

## AIR NAVIGATION.

### No. 39 of 1960.

An Act to amend the *Air Navigation Act* 1920-1950,  
and for other purposes.

[Assented to 10th June, 1960.]

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

**Short title  
and citation.**

1.—(1.) This Act may be cited as the *Air Navigation Act* 1960.

(2.) The *Air Navigation Act* 1920-1950\* 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 Act* 1920-1960.

**Commence-  
ment.**

2. This Act shall come into operation on a date to be fixed by Proclamation.

3. Sections two and three of the Principal Act are repealed and the following sections inserted in their stead:—

**Extension to  
Territories.**

“ 2. This Act extends to every Territory of the Commonwealth.

**Act to bind  
Crown.**

“ 2A. This Act binds the Crown in right of the Commonwealth or of any State.

**Interpretation.**

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

‘ aircraft ’ does not include state aircraft;

‘ Australian aircraft ’ means an aircraft registered in Australia in accordance with the regulations;

‘ Australian territory ’ means the territory of the Commonwealth and of every Territory of the Commonwealth, and includes the territorial waters of the Commonwealth and of every such Territory and the air space over any such territory or territorial waters;

‘ Contracting State ’ means a country, other than Australia, that is a party to the Chicago Convention;

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\* Act No. 50, 1920, as amended by No. 93, 1936; Nos. 6 and 89, 1947; and No. 80, 1950.

- ‘ crew ’, in relation to an aircraft, includes every person having duties or functions on board the aircraft during the flight of the aircraft in connexion with the flying or safety of the aircraft;
- ‘ international airline ’ means an air transport enterprise offering or operating an international air service;
- ‘ non-scheduled flight ’, in relation to an aircraft that possesses the nationality of a Contracting State, means a flight by that aircraft over or into Australian territory otherwise than under the authority of an international airline licence issued by the Director-General in pursuance of the regulations;
- ‘ pilot in command ’, in relation to an aircraft, means the pilot responsible for the operation and safety of the aircraft during the flight of the aircraft;
- ‘ state aircraft ’ means—
  - (a) aircraft of any part of the Defence Force, including any aircraft that is commanded by a member of that Force in the course of his duties as such a member; and
  - (b) aircraft used in the military, customs or police services of a country other than Australia;
- ‘ the Air Transit Agreement ’ means the International Air Services Transit Agreement concluded at Chicago on the seventh day of December, One thousand nine hundred and forty-four;
- ‘ the Chicago Convention ’ means the Convention on International Civil Aviation concluded at Chicago on the seventh day of December, One thousand nine hundred and forty-four;
- ‘ the Director-General ’ means the Director-General of Civil Aviation and includes any person acting as Director-General;
- ‘ the International Air Transport Association ’ means the association incorporated under that name by Act 9-10 George VI., Chapter 51, of the Parliament of Canada;
- ‘ the International Civil Aviation Organization ’ means the organization, so named, formed under Article 43 of the Chicago Convention.

“(2.) Any reference in this Act to a contravention of, or failure to comply with, a provision of this Act includes a reference to a contravention of, or failure to comply with, an instruction, direction, condition or requirement issued, given, made or imposed in pursuance of this Act.”.

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Approval of  
ratification of  
Chicago  
Convention,  
&c.

4. Section three A of the Principal Act is amended by adding at the end thereof the following sub-section:—

“(2.) Approval is given to the ratification on behalf of Australia of—

- (a) the Air Transit Agreement;
- (b) the Protocol amending Article 45 of the Chicago Convention, approved by the Assembly of the International Civil Aviation Organization on the fourteenth day of June, One thousand nine hundred and fifty-four; and
- (c) the Protocol amending Articles 48 (a), 49 (e) and 61 of the Chicago Convention, approved by the Assembly of the International Civil Aviation Organization on the fourteenth day of June, One thousand nine hundred and fifty-four.”.

5. Section five of the Principal Act is repealed and the following sections are inserted in its stead:—

Texts of  
Convention,  
&c.

“4. For the purposes of this Act, the texts of the Chicago Convention, the Air Transit Agreement and the Protocols referred to in the last preceding section shall be deemed to be the English texts set out respectively in the First, Second, Third and Fourth Schedules to this Act.

Contracting  
States.

“5. The Minister may, by notice published in the *Gazette*, declare which countries are from time to time parties to the Chicago Convention, the Air Transit Agreement or any of the Protocols referred to in section three A of this Act, and such a notice is evidence of the matter so declared.

International  
Civil Aviation  
Organization.

“6.—(1.) The International Civil Aviation Organization possesses such legal capacity and is entitled to such privileges and immunities as are necessary for the independent exercise of its powers and performance of its functions in Australian territory.

“(2.) Without limiting the generality of the last preceding sub-section, the International Civil Aviation Organization has in Australian territory juridical personality and the capacity—

- (a) to contract;
- (b) to acquire and dispose of real and personal property; and
- (c) to institute legal proceedings.

“(3.) The archives and other documents of the International Civil Aviation Organization kept in Australian territory are inviolable.

“ 7.—(1.) The Minister may establish and conduct a service to be known as the Aeronautical Information Service.

**Establishment and conduct of Aeronautical Information Service.**

“ (2.) The functions of the Aeronautical Information Service are to collect and disseminate aeronautical information and instructions relating to the safety, regularity and efficiency of air navigation, being information and instructions with respect to—

- (a) aerodromes;
- (b) air traffic control services and facilities;
- (c) communication and air navigation services and facilities;
- (d) meteorological services and facilities;
- (e) search and rescue services and facilities;
- (f) procedures and regulatory requirements connected with air navigation; and
- (g) hazards to air navigation.

“ 8.—(1.) The Aeronautical Information Service shall publish publications to be known as Aeronautical Information Publications and notices to be known as Notices to Airmen.

**Publication of Aeronautical Information Publications and Notices to Airmen.**

“ (2.) There shall be published in Aeronautical Information Publications the aeronautical information and instructions that, by this Act or the regulations, are required to be so published and such other aeronautical information and instructions as are of a lasting character essential to air navigation.

“ (3.) There shall be published in Notices to Airmen the aeronautical information and instructions that, by this Act or the regulations, are required to be so published and such other aeronautical information and instructions as—

- (a) are of a temporary character; or
- (b) cannot be made available with sufficient expedition by publication in Aeronautical Information Publications.

“ (4.) The Director-General shall forward copies of Aeronautical Information Publications and Notices to Airmen to the International Civil Aviation Organization.

“ 9.—(1.) The Minister may, by writing under his hand, designate as an international airport an aerodrome at which facilities are available for the formalities incident to customs, immigration, quarantine and other requirements in connexion with arrival in or departure from Australian territory of aircraft.

**International airports.**

“(2.) The Director-General shall cause to be published in Aeronautical Information Publications particulars of the aerodromes designated as international airports under the last preceding sub-section.

**International aircraft to land at and take-off from designated airports.**

“ 10. Subject to such exceptions as are prescribed—

- (a) an aircraft arriving in Australian territory from a place outside Australian territory shall land at an aerodrome designated as an international airport under the last preceding section; and
- (b) an aircraft departing from Australian territory for a place outside Australian territory shall take-off from an aerodrome so designated.

**Freedoms of the air.**

“ 11. Subject to the next succeeding section, a scheduled international air service conducted by an international airline of a country other than Australia that is a party to the Air Transit Agreement has, in respect of Australian territory, the following freedoms of the air:—

- (a) the privilege to fly across Australian territory without landing; and
- (b) the privilege to land in Australian territory for any purpose other than taking on or discharging passengers, cargo or mail.

**International airline licences.**

“ 12.—(1.) An international airline of a country other than Australia shall not operate a scheduled international air service over or into Australian territory except in accordance with an international airline licence issued by the Director-General in accordance with the regulations.

“(2.) An international airline licence shall not be granted to an international airline of a country other than Australia unless that country and Australia are parties to the Air Transit Agreement, or to some other agreement or arrangement, whether bilateral or multilateral, under which scheduled international air services of that other country may, subject to the agreement or arrangement, be operated over or into Australian territory.

**Suspension or cancellation of international airline licences.**

“ 13. The Minister may suspend or cancel an international airline licence issued to an international airline of a country other than Australia if and only if—

- (a) the airline or any aircraft operated by the airline fails to comply with a provision of this Act or the regulations or the terms of its licence; or
- (b) the airline fails to conform to, or comply with, any term or condition of the relevant agreement or arrangement referred to in the last preceding section.

“ 14.—(1.) An aircraft that possesses the nationality of a Contracting State may, subject to observance of the terms of the Chicago Convention and the provisions of this Act and the regulations, fly in transit non-stop across Australian territory, or land in Australian territory for non-traffic purposes, in the course of a non-scheduled flight, without the necessity of obtaining prior permission.

Non-scheduled flights by aircraft possessing nationality of a Contracting State.

“ (2.) Where an aircraft that possesses the nationality of a Contracting State makes a non-scheduled flight into Australian territory, it shall not take on or discharge passengers, cargo or mail in Australian territory (being passengers, cargo or mail that has been, or is to be, carried for reward) except with the permission of the Director-General and in accordance with that permission.

“ (3.) The Director-General shall cause to be published in Aeronautical Information Publications the procedure to be followed and the particulars to be supplied by applicants for the permission referred to in the last preceding sub-section.

“ (4.) In considering an application for the permission referred to in sub-section (2.) of this section, the Director-General shall have regard to—

- (a) the public interest;
- (b) the need to provide reasonable protection for the operators of regular public air transport services between Australia and other countries so as to ensure the maintenance of regular air transport services for the carriage of passengers, cargo and mail between Australia and other countries; and
- (c) any resolution or decision of the International Civil Aviation Organization or of the International Air Transport Association that has been approved by the Minister and is relevant to the matter.

“ (5.) The Director-General, in giving a permission for the purpose of sub-section (2.) of this section, may direct that the charges to be made in respect of passengers or cargo taken on or discharged in Australian territory shall be not less than such amounts as he directs.

