



Australian National Airlines Act 1945

Act No. 31 of 1945 as amended

This compilation was prepared on 7 November 2000
taking into account amendments up to Act No. 168 of 1994

The text of any of those amendments not in force
on that date is appended in the Notes section

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Contents

Part I—Preliminary	2
1 Short title [<i>see</i> Note 1].....	2
19A Powers of Commission by virtue of matters referred by State Parliaments, etc	2
Notes	5

An Act to provide for the Establishment and Operation of National Airline Services by the Commonwealth and for other purposes

Preamble

WHEREAS, in order to ensure, amongst other things, that:

- (a) trade and commerce with other countries and among the States are fostered and encouraged to the greatest possible extent;
- (b) the maintenance and development of the Defence Force of the Commonwealth in relation to the defence of Australia by air and the establishment of plant and equipment necessary for that Force are assured;
- (c) the development of the Territories is promoted with the utmost expedition; and
- (d) the carriage of mail by air within Australia is promoted to meet the needs of the people of Australia,

it is expedient to provide for the matters hereinafter set out:

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

Part I—Preliminary

1 Short title [see Note 1]

This Act may be cited as the *Australian National Airlines Act 1945*.

19A Powers of Commission by virtue of matters referred by State Parliaments, etc

- (1) This section applies in relation to the State of Queensland and the State of Tasmania, being States by whose Parliaments the matter of air transport was referred to the Parliament of the Commonwealth before the commencement of section 10 of the *Australian National Airlines Act 1959*.
- (1A) Where, after the commencement of section 10 of the *Australian National Airlines Act 1959*, and before the commencement of this subsection, the Parliament of a State has referred to the Parliament of the Commonwealth the matter of air transport, or any other matter that is such that, by reason of the reference, it is within the power of the Parliament of the Commonwealth to make exercisable by the Commission in that State the powers referred to in subsection (1D), the Governor-General may, by Proclamation, declare that this section applies in relation to that State.
- (1B) This section ceases to apply in relation to a State by virtue of subsection (1) or (1A) if there ceases to be in force any Act of the Parliament of the State by which there is referred to the Parliament of the Commonwealth a matter that is such that, by reason of the reference, it is within the power of the Parliament of the Commonwealth to make exercisable by the Commission in that State the powers referred to in subsection (1D).
- (1C) This section applies in relation to a State that adopts this section and ceases to apply in relation to that State if the State law by which this section is adopted ceases to be in force.
- (1D) The Commission may transport passengers and goods, for reward, by air between any place in a State in relation to which this section

applies and another place in that State, and the provisions of this Act apply to and in relation to the provision of transport in accordance with this subsection in like manner as they apply to and in relation to the other functions of the Commission.

- (2) The Commission shall not, pursuant to the powers conferred on it by subsection (1D), transport passengers or goods for reward by air between a place in a State and another place in that State otherwise than in accordance with any law of that State applicable to that transport.
- (3) Without prejudice to its effect apart from this subsection, this section also has, by force of this subsection, the effect it would have if:
 - (a) a reference in subsection (1D) or (2) to the Commission were a reference to a body corporate that is a group company for the purposes of the *Australian Airlines (Conversion to Public Company) Act 1988*;
 - (b) a reference in subsection (1D) to a State in relation to which this section applies were a reference to a State in relation to which this section applies by virtue of subsection (1C); and
 - (c) all the words after “that State” were omitted from subsection (1D).

