

AIR NAVIGATION (CHARGES).

No. 101 of 1952.

An Act relating to Charges in respect of Commonwealth Air Navigation Facilities and Services.

[Assented to 18th November, 1952.]

[Date of commencement, 16th December, 1952.]

BE it enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

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| Short title. | 1. This Act may be cited as the <i>Air Navigation (Charges) Act</i> 1952. |
| Definition. | 2. In this Act, "Australia" includes all the Territories of the Commonwealth. |
| Application. | 3. This Act applies throughout Australia. |
| Crown to be bound. | 4. This Act binds the Crown in right of the Commonwealth or of a State. |
| Air navigation charges. | 5. Charges are payable, in accordance with the Schedules to this Act, in respect of the use by aircraft of aerodromes, air route and airway facilities, meteorological services and search and rescue services maintained, operated or provided by the Commonwealth. |
| Regulations. | 6. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act, and in particular for amending the Schedules to this Act. |

THE SCHEDULES.

FIRST SCHEDULE.

Section 5.

1.—(1.) Charges are payable, in accordance with this Schedule, by the holders of airline licences (including international airline licences), or of charter licences, under the Air Navigation Regulations.

(2.) Charges are not payable by the holder of a charter licence except in respect of a flight made in the course of regular public transport operations, as defined by the Air Navigation Regulations.

2. Charges are payable in respect of flights made between places in Australia by aircraft operated by the holders of licences referred to in the last preceding paragraph—

- (a) in the case of a flight in the course of the operation of an international air service—on or after the date of commencement of this Act; and
- (b) in any other case—on or after the first day of July, One thousand nine hundred and fifty-two.

3. For the purposes of the last preceding paragraph, a flight between two places by way of an intermediate stopping place (not being Canberra, Port Moresby or the capital city of a State) or by way of intermediate stopping places (none of which is Canberra, Port Moresby or the capital city of a State) shall be deemed to be a flight between those two places.

4.—(1.) The amount of a charge payable under paragraph 2 of this Schedule is—

- (a) in respect of a flight specified in the second column of the Table in this Schedule—the amount ascertained by multiplying the unit charge for the aircraft by which the flight is made by the factor specified in the third column of that Table opposite to that flight; and
- (b) in respect of any other flight, or all other flights, commenced by an aircraft on a particular day—an amount equal to the unit charge for the aircraft.

(2.) For the purposes of this paragraph—

- (a) a flight from the first-mentioned place in an item in the Table in this Schedule to the second-mentioned place in that item; and
- (b) a flight from the second-mentioned place in such an item to the first-mentioned place in that item,

shall be deemed to be a flight specified in the second column of that Table.

5. Where, in an item in the Table in this Schedule, reference is made to a flight between two places by way of another place, or by way of a particular route, that item applies in respect of a flight between those two places by way of that other place, or by way of that route, as the case may be.

6.—(1.) A charge is payable in respect of the landing in Australia of an aircraft operated by the holder of a licence referred to in paragraph 1 of this Schedule and arriving from a place outside Australia and a charge is payable in respect of the take-off of an aircraft operated by the holder of such a licence and departing to a place outside Australia.

(2.) The amount of a charge payable under the last preceding sub-paragraph is the amount ascertained by multiplying the unit charge for the aircraft by eight.

7. The unit charge for an aircraft is—

- (a) where the maximum all-up weight of the aircraft, as specified in the Certificate of Airworthiness of the aircraft, does not exceed 20,000 pounds—Three-pence three-farthings for each 1,000 pounds or part thereof; and
- (b) where the maximum all-up weight of the aircraft, as so specified, exceeds 20,000 pounds—Five-pence farthing for each 1,000 pounds or part thereof.

