**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:—

**Short title and citation.**

**1.** (1) This Act may be cited as the *Air Navigation* (*Charges*) *Act* 1973.

(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.

**Commencement.**

**2.** This Act shall come into operation on 1 December 1973.

**Interpretation.**

**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”.

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**4.** Paragraph 1 of the First Schedule to the Principal Act is repealed and the following paragraph substituted:—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

**First Schedule, para. 3.**

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

“(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.”.

**First Schedule, para. 4.**

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

**First Schedule, para, 6.**

**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, 7.**

**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:—

|  |  |
| --- | --- |
| Column 1 | Column 2 |
| Weight of aircraft in kilogrammes | 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 |

**First Schedule, para. 9*.***

**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, table of flights.**

**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.

(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 | Column 2 | Column 3 |
| Type of aircraft | Factor if weight of aircraft does not exceed 9,000 kilogrammes | 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 subparagraph (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 subparagraph:—

“(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”.

**Application of amendments.**

**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.

(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.

**Additional amendments.**

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

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  | l |
| 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-Condomine (Miles)  | l |
|  | 93b | Brisbane-Coolangatta  | 1 |
| 94 | 94a | Brisbane-Datby  | 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-Wiluna  | 2 |
| 239 | 239aa | Darwin-Port Moresby  | 7 |
| 244 | 244a | Alice Springs-Ayers Rock  | 2 |
| 251 | 251a | Alice Spriags-Tamworth  | 4 |
| 254a | 254b | Cairns-Auntkum.  | 2 |
|  | 254c | Cairns-Bamaga  | 2 |
|  | 254d | Cairns-Bulimba  | 1 |
| 255 | 255aa | Cairns-Drumduff  | 1 |
| 255b | 255c | Cairns-Groote Eylandt  | 3 |
| 256 | 256a | Cairns-[Karumba](http://-K.arum.ba).  | 2 |
| 260a | 260b | Cairns-Musgrave  | 1 |
| 263 | 263aa | Cairns Starcke  | 1 |
| 288d | 288da | Mount Isa-Tennant Creek  | 2 |
| 288g | 288h | Port Hedland- Nullagine  | 1 |
| 289 | 289aa | Port Moresby-Dam  | 2 |
| 289b | 289ha | Port Moresby-Gurney  | 2 |
| 290 | 290a | Port Moresby-Maekay  | 6 |
| 292 | 292aa | Port Moresby-Vanimo  | 5 |
| 302 | 302a | Townsville-Charters Towers  | 1 |

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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 | Brishane-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-Alice Springs  |  4”. |
| Omit item 291b, substitute the following item:— |  |
| “291b | Port Moresby-Mount Hagen  |  3”. |

SCHEDULE 3 Section 17

ADDITIONAL AMENDMENTS

|  |  |
| --- | --- |
| 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”. |