Table of Acts**Notes to the *Australian National Airlines Act 1945*****Note 1**

The *Australian National Airlines Act 1945* as shown in this compilation comprises Act No. 31, 1945 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Australian National Airlines Act 1945</i>	31, 1945	16 Aug 1945	17 Apr 1946 (see <i>Gazette</i> 1946, p. 1068)	
<i>Australian National Airlines Act 1947</i>	90, 1947	11 Dec 1947	11 Dec 1947	—
<i>Australian National Airlines Act 1952</i>	102, 1952	18 Nov 1952	Ss. 3 and 4: 17 Apr 1946 Remainder: 16 Dec 1952	—
<i>Australian National Airlines Act 1956</i>	105, 1956	15 Nov 1956	23 Oct 1956	S. 4
<i>Airlines Equipment Act 1958</i>	70, 1958	10 Oct 1958	10 Oct 1958	S. 6
<i>Australian National Airlines Act 1959</i>	3, 1959	21 Apr 1959	Ss. 13, 20, 21 and 22: 1 Oct 1959 (see <i>Gazette</i> 1959, p. 3449) Remainder: Royal Assent	Ss. 8(1), 10(2), 22(2)
<i>Australian National Airlines Act 1961</i>	71, 1961	27 Oct 1961	27 Oct 1961	—
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—
<i>Australian National Airlines Act 1970</i>	55, 1970	25 June 1970	25 June 1970	S. 4
<i>Australian National Airlines Act 1972</i>	130, 1972	2 Nov 1972	2 Nov 1972	—
<i>Australian National Airlines Act 1973</i>	92, 1973	24 Aug 1973	21 Sept 1973	S. 3(2), (3) S. 2(3) (rep. by No. 216, 1973, s. 3)
as amended by <i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	—
<i>Postal and Telecommunications Commissions (Transitional Provisions) Act 1975</i>	56, 1975	12 June 1975	Ss. 4 and 38: 1 July 1975 (see s. 2(1) and <i>Gazette</i> 1975, No. S122) Remainder: 12 June 1975	—
<i>Administrative Changes (Consequential Provisions) Act 1976</i>	91, 1976	20 Sept 1976	20 Sept 1976 (a)	—
<i>Administrative Changes (Consequential Provisions) Act 1978</i>	36, 1978	12 June 1978	12 June 1978	—
<i>Australian National Airlines Amendment Act 1980</i>	28, 1980	8 May 1980	1 June 1980 (see <i>Gazette</i> 1980, No. G21, p. 3)	—
<i>Australian National Airlines Repeal Act 1981</i>	78, 1981	18 June 1981	Ss. 3, 6-12, 13 and 15: (b) Remainder: Royal Assent	—
as amended by				
<i>Australian National Airlines Commission Retention Act 1984</i>	67, 1984	25 June 1984	25 June 1984	—
<i>Conciliation and Arbitration Amendment Act (No. 2) 1983</i>	115, 1983	16 Dec 1983	S. 41: 1 June 1984 (see <i>Gazette</i> 1984, No. S201) (c)	—
<i>Australian National Airlines Amendment Act 1984</i>	68, 1984	25 June 1984	25 June 1984	S. 3(2) S. 5(2), (3) S. 9(2) S. 18(2)-(7)
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	Schedule 1: 3 July 1985 (d)	—
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1986</i>	76, 1986	24 June 1986	Schedule 1: Royal Assent (e)	—
<i>Australian National Airlines Amendment Act 1988</i>	1, 1988	1 Mar 1988	S. 3: 1 July 1987 Remainder: Royal Assent	S. 4
as amended by				
<i>Australian Airlines (Conversion to Public Company) Act 1988</i>	6, 1988	9 Mar 1988	(see 6, 1988 below)	—

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
as amended by				
<i>Transport and Communications Legislation Amendment Act (No. 2) 1989</i>	23, 1990	17 Jan 1990	S. 10: 9 Mar 1988 (<i>f</i>)	—
<i>Australian Airlines (Conversion to Public Company) Act 1988</i>	6, 1988	9 Mar 1988	Ss. 15, 16, 52(2), 55, 57, 60 and 69(2): 30 Apr 1988 (see <i>Gazette</i> 1988, S117) S. 52(1): 29 June 1988 (<i>g</i>) S. 52(3): (<i>g</i>) Remainder: Royal Assent	Ss. 54-57
<i>Qantas Sale Act 1992</i>	196, 1992	21 Dec 1992	S. 25: (<i>h</i>)	S. 2(6) (am. by 60, 1993, s. 4; 168, 1994, Sch. (item 17))
as amended by				
<i>Qantas Sale Amendment Act 1993</i>	60, 1993	3 Nov 1993	10 Mar 1993	—
<i>Qantas Sale Amendment Act 1994</i>	168, 1994	16 Dec 1994	Schedule (item 17): Royal Assent (<i>i</i>)	—

