

Air Navigation (Charges)

No. 100 of 1972

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

[Assented to 26 October 1972]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Air Navigation (Charges) Act 1972*.

(2.) The *Air Navigation (Charges) Act 1952–1970** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Air Navigation (Charges) Act 1952–1972*.

Commencement.

2.—(1.) Subject to the next succeeding sub-section, this Act shall come into operation on the day on which it receives the Royal Assent.

(2.) Sections 5, 7 and 8 of this Act shall come into operation on the first day of December, One thousand nine hundred and seventy-two.

First Schedule, para. 3.

3. Paragraph 3 of the First Schedule to the Principal Act is amended by inserting after the word “Canberra” (wherever occurring) the word “, Darwin”.

First Schedule, para. 4.

4. Paragraph 4 of the First Schedule to the Principal Act is amended by inserting after sub-paragraph (1.) the following sub-paragraph:—

“(1A.) Notwithstanding the last preceding sub-paragraph, where a flight between two places by way of an intermediate stopping place or intermediate stopping places includes—

(a) travel between places that are places in respect of flights between which a factor is prescribed in the Table in this Schedule or by the Regulations; and

(b) other travel that is not between such places,

the amount of the charge payable under paragraph 1 or 2 of this Schedule is the sum of the amount that would be payable if the flight were confined to the travel referred to in clause (a) of this sub-paragraph and an amount equal to the unit charge for the aircraft.”.

* Act No. 101, 1952, as amended by No. 87, 1957; No. 49, 1960; No. 78, 1962; No. 97, 1963; No. 95, 1964; Nos. 107 and 125, 1965; No. 48, 1966; No. 79, 1967; No. 84, 1968; No. 75, 1969; and No. 105, 1970.

5. After paragraph 5 of the First Schedule to the Principal Act the following paragraph is inserted:—

“ 5A.—(1.) A charge is payable by the holder of an airline licence in respect of a training flight made by an aircraft operated by him and having a weight exceeding 9,000 kilogrammes, being a training flight in respect of which an amount of charge is fixed by the next succeeding sub-paragraph.

First Schedule,
para. 5A.

“ (2.) The amount of a charge under this paragraph is—

- (a) in the case of a training flight, not being a local training flight, in the course of which the aircraft takes off from, or lands at, an aerodrome or aerodromes operated by the Commonwealth—an amount equal to the unit charge for the aircraft; or
- (b) in the case of a training flight that is a local training flight commencing and ending at an aerodrome operated by the Commonwealth—an amount calculated at the rate of one half of the unit charge for the aircraft for each hour or part of an hour of the period commencing at the time when facilities or services provided by the Commonwealth at that aerodrome commence to be used in connexion with the flight and ending at the time when the flight has been completed and facilities and services so provided have ceased to be so used.

“ (3.) Where an aircraft travels from one place to another on the one day with an intermediate stopping place or intermediate stopping places, that travel shall, for the purposes of this paragraph, be deemed to be one flight.

“ (4.) Two or more local training flights made by an aircraft from the same aerodrome on the same day shall, for the purposes of this paragraph, be treated as one local training flight.

“ (5.) In this paragraph—

- ‘ local training flight ’ means a training flight that commences and ends at the one aerodrome;
- ‘ training flight ’ means a flight made solely for or in connexion with the training or testing of a person as a member of the flight crew of an aircraft.”.

6. Paragraph 6 of the First Schedule to the Principal Act is amended by omitting sub-paragraph (2.) and inserting in its stead the following sub-paragraph:—

First Schedule,
para. 6.

“ (2.) A charge is not payable under the last preceding sub-paragraph in respect of the landing or take-off of an aircraft if the landing or take-off occurs—

- (a) in the course of charter operations, aerial work operations or private operations in a period in respect of which a charge has been paid, or is payable, in respect of the aircraft under the Second Schedule to this Act; or

(b) in a period in respect of which a charge has been paid, or is payable, in respect of the aircraft under the Third Schedule to this Act.”.

First Schedule,
para. 7.

7.—(1.) Paragraph 7 of the First Schedule to the Principal Act is amended by omitting sub-paragraphs (1.) and (1A.) and inserting in their stead the following sub-paragraph:—

“(1.) The unit charge for an aircraft is an amount calculated in accordance with the following table:—

Column 1 Weight of aircraft in kilogrammes	Column 2 Amount of unit charge
Not more than 500	7 cents
More than 500 but not more than 900	17.6 cents
More than 900 but not more than 9,000	8.8 cents for each 450 kilogrammes, or part of 450 kilogrammes, of the weight of the aircraft
More than 9,000 but not more than 20,000	\$1.76, plus 21 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 9,000 kilogrammes
More than 20,000 but not more than 100,000	\$6.38, plus 25.7 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 20,000 kilogrammes
More than 100,000	\$47.50, plus 23.8 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes”.

(2.) Paragraph 7 of the First Schedule to the Principal Act is amended—

(a) by omitting from sub-paragraph (2.) the words “ the last two preceding sub-paragraphs ” and inserting in their stead the words “ the last preceding sub-paragraph ”; and

(b) by omitting sub-paragraph (4.).

First Schedule,
para. 8.

8. Paragraph 8 of the First Schedule to the Principal Act is amended by omitting clause (c) and inserting in its stead the following clause:—

“(c) a flight, not being a flight to which paragraph 5A of this Schedule applies, made solely in connexion with the training or testing of a person as a member of the flight crew of an aircraft;”.

