

Air Navigation (Charges)

No. 105 of 1970

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

[Assented to 4 November 1970]

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* 1970.

(2.) The *Air Navigation (Charges) Act* 1952–1969* 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* 1952–1970.

* 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; and No. 75, 1969.

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. Commence-
ment.

(2.) Section 4 of this Act shall come into operation on the first day of January, One thousand nine hundred and seventy-one.

3. Paragraph 4 of the First Schedule to the Principal Act is amended by adding at the end thereof the following sub-paragraph:— First
Schedule,
para. 4.

“(3.) A reference in the Table in this Schedule to a place shall be read as including a reference to an airport in the vicinity of that place that is regularly used for the commencement or completion of the carriage by air of passengers or goods in the course of their travelling or being sent from that place to another place, or to that place from another place.”

4.—(1.) Paragraph 7 of the First Schedule to the Principal Act is amended by omitting the table contained in sub-paragraph (1.) and inserting in its stead the following table:— First
Schedule,
para. 7.

Column 1	Column 2
Weight of aircraft, in pounds	Amount, in cents, for each 1,000 pounds, or part of 1,000 pounds, of weight of aircraft
Not more than 25,000	8.83
More than 25,000 but not more than 50,000 ..	13.75
More than 50,000 but not more than 100,000 ..	17.69
More than 100,000 but not more than 200,000 ..	20.62
More than 200,000	22.63

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

Column 1	Column 2
Weight of aircraft, in pounds	Amount, in cents, for each 1,000 pounds, or part of 1,000 pounds, of weight of aircraft
Not more than 25,000	8.03
More than 25,000 but not more than 50,000 ..	12.50
More than 50,000 but not more than 100,000 ..	16.08
More than 100,000 but not more than 200,000 ..	18.75
More than 200,000	20.57

5.—(1.) The table of flights in the First Schedule to the Principal Act is amended by omitting from item 247 the figure “2” appearing in the third column and inserting in its stead the figure “3”. First
Schedule,
table of
flights.

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

Second
Schedule.

6. The Second Schedule to the Principal Act is repealed and the following Schedule inserted in its stead:—

“SECOND SCHEDULE

Section 5.

1.—(1.) Charges are payable, in accordance with this Schedule, by the holders of certificates of registration in respect of aircraft registered under the Air Navigation Regulations.

(2.) Charges are not payable under this Schedule by the holder of an airline licence in respect of—

- (a) a regular public transport aircraft; or
- (b) a charter aircraft that is of a type approved by the Director-General for use in operations under that airline licence.

2.—(1.) A charge under this Schedule in relation to an aircraft is payable in respect of each year of registration that commences on or after the date of commencement of this Schedule, and each such charge is payable on the first day of the year in respect of which it is payable.

(2.) For the purposes of this paragraph, the period of twelve months commencing on the day on which a registration of an aircraft is or was effected, and each succeeding year at the commencement of which the registration is or was in force, shall be deemed to be, or to have been, a year of registration of the aircraft.

3.—(1.) The weekly rate of charge applicable to an aircraft under this Schedule is—

- (a) in the case of a private aircraft—six times the amount of the unit charge for that aircraft;
- (b) in the case of an aerial work aircraft—twelve times the amount of the unit charge for that aircraft; and
- (c) in the case of a charter aircraft—eighteen times the amount of the unit charge for that aircraft.

(2.) Subject to this Schedule, the amount of a charge under this Schedule in respect of an aircraft in respect of a year is fifty-two times the amount of the weekly rate of charge applicable to the aircraft.

(3.) In paragraph 6, sub-paragraph (3.) of paragraph 10, and sub-paragraph (2.) of paragraph 11, of this Schedule, a reference to the weekly rate at which a charge was paid in respect of an aircraft in respect of a year shall be read, in the case of an aircraft in respect of which any additional charge has, or additional charges have, been paid in respect of that year under this Schedule, as a reference to the weekly rate of charge applicable to the aircraft under this Schedule on the basis of the classification appropriate to the operations that gave rise to the liability to the additional charge so paid, or last so paid, as the case may be.