“ (6.) For the purposes of this section, an aircraft arriving in Australian territory from a place outside Australian territory shall be deemed to discharge passengers, cargo or mail if it lands at any place in Australian territory while carrying passengers, cargo or mail destined for that place or another place in Australian territory.

“ (7.) Notwithstanding anything in the preceding provisions of this section, where it appears to the Director-General that an aircraft that possesses the nationality of a Contracting State is intended, in the course of a non-scheduled flight over Australian territory, to proceed over regions that are inaccessible or without adequate air navigation facilities, the Director-General may, if he considers it necessary in the interests of safety, direct that the aircraft follow an established air route or that the flight shall be conducted in accordance with such conditions as he specifies, and the aircraft shall comply with that direction.

**Non-scheduled flight by foreign aircraft not possessing nationality of Contracting State.**

“ 15.—(1.) A foreign aircraft that does not possess the nationality of a Contracting State shall not make a non-scheduled flight over or into Australian territory unless the Minister has approved the flight.

“ (2.) In giving an approval under the last preceding subsection the Minister may impose such conditions and requirements as to the flight as he thinks fit, including such conditions and requirements as he considers necessary to ensure compliance with the general principles contained in the Chicago Convention, and the aircraft shall comply with those conditions and requirements.

**Aircraft on international flights to comply with laws.**

“ 16. The owner, the operator, the hirer, the pilot in command and any other pilot of an aircraft arriving in Australian territory from a place outside Australian territory or departing from Australian territory for a place outside Australian territory shall comply with the provisions of all applicable laws, whether of the Commonwealth or of a State or Territory of the Commonwealth, for the time being in force, including laws relating to the entry or clearance of passengers, crew or cargo, immigration, passports, customs and quarantine.

**Aircraft on international flights to have permission.**

“ 17. Except as provided by sub-section (1.) of section fourteen of this Act or in accordance with an international airline licence or an approval under section fifteen of this Act, an aircraft shall not arrive in Australian territory from a place outside Australian territory, or depart from Australian territory for a place outside Australian territory, without the permission of the Director-General.

**Defence aerodromes.**

“ 18. The Minister may make arrangements with the appropriate Minister for the use by aircraft engaged in civil air navigation of an aerodrome under the control of a part of the Defence Force and, subject to the terms of the arrangement, the Director-General may authorize the use of the aerodrome by aircraft so engaged in accordance with such conditions as the Director-General specifies.

“ 19.—(1.) Munitions of war or implements of war shall not be carried by an aircraft in or over Australian territory, or by an Australian aircraft outside Australian territory, except with the permission in writing of the Minister and in accordance with any conditions to which the permission is expressed to be subject.

Carriage of munitions.

“ (2.) In this section—

- (a) the reference to munitions of war or implements of war shall be read as including a reference to any articles declared by the regulations to be munitions of war or implements of war, as the case may be; and
- (b) a reference to aircraft shall be read as including a reference to state aircraft of a country other than Australia.

“ 20.—(1.) The design and colours of the Civil Air Ensign of Australia are as specified by the Minister by notification in the *Gazette* on the fourth day of March, One thousand nine hundred and forty-eight, unless and until another ensign is appointed in its place in pursuance of section five of the *Flags Act 1953–1954*.

The Civil Air Ensign.

“ (2.) The Civil Air Ensign of Australia shall not, either within or outside Australian territory, be flown, painted or otherwise displayed, except—

- (a) by the Department of Civil Aviation on its buildings, boats and aircraft;
- (b) on an Australian aircraft engaged in international air navigation;
- (c) by the Commonwealth on an aerodrome maintained and operated by the Commonwealth under the regulations; or
- (d) in accordance with the permission of, and subject to such conditions as are specified by, the Director-General, in writing.

“ 21.—(1.) Where it appears to the Minister that any installation is or may be, either actively or passively, causing interference with radio communications to or from aircraft or with navigational aids in circumstances that are likely to endanger the safety of aircraft engaged in interstate or international air navigation or air navigation within or to or from a Territory of the Commonwealth, the Minister may authorize a notice to be served upon the owner or user of the installation or the owner or occupier of the premises or place in which the installation is installed or kept directing him to permit the installation to be inspected and tested by an officer.

Interference with navigational aids.



“(2.) If, as a result of such an inspection or otherwise, it appears to the Minister necessary to do so for the safety of aircraft referred to in the last preceding sub-section, the Minister may authorize a notice to be served on the owner or user of the installation or the owner or occupier of the premises or place in which the installation is installed directing the person on whom the notice is served to make such modification to the installation, or to take such other action, as is necessary to eliminate the cause of the interference, within such reasonable time as is specified in the notice.

“(3.) Where the installation has been installed and is used and operated in accordance with all applicable laws, the owner or user of the installation or the owner or occupier of the premises or place in which the installation is installed may recover from the Commonwealth the amount of all reasonable expenses incurred, and of loss actually suffered, in complying with the direction.

“(4.) A person shall not, without reasonable excuse—

- (a) fail to comply with a direction contained in a notice under this section; or
- (b) impede or obstruct an officer or fail to afford every facility to an officer in the inspection or testing of any installation the subject of a notice under this section.

“(5.) If a person upon whom a notice under sub-section (2.) of this section is served fails to comply with a direction contained in the notice, the Minister may authorize an officer, with such assistance as the officer requires, to enter the premises or place in which the installation is installed or kept, with such force as is necessary, and to take such action as is directed in the notice.

“(6.) A notice under this section may be served personally or may be served by post at the last-known place of abode or last-known place of business of the person on whom it is served or at the address at which the installation concerned is installed.

“(7.) In this section, ‘installation’ includes any electrical or other equipment or any metallic structure.

**Offences.**

“22.—(1.) A person who contravenes or fails to comply with a provision of this Act is guilty of an offence.

“(2.) The owner, the operator and the hirer (not being the Crown), and the pilot in command and any other pilot, of an aircraft that flies in contravention of, or fails to comply with, a provision of this Act is guilty of an offence.

“(3.) An offence against this Act may be prosecuted either summarily or upon indictment, but an offender is not liable to be punished more than once in respect of the same offence.

“(4.) The punishment for an offence against this Act is—

- (a) if the offence is prosecuted summarily—a fine not exceeding Two hundred pounds or imprisonment for a term not exceeding six months, or both; or
- (b) if the offence is prosecuted upon indictment—a fine not exceeding Five hundred pounds or imprisonment for a term not exceeding two years, or both, or, if the offender is a body corporate, a fine not exceeding Five thousand pounds.

“(5.) Proceedings for the commitment of a person for trial on indictment for an offence against this Act shall not be instituted except with the consent in writing of the Director-General.

“(6.) Proceedings for the summary prosecution of an offence against this Act shall not be instituted except with the consent in writing of the Director-General or a person authorized by the Director-General, by writing under his hand, to give such consents.

“(7.) Notwithstanding the preceding provisions of this section, the regulations may make provision for or in relation to other consequences (in addition to punishment for an offence) of contravention of, or failure to comply with, a provision of this Act or the regulations or to ensure compliance with a provision of this Act or the regulations.

“23.—(1.) In any proceedings with respect to an offence against this Act or the regulations, it is a defence if the act or omission charged is proved to have been due to stress of weather or other unavoidable cause.

**Defences in proceedings with respect to offences.**

“(2.) In any proceedings against the owner, operator, hirer, pilot in command or other pilot of an aircraft with respect to an offence against this Act or the regulations, it is a defence if the act or omission charged is proved to have taken place without his fault or privity.

“24. Nothing in this Act shall be taken to subject the Crown in right of the Commonwealth or of a State to liability to be prosecuted for an offence, but this section does not affect any liability of a member of the crew of an aircraft of which the Crown is the owner or of any other person in the employment of the Crown to be so prosecuted.

**Crown not liable to prosecution.**

“25.—(1.) Subject to the succeeding provisions of this section—

**Jurisdiction of Courts.**

- (a) the several courts of the States are invested with federal jurisdiction; and

(b) jurisdiction is conferred on the several courts of the Territories of the Commonwealth, with respect to offences against this Act or the regulations.

“(2.) The jurisdiction invested in or conferred on courts by the last preceding sub-section is invested or conferred within the limits (other than limits having effect by reference to the places at which offences are committed) of their several jurisdictions, whether those limits are as to subject-matter or otherwise.

“(3.) The trial on indictment of an offence against this Act or the regulations, not being an offence committed within a State, may be held in any State or Territory of the Commonwealth.

“(4.) The jurisdiction invested in, or conferred on, a court of summary jurisdiction by this section shall not be judicially exercised except by a Chief, Police, Stipendiary, Resident or Special Magistrate, or a District Officer or Assistant District Officer of a Territory of the Commonwealth.

“(5.) Where an appeal lies from a court to the Supreme Court of a State or Territory of the Commonwealth, an appeal from a decision of the first-mentioned court exercising jurisdiction by virtue of this section may be brought to the High Court.

“(6.) The High Court may grant special leave to appeal to the High Court from a decision of a court of a State or Territory of the Commonwealth exercising jurisdiction by virtue of this section notwithstanding that the law of that State or Territory prohibits an appeal from the last-mentioned court.

“(7.) Subject to this Act, the laws of a State or Territory of the Commonwealth with respect to the arrest and custody of offenders or persons charged with offences and the procedure for—

- (a) their summary conviction;
- (b) their examination and commitment for trial on indictment;
- (c) their trial and conviction on indictment; and
- (d) the hearing and determination of appeals arising out of any such trial or conviction or out of any proceedings connected therewith,

and for holding accused persons to bail apply, so far as they are applicable, to a person who is charged in that State or Territory with an offence against this Act or the regulations.

“(8.) Except as provided by this section, the *Judiciary Act* 1903–1960 applies in relation to offences against this Act or the regulations.

“(9.) For the purposes of this section, ‘ court of summary jurisdiction ’ includes a court of a Territory of the Commonwealth sitting as a court for the making of summary orders or the summary punishment of offences under the law of the Territory.

