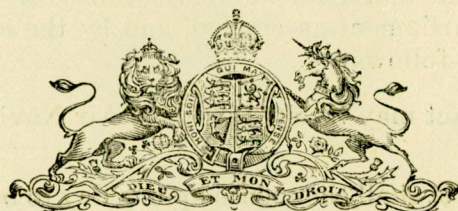


New South Wales.



ANNO SECUNDO

GEORGII VI REGIS.

Act No. 9, 1938.

An Act to provide for the application of the Commonwealth Air Navigation Regulations to and in relation to air navigation within the State of New South Wales; to amend the State Transport (Co-ordination) Act, 1931, in certain respects; and for purposes connected therewith. [Assented to, 6th October, 1938.]

WHEREAS at a conference of representatives of the Governments of the Commonwealth and of the States held in April, one thousand nine hundred and thirty-seven, it was resolved that there should be uniform rules throughout the Commonwealth applying to air navigation and aircraft, the licensing and competence of pilots, air traffic rules, and the regulation of aerodromes, and

Preamble.

Air Navigation.

and it was agreed that legislation should be introduced in the Parliament of each State to make provision for the application of the Commonwealth Air Navigation Regulations, as in force from time to time, to air navigation and aircraft within the jurisdiction of the State: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the "Air Navigation Act, 1938."

Commencement.

2. This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions.

3. In this Act—

"the Commonwealth Act" means the Air Navigation Act, 1920-1936, of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time;

"the regulations" means the Air Navigation Regulations made, and as in force from time to time, under the Commonwealth Act;

"the Territories" means territories under the authority of the Commonwealth and includes territories governed by the Commonwealth under a mandate.

Application of Commonwealth Air Navigation Regulations to air navigation within New South Wales.

4. The regulations from time to time in force applicable to and in relation to air navigation within the Territories shall (except so far as those regulations are by virtue of the Commonwealth Act and the regulations applicable to and in relation to air navigation within New South Wales) apply, mutatis mutandis, to and in relation to air navigation within New South Wales as if those regulations as so applied were incorporated in this Act and for the purposes of this Act those regulations shall be read and construed and take effect accordingly.

Air Navigation.

5. Where, by or under the regulations, any power or function is vested in or exercisable by any person or authority for the purpose of the regulations or any part thereof, the like power or function under the regulations in their application by virtue of this Act shall be vested in or exercisable by that person or authority for the purposes of the regulations in such application.

Certain powers and functions vested in Commonwealth authorities.

6. Any certificate, license or registration granted, issued, recognised or effected—

Certificates, licenses, etc.

- (a) by or under the regulations in their application under the Commonwealth Act; or
- (b) by or under the regulations in their application by virtue of the law of any other State of the Commonwealth,

and any cancellation or suspension of any such certificate, license or registration, shall in New South Wales have the same force and effect as if it had been granted, issued, recognised or effected in pursuance of the regulations in their application by virtue of this Act.

7. All fees payable under the regulations in their application by virtue of this Act shall be paid to the Commonwealth to meet the cost of the administration of the regulations in such application.

Fees.

8. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment of Act No. 32, 1931.

- (a) by inserting in subsection one of section three after the definition of "Agent" the following new definition:—

Sec. 3 (1).
(Interpretation.)

"Air Navigation Regulations" means the Air Navigation Regulations made and as in force from time to time under the Air Navigation Act, 1920-1936, of the Commonwealth of Australia or any Act amending that Act.

- (b) by omitting from paragraph (d) of subsection two of section fourteen the words "or under any Act of the Commonwealth" and by inserting in lieu thereof the words "or in the case of an aircraft,

Sec. 14 (2)
(d).
(Application for license.)

Act No. 9, 1938.

Air Navigation.

aircraft, particulars of the certificate of registration and the certificate of airworthiness issued under the Air Navigation Regulations”;

Sec. 17 (3)
(g).
(Conditions
of license.)

(c) by omitting from the proviso to paragraph (g) of subsection three of section seventeen the words “a registration of aircraft under any Act of the Commonwealth” and by inserting in lieu thereof the words “the certificate of registration and the certificate of airworthiness of an aircraft issued under the Air Navigation Regulations”;

Sec. 48 (8) (k).
(Regulations.)

(d) by omitting paragraph (k) of subsection eight of section forty-eight.

(2) Except as provided in subsection one of this section nothing in this Act shall affect the provisions of the State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts.

By Authority:

DAVID HAROLD PAISLEY, Government Printer, Sydney, 1938.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of New South Wales.

W. R. McCOURT,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 30 September, 1938.*

New South Wales.



ANNO SECUNDO

GEORGI VI REGIS.

Act No. 9, 1938.

An Act to provide for the application of the Commonwealth Air Navigation Regulations to and in relation to air navigation within the State of New South Wales; to amend the State Transport (Co-ordination) Act, 1931, in certain respects: and for purposes connected therewith. [Assented to, 6th October, 1938.]