8. A charge is not payable in respect of—

- (a) a flight in the course of a proving test of an aircraft or of its equipment;
- (b) a flight undertaken in connexion with the issue or renewal of a Certificate of Airworthiness;
- (c) a flight undertaken solely in connexion with the training or checking of a person as a member of the flight crew of an aircraft;
- (d) a route familiarization flight; or
- (e) such other flights, or the flights included in such classes of flights, as the Minister or the Director-General of Civil Aviation determines,

or in respect of the landing or take-off of an aircraft in the course of such a flight.

FIRST SCHEDULE—*continued.*

9. Charges under this Schedule are debts due to the Commonwealth and are payable—

- (a) in the case of the charge in respect of a flight between places in Australia—upon the date of commencement of this Act or upon completion of that flight, whichever is the later; and
- (b) in the case of the charge in respect of the landing in Australia of an aircraft arriving from a place outside Australia or in respect of the take-off of an aircraft departing to a place outside Australia—immediately after that landing or take-off.

Table of Flights.

First Column.	Second Column.	Third Column.
Item No.	Flights.	Factors.
1	Canberra-Adelaide	4
2	Canberra-Melbourne	3
3	Canberra-Sydney	1
4	Sydney-Adelaide	5
5	Sydney-Armidale	2
6	Sydney-Bairnsdale	3
7	Sydney-Baradine	2
8	Sydney-Bathurst	1
9	Sydney-Bourke	2
10	Sydney-Brewarrina	2
11	Sydney-Brisbane	4
12	Sydney-Broken Hill	3
13	Sydney-Charleville	4
14	Sydney-Coff's Harbour	2
15	Sydney-Collarenebri	2
16	Sydney-Coolangatta	2
17	Sydney-Coonamble	2
18	Sydney-Cootamundra	2
19	Sydney-Corowa	2
20	Sydney-Cowra	1
21	Sydney-Cunnamulla	3
22	Sydney-Darwin	11
23	Sydney-Deniliquin	2
24	Sydney-Dubbo	2
25	Sydney-Evans Head	2
26	Sydney-Forster	1
27	Sydney-Glen Innes	2
28	Sydney-Goodooga	2
29	Sydney-Goondivindi	3
30	Sydney-Grafton	2
31	Sydney-Griffith	2
32	Sydney-Gunnedah	2
33	Sydney-Hay	2
34	Sydney-Hobart	6
35	Sydney-Kempsey	2
36	Sydney-Lord Howe Island	2
37	Sydney-Mallacoota	2
38	Sydney-Mildura	3
39	Sydney-Moree	2
40	Sydney-Moruya	1
41	Sydney-Mungindi	2
42	Sydney-Narrabri	2
43	Sydney-Narrandera	2
44	Sydney-Narromine	2
45	Sydney-Norfolk Island	2

FIRST SCHEDULE—continued.

First Column.	Second Column.	Third Column.
Item No.	Flights.	Factors.
46	Sydney-Nyngan	2
47	Sydney-Parkes	2
48	Sydney-Perth	13
49	Sydney-St. George	3
50	Sydney-Tamworth	2
51	Sydney-Temora	2
52	Sydney-Tocumwal	2
53	Sydney-Tooraweenah	2
54	Sydney-Toowoomba	4
55	Sydney-Wagga Wagga	2
56	Sydney-Walgett	2
57	Sydney-West Wyalong	2
58	Sydney-Williamstown	1
59	Sydney-Wollongong	1
60	Brisbane-Barcaldine	3
61	Brisbane-Blackall	3
62	Brisbane-Bundaberg	1
63	Brisbane-Cairns	5
64	Brisbane-Charleville	2
65	Brisbane-Clermont	3
66	Brisbane-Cloncurry	5
67	Brisbane-Coff's Harbour	2
68	Brisbane-Cunnamulla	2
69	Brisbane-Darwin	9
70	Brisbane-Emerald	2
71	Brisbane-Evans Head	2
72	Brisbane-Gladstone	1
73	Brisbane-Glen Innes	2
74	Brisbane-Goondivindi	1
75	Brisbane-Grafton	2
76	Brisbane-Heron Island	1
77	Brisbane-Horn Island	7
78	Brisbane-Kingaroy	1
79	Brisbane-Lae	10
80	Brisbane-Longreach	4
81	Brisbane-Lord Howe Island	2
82	Brisbane-Mackay	3
83	Brisbane-Madang	11
84	Brisbane-Maryborough	1
85	Brisbane-Mitchell	2
86	Brisbane-Mount Isa	5
87	Brisbane-Oakey	1
88	Brisbane-Port Moresby	8
89	Brisbane-Proserpine	3
90	Brisbane-Quilpie	2
91	Brisbane-Rabaul	12
92	Brisbane-Rockhampton	2
93	Brisbane-Roma	2
94	Brisbane-St. George	2
95	Brisbane-Tamworth	2
96	Brisbane-Tennant Creek	6
97	Brisbane-Thangool	2
98	Brisbane-Townsville	4
99	Brisbane-Townsville, by way of Whitsunday Islands	3
100	Brisbane-Winton	4
101	Brisbane-Wondai	1
102	Melbourne-Adelaide	4
103	Melbourne-Bairnsdale	2
104	Melbourne-Brisbane	8

