



**AERODROME FEES ACT 1998**

**No. 45 of 1998**

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A.D. 1998

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No. 45 of 1998

An Act to provide for the fixing and recovery of aerodrome fees relating to aircraft activities.

[Assented to 3 September 1998]

The Parliament of South Australia enacts as follows:

## Short title

1. This Act may be cited as the *Aerodrome Fees Act 1998*.

## Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

## Interpretation

3. (1) In this Act, unless the contrary intention appears—

"aerodrome" means an area of land or water (including any buildings, installations and equipment) intended for use wholly or partly for the arrival, departure or movement of aircraft, but does not include an aerodrome excluded by regulation from the ambit of this definition;

"aircraft" means an aircraft registered under Part III of the *Civil Aviation Regulations*;

"Aircraft Register" means the register of Australian aircraft called by that name established and kept under Part III of the *Civil Aviation Regulations*;

"Civil Aviation Regulations" means the *Civil Aviation Regulations* of the Commonwealth;

"holder of a certificate of registration", in relation to an aircraft, means the person whose name is entered in the Aircraft Register as the holder of the certificate of registration of that aircraft.

- (2) In this Act, a reference to Commonwealth regulations includes a reference to—

- (a) the regulations as amended and in force for the time being; and
- (b) regulations made in substitution for the regulations.

(3) For the purposes of this Act, an aircraft makes a training flight approach to an aerodrome if the aircraft makes a planned descent to, or in the immediate proximity of, a runway at the aerodrome (whether or not the aircraft touches the runway) during a flight undertaken for the training or testing of a person as a pilot or member of a flight crew.

**Act binds Crown**

4. This Act binds the Crown.

**Act does not affect other powers with respect to fees**

5. The provisions of this Act do not limit or affect contractual or other powers that would exist apart from this Act to charge and recover aerodrome arrival, departure, parking or other fees.

**Aerodrome operator may fix fees for arrivals, departures, etc.**

6. (1) A person who operates an aerodrome (an "aerodrome operator") may fix a fee for—

- (a) the arrival of an aircraft at the aerodrome; or
- (b) the departure of an aircraft from the aerodrome; or
- (c) the parking of an aircraft at the aerodrome; or
- (d) a training flight approach to the aerodrome; or
- (e) the carrying out of an activity, or the provision of a service, at the aerodrome directly related to the arrival, departure, parking or training flight approach of an aircraft; or
- (f) late payment of a fee fixed under this section.

(2) If an aerodrome operator fixes fees under this section, the aerodrome operator must publish in the *Gazette* and in—

- (a) a daily newspaper circulating in the State; or
- (b) a periodical publication prescribed by regulation,

a notice setting out the fees.

(3) Fees fixed under this section—

- (a) may vary according to different factors or to the circumstances in which they are to apply;
- (b) come into force on the day specified by the aerodrome operator in the notice of the fees published under this section, being a day not earlier than the day on which the notice is published.

**Liability for payment of fees**

7. (1) If a fee fixed under this Act is incurred in respect of an aircraft, the holder of the certificate of registration of the aircraft is, subject to subsection (2), liable for payment of the fee to the aerodrome operator.

(2) The holder of the certificate of registration of an aircraft may assign the liability for the payment of fees incurred under this Act in respect of the aircraft to another person by agreement in writing.

(3) The agreement will be effective to assign any liability for fees incurred under this Act in respect of the aircraft for the use of a specified aerodrome during a future period specified in the agreement.

(4) The agreement must be in writing and signed by or on behalf of the holder of the certificate of registration, the person to whom the liability for fees is assigned and the aerodrome operator for the aerodrome to which the agreement relates.

**Recovery as debt**

8. An aerodrome operator may recover a fee fixed under this Act by action in a court of competent jurisdiction as a debt due to the aerodrome operator from the person liable under this Act for payment of the fee.

**Regulations**

9. The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

E. J. NEAL Governor