“ 26.—(1.) The Governor-General may make regulations, Regulations.  
not inconsistent with this Act—

- (a) prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act;
- (b) for the purpose of carrying out and giving effect to the Chicago Convention, as amended by the Protocols referred to in sub-section (2.) of section three A of this Act, any Annex to the Convention relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and the Air Transit Agreement;
- (c) in relation to air navigation within a Territory of the Commonwealth or to or from a Territory of the Commonwealth;
- (d) in relation to air navigation, being regulations with respect to trade and commerce with other countries and among the States; and
- (e) in relation to air navigation, being regulations with respect to any other matter with respect to which the Parliament has power to make laws.

“(2.) Without limiting the generality of the preceding provisions of this section, the regulations that may be made under the powers conferred by those provisions include regulations for or in relation to—

- (a) the registration, marking and airworthiness of aircraft;
- (b) requiring persons performing specified functions in relation to the operation or maintenance of aircraft to be the holders of licences or certificates of specified kinds, and providing for the grant, cancellation, suspension or variation of such licences and certificates;
- (c) the licensing of air transport operations;
- (d) controlling the provision for reward of air transport within a Territory of the Commonwealth or to or from a Territory of the Commonwealth;
- (e) the establishment, maintenance, operation and use of aerodromes and air route and airway facilities and the licensing of aerodromes other than aerodromes maintained by the Commonwealth;
- (f) hygiene, sanitation and public health at aerodromes;

- (g) the prohibition of the construction of buildings or other structures, the restriction of the dimensions of buildings or other structures, and the removal in whole or in part or the marking of buildings, other structures, trees or other natural obstacles, that constitute or may constitute obstructions, hazards or potential hazards to aircraft flying in the vicinity of an aerodrome, and such other measures as are necessary to ensure the safety of aircraft using an aerodrome or flying in the vicinity of an aerodrome;
- (h) empowering the Director-General, or an officer thereunto authorized by the Director-General, to give or issue directions or instructions to all or any of the persons holding licences or certificates under this Act or the regulations, being directions or instructions with respect to matters affecting the safe navigation and operation, or the maintenance, of aircraft, and providing for the manner in which such directions and instructions are to be notified;
- (i) the formal proof and authentication of instruments made or issued under this Act or the regulations;
- (j) the powers (including powers of arrest) that may be exercised by members of the crew of an aircraft, in relation to persons on board the aircraft, for the purpose of ensuring the safety of the aircraft or of its passengers, crew or cargo or otherwise for the purposes of this Act or the regulations; and
- (k) the imposition of penalties not exceeding a fine of Five hundred pounds or imprisonment for a term of two years, or both, for a contravention of, or failure to comply with, a provision of the regulations or a direction, instruction or condition issued, given, made or imposed under, or in force by virtue of, the regulations.

“(3.) Where the regulations make provision for the removal or marking of structures or obstacles referred to in paragraph (g) of the last preceding sub-section, the regulations shall also include provision for the payment of compensation to any person who suffers loss or damage or incurs expense in or as a direct result of the removal or marking.

“(4.) Regulations affecting air navigation to or from the Northern Territory have effect notwithstanding section ten of the *Northern Territory (Administration) Act 1910-1959*.

Extra-territorial  
operation of  
regulations.

“27. Any provisions of the regulations may be expressed to apply to and in relation to Australian aircraft, persons on board Australian aircraft, and members of the crews of Australian aircraft, outside Australian territory.

“ 28.—(1.) Where the regulations include requirements in pursuance of paragraph (b) of sub-section (2.) of section twenty-six of this Act, the regulations shall, subject to the Constitution, also include provisions under which a person aggrieved by a refusal to grant, or by a cancellation, suspension or variation of, a licence or certificate of a kind referred to in those requirements has a right of appeal to a particular court, or has a right of appeal to such one of two or more courts as he selects.

Appeals in respect of refusal to grant or cancellation &c., of licences or certificates.

“ (2.) Nothing in the last preceding sub-section—

- (a) shall be taken to prevent the making of regulations for or in relation to the conferring on any administrative authority, including a board of review constituted under the regulations, of powers and functions, to be exercised by way of appeal or review, in respect of matters referred to in that sub-section;
- (b) shall be taken to require the regulations to give to a person who has elected to have a matter dealt with by an administrative authority having such powers and functions a right to appeal in the same matter to a court; or
- (c) applies in relation to a temporary suspension for the purposes of an examination or a suspension for a period not exceeding twenty-eight days pending completion of an investigation.

“ (3.) The regulations may make provision for and in relation to all or any of the following:—

- (a) investing the Supreme Courts of the States with federal jurisdiction;
- (b) conferring jurisdiction upon the Supreme Courts of the Territories of the Commonwealth; and
- (c) conferring jurisdiction upon a federal court,

for the purposes of regulations made in pursuance of the preceding provisions of this section.

“ (4.) The jurisdiction invested in, or conferred on, a court in pursuance of this section may be exercised by a single Judge of the court.

“ (5.) The reference in sub-section (2.) of section one hundred and ninety-eight of the *Conciliation and Arbitration Act 1904–1960* to jurisdiction conferred upon the Commonwealth Industrial Court by any other Act shall be read as including a reference to any jurisdiction that may be conferred on that Court in pursuance of this section.

“ (6.) In this section, ‘ court ’ means a federal court, the Supreme Court of a State or the Supreme Court of a Territory of the Commonwealth.

Annual  
report.

“ 29. As soon as practicable after the thirtieth day of June, One thousand nine hundred and sixty-one, and after each succeeding thirtieth day of June, the Minister shall prepare and lay before each House of the Parliament a report on the administration and working of this Act and the regulations and on such other matters concerning civil air navigation as the Minister considers should be brought to the attention of Parliament.

Powers and  
functions under  
State laws.

“ 30. It is hereby declared to be the intention of the Parliament that an officer, authority or person having powers or functions under this Act or the regulations may also have, exercise and perform similar powers or functions conferred by the law of a State relating to air navigation.

Delegation.

“ 31.—(1.) The Minister or the Director-General may, either generally or in relation to a matter or class of matters, by writing under his hand, delegate to a person or persons all or any of his powers and functions under this Act except this power of delegation.

“ (2.) A power or function so delegated may be exercised or performed by the delegate in accordance with the instrument of delegation.

“ (3.) A delegation under this section is revocable at will and does not prevent the exercise of a power or the performance of a function by the Minister or the Director-General, as the case may be.”

Saving and  
continuance of  
regulations.

6. The Air Navigation Regulations, being Statutory Rules 1947, No. 112, as amended from time to time and in force, or purporting to be in force, immediately before the commencement of this Act are as valid and effectual as if they had been made under the Principal Act, as amended by this Act, and shall, subject to any regulations made under the Principal Act as amended by this Act, continue in force notwithstanding the repeal of section five of the Principal Act.

Schedules.

7. The Principal Act is amended by adding at the end thereof the following heading and Schedules:—

## THE SCHEDULES.

### FIRST SCHEDULE.

Section 4.

#### CONVENTION ON INTERNATIONAL CIVIL AVIATION.

##### PREAMBLE.

WHEREAS the future development of international civil aviation can greatly help to create and preserve friendship and understanding among the nations and peoples of the world, yet its abuse can become a threat to the general security; and

WHEREAS it is desirable to avoid friction and to promote that co-operation between nations and peoples upon which the peace of the world depends;

THEREFORE, the undersigned governments having agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically;

Have accordingly concluded this Convention to that end.

FIRST SCHEDULE—*continued.*

## PART I.—AIR NAVIGATION.

## CHAPTER I.—GENERAL PRINCIPLES AND APPLICATION OF THE CONVENTION.

*Article 1.*

The contracting States recognize that every State has complete and exclusive Sovereignty. sovereignty over the airspace above its territory.

*Article 2.*

For the purposes of this Convention the territory of a State shall be deemed to be Territory. the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of such State.

*Article 3.*

(a) This Convention shall be applicable only to civil aircraft, and shall not be applicable Civil and state to state aircraft. aircraft.

(b) Aircraft used in military, customs and police services shall be deemed to be state aircraft.

(c) No state aircraft of a contracting State shall fly over the territory of another State or land thereon without authorization by special agreement or otherwise, and in accordance with the terms thereof.

(d) The contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft.

*Article 4.*

Each contracting State agrees not to use civil aviation for any purpose inconsistent Misuse of civil with the aims of this Convention. aviation.

## CHAPTER II.—FLIGHT OVER TERRITORY OF CONTRACTING STATES.

*Article 5.*

Each contracting State agrees that all aircraft of the other contracting States, being aircraft not engaged in scheduled international air services shall have the right, subject Right of non- to the observance of the terms of this Convention, to make flights into or in transit non- scheduled flight. stop across its territory and to make stops for non-traffic purposes without the necessity of obtaining prior permission, and subject to the right of the State flown over to require landing. Each contracting State nevertheless reserves the right, for reasons of safety of flight, to require aircraft desiring to proceed over regions which are inaccessible or without adequate air navigation facilities to follow prescribed routes, or to obtain special permission for such flights.

Such aircraft, if engaged in the carriage of passengers, cargo, or mail for remuneration or hire on other than scheduled international air services, shall also, subject to the provisions of Article 7, have the privilege of taking on or discharging passengers, cargo, or mail, subject to the right of any State where such embarkation or discharge takes place to impose such regulations, conditions or limitations as it may consider desirable.

*Article 6.*

No scheduled international air service may be operated over or into the territory of a contracting State, except with the special permission or other authorization of that State, Scheduled air and in accordance with the terms of such permission or authorization. services.

*Article 7.*

Each contracting State shall have the right to refuse permission to the aircraft of other contracting States to take on in its territory passengers, mail and cargo carried for remuneration or hire and destined for another point within its territory. Each contracting State undertakes not to enter into any arrangements which specifically grant any such privilege on an exclusive basis to any other State or an airline of any other State, and not to obtain any such exclusive privilege from any other State. Sabotage.

*Article 8.*

No aircraft capable of being flown without a pilot shall be flown without a pilot over the territory of a contracting State without special authorization by that State and in accordance with the terms of such authorization. Each contracting State undertakes to insure that the flight of such aircraft without a pilot in regions open to civil aircraft shall be so controlled as to obviate danger to civil aircraft. Pilotless aircraft.