FIRST SCHEDULE—continued.

First Column.	Second Column.	Third Column.
Item No.	Flights.	Factors.
105	Melbourne-Broken Hill	3
106	Melbourne-Darwin	11
107	Melbourne-Deniliquin	2
108	Melbourne-Devonport	2
109	Melbourne-Dubbo	4
110	Melbourne-Flinders Island	2
111	Melbourne-Hamilton	2
112	Melbourne-Hobart	4
113	Melbourne-King Island	2
114	Melbourne-Launceston	3
115	Melbourne-Mildura	3
116	Melbourne-Mount Gambier	2
117	Melbourne-Nhill	2
118	Melbourne-Perth	12
119	Melbourne-St. Helens	3
120	Melbourne-Swan Hill	2
121	Melbourne-Sydney	4
122	Melbourne-Tocumwal	2
123	Melbourne-Wagga Wagga	2
124	Melbourne-Warrambool	2
125	Melbourne-Wynyard	2
126	Adelaide-Alice Springs	5
127	Adelaide-Brisbane	7
128	Adelaide-Broken Hill	2
129	Adelaide-Ceduna	2
130	Adelaide-Cleve	1
131	Adelaide-Cowell	1
132	Adelaide-Darwin	9
133	Adelaide-Forrest	4
134	Adelaide-Hobart	6
135	Adelaide-Kingscote	1
136	Adelaide-Leigh Creek	2
137	Adelaide-Mildura	2
138	Adelaide-Mount Gambier	2
139	Adelaide-Nhill	2
140	Adelaide-Perth	8
141	Adelaide-Port Lincoln	1
142	Adelaide-Whyalla	1
143	Adelaide-Woomera	2
144	Perth-Albany	2
145	Perth-Broome	6
146	Perth-Carnarvon	2
147	Perth-Ceduna	6
148	Perth-Darwin	8
149	Perth-Derby	6
150	Perth-Dubbo	11
151	Perth-Esperance	2
152	Perth-Forrest	4
153	Perth-Geraldton	2
154	Perth-Kalgoorlie	2
155	Perth-Katherine	8
156	Perth-Learmonth	3
157	Perth-Marble Bar	2
158	Perth-Meekatharra	1
159	Perth-Narromine	11
160	Perth-Norseman	2
161	Perth-Onslow	3
162	Perth-Point Cloates	3
163	Perth-Port Hedland, by way of coastal route	4

FIRST SCHEDULE—continued.