(4.) For the purposes of this Schedule (including the last preceding sub-paragraph), a reference to a weekly rate of charge applicable to an aircraft under this Schedule shall be read as a reference to the relevant weekly rate of charge ascertained in accordance with this Schedule as in force at the beginning of the year concerned.

4. For the purposes of this Schedule—

- (a) an aircraft that is not an aircraft of any of the classes specified in sub-paragraph (1.) of the last preceding paragraph shall be deemed to be a private aircraft; and
- (b) the unit charge for an aircraft is the unit charge referred to in sub-paragraph (1.) of paragraph 7 of the First Schedule to this Act.

5. Where, by reason of a change in the ownership of, or of the interests of persons in, a registered aircraft, a new certificate of registration in respect of the aircraft is issued to a person who was not the holder of the previous certificate of registration, this Schedule has effect as if, on the day of the issue of the new certificate, the previous registration of the aircraft was cancelled and a new registration of the aircraft was effected.

6.—(1.) Where an aircraft is, at any time during a year in respect of which a charge has been paid under this Schedule in respect of the aircraft, operated in regular public transport operations by the holder of an airline licence or a charter licence, there shall be refunded an amount ascertained by multiplying one-seventh of the weekly rate at which the charge was so paid by the number of days during which the aircraft is so operated in regular transport operations.

(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 by that person under the First Schedule to this Act by reason of the use of that aircraft in the regular transport operations that gave rise to the right to the refund.

SECOND SCHEDULE—*continued*

7. Where a charge has been paid under this Schedule in respect of a year in respect of an aircraft as a private aircraft and, during that year, the aircraft engages in aerial work operations or charter operations, an additional charge is payable of an amount ascertained by multiplying the excess of the weekly rate of charge applicable under this Schedule to the aircraft as an aerial work aircraft or charter aircraft, as the case may be, over the weekly rate of charge applicable under this Schedule to the aircraft as a private aircraft by the number of whole weeks remaining in the year at the time when the aircraft first so engages, or by four, whichever is the greater.

8. Where an aircraft in relation to which an additional charge has become payable under this Schedule by reason of the engagement of the aircraft in aerial work operations engages, during the year in respect of which the original charge was paid, in charter operations, a further additional charge is payable of an amount ascertained by multiplying the excess of the weekly rate of charge applicable under this Schedule to the aircraft as a charter aircraft over the weekly rate of charge applicable under this Schedule to the aircraft as an aerial work aircraft by the number of whole weeks remaining in the year at the time when the aircraft first so engages in charter operations, or by four, whichever is the greater.

9. Where a charge has been paid under this Schedule in respect of a year in respect of an aircraft as an aerial work aircraft, and, during that year, the aircraft engages in charter operations, an additional charge is payable of an amount ascertained by multiplying the excess of the weekly rate of charge applicable under this Schedule to the aircraft as a charter aircraft over the weekly rate of charge applicable under this Schedule to the aircraft as an aerial work aircraft by the number of whole weeks remaining in the year at the time when the aircraft first so engages, or by four, whichever is the greater.

10.—(1.) The Minister, the Director-General or an officer of the Second Division of the Public Service of the Commonwealth authorized by the Director-General to act under this sub-paragraph may authorize such remission or refund of the whole or any part of a charge payable or 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.

(2.) A remission under this paragraph may be granted subject to such conditions with respect to the operation of the aircraft as the person authorizing the remission thinks fit and, if any such condition is not complied with, the remission shall be deemed not to have had effect.

(3.) Without limiting the generality of the preceding provisions of this paragraph, where a person has paid a charge in respect of an aircraft in respect of a year and the registration of the aircraft is cancelled during that year, that person is entitled to a refund of an amount calculated by multiplying the weekly rate at which the charge was so paid by the number of whole weeks from the date of the cancellation to the end of the period.