WHEREAS at a conference of representatives of the Governments of the Commonwealth and of the States held in April, one thousand nine hundred and thirty-seven, it was resolved that there should be uniform rules throughout the Commonwealth applying to air navigation and aircraft, the licensing and competence of pilots, air traffic rules, and the regulation of aerodromes, and

Preamble.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

W. W. HEDGES.

Chairman of Committees of the Legislative Assembly.

Air Navigation.

and it was agreed that legislation should be introduced in the Parliament of each State to make provision for the application of the Commonwealth Air Navigation Regulations, as in force from time to time, to air navigation and aircraft within the jurisdiction of the State: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the "Air Navigation Act, 1938."

Commencement.

2. This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Definitions.

3. In this Act—

"the Commonwealth Act" means the Air Navigation Act, 1920-1936, of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time;

"the regulations" means the Air Navigation Regulations made, and as in force from time to time, under the Commonwealth Act;

"the Territories" means territories under the authority of the Commonwealth and includes territories governed by the Commonwealth under a mandate.

Application
of Common-
wealth Air
Navigation
Regulations
to air
navigation
within New
South
Wales.

4. The regulations from time to time in force applicable to and in relation to air navigation within the Territories shall (except so far as those regulations are by virtue of the Commonwealth Act and the regulations applicable to and in relation to air navigation within New South Wales) apply, mutatis mutandis, to and in relation to air navigation within New South Wales as if those regulations as so applied were incorporated in this Act and for the purposes of this Act those regulations shall be read and construed and take effect accordingly.

5.

Air Navigation.

5. Where, by or under the regulations, any power or function is vested in or exercisable by any person or authority for the purpose of the regulations or any part thereof, the like power or function under the regulations in their application by virtue of this Act shall be vested in or exercisable by that person or authority for the purposes of the regulations in such application.

Certain powers and functions vested in Commonwealth authorities.

6. Any certificate, license or registration granted, issued, recognised or effected—

Certificates, licenses, etc.

- (a) by or under the regulations in their application under the Commonwealth Act; or
- (b) by or under the regulations in their application by virtue of the law of any other State of the Commonwealth,

and any cancellation or suspension of any such certificate, license or registration, shall in New South Wales have the same force and effect as if it had been granted, issued, recognised or effected in pursuance of the regulations in their application by virtue of this Act.

7. All fees payable under the regulations in their application by virtue of this Act shall be paid to the Commonwealth to meet the cost of the administration of the regulations in such application.

Fees.

8. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended—

Amendment of Act No. 32, 1931.

- (a) by inserting in subsection one of section three after the definition of "Agent" the following new definition:—

Sec. 3 (1). (Interpretation.)

"Air Navigation Regulations" means the Air Navigation Regulations made and as in force from time to time under the Air Navigation Act, 1920-1936, of the Commonwealth of Australia or any Act amending that Act.

- (b) by omitting from paragraph (d) of subsection two of section fourteen the words "or under any Act of the Commonwealth" and by inserting in lieu thereof the words "or in the case of an aircraft,

Sec. 14 (2) (d). (Application for license.)

Air Navigation.

aircraft, particulars of the certificate of registration and the certificate of airworthiness issued under the Air Navigation Regulations”;

Sec. 17 (3)
(g).
(Conditions
of license.)

(c) by omitting from the proviso to paragraph (g) of subsection three of section seventeen the words “a registration of aircraft under any Act of the Commonwealth” and by inserting in lieu thereof the words “the certificate of registration and the certificate of airworthiness of an aircraft issued under the Air Navigation Regulations”;

Sec. 48 (8) (k).
(Regulations.)

(d) by omitting paragraph (k) of subsection eight of section forty-eight.

(2) Except as provided in subsection one of this section nothing in this Act shall affect the provisions of the State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts.

In the name and on behalf of His Majesty I assent to this Act.

WAKEHURST,
Governor.

Government House,
Sydney, 6th October, 1938.

Air Navigation Bill, 1938.

THE Bill is in the nature of a uniform measure. It is designed to apply the Commonwealth Air Navigation Regulations (in so far as those regulations do not already apply) to air navigation within New South Wales.

It does not surrender to the Commonwealth any of the legislative powers of the State.

The Bill is substantially a copy of the draft uniform measure agreed upon by the States after various conferences had been held with the Commonwealth on the question of air navigation.

A provision is included saving the operation of the State Transport (Co-ordination) Act, 1931.

Air Navigation Bill, 1920

The Bill is intended to provide for the regulation of air navigation in the United Kingdom and to apply the provisions of the Convention for the Regulation of Aerial Navigation, signed at London on the 13th October 1919, to the United Kingdom and to the Colonies and to the Dominion of Wales.

It is not necessary to the Bill to amend any of the existing powers of the State.

