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# AUSTRALIAN NATIONAL AIRLINES.

**No. 90 of 1947.**

An Act to amend the *Australian National Airlines Act 1945*.

[Assented to 11th December, 1947.]

**B**E it enacted by the King'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 *Australian National Airlines Act 1947*. Short title and citation.

(2.) The *Australian National Airlines Act 1945\** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Australian National Airlines Act 1945-1947*.

**Commencement.** 2. This Act shall come into operation on the day on which it receives the Royal Assent.

**Definitions.** 3. Section four of the Principal Act is amended—

(a) by omitting the definition of “adequate airline service” and inserting in its stead the following definition:—

“ ‘adequate airline service’, in relation to any stopping places at least one of which is within a Territory of the Commonwealth, means a service in respect of which there is in force a declaration made by the Minister and published in the *Gazette* that the service is adequate to meet the needs of the public for transport by air between those stopping places; ”; and

(b) by omitting from the definition of “Territorial airline service” the words “(not being an interstate airline service)”.

**General functions and duties of Commission.**

4. Section nineteen of the Principal Act is amended—

(a) by adding at the end of sub-section (1.) the words “, or for the transport of mails by air between any places in Australia in pursuance of an agreement entered into under section twenty-two of this Act”;

(b) by omitting the figure “(2.)” (second occurring) and inserting in its stead the figure “(3.)”.

5. After section nineteen of the Principal Act the following section is inserted:—

**Intra-state services in pursuance of powers referred by State Parliaments.**

“19A.—(1.) Where the Parliament of any State has, prior to the commencement of this section, by any State Act, referred to the Parliament of the Commonwealth the matter of air transport, or the matter of the regulation of air transport, the Commission may, subject to this section, during the period of operation of that State Act, or during any extension of that period—

(a) establish airline services for the transport for reward of passengers and goods within that State; and

\* Act No. 31, 1945.

(b) maintain and operate airline services for any such transport, and shall have, in relation to any such service, the like powers as it has in relation to airline services specified in sub-section (1.) of the last preceding section.

“(2.) The Commission shall not—

- (a) establish any service which it could not lawfully establish but for this section unless the Premier of the State in which the service is to be established has notified the Prime Minister in writing that he consents to the establishment and operation of the service; or
- (b) continue the operation of any service in respect of which consent has been given under the last preceding paragraph after the Premier has notified the Prime Minister in writing that he withdraws his consent to the operation of that service.

“(3.) The Commission shall, in respect of any service operated by it in pursuance of consent under the last preceding sub-section by the Premier of a State, pay to the State from time to time amounts equivalent to the licence fees (if any) which would be payable under the law of the State if the service were operated by a person other than the Commission.”

6. Section forty-six of the Principal Act is amended—

- (a) by omitting sub-section (1.);
- (b) by omitting from sub-section (2.) the words “not being places in a State” and inserting in their stead the words “at least one of which is within a Territory of the Commonwealth”; and
- (c) by inserting in sub-section (2.), after the word “inoperative”, the words “, and shall not be renewed,”.

Airline licences to be inoperative in certain circumstances.

7. Section forty-seven of the Principal Act is amended—

- (a) by omitting paragraph (a);
- (b) by omitting from paragraph (b) the words “not being places in a State” and inserting in their stead the words “at least one of which is within a Territory of the Commonwealth”; and
- (c) by omitting the words “interstate airline services or”.

Limitation with respect to issue of airline licences.

8. Section forty-eight of the Principal Act is amended by inserting after the words “airline service” the words “, and any other person holds an airline licence in respect of a service which provides transport by air between any of the scheduled stopping places of the service, at least one of which is within a Territory of the Commonwealth,”.

Notice by Commission of proposal to establish airline service.

Limitation on  
power to  
contract.

**9.** Section forty-nine of the Principal Act is amended by omitting the words " interstate airline service or ".

Claims for  
compensation.

**10.** Section fifty-two of the Principal Act is amended by inserting after sub-section (1.) the following sub-section :—

" (1A.) An agreement under the last preceding sub-section shall be subject to the approval of the Minister."

Limitation of  
compensation.

**11.** Section fifty-six of the Principal Act is amended by inserting before the words " the Minister " the words " the Commission,".

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