First Column.	Second Column.	Third Column.
Item No.	Flights.	Factors.
164	Perth—Port Hedland, by way of inland route	2
165	Perth—Roebourne, by way of coastal route	4
166	Perth—Roebourne, by way of inland route	2
167	Perth—Wittenoom Gorge	2
168	Perth—Wyndham	7
169	Cairns—Cooktown	1
170	Cairns—Horn Island	2
171	Cairns—Lae	6
172	Cairns—Mackay	2
173	Cairns—Madang	7
174	Cairns—Mitchell River Mission	2
175	Cairns—Port Moresby	4
176	Cairns—Rabaul	8
177	Charleville—Birdsville	1
178	Charleville—Broken Hill	1
179	Charleville—Leigh Creek	1
180	Cloncurry—Burketown	1
181	Cloncurry—Darwin	4
182	Cloncurry—Jundah	1
183	Cloncurry—Longreach	2
184	Cloncurry—Mornington Island	1
185	Cloncurry—Normanton	1
186	Cooktown—Horn Island	2
187	Cowra—West Wyalong	1
188	Darwin—Dubbo	9
189	Darwin—Narromine	9
190	Darwin—Wyndham	1
191	Derby—Hall's Creek	1
192	Derby—Wyndham	1
193	Port Hedland—Point Cloates	1
194	Port Moresby—Lae	2
195	Port Moresby—Madang	3
196	Port Moresby—Rabaul	4
197	Lae—Madang	1
198	Lae—Rabaul	2
199	Rockhampton—Cairns	3
200	Rockhampton—Longreach	2
201	Rockhampton—Townsville	2
202	Rockhampton—Townsville, by way of Longreach	4
203	Townsville—Cairns	2
204	Townsville—Cloncurry	2
205	Townsville—Lae	6
206	Townsville—Longreach	2
207	Townsville—Madang	7
208	Townsville—Mount Isa	2
209	Townsville—Port Moresby	4
210	Townsville—Rabaul	8
211	Alice Springs—Angus Downs	1
212	Alice Springs—Darwin	4
213	Alice Springs—Katherine	2
214	Alice Springs—Mount Isa, by way of Argadargada	1
215	Alice Springs—Mount Isa, by way of Creswell Downs	2
216	Alice Springs—Roper River	2
217	Alice Springs—Tieyon	1
218	Alice Springs—Utopia	1
219	Alice Springs—Wyndham	2

SECOND SCHEDULE.

Section 5.

1. Charges are payable, in accordance with this Schedule, by the registered owners of aircraft registered under the Air Navigation Regulations, not being persons who are the holders of airline licences (including international airline licences), under those Regulations.

2. A charge is payable under this Schedule in respect of an aircraft registered under the Air Navigation Regulations on or after the first day of July, One thousand nine hundred and fifty-two.

3. The amount of the charge payable under this Schedule is—

- (a) in respect of a private aircraft, as defined by the Air Navigation Regulations—twice the unit charge for that aircraft in respect of each week or part of a week comprised in the period of registration of the aircraft ;
- (b) in respect of an aerial work aircraft, as so defined—four times the unit charge for that aircraft in respect of each week or part of a week comprised in the period of registration of the aircraft ; and
- (c) in respect of a charter aircraft, as so defined—six times the unit charge for that aircraft in respect of each week or part of a week comprised in the period of registration of the aircraft.

4. For the purposes of this Schedule—

- (a) an aircraft which is not an aircraft of any of the classes specified in sub-paragraphs (a), (b) and (c) of the last preceding paragraph shall be deemed to be a private aircraft, as defined by the Air Navigation Regulations ;
- (b) the renewal of the registration of an aircraft shall be deemed to be registration of the aircraft ; and
- (c) the unit charge for an aircraft is the unit charge referred to in paragraph 7 of the First Schedule to this Act.

5. Where an aircraft referred to in paragraph 3 of this Schedule—

- (a) is, during the period of registration of the aircraft, operated in regular public transport operations otherwise than by the holder of an airline licence (including an international airline licence) ; or
- (b) is, during the period of registration of the aircraft, operated by the holder of an airline licence (including an international airline licence),

there shall be refunded an amount ascertained in accordance with the formula—

$$A = \frac{BD}{C}$$

where—

- A is the amount of the refund ;
- B is the number of days in the period of operation of the aircraft as specified in sub-paragraph (a) or (b) of this paragraph, as the case may be ;
- C is the number of days in the period of registration of the aircraft ; and
- D is the amount of the charge paid under this Schedule in respect of the aircraft.

