

Air Navigation (Charges)

No. 107 of 1965

An Act to amend the *Air Navigation (Charges) Act 1952–1964*.

[Assented to 18 December, 1965]

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

1.—(1.) This Act may be cited as the *Air Navigation (Charges) Act 1965*. Short title and citation.

(2.) The *Air Navigation (Charges) Act 1952–1964** 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 1952–1965*.

* Act No. 101, 1952, as amended by No. 87, 1957; No. 49, 1960; No. 78, 1962; No. 97, 1963; and No. 95, 1964.

Commence-
ment.

2. Sections 1, 2 and 9 of this Act shall come into operation on the day on which this Act receives the Royal Assent and the other provisions of this Act shall come into operation on the first day of January, One thousand nine hundred and sixty-six.

3. Section 2 of the Principal Act is repealed and the following section inserted in its stead:—

Interpretation.

“ 2.—(1.) In this Act—

‘ Australia ’ includes all the Territories of the Commonwealth;

‘ the Director-General ’ means the Director-General of Civil Aviation.

“ (2.) Unless the contrary intention appears, expressions used in this Act that are used in the Air Navigation Regulations have the same meanings as they have in those Regulations.”

First
Schedule.

4. The First Schedule to the Principal Act is amended—

(a) by omitting paragraphs 1 and 2 and inserting in their stead the following paragraphs:—

“ 1. A charge is payable, in accordance with this Schedule, by the holder of an airline licence in respect of a flight made between places in Australia, in the course of regular public transport operations, by an aircraft operated by him.

“ 2.—(1.) A charge is payable, in accordance with this Schedule, by the holder of a charter licence in respect of—

(a) a flight made between places in Australia, in the course of regular public transport operations, by an aircraft operated by him; or

(b) a flight made between places in Australia, in the course of 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 the Second Schedule to this Act in respect of a period that includes the day on which the flight is completed.

“ (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.” ;

(b) by omitting from paragraph 3 the words “ the last preceding paragraph ” and inserting in their stead the words “ paragraphs 1 and 2 of this Schedule ”;

(c) by inserting in sub-paragraph (1.) of paragraph 4, after the word “ paragraph ” (first occurring) the figure and word “ 1 or ”;

(d) by omitting paragraphs 6 and 7 and inserting in their stead the following paragraphs:—

“ 6.—(1.) Subject to the next succeeding sub-paragraph, a charge is payable in respect of the landing in Australia of an aircraft operated by the holder of an airline licence or a charter licence and arriving from a place outside Australia, and a charge is payable in respect of the take-off of an aircraft operated by the holder of an airline licence or a charter licence and departing to a place outside Australia.

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

“(3.) The amount of a charge payable under this paragraph is the amount ascertained by multiplying the unit charge for the aircraft by eight.

“7.—(1.) The unit charge for an aircraft is—

- (a) where the weight of the aircraft does not exceed 25,000 pounds—an amount calculated at the rate of 6.58845 pence for each 1,000 pounds or part of 1,000 pounds of the weight of the aircraft;
- (b) where the weight of the aircraft exceeds 25,000 pounds but does not exceed 50,000 pounds—an amount calculated at the rate of 10.2487 pence for each 1,000 pounds or part of 1,000 pounds of the weight of the aircraft;
- (c) where the weight of the aircraft exceeds 50,000 pounds but does not exceed 100,000 pounds—an amount calculated at the rate of 13.1769 pence for each 1,000 pounds or part of 1,000 pounds of the weight of the aircraft; and
- (d) in any other case—an amount calculated at the rate of 15.37305 pence for each 1,000 pounds or part of 1,000 pounds of the weight of the aircraft.

“(2.) For the purposes of the last preceding sub-paragraph, the weight of an aircraft of any type shall be taken to be—

- (a) the weight that is for the time being fixed by the Director-General, in accordance with the next succeeding sub-paragraph, as the weight of an aircraft of that type for the purposes of this Act; or
- (b) if there is no weight so fixed—the maximum all-up weight of the aircraft.