FIRST SCHEDULE—*continued.**Article 9.***Prohibited areas.**

(a) Each contracting State may, for reasons of military necessity or public safety, restrict or prohibit uniformly the aircraft of other States from flying over certain areas of its territory, provided that no distinction in this respect is made between the aircraft of the State whose territory is involved, engaged in international scheduled airline services, and the aircraft of the other contracting States likewise engaged. Such prohibited areas shall be of reasonable extent and location so as not to interfere unnecessarily with air navigation. Descriptions of such prohibited areas in the territory of a contracting State, as well as any subsequent alterations therein, shall be communicated as soon as possible to the other contracting States and to the International Civil Aviation Organization.

(b) Each contracting State reserves also the right, in exceptional circumstances or during a period of emergency, or in the interest of public safety, and with immediate effect, temporarily to restrict or prohibit flying over the whole or any part of its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to aircraft of all other States.

(c) Each contracting State, under such regulations as it may prescribe, may require any aircraft entering the areas contemplated in subparagraphs (a) or (b) above to effect a landing as soon as practicable thereafter at some designated airport within its territory.

*Article 10.***Landing at customs airport.**

Except in a case where, under the terms of this Convention or a special authorization, aircraft are permitted to cross the territory of a contracting State without landing, every aircraft which enters the territory of a contracting State shall, if the regulations of that State so require, land at an airport designated by that State for the purpose of customs and other examination. On departure from the territory of a contracting State, such aircraft shall depart from a similarly designated customs airport. Particulars of all designated customs airports shall be published by the State and transmitted to the International Civil Aviation Organization established under Part II of this Convention for communication to all other contracting States.

*Article 11.***Applicability of air regulations.**

Subject to the provisions of this Convention, the laws and regulations of a contracting State relating to the admission to or departure from its territory of aircraft engaged in international air navigation, or to the operation and navigation of such aircraft while within its territory, shall be applied to the aircraft of all contracting States without distinction as to nationality, and shall be complied with by such aircraft upon entering or departing from or while within the territory of that State.

*Article 12.***Rules of the air.**

Each contracting State undertakes to adopt measures to insure that every aircraft flying over or manoeuvring within its territory and that every aircraft carrying its nationality mark, wherever such aircraft may be, shall comply with the rules and regulations relating to the flight and manoeuvre of aircraft there in force. Each contracting State undertakes to keep its own regulations in these respects uniform, to the greatest possible extent, with those established from time to time under this Convention. Over the high seas, the rules in force shall be those established under this Convention. Each contracting State undertakes to insure the prosecution of all persons violating the regulations applicable.

*Article 13.***Entry and clearance regulations.**

The laws and regulations of a contracting State as to the admission to or departure from its territory of passengers, crew or cargo of aircraft, such as regulations relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied with by or on behalf of such passengers, crew or cargo upon entrance into or departure from, or while within the territory of that State.

FIRST SCHEDULE—*continued.**Article 14.*

Each contracting State agrees to take effective measures to prevent the spread by means of air navigation of cholera, typhus (epidemic), smallpox, yellow fever, plague and such other communicable diseases as the contracting States shall from time to time decide to designate, and to that end contracting States will keep in close consultation with the agencies concerned with international regulations relating to sanitary measures applicable to aircraft. Such consultation shall be without prejudice to the application of any existing international convention on this subject to which the contracting States may be parties.

Prevention of spread of disease.

*Article 15.*

Every airport in a contracting State which is open to public use by its national aircraft shall likewise, subject to the provisions of Article 68, be open under uniform conditions to the aircraft of all the other contracting States. The like uniform conditions shall apply to the use, by aircraft of every contracting State, of all air navigation facilities, including radio and meteorological services, which may be provided for public use for the safety and expedition of air navigation.

Airport and similar charges.

Any charges that may be imposed or permitted to be imposed by a contracting State for the use of such airports and air navigation facilities by the aircraft of any other contracting State shall not be higher,

(a) As to aircraft not engaged in scheduled international air services, than those that would be paid by its national aircraft of the same class engaged in similar operations, and

(b) As to aircraft engaged in scheduled international air services, than those that would be paid by its national aircraft engaged in similar international air services.

All such charges shall be published and communicated to the International Civil Aviation Organization: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council, which shall report and make recommendations thereon for the consideration of the State or States concerned. No fees, dues or other charges shall be imposed by any contracting State in respect solely of the right of transit over or entry into or exit from its territory of any aircraft of a contracting State or persons or property thereon.

*Article 16.*

The appropriate authorities of each of the contracting States shall have the right, without unreasonable delay, to search aircraft of the other contracting States on landing or departure, and to inspect the certificates and other documents prescribed by this Convention.

Search of aircraft.

## CHAPTER III.—NATIONALITY OF AIRCRAFT.

*Article 17.*

Aircraft have the nationality of the State in which they are registered.

Nationality of aircraft.

*Article 18.*

An aircraft cannot be validly registered in more than one State, but its registration may be changed from one State to another.

Dual registration.

*Article 19.*

The registration or transfer of registration of aircraft in any contracting State shall be made in accordance with its laws and regulations.

National laws governing registration.

*Article 20.*

Every aircraft engaged in international air navigation shall bear its appropriate nationality and registration marks.

Display of marks.

FIRST SCHEDULE—*continued.**Article 21.***Report of registrations.**

Each contracting State undertakes to supply to any other contracting State or to the International Civil Aviation Organization, on demand, information concerning the registration and ownership of any particular aircraft registered in that State. In addition, each contracting State shall furnish reports to the International Civil Aviation Organization, under such regulations as the latter may prescribe, giving such pertinent data as can be made available concerning the ownership and control of aircraft registered in that State and habitually engaged in international air navigation. The data thus obtained by the International Civil Aviation Organization shall be made available by it on request to the other contracting States.

## CHAPTER IV.—MEASURES TO FACILITATE AIR NAVIGATION.

*Article 22.***Facilitation of formalities.**

Each contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite navigation by aircraft between the territories of contracting States, and to prevent unnecessary delays to aircraft, crews, passengers and cargo, especially in the administration of the laws relating to immigration, quarantine, customs and clearance.

*Article 23.***Customs and immigration procedures.**

Each contracting State undertakes, so far as it may find practicable, to establish customs and immigration procedures affecting international air navigation in accordance with the practices which may be established or recommended from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free airports.

*Article 24.***Customs duty.**

(a) Aircraft on a flight to, from, or across the territory of another contracting State shall be admitted temporarily free of duty, subject to the customs regulations of the State. Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board an aircraft of a contracting State, on arrival in the territory of another contracting State and retained on board on leaving the territory of that State shall be exempt from customs duty, inspection fees or similar national or local duties and charges. This exemption shall not apply to any quantities or articles unloaded, except in accordance with the customs regulations of the State, which may require that they shall be kept under customs supervision.

(b) Spare parts and equipment imported into the territory of a contracting State for incorporation in or use on an aircraft of another contracting State engaged in international air navigation shall be admitted free of customs duty, subject to compliance with the regulations of the State concerned, which may provide that the articles shall be kept under customs supervision and control.

*Article 25.***Aircraft in distress.**

Each contracting State undertakes to provide such measures of assistance to aircraft in distress in its territory as it may find practicable, and to permit, subject to control by its own authorities, the owners of the aircraft or authorities of the State in which the aircraft is registered to provide such measures of assistance as may be necessitated by the circumstances. Each contracting State, when undertaking search for missing aircraft, will collaborate in coordinated measures which may be recommended from time to time pursuant to this Convention.

*Article 26.***Investigation of accidents.**

In the event of an accident to an aircraft of a contracting State occurring in the territory of another contracting State, and involving death or serious injury, or indicating serious technical defect in the aircraft or air navigation facilities, the State in which the accident

FIRST SCHEDULE—*continued.*

occurs will institute an inquiry into the circumstances of the accident, in accordance, so far as its laws permit, with the procedure which may be recommended by the International Civil Aviation Organization. The State in which the aircraft is registered shall be given the opportunity to appoint observers to be present at the inquiry and the State holding the inquiry shall communicate the report and findings in the matter to that State.

*Article 27.*

(a) While engaged in international air navigation, any authorized entry of aircraft of a contracting State into the territory of another contracting State or authorized transit across the territory of such State with or without landings shall not entail any seizure or detention of the aircraft or any claim against the owner or operator thereof or any other interference therewith by or on behalf of such State or any person therein, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is an infringement of any patent, design, or model duly granted or registered in the State whose territory is entered by the aircraft, it being agreed that no deposit of security in connection with the foregoing exemption from seizure or detention of the aircraft shall in any case be required in the State entered by such aircraft.

Exemption from seizure on patent claims.

(b) The provisions of paragraph (a) of this Article shall also be applicable to the storage of spare parts and spare equipment for the aircraft and the right to use and install the same in the repair of an aircraft of a contracting State in the territory of any other contracting State, provided that any patented part or equipment so stored shall not be sold or distributed internally in or exported commercially from the contracting State entered by the aircraft.

(c) The benefits of this Article shall apply only to such States, parties to this Convention, as either (1) are parties to the International Convention for the Protection of Industrial Property and to any amendments thereof; or (2) have enacted patent laws which recognize and give adequate protection to inventions made by the nationals of the other States parties to this Convention.

*Article 28.*

Each contracting State undertakes, so far as it may find practicable to:

(a) Provide, in its territory, airports, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;

Air navigation facilities and standard systems.

(b) Adopt and put into operation the appropriate standard systems of communications procedure, codes, markings, signals, lighting and other operational practices and rules which may be recommended or established from time to time, pursuant to this Convention;

(c) Collaborate in international measures to secure the publication of aeronautical maps and charts in accordance with standards which may be recommended or established from time to time, pursuant to this Convention.

## CHAPTER V.—CONDITIONS TO BE FULFILLED WITH RESPECT TO AIRCRAFT.

*Article 29.*

Every aircraft of a contracting State, engaged in international navigation, shall carry the following documents in conformity with the conditions prescribed in this Convention:

Documents carried in aircraft. ¶

- (a) Its certificate of registration;
- (b) Its certificate of airworthiness;
- (c) The appropriate licenses for each member of the crew;
- (d) Its journey log book;
- (e) If it is equipped with radio apparatus, the aircraft radio station license;
- (f) If it carries passengers, a list of their names and places of embarkation and destination;
- (g) If it carries cargo, a manifest and detailed declarations of the cargo.