The Bill is intended to give effect to the Convention and to the provisions of the Convention which have been held to be binding on the United Kingdom by the Convention.

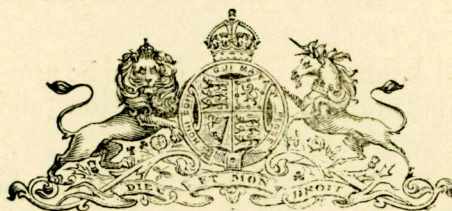
The Bill is intended to give effect to the Convention and to the provisions of the Convention which have been held to be binding on the United Kingdom by the Convention.

Act, 1920.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. R. McCOURT,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 29 July, 1938.

New South Wales.



ANNO SECUNDO

GEORGII VI REGIS.

Act No. , 1938.

An Act to provide for the application of the Commonwealth Air Navigation Regulations to and in relation to air navigation within the State of New South Wales; to amend the State Transport (Co-ordination) Act, 1931, in certain respects; and for purposes connected therewith.

WHEREAS at a conference of representatives of the Preamble.
Governments of the Commonwealth and of the States held in April, one thousand nine hundred and thirty-seven, it was resolved that there should be uniform
5 rules throughout the Commonwealth applying to air navigation and aircraft, the licensing and competence of pilots, air traffic rules, and the regulation of aerodromes,

Air Navigation.

and it was agreed that legislation should be introduced in the Parliament of each State to make provision for the application of the Commonwealth Air Navigation Regulations, as in force from time to time, to air navigation and aircraft within the jurisdiction of the State: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same as follows:—

1. This Act may be cited as the "Air Navigation Act, 1938." Short title.

2. This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. Commencement.

3. In this Act—

Definitions.

"the Commonwealth Act" means the Air Navigation Act, 1920-1936, of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time;

"the regulations" means the Air Navigation Regulations made, and as in force from time to time, under the Commonwealth Act;

"the Territories" means territories under the authority of the Commonwealth and includes territories governed by the Commonwealth under a mandate.

4. The regulations from time to time in force applicable to and in relation to air navigation within the Territories shall (except so far as those regulations are by virtue of the Commonwealth Act and the regulations applicable to and in relation to air navigation within New South Wales) apply, mutatis mutandis, to and in relation to air navigation within New South Wales as if those regulations as so applied were incorporated in this Act and for the purposes of this Act those regulations shall be read and construed and take effect accordingly.

Application of Commonwealth Air Navigation Regulations to air navigation within New South Wales.

5.

Air Navigation.

5. Where, by or under the regulations, any power or function is vested in or exercisable by any person or authority for the purpose of the regulations or any part thereof, the like power or function under the regulations in their application by virtue of this Act shall be vested in or exercisable by that person or authority for the purposes of the regulations in such application. Certain powers and functions vested in Commonwealth authorities.
6. Any certificate, license or registration granted, issued, recognised or effected— Certificates, licenses, etc.
- 10 (a) by or under the regulations in their application under the Commonwealth Act; or
- (b) by or under the regulations in their application by virtue of the law of any other State of the Commonwealth,
- 15 and any cancellation or suspension of any such certificate, license or registration, shall in New South Wales have the same force and effect as if it had been granted, issued, recognised or effected in pursuance of the regulations in their application by virtue of this Act.
- 20 7. All fees payable under the regulations in their application by virtue of this Act shall be paid to the Commonwealth to meet the cost of the administration of the regulations in such application. Fees.
- 25 8. (1) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts, is amended— Amendment of Act No. 32, 1931.
- (a) by inserting in subsection one of section three after the definition of "Agent" the following new definition:— Sec. 3 (1). (Interpretation.)
- 30 "Air Navigation Regulations" means the Air Navigation Regulations made and as in force from time to time under the Air Navigation Act, 1920-1936, of the Commonwealth of Australia or any Act amending that Act.
- 35 (b) by omitting from paragraph (d) of subsection two of section fourteen the words "or under any Act of the Commonwealth" and by inserting in lieu thereof the words "or in the case of an aircraft," Sec. 14 (2) (d). (Application for license.)

Air Navigation.

aircraft, particulars of the certificate of registration and the certificate of airworthiness issued under the Air Navigation Regulations”;

- 5 (c) by omitting from the proviso to paragraph (g) of subsection three of section seventeen the words “a registration of aircraft under any Act of the Commonwealth” and by inserting in lieu thereof the words “the certificate of registration and the certificate of airworthiness of an aircraft issued under the Air Navigation Regulations”;
- 10 (d) by omitting paragraph (k) of subsection eight of section forty-eight.

Sec. 17 (3)
(g).
(Conditions
of license.)

Sec. 48 (8) (k).
(Regulations.)

(2) Except as provided in subsection one of this section nothing in this Act shall affect the provisions of
15 the State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts.