

Power to make
regulations.
Substituted by
No. 89, 1947,
s. 3.*

5.—(1.) The Governor-General may make regulations—

- (a) for the purpose of carrying out and giving effect to the Chicago Convention and the provisions of any amendment of the Chicago Convention made under Article ninety-four thereof and for the purpose of carrying out and giving effect to any other international convention or agreement relating to air navigation to which Australia is or becomes a party;
- (b) prescribing all matters—
 - (i) in respect of air navigation which are necessary or convenient to be prescribed in relation to any matter with respect to which the Parliament has power to make laws; or
 - (ii) which are necessary or convenient to be prescribed in respect of air navigation within any Territory of the Commonwealth or to or from any such Territory.

(2.) Any regulations made under this section in respect of air navigation within any Territory of the Commonwealth or to or from any such Territory shall have effect notwithstanding the provisions of section ten of the *Northern Territory (Administration) Act 1910-1947*.

(3.) The power to make regulations under this section shall include power to make provision for—

- (a) the establishment, maintenance, operation and use of aerodromes and air route and airway facilities, including the imposition of charges and conditions for their use;
- (b) the removal or marking of objects which constitute potential hazards to air navigation and such other measures as are necessary to ensure the safety of aircraft; and
- (c) the imposition of penalties not exceeding Two hundred pounds or imprisonment for six months, or both, for any contravention of or failure to comply with any provision of the regulations or any order, direction or condition given or made under, or in force by virtue of, the regulations.

* Section 4 of the *Air Navigation Act (No. 2) 1947* reads as follows:—

"4. The Air Navigation Regulations, being Statutory Rules 1947, No. 112, and any regulations amending those Regulations and made before the commencement of this Act, shall be and be deemed to have been as valid and effectual as if the Principal Act, as amended by this Act, had been in operation when they were made 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."