



Western Australia

## **Air Navigation Act 1937**

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As at 05 Nov 2004

Version 02-a0-08

Published on [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au)



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## Air Navigation Act 1937

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Western Australia

Reprinted under the  
*Reprints Act 1984* as  
at 5 November 2004

## Air Navigation Act 1937

**An Act to provide for the application of the Commonwealth Air Navigation Regulations to and in relation to air navigation within the State of Western Australia.**

### **Preamble**

Whereas at a conference of representatives of the Governments of the Commonwealth and of the States held in April 1937 it was resolved that there should be uniform rules throughout the Commonwealth applying to air navigation and air craft, and in particular to the airworthiness of air craft, the licensing and competence of pilots, air traffic rules, and the regulation of aerodromes, and it was agreed that legislation should be introduced in the Parliament of each State to make provision for the application of the Commonwealth Air Navigation Regulations, as in force from time to time, to air navigation and air craft within the jurisdiction of the State:

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

### **1. Short title**

This Act may be cited as the *Air Navigation Act 1937*<sup>1</sup>.

**2. Commencement**

This Act shall come into operation on a date to be fixed by proclamation<sup>1</sup>.

**3. Interpretation**

In this Act, subject to the context —

*the Commonwealth Act* means the *Air Navigation Act 1920-1936* of the Commonwealth of Australia, and, if that Act is amended, includes that Act as amended from time to time;

*the Regulations* means the Air Navigation Regulations made and as in force from time to time under the Commonwealth Act;

*the Territories* means territories under the authority of the Commonwealth and includes territories governed by the Commonwealth under a mandate.

**4. Application of Commonwealth Air Navigation Regulations to air navigation, etc., within the State**

The regulations from time to time in force applicable to and in relation to air navigation within the territories shall (except so far as those regulations are by virtue of the Commonwealth Act and the regulations applicable to and in relation to air navigation within the State of Western Australia) apply, *mutatis mutandis*, to and in relation to air navigation within the State of Western Australia as if those regulations as so applied were incorporated in this Act, and for the purposes of this Act those regulations shall be read and construed and take effect accordingly.

**5. Certain powers and functions vested in Commonwealth authorities**

Where by or under the regulations any power or function is vested in or exercisable by any person or authority for the purpose of the regulations, or any part thereof, the like power or function under the regulations in their application by virtue of

this Act shall be vested in or exercisable by that person or authority for the purposes of the regulations in such application.

**6. Certificates, licences, etc.**

Any certificate, licence, or registration granted, issued, recognised or effected —

- (a) by or under the regulations in their application under the Commonwealth Act; or
- (b) by or under the regulations in their application by virtue of the law of any other State of the Commonwealth,

and any cancellation or suspension of any such certificate, licence, or registration, shall in this State have the same force and effect as if it had been granted, issued, recognised, or effected in pursuance of the regulations in their application by virtue of this Act.

**7. Fees**

All fees payable under the regulations in their application by virtue of this Act shall be paid to the Commonwealth to meet the cost of the administration of the regulations in such application.

**8. Part III Division 4 of the *Transport Co-ordination Act 1966* not affected**

The provisions of this Act shall not affect in any way, and shall be deemed not to have affected in any way the operation of Division 4 of Part III of the *Transport Co-ordination Act 1966*<sup>2</sup>.

*[Section 8 inserted: No. 21 of 1945 s. 2; amended: No. 25 of 1969 s. 2.]*

### Notes

- <sup>1</sup> This reprint is a compilation as at 5 November 2004 of the *Air Navigation Act 1937* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

#### Compilation table

| Short title  | Number and year | Assent      | Commencement   |
|--|-----------------|-------------|--|
| <i>Air Navigation Act 1937</i>   | 6 of 1937       | 8 Dec 1937  | 4 Feb 1938 (see s. 2 and <i>Gazette</i> 4 Feb 1938 p. 159) |
| <i>Air Navigation Act Amendment Act 1945</i>   | 21 of 1945      | 9 Jan 1946  | 9 Jan 1946   |
| <i>Air Navigation Act Amendment Act 1969</i>   | 25 of 1969      | 16 May 1969 | 16 May 1969  |
| <b>Reprint of the <i>Air Navigation Act 1937</i> approved 16 Mar 1970</b> (includes amendments listed above) |                 |             |  |
| <b>Reprint 2: The <i>Air Navigation Act 1937</i> as at 5 Nov 2004</b> (includes amendments listed above)     |                 |             |  |

- <sup>2</sup> Formerly referred to the *Road and Air Transport Commission Act 1966*, the short title of which was changed to the *Transport Commission Act 1966*. The short title was again changed to the *Transport Act 1966* by the *Transport Commission Act Amendment Act (No. 2) 1979* s. 1(3) then to the *Transport Co-ordination Act 1966* by the *Acts Amendment and Repeal (Transport Co-ordination) Act 1985* s. 5. The reference was changed under the *Reprints Act 1984* s. 7(3)(gb).

**Defined terms**

*[This is a list of terms defined and the provisions where they are defined.  
The list is not part of the law.]*

| <b>Defined term</b>        | <b>Provision(s)</b> |
|----------------------------|---------------------|
| the Commonwealth Act ..... | 3                   |
| the Regulations .....      | 3                   |
| the Territories.....       | 3                   |