Act Notes

- (a) By virtue of subsection 2(7) of the *Administrative Changes (Consequential Provisions) Act 1976* the amendment made by that Act to the *Australian National Airlines Act 1945* is deemed to have come into operation on 22 December 1975.
- (b) The *Australian National Airlines Act 1945* was repealed by the *Australian National Airlines Repeal Act 1981*, before a date was set for the commencement of these sections.
- (c) The *Australian National Airlines Act 1945* was amended by section 41 only of the *Conciliation and Arbitration Amendment Act (No. 2) 1983*, subsection 2(2) of which provides as follows:
 - (2) Sections 3, 6, 7, 8, 9, 10, 12, 14 and 16, subsection 22(3) and sections 27, 39, 40, 41 and 43 shall come into operation on a date, or respective dates, to be fixed by proclamation.
- (d) The *Australian National Airlines Act 1945* was amended by Schedule 1 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1985*, subsection 2(1) of which provides as follows:
 - (1) Subject to this section, this Act shall come into operation on the twenty-eighth day after the day on which it receives the Royal Assent.
- (e) The *Australian National Airlines Act 1945* was amended by Schedule 1 only of the *Statute Law (Miscellaneous Provisions) Act (No. 1) 1986*, subsection 2(1) of which provides as follows:
 - (1) Subject to this section, this Act shall come into operation on the day on which it receives the Royal Assent.
- (f) The *Australian Airlines (Conversion to Public Company) Act 1988* was amended by section 10 only of the *Transport and Communications Legislation Amendment Act (No. 2) 1989*, subsection 2(2) of which provides as follows:
 - (2) The amendment of the *Australian Airlines (Conversion to Public Company) Act 1988* made by this Act is to be taken to have commenced on the day on which that first-mentioned Act received the Royal Assent.
- (g) Subsections 2(3) and (4) of the *Australian Airlines (Conversion to Public Company) Act 1988* provide as follows:
 - (3) Subsection 52(1) shall come into operation on the day after subsection 11(3) is complied with.
 - (4) Subsection 52(3) shall come into operation immediately after the commencement of section 15.
- (h) The *Australian National Airlines Act 1945* was amended by section 25 only of the *Qantas Sale Act 1992*, subsection 2(6) of which provides as follows:
 - (6) If a provision of this Act has not commenced before 31 August 1995, the provision is taken to have been repealed on that day.Section 25 is taken to have been repealed on 31 August 1995.
- (i) The *Qantas Sale Act 1992* was amended by the Schedule (item 17) only of the *Qantas Sale Amendment Act 1994*, subsection 2(1) of which provides as follows:
 - (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Table of Amendments**Table of Amendments**

ad. = added or inserted substituted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 3	rs. No. 3, 1959 am. No. 130, 1972 rep. No. 216, 1973
S. 4	am. No. 90, 1947; No. 3, 1959; Nos. 92 and 216, 1973; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 5	rs. No. 216, 1973 rep. No. 6, 1988
S. 6	am. No. 3, 1959 rep. No. 6, 1988
S. 7	am. No. 3, 1959; No. 92, 1973; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 8	rs. No. 3, 1959 am. No. 28, 1980 rep. No. 6, 1988
S. 9	rs. No. 3, 1959; No. 28, 1980 rep. No. 6, 1988
S. 10	rs. No. 3, 1959 am. No. 28, 1980 rs. No. 68, 1984 rep. No. 6, 1988
S. 10A	ad. No. 68, 1984 rep. No. 6, 1988
Ss. 11, 12	rs. No. 3, 1959 rep. No. 6, 1988
S. 13	rs. No. 3, 1959; No. 68, 1984 rep. No. 6, 1988
S. 14	am. No. 102, 1952 rs. No. 3, 1959 am. No. 92, 1973; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 15	rs. No. 3, 1959 am. No. 92, 1973; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 16	rs. No. 68, 1984 rep. No. 6, 1988
S. 17	am. No. 102, 1952; No. 3, 1959; No. 93, 1966; No. 130, 1972; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 17A	ad. No. 28, 1980 rep. No. 68, 1984
S. 18A	ad. No. 102, 1952 am. No. 216, 1973 rs. No. 28, 1980 rep. No. 65, 1985

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 18B	ad. No. 105, 1956 am. No. 28, 1980 rep. No. 115, 1983
S. 19	am. No. 90, 1947 rs. No. 92, 1973 am. No. 28, 1980 rep. No. 6, 1988
S. 19A	ad. No. 90, 1947 am. No. 3, 1959; No. 92, 1973; No. 28, 1980; No. 68, 1984; No. 6, 1988
Ss. 19B-19F	ad. No. 92, 1973 am. No. 28, 1980 rep. No. 6, 1988
S. 19G	ad. No. 92, 1973 rep. No. 6, 1988
S. 19H	ad. No. 92, 1973 am. No. 68, 1984 rep. No. 6, 1988
S. 20	rs. No. 102, 1952 am. No. 92, 1973 rep. No. 6, 1988
S. 21	am. No. 3, 1959; No. 93, 1966; No. 92, 1973; No. 91, 1976; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 22	am. No. 3, 1959; No. 92, 1973; No. 56, 1975 rep. No. 6, 1988
S. 23	rep. No. 6, 1988
S. 24	rep. No. 3, 1959
S. 25	am. No. 92, 1973; No. 68, 1984 rep. No. 6, 1988
Ss. 26-29	rep. No. 6, 1988
S. 30	rs. No. 102, 1952 am. No. 71, 1961 rs. No. 92, 1973 am. No. 36, 1978; No. 68, 1984 rep. No. 6, 1988
S. 30A	ad. No. 92, 1973 am. No. 36, 1978; No. 68, 1984 rep. No. 6, 1988
S. 31	rs. No. 102, 1952 am. No. 93, 1966 rs. No. 70, 1958 am. No. 130, 1972; No. 92, 1973; No. 36, 1978 rs. No. 68, 1984 am. No. 76, 1986 rep. No. 6, 1988
S. 31A	ad. No. 92, 1973 am. No. 36, 1978; No. 28, 1980 rep. No. 68, 1984