6. Where, upon the registration of a private aircraft, a charge has been paid under this Schedule in respect of that aircraft and, during the period of that registration, the aircraft engages in aerial work operations or charter operations, as defined by the Air Navigation Regulations, an additional charge is payable equal to the amount by which the charge paid is less than the charge which would have been payable if the aircraft had been an aerial work aircraft or charter aircraft, as the case may be, at the time of its registration.

7. Where an aircraft in relation to which an additional charge has become payable under the last preceding paragraph by reason of the engagement of the aircraft in aerial work operations engages, during the period of registration of the aircraft, in charter operations, as defined by the Air Navigation Regulations, a further additional charge is payable equal to the amount by which the aggregate of the charge and additional charge paid is less than the charge which would have been payable if the aircraft had been a charter aircraft at the time of its registration.

SECOND SCHEDULE—*continued.*

8. Where, upon the registration of an aerial work aircraft, a charge has been paid under this Schedule in respect of that aircraft and, during the period of that registration, the aircraft engages in charter operations, as defined by the Air Navigation Regulations, an additional charge is payable equal to the amount by which the charge paid is less than the charge which would have been payable if the aircraft had been a charter aircraft at the time of its registration.

9. The Minister or the Director-General of Civil Aviation may authorize such refund of the charge or additional charge (including further additional charge) paid under this Schedule in respect of an aircraft as he thinks just having regard to the nature, locality or extent of the operations of the aircraft.

10.—(1.) Charges and additional charges (including further additional charges) under this Schedule are debts due to the Commonwealth.

(2.) Charges under this Schedule are payable upon the date of commencement of this Act or upon registration of the aircraft, whichever is the later.

(3.) Additional charges (including further additional charges) under this Schedule are payable upon the aircraft first engaging in the operations by virtue of the engagement in which the additional charge (or further additional charge) becomes payable.

THIRD SCHEDULE.

Section 5.

1. Charges are payable, in accordance with this Schedule, by the owners of foreign aircraft, as defined by the Air Navigation Regulations, being aircraft which are not operated by the holders of airline licences (including international airline licences) under those Regulations.

2. A charge is payable under this Schedule in respect of an aircraft which enters Australia from a place outside Australia on or after the date of commencement of this Act.

3.—(1.) The amount of the charge payable under this Schedule is—

- (a) in respect of a private aircraft, as defined by the Air Navigation Regulations—twice the unit charge for that aircraft in respect of each week or part of a week comprised in the period from the date on which the aircraft entered Australia until the date of the departure of the aircraft from Australia ;
- (b) in respect of an aerial work aircraft, as so defined—four times the unit charge for that aircraft in respect of each week or part of a week comprised in the period from the date on which the aircraft entered Australia until the date of the departure of the aircraft from Australia ; and
- (c) in respect of a charter aircraft, as so defined—six times the unit charge for that aircraft in respect of each week or part of a week comprised in the period from the date on which the aircraft entered Australia until the date of the departure of the aircraft from Australia.

(2.) For the purposes of the last preceding sub-paragraph, the unit charge for an aircraft is the unit charge referred to in paragraph 7 of the First Schedule to this Act.

4. Charges under this Schedule—

- (a) are debts due to the Commonwealth ;
- (b) accrue from week to week ; and
- (c) are payable on demand made by the Director-General of Civil Aviation to the pilot in command of the aircraft.

5. A charge is not payable under this Schedule in respect of such aircraft, or the aircraft included in such classes of aircraft, as the Minister or the Director-General of Civil Aviation determines.

6. The Minister or the Director-General of Civil Aviation may authorize such refund of the charge paid under this Schedule in respect of an aircraft as he thinks just having regard to the nature, locality or extent of the operations of the aircraft in Australia.