

1983-1984

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

AIR NAVIGATION AMENDMENT BILL (NO.2) 1984

EXPLANATORY MEMORANDUM

Circulated by authority of the  
Minister for Aviation, the Hon.  
K.C. Beazley, MP



## OUTLINE

The Air Navigation Amendment Bill (No.2) 1984 amends the Air Navigation Act 1920 to give the Commonwealth power to suspend or cancel international airline licences issued to foreign carriers where:

- (1) The safety of air navigation in relation to Australia is likely to be affected by the likely failure of a foreign airline or an aircraft operated by that airline to comply with the Air Navigation Act, Regulations or the terms of its licence or where the relevant overseas aeronautical authority has not made adequate provision to ensure compliance by that airline and its aircraft with international standards, practices and procedures.
- (2) It is considered necessary or desirable to do so to preserve or promote fair competition in international air transport services.

The proposed amendments have no financial impact.

## NOTES ON CLAUSES

### Clause 1

1. Short title.

### Clause 2

2. Provides for amendment to Section 13 of the Principal Act. This comprises amendment to existing paragraphs (a) and (b) of Section 13 and the addition of paragraphs (c) and (d).
3. The current provisions of Section 13(a) and (b) are amended by omitting from the end of paragraph (a) the wording "or" and from the end of paragraph (b) the wording "the last preceding section" and substituting the wording "Section 12". The changes are of an editorial/drafting nature only.
4. Currently the Government's power under the Air Navigation Act and Regulations in relation to operations by a foreign airline are restricted to operations within Australian territory and to an actual breach of the Act or Regulations or the terms of the airline's licence or an air services agreement or arrangement. Section 13(c)(i) will extend the power of the Government to suspend or cancel an international airline licence issued by Australia to a foreign airline, where that airline or its aircraft is likely to fail to comply with the Act, the regulations or the terms of its licence thereby affecting the safety of air navigation in relation to Australia.
5. Section 13(c)(ii) will extend the Government's power to suspend or cancel an international airline licence where an overseas aeronautical authority has not made adequate provision to ensure substantial compliance by an airline and aircraft for which it has responsibility with the standards, practices and procedures set out in the Chicago Convention and the Annexes to that Convention, and where this is likely to affect the safety of air navigation in relation to Australia.

6. Section 13(d) will permit the Government to suspend or cancel an international airline licence where such action is considered necessary or desirable to preserve or promote fair competition in international air services. Such action would be taken in the context where adverse actions are taken by overseas Governments and Authorities which impair the ability of Australian carriers to provide international air services on a fair and competitive basis.