

AIR NAVIGATION.

12 GEO. VI.
No. 5.
AIR
NAVIGATION
ACT
AMENDMENT
ACT OF 1947.

**An Act to Amend "The Air Navigation Act, 1937,"
in certain particulars.**

[ASSENTED TO 15TH DECEMBER, 1947.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction.

1. This Act may be cited as "*The Air Navigation Act Amendment Act of 1947*," and shall be read as one with *"*The Air Navigation Act, 1937*," herein referred to as the Principal Act.

Collective
title.

The Principal Act and this Act may be collectively cited as "*The Air Navigation Acts, 1937 to 1947*."

New s. 3A
inserted.

2. The following section is inserted after section three of the Principal Act, namely:—

Construction
of this Act.

"[3A.] This Act and every Proclamation made under this Act shall be read and construed so as not to exceed the legislative power of the State to the intent that where any enactment hereof or provision of any such Proclamation would but for this section have been construed as being in excess of that power it shall nevertheless be a valid enactment or provision to the extent to which it is not in excess of that power."

Amendment
of s. 5.

3. Section five of the Principal Act is amended by repealing the word and bracket "Queensland)" and by inserting in lieu thereof the words and bracket "Queensland and except so far as those Regulations are declared by this Act or any regulation or any provision of any regulation included in those Regulations is declared by Proclamation made by the Governor in Council under this Act to be not applicable to and in relation to air navigation within Queensland)".

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4. Section six of the Principal Act is amended by inserting after the words "the Regulations or any part thereof" the words "then, so far as the Regulations in their application by virtue of this Act extend," Amendment of s. 6.

5. Section seven of the Principal Act is amended by inserting after the word "registration" where such word last occurs the words "so far as the Regulations in their application by virtue of this Act extend" Amendment of s. 7.

6. The following sections, numbered respectively nine, ten and eleven, are added to the Principal Act, New ss. 9, 10, 11. namely:—

"[9.] The purpose of this Act is to make in Queensland such provision for and in relation to, and to so regulate and control, air navigation, aircraft, their operation whether in the air or on the ground, the carriage on aircraft of persons or goods, aerodromes, and all other matters and things connected with air navigation, aircraft, their operation whether in the air or on the ground, the carriage on aircraft of persons or goods, and aerodromes, as may be necessary or expedient to secure and maintain at all times the safety of aircraft and of persons or goods carried on aircraft, and in particular, for the purpose of securing and maintaining safety as aforesaid, to apply to and in relation to air navigation within Queensland by virtue of this Act, the Regulations to the extent but only to the extent to which the Regulations provide for, prescribe, regulate and control--- Purpose of this Act.

- (i.) Conditions of flight of aircraft ;
- (ii.) The registration and marking of aircraft ;
- (iii.) Certificates of airworthiness for aircraft, including aircraft engines, airscrews or other components of any aircraft, which certificates may be provided for, prescribed, regulated and controlled for different types of aircraft according to the respective types thereof ;
- (iv.) The manning of aircraft and the qualifications and competence of members of the crew thereof according to the respective capacities in which they act, including certificates of competency and licenses in respect of pilots, navigators, radio-operators and other

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members of aircraft crews, which certificates and licenses may be provided for, prescribed, regulated and controlled differently as respects aircraft used for different purposes ;

- (v.) The safety of services for the carriage by air of persons, or goods, or both for hire or reward ;
- (vi.) The log books to be kept and carried on aircraft, including separate such books relating to the aircraft, its journey, its engines or any of them, its airscrews or any of them, its wireless apparatus, any other component thereof, signals and the pilot, the particulars and information to be entered in any such log book, and the persons by whom and the times when any such entries are to be made therein ;
- (vii.) The installation on aircraft of wireless telegraph apparatus and the operation and use of such apparatus ;
- (viii.) The investigation of accidents and forced landings of aircraft ;
- (ix.) The use of aerodromes ;
- (x.) The suspension or cancellation of certificates or licenses issued under the Regulations.

Construction
of the
Regulations
in their
application
by virtue of
this Act.

[10.] The Regulations shall in their application in Queensland by virtue of this Act be read and construed so as not to exceed the purpose of this Act and in particular so as not to authorise the Governor-General of the Commonwealth, any Minister of State for the Commonwealth, or any person or authority acting for or on behalf of the Commonwealth or any such Minister to do or omit to do anything exceeding the purpose of this Act to the intent that where any provision of the Regulations or any such act or omission exceeds the purpose of this Act such provision, act or omission shall to the extent of such excess be deemed to be not lawfully made, done or, as the case may be, omitted to be done and to be invalid accordingly and not applicable by virtue of this Act to or in relation to air navigation within Queensland.

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The following matters shall in particular, but without limit to the generality of the foregoing provisions of this section, be deemed to exceed the purpose of this Act, that is to say :—

- (a) The enabling of the Commonwealth itself or any person or body authorised or established by the Commonwealth to take part in intra-State trade and commerce by air within Queensland ;
- (b) The enabling of the Commonwealth itself or any person or body authorised or established by the Commonwealth to require any person licensed under **“ The State Transport Facilities Acts, 1946 to 1947,”* to provide and carry on any service for the carriage by air within Queensland of passengers, or goods, or both to obtain any approval of the tariff or charges for such carriage or any variation thereof ;
- (c) The prohibiting, preventing, hindering or otherwise limiting in any manner whatsoever the Crown in right of this State, any person or body authorised or established by the Crown in right of this State, or any other person whomsoever or body whatsoever from taking part in intra-State trade and commerce by air within Queensland excepting any such prohibition, prevention, hindrance or limitation which is necessary or expedient to carry out or give effect to, or incidental to the carrying out or giving effect to, the purpose of this Act.

[11.] (1.) Without limiting the provisions of sections nine and ten of this Act, the Governor in Council may, by Proclamation, declare that any regulation or any provision of any regulation included in the Regulations shall not apply by virtue of this Act to and in relation to air navigation within Queensland.

Power of Governor in Council to declare that provision of the Regulations shall not apply in Queensland by virtue of this Act.

Any regulation or any provision of any regulation included in the Regulations which is so proclaimed shall, on and from the date of the publication in the *Gazette*

* 11 G. 6 No. 17 and amending Act.

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of such Proclamation or, if a later date is specified in such Proclamation, then on and from such later date, cease to have any application whatsoever in Queensland by virtue of this Act.

(2.) Any such Proclamation may be rescinded by the Governor in Council by a later Proclamation and, on and from the date of the publication in the *Gazette* of such later Proclamation, any regulation or provision of a regulation included in the Regulations which was declared in the rescinded Proclamation shall, if still in force under the Commonwealth Act, again apply by virtue of this Act to and in relation to air navigation in Queensland.

(3.) Every Proclamation made under this section shall be published in the *Gazette* and shall upon such publication be judicially noticed.

Every such Proclamation shall be laid before Parliament if then sitting for the despatch of business, and if not then so sitting, within fourteen days after Parliament next sits for the despatch of business.

If Parliament, within the next fourteen sitting days after any such Proclamation has been so laid before it, resolves that such Proclamation ought to be annulled, the same shall after the date of such resolution be of no effect, but without prejudice to the validity of anything done in the meantime under such Proclamation or to the making of any new Proclamation under this section.

For the purpose of this section the term "sitting days" shall mean days on which the House actually sits for the despatch of business."

APIARIES.

See BEES.

ARBITRATION, INDUSTRIAL, CONCILIATION AND

See LABOUR.