FIRST SCHEDULE—*continued.**Article 30.***Aircraft radio equipment.**

(a) Aircraft of each contracting State may, in or over the territory of other contracting States, carry radio transmitting apparatus only if a license to install and operate such apparatus has been issued by the appropriate authorities of the State in which the aircraft is registered. The use of radio transmitting apparatus in the territory of the contracting State whose territory is flown over shall be in accordance with the regulations prescribed by that State.

(b) Radio transmitting apparatus may be used only by members of the flight crew who are provided with a special license for the purpose, issued by the appropriate authorities of the State in which the aircraft is registered.

*Article 31.***Certificates of airworthiness.**

Every aircraft engaged in international navigation shall be provided with a certificate of airworthiness issued or rendered valid by the State in which it is registered.

*Article 32.***Licenses of personnel.**

(a) The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered.

(b) Each contracting State reserves the right to refuse to recognize, for the purpose of flight above its own territory, certificates of competency and licenses granted to any of its nationals by another contracting State.

*Article 33.***Recognition of certificates and licenses.**

Certificates of airworthiness and certificates of competency and licenses issued or rendered valid by the contracting State in which the aircraft is registered, shall be recognized as valid by the other contracting States, provided that the requirements under which such certificates or licenses were issued or rendered valid are equal to or above the minimum standards which may be established from time to time pursuant to this Convention.

*Article 34.***Journey log books.**

There shall be maintained in respect of every aircraft engaged in international navigation a journey log book in which shall be entered particulars of the aircraft, its crew and of each journey, in such form as may be prescribed from time to time pursuant to this Convention.

*Article 35.***Cargo restrictions.**

(a) No munitions of war or implements of war may be carried in or above the territory of a State in aircraft engaged in international navigation, except by permission of such State. Each State shall determine by regulations what constitutes munitions of war or implements of war for the purposes of this Article, giving due consideration, for the purposes of uniformity, to such recommendations as the International Civil Aviation Organization may from time to time make.

(b) Each contracting State reserves the right, for reasons of public order and safety, to regulate or prohibit the carriage in or above its territory of articles other than those enumerated in paragraph (a): provided that no distinction is made in this respect between its national aircraft engaged in international navigation and the aircraft of the other States so engaged; and provided further that no restriction shall be imposed which may interfere with the carriage and use on aircraft of apparatus necessary for the operation or navigation of the aircraft or the safety of the personnel or passengers.

*Article 36.***Photographic apparatus.**

Each contracting State may prohibit or regulate the use of photographic apparatus in aircraft over its territory.

FIRST SCHEDULE—*continued.*

## CHAPTER VI.—INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES.

*Article 37.*

Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation.

Adoption of international standards and procedures.

To this end the International Civil Aviation Organization shall adopt and amend from time to time, as may be necessary, international standards and recommended practices and procedures dealing with:

- (a) Communications systems and air navigation aids, including ground marking;
- (b) Characteristics of airports and landing areas;
- (c) Rules of the air and air traffic control practices;
- (d) Licensing of operating and mechanical personnel;
- (e) Airworthiness of aircraft;
- (f) Registration and identification of aircraft;
- (g) Collection and exchange of meteorological information;
- (h) Log books;
- (i) Aeronautical maps and charts;
- (j) Customs and immigration procedures;
- (k) Aircraft in distress and investigation of accident;

and such other matters concerned with the safety, regularity, and efficiency of air navigation as may from time to time appear appropriate.

*Article 38.*

Any State which finds it impracticable to comply in all respects with any such international standard or procedure, or to bring its own regulations or practices into full accord with any international standard or procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international standard. In the case of amendments to international standards, any State which does not make the appropriate amendments to its own regulations or practices shall give notice to the Council within sixty days of the adoption of the amendment to the international standard, or indicate the action which it proposes to take. In any such case, the Council shall make immediate notification to all other states of the difference which exists between one or more features of an international standard and the corresponding national practice of that State.

Departures from international standards and procedures.

*Article 39.*

(a) Any aircraft or part thereof with respect to which there exists an international standard of airworthiness or performance, and which failed in any respect to satisfy that standard at the time of its certification, shall have endorsed on or attached to its airworthiness certificate a complete enumeration of the details in respect of which it so failed.

Endorsement of certificates and licenses.

(b) Any person holding a license who does not satisfy in full the conditions laid down in the international standard relating to the class of license or certificate which he holds shall have endorsed on or attached to his license a complete enumeration of the particulars in which he does not satisfy such conditions.

*Article 40.*

No aircraft or personnel having certificates or licenses so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered. The registration or use of any such aircraft, or of any certificated aircraft part, in any State other than that in which it was originally certificated shall be at the discretion of the State into which the aircraft or part is imported.

Validity of endorsed certificates and licenses

*Article 41.*

The provisions of this Chapter shall not apply to aircraft and aircraft equipment of types of which the prototype is submitted to the appropriate national authorities for certification prior to a date three years after the date of adoption of an international standard of airworthiness for such equipment.

Recognition of existing standards of airworthiness.

FIRST SCHEDULE—*continued.**Article 42.*

Recognition of existing standards of competency of personnel.

The provisions of this Chapter shall not apply to personnel whose licenses are originally issued prior to a date one year after initial adoption of an international standard of qualification for such personnel; but they shall in any case apply to all personnel whose licenses remain valid five years after the date of adoption of such standard.

## PART II.—THE INTERNATIONAL CIVIL AVIATION ORGANIZATION.

## CHAPTER VII.—THE ORGANIZATION.

*Article 43.*

Name and composition.

An organization to be named the International Civil Aviation Organization is formed by the Convention. It is made up of an Assembly, a Council, and such other bodies as may be necessary.

*Article 44.*

Objectives.

The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to:

- (a) Insure the safe and orderly growth of international civil aviation throughout the world;
- (b) Encourage the arts of aircraft design and operation for peaceful purposes;
- (c) Encourage the development of airways, airports, and air navigation facilities for international civil aviation;
- (d) Meet the needs of the peoples of the world for safe, regular, efficient and economical air transport;
- (e) Prevent economic waste caused by unreasonable competition;
- (f) Insure that the rights of contracting States are fully respected and that every contracting State has a fair opportunity to operate international airlines;
- (g) Avoid discrimination between contracting States;
- (h) Promote safety of flight in international air navigation;
- (i) Promote generally the development of all aspects of international civil aeronautics.

*Article 45.*

Permanent seat.

The permanent seat of the Organization shall be at such place as shall be determined at the final meeting of the Interim Assembly of the Provisional International Civil Aviation Organization set up by the Interim Agreement on International Civil Aviation signed at Chicago on December 7, 1944. The seat may be temporarily transferred elsewhere by decision of the Council.

*Article 46.*

First meeting of Assembly.

The first meeting of the Assembly shall be summoned by the Interim Council of the above-mentioned Provisional Organization as soon as the Convention has come into force, to meet at a time and place to be decided by the Interim Council.

*Article 47.*

Legal capacity.

The Organization shall enjoy in the territory of each contracting State such legal capacity as may be necessary for the performance of its functions. Full juridical personality shall be granted wherever compatible with the constitution and laws of the State concerned.

## CHAPTER VIII.—THE ASSEMBLY.

*Article 48.*

Meetings of Assembly and voting.

(a) The Assembly shall meet annually and shall be convened by the Council at a suitable time and place. Extraordinary meetings of the Assembly may be held at any time upon the call of the Council or at the request of any ten contracting States addressed to the Secretary General.

(b) All contracting States shall have an equal right to be represented at the meetings of the Assembly and each contracting State shall be entitled to one vote. Delegates representing contracting States may be assisted by technical advisers who may participate in the meetings but shall have no vote.

(c) A majority of the contracting States is required to constitute a quorum for the meetings of the Assembly. Unless otherwise provided in this Convention, decisions of the Assembly shall be taken by a majority of the votes cast.

FIRST SCHEDULE—*continued.**Article 49.*

The powers and duties of the Assembly shall be to:

- (a) Elect at each meeting its President and other officers;
- (b) Elect the contracting States to be represented on the Council, in accordance with the provisions of Chapter IX;
- (c) Examine and take appropriate action on the reports of the Council and decide on any matter referred to it by the Council;
- (d) Determine its own rules of procedure and establish such subsidiary commissions as it may consider to be necessary or desirable;
- (e) Vote an annual budget and determine the financial arrangements of the Organization, in accordance with the provisions of Chapter XII;
- (f) Review expenditures and approve the accounts of the Organization;
- (g) Refer, at its discretion, to the Council, to subsidiary commissions, or to any other body any matter within its sphere of action;
- (h) Delegate to the Council the powers and authority necessary or desirable for the discharge of the duties of the Organization and revoke or modify the delegations of authority at any time;
- (i) Carry out the appropriate provisions of Chapter XIII;
- (j) Consider proposals for the modification or amendment of the provisions of this Convention and, if it approves of the proposals, recommend them to the contracting States in accordance with the provisions of Chapter XXI;
- (k) Deal with any matter within the sphere of action of the Organization not specifically assigned to the Council.

Powers and  
duties of  
Assembly.

## CHAPTER IX.—THE COUNCIL.

*Article 50.*

(a) The Council shall be a permanent body responsible to the Assembly. It shall be composed of twenty-one contracting States elected by the Assembly. An election shall be held at the first meeting of the Assembly and thereafter every three years, and the members of the Council so elected shall hold office until the next following election.

Composition  
and election of  
Council.

(b) In electing the members of the Council, the Assembly shall give adequate representation to (1) the States of chief importance in air transport; (2) the States not otherwise included which make the largest contribution to the provision of facilities for international civil air navigation; and (3) the States not otherwise included whose designation will insure that all the major geographic areas of the world are represented on the Council. Any vacancy on the Council shall be filled by the Assembly as soon as possible; any contracting State so elected to the Council shall hold office for the unexpired portion of its predecessor's term of office.