First Schedule,
table of flights.

9.—(1.) The table of flights in the First Schedule to the Principal Act is amended by inserting after each item the number of which appears in the first column of the First Schedule to this Act the item or items set out in the second, third and fourth columns of the First Schedule to this Act opposite to that first-mentioned number.

(2.) The table of flights in the First Schedule to the Principal Act is amended as set out in the Second Schedule to this Act.

Second
Schedule,
para. 6.

10. Paragraph 6 of the Second Schedule to the Principal Act is repealed and the following paragraph inserted in its stead:—

“ 6.—(1.) Where, at any time during a year in respect of which a charge has been paid under this Schedule in respect of an aircraft, the aircraft is operated by the holder of an airline licence or a charter licence

in regular public transport operations, or is operated by the holder of an airline licence in training flights in respect of which a charge is payable under paragraph 5A of the First Schedule to this Act, there shall be refunded to the person who paid the charge under this Schedule an amount ascertained by multiplying one-seventh of the weekly rate at which the charge was paid under this Schedule by the number of days during which the aircraft is so operated in regular public transport operations or training flights.

“(2.) A person is not entitled to so much of a refund otherwise payable under the last preceding sub-paragraph in respect of an aircraft as would exceed the amount of the charges payable under the First Schedule to this Act by reason of the use of that aircraft in the regular public transport operations or training flights that gave rise to the right to the refund.”

11. At any time after this Act has received the Royal Assent and before the first day of December, One thousand nine hundred and seventy-two, the Director-General may publish a notice in accordance with sub-paragraph (3.) of paragraph 7 of the First Schedule to the *Air Navigation (Charges) Act 1952-1972* as if the amendments made by section 7 of this Act had come into operation on the day on which this Act received the Royal Assent, but such a notice shall be expressed to take effect on that first day of December and takes effect accordingly.

Notices
fixing weight
of aircraft.



THE SCHEDULES

FIRST SCHEDULE

Section 9 (1).

ITEMS INSERTED IN THE TABLE OF FLIGHTS IN THE FIRST SCHEDULE TO THE PRINCIPAL ACT

Items after which inserted	Items inserted in Table of Flights in First Schedule to Principal Act						
39	39A	Sydney—Gove	..	..	..	..	9
52A	52AAA	Sydney—Maroochydore	..	..	..	..	4
158	158AA	Melbourne—Kununurra	..	..	..	..	12
164	164AA	Melbourne—Port Hedland	..	..	..	..	11
170	170A	Melbourne—Townsville	..	..	..	..	12
174	174A	Melbourne—Wyndham	..	..	..	..	11
202A	202B	Perth—Dampier	..	..	..	..	3
218	218A	Perth—Paraburdoo	..	..	..	..	3
235	235A	Darwin—Gove	..	..	..	..	2
239	239A	Darwin—Tennant Creek	..	..	..	..	3
247	247AA	Alice Springs—Kununurra	..	..	..	..	5
250A	250B	Alice Springs—Port Hedland	..	..	..	..	5
254	254AA	Broome—Port Hedland	..	..	..	..	2
275	276	Dampier—Mount Newman	..	..	..	..	2
	277	Derby—Broome	..	..	..	..	1
280	280A	Derby—Koolan Island	..	..	..	..	1
286	286A	Lae—Kavieng	..	..	..	..	3
287	287A	Lae—Namatanai	..	..	..	..	2
288C	288CA	Learmonth—Onslow	..	..	..	..	1
288D	288E	Mount Tom Price—Port Hedland	..	..	..	..	1
	288F	Paraburdoo—Port Hedland	..	..	..	..	1
	288G	Paraburdoo—Wittenoom Gorge	..	..	..	..	1
289A	289B	Port Moresby—Kavieng	..	..	..	..	4
	289C	Port Moresby—Kieta	..	..	..	..	4
291	291A	Port Moresby—Momote	..	..	..	..	4
	291B	Port Moresby—Mount Hagen	..	..	..	..	2
292	292A	Port Moresby—Wewak	..	..	..	..	4

SECOND SCHEDULE

Section 9 (2).

AMENDMENTS OF THE TABLE OF FLIGHTS IN THE FIRST SCHEDULE TO THE PRINCIPAL ACT

Omit items 203 and 204, insert the following items:—

“ 203 | Perth—Darwin | 9 ”
 “ 204 | Perth—Derby | 7 ”.

Omit items 214, 215 and 215A, insert the following items:—

“ 214 | Perth—Meekatharra | 2 ”
 “ 215 | Perth—Mount Newman, by way of Port Hedland | 5 ”
 “ 215A | Perth—Mount Newman, by way of any route other than by way
 of Port Hedland | 3 ”
 “ 215B | Perth—Mount Tom Price | 3 ”.

Omit items 220, 221, 222 and 223, insert the following items:—

“ 220 | Perth—Port Hedland | 4 ”
 “ 221 | Perth—Roebourne | 3 ”.

Omit item 226, insert the following item:—

“ 226 | Perth—Wittenoom Gorge | 3 ”.

Omit item 236, insert the following item:—

“ 236 | Darwin—Groote Eylandt | 2 ”.

Omit item 281, insert the following item:—

“ 281 | Derby—Port Hedland | 3 ”.