11.—(1.) For the purposes of this paragraph—

- (a) classification of an aircraft as an aerial work aircraft shall be deemed to be a lower classification than classification as a charter aircraft;
- (b) classification of an aircraft as a private aircraft shall be deemed to be a lower classification than classification as a charter aircraft or as an aerial work aircraft; and
- (c) a reference to the normal classification of an aircraft shall be read as a reference to the classification of the aircraft on the basis of which a charge in respect of the relevant year was paid or, if any additional charge has been paid in respect of the aircraft during that year, the classification appropriate to the operations that gave rise to the liability to the additional charge so paid, or last so paid.

(2.) Subject to this paragraph, where an aircraft in respect of which a charge has been paid under this Schedule in respect of a year engages, for a period of not less than four weeks that falls wholly or partly within that year, exclusively in operations appropriate to a classification lower than the normal classification of the aircraft, the person who paid the charge is entitled to a refund of an amount ascertained by multiplying the excess of the weekly rate at which the charge was so paid over the weekly rate of charge applicable under this Schedule to the aircraft in the lower classification by the number of complete weeks in that year during which the aircraft so engages in operations appropriate to the lower classification.

(3.) A person is not entitled to a refund under this paragraph in respect of a period of engagement of an aircraft in operations appropriate to a classification lower than its normal classification unless—

- (a) the period commenced after the giving by that person to the Director-General of notice in writing that the aircraft would become, at the commencement of that period,

SECOND SCHEDULE—*continued*

or had already become, employed exclusively in operations appropriate to the lower classification, being a notice specifying the period for which that person expected the aircraft to continue to be so engaged; and

- (b) if, before the expiration of the year in respect of which a charge was paid, the aircraft again became engaged in operations appropriate to its normal classification, he notified the Director-General in writing of that fact within fourteen days after the date on which the aircraft again became so engaged.

12.—(1.) Charges under this Schedule are debts due to the Commonwealth.

(2.) 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 becomes payable.

13.—(1.) References in this Schedule to this Schedule shall be read as including references to the Schedule for which this Schedule was substituted.

(2.) For the purposes of this Schedule, the weekly rate of a charge paid or payable at an annual rate under the Schedule for which this Schedule was substituted shall be deemed to be one fifty-second part of the annual rate of that charge.

(3.) In this Schedule, references to a charge shall be read as references to a charge under this Schedule, including an additional charge or a further additional charge, and references to an additional charge shall be read as including references to a further additional charge.”

THE SCHEDULE

Section 5.

Items after which inserted	Items inserted in Table of Flights in First Schedule to Principal Act					
3	3A	Canberra-Hobart				6
	3B	Canberra-Launceston				5
	3C	Canberra-Mangalore				3
51	51A	Sydney-Mackay				7
52	52AA	Sydney-Mangalore				4
102	102A	Brisbane-Gove				8
106	106A	Brisbane-Injune				2
115	115A	Brisbane-Mangalore				8
156	156A	Melbourne-Horsham				2
	156B	Melbourne-Kalgoorlie				10
159	159AA	Melbourne-Mackay				11
163	163A	Melbourne-Orbost				2
164	164A	Melbourne-Portland				2
180	180A	Adelaide-Coober Pedy				2
184	184A	Adelaide-Kalgoorlie				6
	184B	Adelaide-Katherine				8
187	187A	Adelaide-Mangalore				4
212	212A	Perth-Mangalore				12
215	215A	Perth-Mount Newman				2
229	229AB	Hobart-Mangalore				4
231A	231B	Darwin-Cairns				4
246	246A	Alice Springs-Daly Waters				2
247	247A	Alice Springs-Leigh Creek				3
250	250A	Alice Springs-Oodnadatta				2
254	254A	Cairns-Alice Springs				4
255	255A	Cairns-Edward River Mission				2
	255B	Cairns-Gove				3
260	260A	Cairns-Mount Isa				2
288B	288C	Launceston-Mangalore				3
	288D	Mount Isa-Gove				3