(c) No representative of a contracting State on the Council shall be actively associated with the operation of an international air service or financially interested in such a service.

*Article 51.*

The Council shall elect its President for a term of three years. He may be reelected. He shall have no vote. The Council shall elect from among its members one or more Vice Presidents who shall retain their right to vote when serving as acting President. The President need not be selected from among the representatives of the members of the Council but, if a representative is elected, his seat shall be deemed vacant and it shall be filled by the State which he represented. The duties of the President shall be to:

President of  
Council.

- (a) Convene meetings of the Council, the Air Transport Committee, and the Air Navigation Commission;
- (b) Serve as representative of the Council; and
- (c) Carry out on behalf of the Council the functions which the Council assigns to him.

*Article 52.*

Decisions by the Council shall require approval by a majority of its members. The Council may delegate authority with respect to any particular matter to a committee of its members. Decisions of any committee of the Council may be appealed to the Council by any interested contracting State.

Voting in  
Council.



FIRST SCHEDULE—*continued.**Article 53.*Participation  
without a vote.

Any contracting State may participate, without a vote, in the consideration by the Council and by its committees and commissions of any question which especially affects its interests. No member of the Council shall vote in the consideration by the Council of a dispute to which it is a party.

*Article 54.*Mandatory  
functions of  
Council.

The Council shall:

- (a) Submit annual reports to the Assembly;
- (b) Carry out the directions of the Assembly and discharge the duties and obligations which are laid on it by this Convention;
- (c) Determine its organization and rules of procedure;
- (d) Appoint and define the duties of an Air Transport Committee, which shall be chosen from among the representatives of the members of the Council, and which shall be responsible to it;
- (e) Establish an Air Navigation Commission, in accordance with the provisions of Chapter X;
- (f) Administer the finances of the Organization in accordance with the provisions of Chapters XII and XV;
- (g) Determine the emoluments of the President of the Council;
- (h) Appoint a chief executive officer who shall be called the Secretary General, and make provision for the appointment of such other personnel as may be necessary, in accordance with the provisions of Chapter XI;
- (i) Request, collect, examine and publish information relating to the advancement of air navigation and the operation of international air services, including information about the costs of operation and particulars of subsidies paid to airlines from public funds;
- (j) Report to contracting States any infraction of this Convention, as well as any failure to carry out recommendations or determinations of the Council;
- (k) Report to the Assembly any infraction of this Convention where a contracting State has failed to take appropriate action within a reasonable time after notice of the infraction;
- (l) Adopt, in accordance with the provisions of Chapter VI of this Convention, international standards and recommended practices; for convenience, designate them as Annexes to this Convention; and notify all contracting States of the action taken;
- (m) Consider recommendations of the Air Navigation Commission for amendment of the Annexes and take action in accordance with the provisions of Chapter XX;
- (n) Consider any matter relating to the Convention which any contracting State refers to it.

*Article 55.*Permissive  
functions  
Council.

The Council may:

- (a) Where appropriate and as experience may show to be desirable, create subordinate air transport commissions on a regional or other basis and define groups of states or airlines with or through which it may deal to facilitate the carrying out of the aims of this Convention;
- (b) Delegate to the Air Navigation Commission duties additional to those set forth in the Convention and revoke or modify such delegations of authority at any time;
- (c) Conduct research into all aspects of air transport and air navigation which are of international importance, communicate the results of its research to the contracting States, and facilitate the exchange of information between contracting States on air transport and air navigation matters;
- (d) Study any matters affecting the organization and operation of international air transport, including the international ownership and operation of international air services on trunk routes, and submit to the Assembly plans in relation thereto;
- (e) Investigate, at the request of any contracting State, any situation which may appear to present avoidable obstacles to the development of international air navigation; and, after such investigation, issue such reports as may appear to it desirable.

FIRST SCHEDULE—*continued.*

## CHAPTER X.—THE AIR NAVIGATION COMMISSION.

*Article 56.*

The Air Navigation Commission shall be composed of twelve members appointed by the Council from among persons nominated by contracting States. These persons shall have suitable qualifications and experience in the science and practice of aeronautics. The Council shall request all contracting States to submit nominations. The President of the Air Navigation Commission shall be appointed by the Council.

Nomination and appointment of Commission.

*Article 57.*

The Air Navigation Commission shall:

- (a) Consider, and recommend to the Council for adoption, modifications of the Annexes to this Convention;
- (b) Establish technical subcommissions on which any contracting State may be represented, if it so desires;
- (c) Advise the Council concerning the collection and communication to the contracting States of all information which it considers necessary and useful for the advancement of air navigation.

Duties of Commission.

## CHAPTER XI.—PERSONNEL.

*Article 58.*

Subject to any rules laid down by the Assembly and to the provisions of this Convention, the Council shall determine the method of appointment and of termination of appointment, the training, and the salaries, allowances, and conditions of service of the Secretary General and other personnel of the Organization, and may employ or make use of the services of nationals of any contracting State.

Appointment of personnel.

*Article 59.*

The President of the Council, the Secretary General, and other personnel shall not seek or receive instructions in regard to the discharge of their responsibilities from any authority external to the Organization. Each contracting State undertakes fully to respect the international character of the responsibilities of the personnel and not to seek to influence any of its nationals in the discharge of their responsibilities.

International character of personnel.

*Article 60.*

Each contracting State undertakes, so far as possible under its constitutional procedure, to accord to the President of the Council, the Secretary General, and the other personnel of the Organization, the immunities and privileges which are accorded to corresponding personnel of other public international organizations. If a general international agreement on the immunities and privileges of international civil servants is arrived at, the immunities and privileges accorded to the President, the Secretary General, and the other personnel of the Organization shall be the immunities and privileges accorded under that general international agreement.

Immunities and privileges of personnel.

## CHAPTER XII.—FINANCE.

*Article 61.*

The Council shall submit to the Assembly an annual budget, annual statements of accounts and estimates of all receipts and expenditures. The Assembly shall vote the budget with whatever modification it sees fit to prescribe, and, with the exception of assessments under Chapter XV to States consenting thereto, shall apportion the expenses of the Organization among the contracting States on the basis which it shall from time to time determine.

Budget and apportionment of expenses.

*Article 62.*

The Assembly may suspend the voting power in the Assembly and in the Council of any contracting State that fails to discharge within a reasonable period its financial obligations to the Organization.

Suspension of voting power.

FIRST SCHEDULE—*continued.**Article 63.*

Expenses of delegations and other representatives.

Each contracting State shall bear the expenses of its own delegation to the Assembly and the remuneration, travel, and other expenses of any person whom it appoints to serve on the Council, and of its nominees or representatives on any subsidiary committees or commissions of the Organization.

## CHAPTER XIII.—OTHER INTERNATIONAL ARRANGEMENTS.

*Article 64.*

Security arrangements.

The Organization may, with respect to air matters within its competence directly affecting world security, by vote of the Assembly enter into appropriate arrangements with any general organization set up by the nations of the world to preserve peace.

*Article 65.*

Arrangements with other international bodies.

The Council, on behalf of the Organization, may enter into agreements with other international bodies for the maintenance of common services and for common arrangements concerning personnel and, with the approval of the Assembly, may enter into such other arrangements as may facilitate the work of the Organization.

*Article 66.*

Functions relating to other agreements.

(a) The Organization shall also carry out the functions placed upon it by the International Air Services Transit Agreement and by the International Air Transport Agreement drawn up at Chicago on December 7, 1944, in accordance with the terms and conditions therein set forth.

(b) Members of the Assembly and the Council who have not accepted the International Air Services Transit Agreement or the International Air Transport Agreement drawn up at Chicago on December 7, 1944 shall not have the right to vote on any questions referred to the Assembly or Council under the provisions of the relevant Agreement.

## PART III.—INTERNATIONAL AIR TRANSPORT.

## CHAPTER XIV.—INFORMATION AND REPORTS.

*Article 67.*

File reports with Council.

Each contracting State undertakes that its international airlines shall, in accordance with requirements laid down by the Council, file with the Council traffic reports, cost statistics and financial statements showing among other things all receipts and the sources thereof.

## CHAPTER XV.—AIRPORTS AND OTHER AIR NAVIGATION FACILITIES.

*Article 68.*

Designation of routes and airports.

Each contracting State may, subject to the provisions of this Convention, designate the route to be followed within its territory by any international air service and the airports which any such service may use.

*Article 69.*

Improvement of air navigation facilities.

If the Council is of the opinion that the airports or other air navigation facilities, including radio and meteorological services, of a contracting State are not reasonably adequate for the safe, regular, efficient, and economical operation of international air services, present or contemplated, the Council shall consult with the State directly concerned, and other States affected, with a view to finding means by which the situation may be remedied, and may make recommendations for that purpose. No contracting State shall be guilty of an infraction of this Convention if it fails to carry out these recommendations.

*Article 70.*

Financing of air navigation facilities.

A contracting State, in the circumstances arising under the provisions of Article 69, may conclude an arrangement with the Council for giving effect to such recommendations. The State may elect to bear all of the costs involved in any such arrangement. If the State does not so elect, the Council may agree, at the request of the State, to provide for all or a portion of the costs.

FIRST SCHEDULE—*continued.**Article 71.*

If a contracting State so requests, the Council may agree to provide, man, maintain, and administer any or all of the airports and other air navigation facilities, including radio and meteorological services, required in its territory for the safe, regular, efficient and economical operation of the international air services of the other contracting States, and may specify just and reasonable charges for the use of the facilities provided.

Provision and maintenance of facilities by Council.

*Article 72.*

Where land is needed for facilities financed in whole or in part by the Council at the request of a contracting State, that State shall either provide the land itself, retaining title if it wishes, or facilitate the use of the land by the Council on just and reasonable terms and in accordance with the laws of the State concerned.

Acquisition or use of land.

*Article 73.*

Within the limit of the funds which may be made available to it by the Assembly under Chapter XII, the Council may make current expenditures for the purposes of this Chapter from the general funds of the Organization. The Council shall assess the capital funds required for the purposes of this Chapter in previously agreed proportions over a reasonable period of time to the contracting States consenting thereto whose airlines use the facilities. The Council may also assess to States that consent any working funds that are required.