Table of Amendments

Provision affected	How affected
ad. = added or inserted	am. = amended
rs. = repealed and substituted	rep. = repealed
S. 32	rs. No. 71, 1961 am. No. 130, 1972; No. 92, 1973; No. 36, 1978; No. 28, 1980 rs. No. 68, 1984 am. No. 76, 1986 rep. No. 6, 1988
Ss. 32A-32C.....	ad. No. 68, 1984 rep. No. 6, 1988
S. 32D	ad. No. 68, 1984 am. No. 76, 1986 rep. No. 6, 1988
S. 32DA.....	ad. No. 76, 1986 rep. No. 6, 1988
S. 32E	ad. No. 68, 1984 am. No. 1, 1988 rep. No. 6, 1988
Ss. 32F-32H.....	ad. No. 68, 1984 rep. No. 6, 1988
S. 33	rs. No. 3, 1959 am. No. 92, 1973 rep. No. 6, 1988
S. 34	rs. No. 3, 1959 am. No. 92, 1973; No. 68, 1984 rep. No. 6, 1988
S. 35	rs. No. 3, 1959; No. 92, 1973 rep. No. 6, 1988
S. 36	rs. No. 3, 1959; No. 92, 1973 am. No. 28, 1980 rep. No. 6, 1988
S. 37	am. No. 102, 1952 rs. No. 92, 1973 am. No. 28, 1980 rep. No. 6, 1988
S. 37A.....	ad. No. 71, 1961 am. No. 93, 1966; No. 130, 1972; Nos. 92 and 216, 1973; No. 36, 1978; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 38	rs. No. 102, 1952 am. No. 3, 1959; No. 92, 1973; No. 36, 1978; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 39	rep. No. 102, 1952
S. 40	rs. No. 3, 1959 am. No. 92, 1973; No. 36, 1978; No. 28, 1980; No. 68, 1984 rep. No. 6, 1988
S. 41	rep. No. 6, 1988
Part III	rep. No. 3, 1959
(ss. 42-45)	

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 42	rep. No. 3, 1959 ad. No. 92, 1973 rep. No. 6, 1988
S. 43	rep. No. 3, 1959 ad. No. 92, 1973 am. No. 28, 1980 rs. No. 68, 1984 rep. No. 6, 1988
Ss. 44, 45	rep. No. 3, 1959
Part IV	rep. No. 3, 1959
(ss. 46-49)	
Ss. 46-49	am. No. 90, 1947 rep. No. 3, 1959
Part V	rep. No. 3, 1959
(ss. 50-59)	
S. 51	rep. No. 3, 1959
S. 52	am. No. 90, 1947 rep. No. 3, 1959
Ss. 53-55	rep. No. 3, 1959
S. 56	am. No. 90, 1947 rep. No. 3, 1959
Ss. 57-59	rep. No. 3, 1959
S. 60	am. No. 3, 1959 rep. No. 6, 1988
S. 61	am. No. 68, 1984 rep. No. 6, 1988
S. 62	am. No. 28, 1980 rep. No. 68, 1984
S. 63	am. No. 3, 1959; No. 28, 1980 rep. No. 6, 1988
S. 64	rep. No. 3, 1959
S. 65	rep. No. 130, 1972
S. 66	rs. No. 3, 1959 am. No. 93, 1966 rep. No. 55, 1970
S. 67	rep. No. 28, 1980
S. 69	am. No. 3, 1959; No. 93, 1966; No. 92, 1973; No. 28, 1980 rep. No. 6, 1988
S. 70	am. No. 93, 1966; No. 28, 1980 rep. No. 6, 1988

