

AIR NAVIGATION (CHARGES) ACT 1974

No. 114 of 1974

An Act to amend the *Air Navigation (Charges) Act 1952-1973*, and for purposes connected therewith.

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 1974*.¹

(2) The *Air Navigation (Charges) Act 1952-1973*² 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 1952-1974*.

Commence-
ment.

2. (1) Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.¹

(2) Sections 4 to 11 (inclusive) and 14 shall come into operation on 1 December 1974.

(3) Sections 3, 12 and 13 shall come into operation on a date to be fixed by Proclamation.

Interpret-
ation

3. Section 2 of the Principal Act is amended by omitting from subsection (1) the definition of “the Director-General” and substituting the following definition:—

“ ‘Secretary’ means the Secretary to the Department of Transport. ”.

Schedule 1
paragraph 2.

4. Paragraph 2 of Schedule 1 to the Principal Act is amended by omitting sub-paragraph (1) and substituting the following sub-paragraph:—

“(1) A charge is payable, in accordance with this Schedule, by the holder of a charter licence in respect of a flight made between places in Australia, in the course of regular public transport operations or charter operations, by an aircraft operated by him, not being an aircraft in respect of which a charge is payable, or has been paid, under Schedule 2 in respect of a period that includes the day on which the flight is completed.”.

5. Paragraph 7 of Schedule 1 to the Principal Act is amended by Schedule 1 omitting the table in sub-paragraph (1) and substituting the following paragraph 7. 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 9,000	11.5 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	\$2.30 plus 27.6 cents for each 500 kilogrammes, or part of 500 kilo- grammes, by which the weight of the aircraft exceeds 9,000 kilo- grammes
More than 20,000 but not more than 100,000	\$8.37 plus 33.9 cents for each 500 kilogrammes, or part of 500 kilo- grammes, by which the weight of the aircraft exceeds 20,000 kilo- grammes
More than 100,000	\$62.61 plus 31.4 cents for each 500 kilogrammes, or part of 500 kilogrammes, by which the weight of the aircraft exceeds 100,000 kilogrammes

6. The Table of Flights contained in Schedule 1 to the Principal Act is amended by omitting items 286A, 287, 287A, 288, 288A, 288B, 289A, 289AA, 289B, 289BA, 289C, 290, 291, 291A, 291B, 292, 292A, 292AA and 311. Schedule 1 Table of Flights.

7. Paragraph 3 of Schedule 2 to the Principal Act is amended by Schedule 2 omitting the table in sub-paragraph (1) and substituting the following paragraph 3. table:—

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	18	24
Aerial work aircraft	36	48
Charter aircraft	45	60

8. Paragraph 6 of Schedule 2 to the Principal Act is repealed and the following paragraph substituted:— Schedule 2 paragraph 6.

“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 in training flights in respect of which a charge is payable under paragraph 5A of Schedule 1, 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 training flights.

“(2) A person is not entitled to so much of a refund otherwise payable under sub-paragraph (1) in respect of an aircraft as would exceed the amount of the charges payable under Schedule 1 by reason of the use of that aircraft in the training flights that gave rise to the right to the refund.”.

Schedule 2
paragraph
10.

9. Paragraph 10 of Schedule 2 to the Principal Act is amended by omitting from sub-paragraph (1A) the word “one-third” and substituting the word “one-half”.

Schedule 3
paragraph 1.

10. Paragraph 1 of Schedule 3 to the Principal Act is repealed and the following paragraph substituted:—

“1. Charges are payable, in accordance with this Schedule, by the owners of foreign aircraft, other than aircraft—

- (i) that are operated by the holders of airline licences; or
- (ii) that are operated by the holders of charter licences in the course of regular public transport operations or of charter operations.”.

Schedule 3
paragraph 3.

11. Paragraph 3 of Schedule 3 to the Principal Act is repealed and the following paragraph substituted:—

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

- (a) in respect of a private aircraft—9 times the unit charge for that aircraft in respect of each week or part of a week comprised in the relevant period;
- (b) in respect of an aerial work aircraft—15 times the unit charge for that aircraft in respect of each week or part of a week comprised in the relevant period; and
- (c) in respect of a charter aircraft—18 times the unit charge for that aircraft in respect of each week or part of a week comprised in the relevant period.

“(2) For the purpose of sub-paragraph (1)—

- (a) the unit charge for an aircraft is the unit charge referred to in paragraph 7 of Schedule 1; and
- (b) the relevant period, in relation to an aircraft, is the period from the date on which the aircraft entered Australia until—
 - (i) the date of the departure of the aircraft from Australia; or
 - (ii) if the aircraft becomes registered under the Air Navigation Regulations while in Australia—the date of the registration of the aircraft under those Regulations.”.

12. The Principal Act is amended as set out in the Schedule.

Additional
amend-
ments.

13. (1) For all purposes of the *Air Navigation (Charges) Act* 1952-1972 and of that Act as amended and in force at any time before the commencement of this section, the office of Secretary to the Department of Transport and Director-General of Civil Aviation shall be deemed to have been the same office as the office of Director-General of Civil Aviation.

Validation
and
transitional.

(2) Any act or thing done (including any instrument made or issued)—

- (a) before 30 November 1973 by a person holding, or performing the duties of, the office of Director-General of Civil Aviation; or
- (b) on or after that date and before the commencement of this section by a person holding, or performing the duties of, the office of Secretary to the Department of Transport and Director-General of Civil Aviation,

under or for the purposes of the *Air Navigation (Charges) Act* 1952 or of that Act as amended and in force when the act or thing was done or the instrument was made or issued has effect, after the commencement of this section, as if the act or thing had been done, or the instrument had been made or issued, by the Secretary to the Department of Transport under or for the purposes of the Principal Act as amended by this Act.

(3) In this section, a reference to the office of Director-General of Civil Aviation is a reference to the office of Director-General of Civil Aviation referred to in the Principal Act.

14. (1) The amendments of the Principal Act made by sections 10 and 11 of this Act apply in relation to a foreign aircraft whether the aircraft entered Australia before, or enters Australia after, 1 December 1974.

Application
of
amendments.

(2) To the extent that the amendments of the Principal Act made by this Act affect a charge payable in respect of a year of registration of an aircraft or by the owner of a foreign aircraft in respect of a week or part of a week, or impose such a charge, 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 1974.

SCHEDULE
ADDITIONAL AMENDMENTS

Section 12

Provision	Amendment
Schedule 1, paragraph 7 . .	Omit "Director-General" (wherever occurring), substitute "Secretary".
Schedule 1, paragraph 8 . .	Omit from clause (e) "Director-General", substitute "Secretary".
Schedule 2, paragraph 1 . .	Omit from clause (b) of sub-paragraph (2) "Director-General", substitute "Secretary".
Schedule 2, paragraph 10 . .	Omit from sub-paragraph (1) "Director-General" (wherever occurring), substitute "Secretary".
Schedule 2, paragraph 11 . .	Omit from sub-paragraph (3) "Director-General" (wherever occurring), substitute "Secretary".
Schedule 3, paragraph 4 . .	Omit from clause (c) "Director-General", substitute "Secretary".
Schedule 3, paragraph 5 . .	Omit "Director-General", substitute "Secretary".
Schedule 3, paragraph 6 . .	Omit from sub-paragraph (1) "Director-General" (wherever occurring), substitute "Secretary".

NOTES

1. Act No. 114, 1974; assented to 3 December 1974.
2. 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; No. 100, 1972; and No. 179, 1973.