Expenditure and assessment of funds.

*Article 74.*

When the Council, at the request of a contracting State, advances funds or provides airports or other facilities in whole or in part, the arrangement may provide, with the consent of that State, for technical assistance in the supervision and operation of the airports and other facilities, and for the payment, from the revenues derived from the operation of the airports and other facilities, of the operating expenses of the airports and the other facilities, and of interest and amortization charges.

Technical assistance and utilization of revenues.

*Article 75.*

A contracting State may at any time discharge any obligation into which it has entered under Article 70, and take over airports and other facilities which the Council has provided in its territory pursuant to the provisions of Articles 71 and 72, by paying to the Council an amount which in the opinion of the Council is reasonable in the circumstances. If the State considers that the amount fixed by the Council is unreasonable it may appeal to the Assembly against the decision of the Council and the Assembly may confirm or amend the decision of the Council.

Taking over of facilities from Council.

*Article 76.*

Funds obtained by the Council through reimbursement under Article 75 and from receipts of interest and amortization payments under Article 74 shall, in the case of advances originally financed by States under Article 73, be returned to the States which were originally assessed in the proportion of their assessments, as determined by the Council.

Return of funds.

## CHAPTER XVI.—JOINT OPERATING ORGANIZATIONS AND POOLED SERVICES.

*Article 77.*

Nothing in this Convention shall prevent two or more contracting States from constituting joint air transport operating organizations or international operating agencies and from pooling their air services on any routes or in any regions, but such organizations or agencies and such pooled services shall be subject to all the provisions of this Convention, including those relating to the registration of agreements with the Council. The Council shall determine in what manner the provisions of this Convention relating to nationality of aircraft shall apply to aircraft operated by international operating agencies.

Joint operating organizations permitted.

*Article 78.*

The Council may suggest to contracting States concerned that they form joint organizations to operate air services on any routes or in any regions.

Function of Council.

FIRST SCHEDULE—*continued.**Article 79.*

Participation in  
operating  
organizations.

A State may participate in joint operating organizations or in pooling arrangements, either through its government or through an airline company or companies designated by its government. The companies may, at the sole discretion of the State concerned, be state-owned or partly state-owned or privately owned.

## PART IV.—FINAL PROVISIONS.

## CHAPTER XVII.—OTHER AERONAUTICAL AGREEMENTS AND ARRANGEMENTS.

*Article 80.*

Paris and  
Habana  
Conventions.

Each contracting State undertakes, immediately upon the coming into force of this Convention, to give notice of denunciation of the Convention relating to the Regulation of Aerial Navigation signed at Paris on October 13, 1919 or the Convention on Commercial Aviation signed at Habana on February 20, 1928, if it is a party to either. As between contracting States, this Convention supersedes the Conventions of Paris and Habana previously referred to.

*Article 81.*

Registration of  
existing  
agreements.

All aeronautical agreements which are in existence on the coming into force of this Convention, and which are between a contracting State and any other State or between an airline of a contracting State and any other State or the airline of any other State, shall be forthwith registered with the Council.

*Article 82.*

Abrogation of  
inconsistent  
arrangements.

The contracting States accept this Convention as abrogating all obligations and understandings between them which are inconsistent with its terms, and undertake not to enter into any such obligations and understandings. A contracting State which, before becoming a member of the Organization has undertaken any obligations toward a non-contracting State or a national of a contracting State or of a non-contracting State inconsistent with the terms of this Convention, shall take immediate steps to procure its release from the obligations. If an airline of any contracting State has entered into any such inconsistent obligations, the State of which it is a national shall use its best efforts to secure their termination forthwith and shall in any event cause them to be terminated as soon as such action can lawfully be taken after the coming into force of this Convention.

*Article 83.*

Registration  
of new  
arrangements.

Subject to the provisions of the preceding Article, any contracting State may make arrangements not inconsistent with the provisions of this Convention. Any such arrangement shall be forthwith registered with the Council, which shall make it public as soon as possible.

## CHAPTER XVIII.—DISPUTES AND DEFAULT.

*Article 84.*

Settlement of  
disputes.

If any disagreement between two or more contracting States relating to the interpretation or application of this Convention and its Annexes cannot be settled by negotiation, it shall, on the application of any State concerned in the disagreement, be decided by the Council. No member of the Council shall vote in the consideration by the Council of any dispute to which it is a party. Any contracting State may, subject to Article 85, appeal from the decision of the Council to an *ad hoc* arbitral tribunal agreed upon with the other parties to the dispute or to the Permanent Court of International Justice. Any such appeal shall be notified to the Council within sixty days of receipt of notification of the decision of the Council.

*Article 85.*

Arbitration  
procedure.

If any contracting State party to a dispute in which the decision of the Council is under appeal has not accepted the Statute of the Permanent Court of International Justice and the contracting States parties to the dispute cannot agree on the choice of the arbitral tribunal, each of the contracting States parties to the dispute shall name a single arbitrator who shall name an umpire. If either contracting State party to the dispute fails to name an arbitrator within a period of three months from the date of the appeal, an arbitrator shall be named on behalf of that State by the President of the Council from a list of qualified and available persons maintained by the Council. If

FIRST SCHEDULE—*continued.*

within thirty days, the arbitrators cannot agree on an umpire, the President of the Council shall designate an umpire from the list previously referred to. The arbitrators and the umpire shall then jointly constitute an arbitral tribunal. Any arbitral tribunal established under this or the preceding Article shall settle its own procedure and give its decisions by majority vote, provided that the Council may determine procedural questions in the event of any delay which in the opinion of the Council is excessive.

*Article 86.*

Unless the Council decides otherwise, any decision by the Council on whether an international airline is operating in conformity with the provisions of this Convention shall remain in effect unless reversed on appeal. On any other matter, decisions of the Council shall, if appealed from, be suspended until the appeal is decided. The decisions of the Permanent Court of International Justice and of an arbitral tribunal shall be final and binding.

Appeals.

*Article 87.*

Each contracting State undertakes not to allow the operation of an airline of a contracting State through the airspace above its territory if the Council has decided that the airline concerned is not conforming to a final decision rendered in accordance with the previous Article.

Penalty for non-conformity of airline.

*Article 88.*

The Assembly shall suspend the voting power in the Assembly and in the Council of any contracting State that is found in default under the provisions of this Chapter.

Penalty for non-conformity by State.

## CHAPTER XIX.—WAR.

*Article 89.*

In case of war, the provisions of this Convention shall not affect the freedom of action of any of the contracting States affected, whether as belligerents or as neutrals. The same principle shall apply in the case of any contracting State which declares a state of national emergency and notifies the fact to the Council.

War and emergency conditions.

## CHAPTER XX.—ANNEXES.

*Article 90.*

(a) The adoption by the Council of the Annexes described in Article 54, subparagraph (1), shall require the vote of two-thirds of the Council at a meeting called for that purpose and shall then be submitted by the Council to each contracting State. Any such Annex or any amendment of an Annex shall become effective within three months after its submission to the contracting States or at the end of such longer period of time as the Council may prescribe, unless in the meantime a majority of the contracting States register their disapproval with the Council.

Adoption and amendment of Annexes.

(b) The Council shall immediately notify all contracting States of the coming into force of any Annex or amendment thereto.

## CHAPTER XXI.—RATIFICATIONS, ADHERENCES, AMENDMENTS, AND DENUNCIATIONS.

*Article 91.*

(a) This Convention shall be subject to ratification by the signatory States. The instruments of ratification shall be deposited in the archives of the Government of the United States of America, which shall give notice of the date of the deposit to each of the signatory and adhering States.

Ratification of Convention.

(b) As soon as this Convention has been ratified or adhered to by twenty-six States it shall come into force between them on the thirtieth day after deposit of the twenty-sixth instrument. It shall come into force for each State ratifying thereafter on the thirtieth day after the deposit of its instrument of ratification.

(c) It shall be the duty of the Government of the United States of America to notify the government of each of the signatory and adhering States of the date on which this Convention comes into force.

FIRST SCHEDULE—*continued.**Article 92.***Adherence to  
Convention.**

(a) This Convention shall be open for adherence by members of the United Nations and States associated with them, and States which remained neutral during the present world conflict.

(b) Adherence shall be effected by a notification addressed to the Government of the United States of America and shall take effect as from the thirtieth day from the receipt of the notification by the Government of the United States of America, which shall notify all the contracting States.

*Article 93.***Admission of  
other States.**

States other than those provided for in Articles 91 and 92 (a) may, subject to approval by any general international organization set up by the nations of the world to preserve peace, be admitted to participation in this Convention by means of a four-fifths vote of the Assembly and on such conditions as the Assembly may prescribe: provided that in each case the assent of any State invaded or attacked during the present war by the State seeking admission shall be necessary.

*Article 94.***Amendment of  
Convention.**

(a) Any proposed amendment to this Convention must be approved by a two-thirds vote of the Assembly and shall then come into force in respect of States which have ratified such amendment when ratified by the number of contracting States specified by the Assembly. The number so specified shall not be less than two-thirds of the total number of contracting States.

(b) If in its opinion the amendment is of such a nature as to justify this course, the Assembly in its resolution recommending adoption may provide that any State which has not ratified within a specified period after the amendment has come into force shall thereupon cease to be a member of the Organization and a party to the Convention.

*Article 95.***Denunciation of  
Convention.**

(a) Any contracting State may give notice of denunciation of this Convention three years after its coming into effect by notification addressed to the Government of the United States of America, which shall at once inform each of the contracting States.

(b) Denunciation shall take effect one year from the date of the receipt of the notification and shall operate only as regards the State effecting the denunciation.

## CHAPTER XXII.—DEFINITIONS.

*Article 96.*

For the purpose of this Convention the expression:

- (a) "Air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.
- (b) "International air service" means an air service which passes through the air space over the territory of more than one State.
- (c) "Airline" means any air transport enterprise offering or operating an international air service.
- (d) "Stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

## SIGNATURE OF CONVENTION.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, having been duly authorized, sign this Convention on behalf of their respective governments on the dates appearing opposite their signatures.

