

George VI.
No. 9, 1938.

AIR NAVIGATION ACT.

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.]

Preamble.

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 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

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

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“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. 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.

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Amendment
of Act No.
32, 1931.Sec. 3 (1).
(Interpreta-
tion.)

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

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

"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.

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

- (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, 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.