

Air Navigation (Charges) Act 1973

No. 179 of 1973

AN ACT

Relating to Charges in respect of certain Air
Navigation Facilities and Services.

[Assented to 12 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:—

1. (1) This Act may be cited as the *Air Navigation (Charges) Act 1973*. Short title
and citation.
- (2) The *Air Navigation (Charges) Act 1952–1972** 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 1952–1973*.
2. This Act shall come into operation on 1 December 1973. Commence-
ment.
3. Section 2 of the Principal Act is amended by omitting from the definition of “Australia” in sub-section (1) the words “of the Commonwealth”. Interpreta-
tion.

* 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; No. 105, 1970; and No. 100, 1972.

First
Schedule,
para. 1.

4. Paragraph 1 of the First Schedule to the Principal Act is repealed and the following paragraph substituted:—

“ 1. A charge is payable, in accordance with this Schedule, by the holder of an airline licence in respect of—

- (a) a flight made between places in Australia, in the course of regular public transport operations, by an aircraft (other than a foreign aircraft) operated by him; and
- (b) a flight made between places in Australia by a foreign aircraft operated by him, not being a training flight referred to in paragraph 5A.”.

First
Schedule,
paras. 2A
and 2b.

5. After paragraph 2 of the First Schedule to the Principal Act the following paragraphs are inserted:—

“ 2A. (1) Where an aircraft, other than a foreign aircraft, operated by the holder of an airline licence commences to make a flight between one place in Australia and another place in Australia solely for the purpose of—

- (a) enabling the carrying out of any maintenance of that aircraft at that other place;
- (b) transporting to that other place persons required, or goods required for use, in connexion with the maintenance of aircraft operated by that holder; or
- (c) enabling that aircraft to make from that other place a flight in respect of which a charge is payable under any other paragraph of this Schedule,

or solely for two or more of those purposes, and does not return to that first-mentioned place without a landing at any other place—

- (d) a charge is payable by that holder in respect of the flight actually made, whether or not the flight actually made was made to that second-mentioned place; and
- (e) a charge is payable by that holder in respect of each flight, not being a flight in respect of which a charge referred to in clause (d) of this sub-paragraph or any other paragraph of this Schedule is payable, made by that aircraft after the flight referred to in that clause until the aircraft has returned to that first-mentioned place.

“ (2) In sub-paragraph (1), ‘ maintenance ’ includes inspection, overhaul, modification, repair and replacement of parts.

“ 2B. (1) A charge is payable by the owner of an aircraft in respect of a flight made between places in Australia by that aircraft solely for the purpose of demonstrating that aircraft.

“ (2) This paragraph applies in relation to a flight commencing and ending at the one place in Australia without a landing at any other place in like manner as it applies in relation to a flight between places in Australia.”.

6. Paragraph 3 of the First Schedule to the Principal Act is amended by adding at the end thereof the following sub-paragraph:—

First
Schedule,
para. 3.

“(2) For the purposes of paragraphs 2A and 2B, a flight between two places by way of an intermediate stopping place or intermediate stopping places shall be deemed to be a flight between those two places.”.

7. Paragraph 4 of the First Schedule to the Principal Act is amended by omitting from sub-paragraphs (1) and (1A) the words “ paragraph 1 or 2 of this Schedule ” and substituting the words “ paragraph 1, 2, 2A or 2B ”.

First
Schedule,
para. 4.

8. Paragraph 6 of the First Schedule to the Principal Act is amended by omitting from sub-paragraph (2) all the words from and including the word “ occurs ” and substituting the words “ occurs 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 Schedule 2 ”.

First
Schedule,
para. 6.

9. Paragraph 7 of the First Schedule to the Principal Act is amended by omitting the table in sub-paragraph (1) and substituting the following table:—

First
Schedule,
para. 7.

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 9,000	10 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	\$2.00 plus 24 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	\$7.28 plus 29.5 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	\$54.48 plus 27.3 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes

10. Paragraph 9 of the First Schedule to the Principal Act is amended by omitting the words “ paragraph 1 or 2 of this Schedule ” and substituting the words “ paragraph 1, 2, 2A, 2B or 5A ”.

First
Schedule,
para. 9.

11. (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 Schedule 1 to this Act the item or items set out in the second, third and fourth columns of Schedule 1 to this Act opposite to that first-mentioned number.

First
Schedule,
table of
flights.

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

Second Schedule, para. 3.

12. Paragraph 3 of the Second Schedule to the Principal Act is amended by omitting sub-paragraph (1) and substituting the following sub-paragraph:—

“(1) The weekly rate of charge applicable under this Schedule to an aircraft of a type described in Column 1 of the following table is an amount ascertained by multiplying the unit charge for that aircraft—

- (a) if the weight of that aircraft does not exceed 9,000 kilogrammes—by the factor specified in Column 2 of that table opposite to the description of that type of aircraft in Column 1; or
- (b) if the weight of the aircraft exceeds 9,000 kilogrammes—by the factor specified in Column 3 of that table opposite to the description of that type of aircraft in Column 1.

Column 1 Type of aircraft	Column 2 Factor if weight of aircraft does not exceed 9,000 kilogrammes	Column 3 Factor if weight of aircraft exceeds 9,000 kilogrammes
Private aircraft	12	24
Aerial work aircraft	24	48
Charter aircraft	30	60 ”.

Second Schedule, para. 4.

13. Paragraph 4 of the Second Schedule to the Principal Act is amended—

- (a) by omitting from clause (a) the word “ and ”; and
- (b) by adding at the end of clause (b) the following word and clause:—
“ and; (c) the weight of an aircraft is the weight that is taken to be the weight of the aircraft for the purposes of sub-paragraph (1) of paragraph 7 of Schedule 1.”.

