 months of arrival. A resident of Norfolk Island is deemed not to have departed Australia unless they are travelling via the Australian mainland and does not qualify as a transit.	If the passenger is departing to an overseas country within the 3 month period, a PMC must be included on the ticket for the overseas departure. At the time of booking, the residency of the passenger should be proven by identification.
12	Travel to an Indian Ocean Territory (Christmas and Cocos (Keeling) Islands) is deemed not to have departed Australia unless the passenger intends to depart from there for an overseas destination.	
13	When travel between the Australian mainland and/or an Indian Ocean Territory and/or Norfolk Island can only be reasonably accomplished by first departing for another country, provided the stay in the other country does not exceed 7 days , the passenger is deemed not to have departed Australia.	

Note: This list of the categories of passengers who are not required to pay the Charge is correct at the time the Arrangement was made. However, if the Collection Act or the Charge Act is amended in the future and these categories are altered, this list may be incomplete.