

March 18, 1950

**EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT BETWEEN
THE REPUBLIC OF THE PHILIPPINES AND THE GOVERNMENT OF
AUSTRALIA REGARDING AIR SERVICES**

Note: The Agreement entered into force, April 14, 1950.

Reference: This Agreement is also published in II DFA TS, No. 2, p. 34
and 127 UNTS, p. 281.

AUSTRALIAN LEGATION
MANILA

14th November, 1950

The Australian Legation presents its compliments to the Department of Foreign Affairs and has the honor, in referring to previous correspondence regarding the air service operated by Qantas Empire Airways between Australia and Japan via Manila, to advise that the present twice weekly service will be replaced by a once weekly service commencing this week.

This change will be effected by cancelling the flight exercising transit rights only. The flight authorized to exercise full traffic rights in Manila will now depart Sydney on Friday of each week arriving Manila northbound on Saturdays and southbound on Mondays.

Department of Foreign Affairs
Manila

AUSTRALIAN LEGATION
MANILA, PHILIPPINES

14th April, 1950

Sir:

I have the honor to refer to your letter No. 10343 of 18th March, 1950 regarding the exercise of transit and traffic rights at Manila for Qantas Empire Airways. I have been instructed by my Government to inform you that the terms and conditions under which you are willing to permit the operation of an air service by an air line designated by the Australian Government are acceptable.

My Government will arrange for Qantas Empire Airways Limited, which would be its designated air line under this agreement, to make the necessary application for temporary authorization with the Philippine Civil Aeronautics Board as requested by you.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

/s/ **J. K. WALLER**
/t/ (**J. K. WALLER**)
Charge d'Affaires a.i.

The Hon. **FELINO NERI**
Undersecretary
Department of Foreign Affairs
Manila

Manila, March 18, 1950

Sir:

With reference to your letters of January 30th and March 1st, 1950, regarding the desire of your Government to have transit and traffic rights at Manila for the Qantas Empire Airways in its proposed civil air service between Australia and Tokyo I am pleased to advise that the Philippine Government is ready to accede to such desired subject to the following terms and conditions:

"1. The authorized air service to be operated by the airline designated by the Australian Government shall be as follows:

"(a) A service in both directions of not more than one frequency each week on the following route: Sydney, Port Darwin, Manila, Iwakuni, Tokyo with right to pick up and set down traffic at Manila except traffic destined for or coming from points north of Manila;

"(b) In addition to the service authorized in paragraph (a) above, the airline designated by the Government of the Commonwealth of Australia may operate on the route above specified a weekly transit service without right to pick up or set down traffic at Manila."

"2. The air service will be operated in accordance with such conditions as may be imposed by the Philippine Civil Aeronautics Administration, and in accordance with the principles of the International Civil Aviation Convention signed at Chicago on December 7, 1944, and the rates to be charged shall be those fixed in accordance with the rules of the IATA and approved by the Philippine Civil Aeronautics Board.

"3. The Philippine law and regulations as to the admission to or departure from Philippine territory of passengers, crew, or cargo, such as those relating to entry, clearance, immigration, passports, customs, and quarantine shall be complied upon entrance into or departure from, or while within the Philippine territory;

"4. The Philippine Civil Aeronautics Board shall be furnished with monthly statement showing the services operated to and from Manila, together with such other relevant information as may be required from time to time by the said Board;

"5. The inclusion or exclusion of any particular provision in this authority shall in no way prejudice the terms of any agreement that may subsequently be negotiated between the Philippine and Australian governments:

"6. The authority granted hereunder shall remain in force for a period of three months computed from the date of the first flight of the designated airline of the Australian Government in accordance with this agreement, subject to the right reserved by the Philippine Government to terminate this agreement at any time for cause; and

"7. Pending the conclusion of a bilateral air agreement that may be negotiated between the Government of the Philippines and of Australia, the latter shall

forthwith grant upon request of the former such reciprocal rights as are granted hereunder in Sydney and Darwin."

If the terms and conditions set forth above be acceptable to the Australian Government, the corresponding application for temporary authorization should be filed with the Philippine Civil Aeronautics Board with a copy of the exchange of notes on this matter.

Very truly yours,

FELINO NERI
Undersecretary

J. K. WALLER, Esquire
Consul-General of Australia
Manila

**AUSTRALIAN-CONSULATE-GENERAL
MANILA, PHILIPPINES**

14th March, 1950

Aide Memoire:

On 3rd March, 1950, the head of the Legal Division discussed informally with the Australian Consul-General conditions under which traffic rights on a service between Australia and Japan might be granted to Qantas Empire Airways pending the negotiation of a bilateral air agreement. The Australian Government suggests that the draft ought to be amended as follows:

Paragraph (1).

"It is the intention of the Government of the Republic of the Philippines and the Government of the Commonwealth of Australia to conclude an agreement relating to air services between their respective territories. Pending conclusion of such an agreement the Republic of the Philippines grants 3 months to an air line to be designated by the Government of the Commonwealth of Australia the rights set out in paragraph (2) hereof. In return the Government of the Commonwealth of Australia shall grant to an air line which may be designated by the Government of the Republic of the Philippines and Australia on a route to be agreed at a later date between the two Governments."

Paragraph (2).

"The authorized air service to be operated by the air line designated by the Australian Government shall be as follows:

"A service in both directions of not more than one frequency each week on the following route; Sydney, Port Darwin, Manila, Iwakuni, Tokyo with right to pick up and set down traffic at Manila except traffic destined for or coming from points north of Manila.

Qantas Empire Airways, in order to meet the wishes of the General Officer Commanding the British Commonwealth Occupation Forces in Japan will continue to operate two services weekly to Japan. It has been customary for the troops to