Second Schedule, para. 10.

14. Paragraph 10 of the Second Schedule to the Principal Act is amended by inserting after sub-paragraph (1) the following sub-paragraph:—

“(1A) Where it is shown to the satisfaction of a person authorized under sub-paragraph (1) to authorize remissions or refunds of the whole or any part of charges payable or paid under this Schedule that, between flights made by an aircraft during a year in respect of which a charge is payable under this Schedule in respect of that aircraft, that aircraft will not be, or was not, as the case may be, ordinarily kept at an aerodrome operated by Australia or in respect of which Australia provides financial assistance, that person shall authorize a remission or refund, as the case may be, of one-third of the amount of the charge payable under this Schedule in respect of that aircraft in respect of that year.”.

Third Schedule, para. 1.

15. Paragraph 1 of the Third Schedule to the Principal Act is amended by omitting the words “ in the course of regular public transport operations ”.

16. (1) To the extent that the amendments made by sections 9 and 12 affect a charge payable in respect of a year of registration of an aircraft or a charge payable by the owner of a foreign aircraft in respect of a week or part of a week, those amendments apply in the case of such a charge that is payable in respect of a year, or in respect of a week or part of a week, commencing on or after 1 December 1973.

Application
of amend-
ments.

(2) The amendment made by section 14 applies in relation to charges paid or payable in respect of a year of registration of an aircraft commencing on or after 1 December 1973.

17. The Principal Act is amended as set out in Schedule 3.

Additional
amendments.

SCHEDULE 1

Section 11 (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			
1	1A	Canberra-Albury	1	
4	4A	Canberra-Newcastle	2	
59	59A	Sydney-Newcastle	1	
63	63A	Sydney-Orange	2	
67B	67C	Sydney-Rockhampton	6	
84	84A	Brisbane-Birdsville	3	
88	88A	Brisbane-Bundaberg by way of Rockhampton	3	
93	93A	Brisbane-Condoin (Miles)	1	
	93B	Brisbane-Coolangatta	1	
94	94A	Brisbane-Dalby	1	
105	105A	Brisbane-Hobart	10	
120	120A	Brisbane-Newcastle	3	
162	162A	Melbourne-Newcastle	5	
176	176A	Adelaide-Amata	3	
	176B	Adelaide-Arkaroola	2	
	176C	Adelaide-Ayers Rock	3	
	176D	Adelaide-Birdsville	4	
193	193A	Adelaide-Port Lincoln by way of Kingscote	2	
225	225A	Perth-Wituna	2	
239	239AA	Darwin-Port Moresby	7	
244	244A	Alice Springs-Ayers Rock	2	
251	251A	Alice Springs-Tamworth	4	
254A	254B	Cairns-Aurukun	2	
	254C	Cairns-Bamaga	2	
	254D	Cairns-Bulimba	1	
255	255AA	Cairns-Drumduff	1	
255B	255C	Cairns-Groote Eylandt	3	
256	256A	Cairns-Karumba	2	
260A	260B	Cairns-Musgrave	1	
263	263AA	Cairns-Starcke	1	
288D	288DA	Mount Isa-Yennant Creek	2	
288G	288H	Port Hedland-Nullagine	1	
289	289AA	Port Moresby-Daru	2	
289B	289BA	Port Moresby-Gurney	2	
290	290A	Port Moresby-Mackay	6	
292	292AA	Port Moresby-Vanimo	5	
302	302A	Townsville-Charters Towers	1	

SCHEDULE 2

Section 11 (2)

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

Omit items 6A and 82.

Omit item 8, substitute the following item:—

“ 8 | Sydney-Alice Springs | 8 ”.

Omit item 30, substitute the following item:—

“ 30 | Sydney-Cowra | 2 ”.

Omit item 52AAA, substitute the following item:—

“ 52AAA | Sydney-Maroochydore | 5 ”.

Omit item 88, substitute the following item:—

“ 88 | Brisbane-Bundaberg | 2 ”.

Omit items 133, 134, 174, 231A and 238A.

Omit item 254A, substitute the following item:—

“ 254A | Cairns-Alice Springs | 6 ”.

Omit item 260A, substitute the following item:—

“ 260A | Cairns-Mount Isa | 4 ”.

Omit item 291B, substitute the following item:—

“ 291B | Port Moresby-Mount Hagen | 3 ”.

SCHEDULE 3
ADDITIONAL AMENDMENTS

Section 17

Provision	Amendment
Section 5	Omit " to this Act ".
Section 6 (2)	Omit " the First Schedule to this Act ", substitute " Schedule 1 ".
Schedules	Omit " THE SCHEDULES ".
First Schedule	Omit " FIRST SCHEDULE.", substitute " SCHEDULE 1 ".
First Schedule, paragraph 2	Omit from clause (b) " the Second Schedule to this Act ", insert " Schedule 2 ".
First Schedule, paragraph 3	Omit " of this Schedule ".
First Schedule, paragraph 8	Omit from clause (c) " of this Schedule ".
Second Schedule	Omit " SECOND SCHEDULE.", substitute " SCHEDULE 2 ".
Second Schedule, paragraph 3	Omit from sub-paragraph (3) " of this Schedule ".
Second Schedule, paragraph 4	Omit from clause (b) " the First Schedule to this Act," substitute " Schedule 1 ".
Second Schedule, paragraph 6	Omit " the First Schedule to this Act " (wherever occurring), substitute " Schedule 1 ".
Third Schedule	Omit " THIRD SCHEDULE.", substitute " SCHEDULE 3 ".
Third Schedule, paragraph 3	Omit from sub-paragraph (2) " the First Schedule to this Act ", substitute " Schedule 1 ".