“(3.) The Director-General may, by notice published in the *Gazette*, fix the weight of aircraft of any type for the purposes of this Act, being—

- (a) the weight that he is satisfied is the maximum all-up weight of an aircraft of that type; or
- (b) such lesser weight as he considers appropriate having regard to the extent to which air navigation facilities in Australia permit the capacity of aircraft of that type to be utilized.”;

(e) by omitting from clause (e) of paragraph 8 the words “of Civil Aviation”;

(f) by omitting clause (a) of paragraph 9 and inserting in its stead the following clause:—

“(a) in the case of the charge in respect of a flight to which paragraph 1 or 2 of this Schedule applies—upon the completion of that flight;” ; and

(g) by inserting in the Table of Flights, after item 148, the following item:—

“ 148A .. | Melbourne—Corryong | 2”.

5. The Second Schedule to the Principal Act is amended—

Second
Schedule.

(a) by omitting paragraph 1 and inserting in its stead the following paragraph:—

“1.—(1.) Charges are payable, in accordance with this Schedule, by the registered owners of aircraft registered under the Air Navigation Regulations.

“(2.) Charges are not payable under this Schedule in respect of an aircraft—

- (a) the registered owner of which is the holder of an airline licence; and
- (b) that is of a type approved by the Director-General for use in operations under that airline licence.” ;

(b) by omitting paragraph 5 and inserting in its stead the following paragraph:—

“ 5. Where an aircraft is, during a period 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 in accordance with the formula—

$$A = \frac{BC}{365}$$

where—

- A is the amount of the refund;
- B is the number of days during which the aircraft was so operated in regular public transport operations; and
- C is the amount of the charge so paid.” ; and

(c) by omitting from sub-paragraph (1.) of paragraph 9 the words “ of Civil Aviation ”.

**Third
Schedule.**

6. The Third Schedule to the Principal Act is amended—

(a) by omitting paragraph 1 and inserting in its stead the following paragraph:—

“ 1. Charges are payable, in accordance with this Schedule, by the owners of foreign aircraft, other than aircraft that are operated by the holders of airline licences or charter licences in the course of regular public transport operations.” ; and

(b) by omitting from paragraphs 4, 5 and 6 the words “ of Civil Aviation ” (wherever occurring).

**Additional
amendments.**

7. The Second and Third Schedules to the Principal Act are amended as set out in the Schedule to this Act.

**Application of
amendments.**

8. The amendments made to the Principal Act by this Act—

(a) apply in relation to a charge payable—

- (i) in respect of a flight between places in Australia that is completed on or after the date of commencement of this Act;
- (ii) in respect of the landing or take-off of an aircraft on or after that date;
- (iii) by the registered owner of an aircraft in respect of a period that commences on or after that date; and
- (iv) by the owner of a foreign aircraft in respect of a week or a part of a week that commences on or after that date; and

(b) do not affect the application of the Principal Act in relation to any other charges.

9. The Director-General of Civil Aviation may publish in the *Gazette* a notice fixing the weight of aircraft in accordance with sub-paragraph (3.) of paragraph 7 of the First Schedule to the Principal Act, as amended by this Act, at any time after this Act receives the Royal Assent, but any such notice does not have effect before the first day of January, One thousand nine hundred and sixty-six.

Notices
fixing weight
of aircraft.

THE SCHEDULE

Section 7.

ADDITIONAL AMENDMENTS TO SECOND AND THIRD SCHEDULES

Provisions amended	Amendments
Paragraphs of the Second Schedule—	
3	(a) Omit from clause (a) “, as defined by the Air Navigation Regulations”.
	(b) Omit from clauses (b) and (c) “, as so defined” (wherever occurring).
4	Omit from clause (a) “, as defined by the Air Navigation Regulations”.
6	Omit “ as defined by the Air Navigation Regulations,”.
7	(a) Omit “, as defined by the Air Navigation Regulations,”.
	(b) Omit “ as so defined,”.
8	Omit “ as defined by the Air Navigation Regulations,”.
Paragraph of the Third Schedule—	
3	(a) Omit from clause (a) of sub-paragraph (1.) “, as defined by the Air Navigation Regulations”.
	(b) Omit from clauses (b) and (c) of sub-paragraph (1.) “, as so defined” (wherever occurring).