DONE at Chicago the seventh day of December 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be open for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign or adhere to this Convention.

## SECOND SCHEDULE.

## Section 4.

## INTERNATIONAL AIR SERVICES TRANSIT AGREEMENT.

The States which sign and accept this International Air Services Transit Agreement, being members of the International Civil Aviation Organization, declare as follows:

## ARTICLE I.

*Section 1.*

Each contracting State grants to the other contracting States the following freedoms of the air in respect of scheduled international air services:

- (1) The privilege to fly across its territory without landing;
- (2) The privilege to land for non-traffic purposes.

The privileges of this section shall not be applicable with respect to airports utilized for military purposes to the exclusion of any scheduled international air services. In areas of active hostilities or of military occupation, and in time of war along the supply routes leading to such areas, the exercise of such privileges shall be subject to the approval of the competent military authorities.

*Section 2.*

The exercise of the foregoing privileges shall be in accordance with the provisions of the Interim Agreement on International Civil Aviation and, when it comes into force, with the provisions of the Convention on International Civil Aviation, both drawn up at Chicago on December 7, 1944.

*Section 3.*

A contracting State granting to the airlines of another contracting State the privilege to stop for non-traffic purposes may require such airlines to offer reasonable commercial service at the points at which such stops are made.

Such requirements shall not involve any discrimination between airlines operating on the same route, shall take into account the capacity of the aircraft, and shall be exercised in such a manner as not to prejudice the normal operations of the international air services concerned or the rights and obligations of a contracting State.

*Section 4.*

Each contracting State may, subject to the provisions of this Agreement,

- (1) Designate the route to be followed within its territory by any international air service and the airports which any such service may use;
- (2) Impose or permit to be imposed on any such service just and reasonable charges for the use of such airports and other facilities; these charges shall not be higher than would be paid for the use of such airports and facilities by its national aircraft engaged in similar international services: provided that, upon representation by an interested contracting State, the charges imposed for the use of airports and other facilities shall be subject to review by the Council of the International Civil Aviation Organization established under the above-mentioned Convention, which shall report and make recommendations thereon for the consideration of the State or States concerned.

*Section 5.*

Each contracting State reserves the right to withhold or revoke a certificate or permit to an air transport enterprise of another State in any case where it is not satisfied that substantial ownership and effective control are vested in nationals of a contracting State, or in case of failure of such air transport enterprise to comply with the laws of the State over which it operates, or to perform its obligations under this Agreement.

## ARTICLE II.

*Section 1.*

A contracting State which deems that action by another contracting State under this Agreement is causing injustice or hardship to it, may request the Council to examine the situation. The Council shall thereupon inquire into the matter, and shall call the States concerned into consultation. Should such consultation fail to resolve the difficulty, the



SECOND SCHEDULE—*continued.*

Council may make appropriate findings and recommendations to the contracting States concerned. If thereafter a contracting State concerned shall in the opinion of the Council unreasonably fail to take suitable corrective action, the Council may recommend to the Assembly of the above-mentioned Organization that such contracting State be suspended from its rights and privileges under this Agreement until such action has been taken. The Assembly by a two-thirds vote may so suspend such contracting State for such period of time as it may deem proper or until the Council shall find that corrective action has been taken by such State.

*Section 2.*

If any disagreement between two or more contracting States relating to the interpretation or application of this Agreement cannot be settled by negotiation, the provisions of Chapter XVIII of the above-mentioned Convention shall be applicable in the same manner as provided therein with reference to any disagreement relating to the interpretation or application of the above-mentioned Convention.

## ARTICLE III.

This Agreement shall remain in force as long as the above-mentioned Convention; provided, however, that any contracting State, a party to the present Agreement, may denounce it on one year's notice given by it to the Government of the United States of America, which shall at once inform all other contracting States of such notice and withdrawal.

## ARTICLE IV.

Pending the coming into force of the above-mentioned Convention, all references to it herein, other than those contained in Article II, Section 2, and Article V, shall be deemed to be references to the Interim Agreement on International Civil Aviation drawn up at Chicago on December 7, 1944; and references to the International Civil Aviation Organization, the Assembly, and the Council shall be deemed to be references to the Provisional International Civil Aviation Organization, the Interim Assembly, and Interim Council, respectively.

## ARTICLE V.

For the purposes of this Agreement, "territory" shall be defined as in Article 2 of the above-mentioned Convention.

## ARTICLE VI.

*Signatures and Acceptances of Agreement.*

The undersigned delegates to the International Civil Aviation Conference, convened in Chicago on November 1, 1944, have affixed their signatures to this Agreement with the understanding that the Government of the United States of America shall be informed at the earliest possible date by each of the governments on whose behalf the Agreement has been signed whether signature on its behalf shall constitute an acceptance of the Agreement by that government and an obligation binding upon it.

Any State a member of the International Civil Aviation Organization may accept the present Agreement as an obligation binding upon it by notification of its acceptance to the Government of the United States, and such acceptance shall become effective upon the date of the receipt of such notification by that Government.

This Agreement shall come into force as between contracting States upon its acceptance by each of them. Thereafter it shall become binding as to each other State indicating its acceptance to the Government of the United States on the date of the receipt of the acceptance by that Government. The Government of the United States shall inform all signatory and accepting States of the date of all acceptances of the Agreement, and of the date on which it comes into force for each accepting State.

IN WITNESS WHEREOF, the undersigned, having been duly authorized, sign this Agreement on behalf of their respective governments on the dates appearing opposite their respective signatures.

DONE at Chicago the seventh day of December, 1944, in the English language. A text drawn up in the English, French, and Spanish languages, each of which shall be of equal authenticity, shall be opened for signature at Washington, D.C. Both texts shall be deposited in the archives of the Government of the United States of America, and certified copies shall be transmitted by that Government to the governments of all the States which may sign and accept this Agreement.

## THIRD SCHEDULE,

## Section 4.

**PROTOCOL RELATING TO AN AMENDMENT TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION.**

The Assembly of the International Civil Aviation Organization,

Having met in its Eighth Session, at Montreal, on the first day of June, 1954, and

Having considered it desirable to amend the Convention on International Civil Aviation done at Chicago on the seventh day of December, 1944,

Approved, on the fourteenth day of June of the year one thousand nine hundred and fifty-four, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendment to the said Convention:

At the end of Article 45 of the Convention, the full stop shall be substituted by a comma, and the following shall be added, namely:

“ and otherwise than temporarily by decision of the Assembly, such decision to be taken by the number of votes specified by the Assembly. The number of votes so specified will not be less than three-fifths of the total number of contracting States.”

Specified, pursuant to the provisions of the said Article 94 (a) of the said Convention, forty-two as the number of contracting States upon whose ratification the proposed amendment aforesaid shall come into force, and

Resolved that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendment abovementioned and the matters hereinafter appearing,

Consequently, pursuant to the aforesaid action of the Assembly,

This Protocol shall be signed by the President of the Assembly and its Secretary General;

This Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This Protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;

The Secretary General shall immediately notify all contracting States of the deposit of each ratification of this Protocol;

The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which this Protocol comes into force;

With respect to any contracting State ratifying this Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

IN FAITH WHEREOF, the President and the Secretary General of the Eighth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the fourteenth day of June of the year one thousand nine hundred and fifty-four in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization; and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties or signatories to the Convention on International Civil Aviation done at Chicago on the seventh day of December, 1944.

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## FOURTH SCHEDULE.

## Section 4.

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PROTOCOL RELATING TO CERTAIN AMENDMENTS TO THE CONVENTION  
ON INTERNATIONAL CIVIL AVIATION.

The Assembly of the International Civil Aviation Organization,

Having met in its Eighth Session, at Montreal, on the first day of June, 1954, and

Having considered it desirable to amend the Convention on International Civil Aviation done at Chicago on the seventh day of December, 1944,

Approved, on the fourteenth day of June of the year one thousand nine hundred and fifty-four, in accordance with the provisions of Article 94 (a) of the Convention aforesaid, the following proposed amendments to the said Convention:

In Article 48 (a), substitute for the word " annually " the expression " not less than once in three years ";

In Article 49 (e), substitute for the expression " an annual budget " the expression " annual budgets " ; and

In Article 61, substitute for the expressions " an annual budget " and " vote the budget " the expressions " annual budgets " and " vote the budgets " ,

Specified, pursuant to the provisions of the said Article 94 (a) of the said Convention, forty-two as the number of contracting States upon whose ratification the proposed amendments aforesaid shall come into force, and

Resolved that the Secretary General of the International Civil Aviation Organization draw up a Protocol, in the English, French and Spanish languages, each of which shall be of equal authenticity, embodying the proposed amendments abovementioned and the matters hereinafter appearing.

Consequently, pursuant to the aforesaid action of the Assembly,

This Protocol shall be signed by the President of the Assembly and its Secretary General;

This Protocol shall be open to ratification by any State which has ratified or adhered to the said Convention on International Civil Aviation;

The instruments of ratification shall be deposited with the International Civil Aviation Organization;

This Protocol shall come into force among the States which have ratified it on the date on which the forty-second instrument of ratification is so deposited;

The Secretary General shall immediately notify all contracting States of the deposit of each ratification of this Protocol;

The Secretary General shall immediately notify all States parties or signatories to the said Convention of the date on which this Protocol comes into force;

With respect to any contracting State ratifying this Protocol after the date aforesaid, the Protocol shall come into force upon deposit of its instrument of ratification with the International Civil Aviation Organization.

IN FAITH WHEREOF, the President and the Secretary General of the Eighth Session of the Assembly of the International Civil Aviation Organization, being authorized thereto by the Assembly, sign this Protocol.

DONE at Montreal on the fourteenth day of June of the year one thousand nine hundred and fifty-four in a single document in the English, French and Spanish languages, each of which shall be of equal authenticity. This Protocol shall remain deposited in the archives of the International Civil Aviation Organization; and certified copies thereof shall be transmitted by the Secretary General of the Organization to all States parties or signatories to the Convention on International Civil Aviation done at Chicago on the seventh day of December, 1944.