

No. 7561

**NEW ZEALAND
and
AUSTRALIA**

**Agreement (with schedule) relating to air services. Signed
at Wellington, on 25 July 1961**

Official text : English.

Registered by the International Civil Aviation Organization on 3 February 1965.

**NOUVELLE-ZÉLANDE
et
AUSTRALIE**

**Accord (avec annexe) relatif aux services aériens. Signé
à Wellington, le 25 juillet 1961**

Texte officiel anglais.

Enregistré par l'Organisation de l'aviation civile internationale le 3 février 1965.

No. 7561. AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA RELATING TO AIR SERVICES. SIGNED AT WELLINGTON, ON 25 JULY 1961

The Government of New Zealand and the Government of the Commonwealth of Australia,

Being parties to the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December, 1944,² and

Recognising the great advantages which have accrued to both countries from co-operative arrangements for air services over many years on the route between Australia and New Zealand, and

Noting that such co-operative arrangements are consistent with the said Convention and in particular with Chapter XVI thereof, and

Desiring to maintain this high degree of co-operation and to extend it in such ways as might be considered mutually advantageous in the future, and

Having in mind the vital importance of air communications to countries of the Commonwealth and in particular the need to maintain and develop air routes between Australia and New Zealand, and

Desiring also to foster development of air travel, particularly in the South Pacific, as a means of promoting international understanding and good will, and

Desiring to conclude an agreement, supplementary to the said Convention, for the purpose of promoting the development of air services between and through their respective territories,

Have agreed as follows :

Article 1

- (1) For the purposes of this Agreement, unless the context otherwise requires :
- (a) the term "aeronautical authorities" means, in the case of the Commonwealth of Australia, the Director-General of Civil Aviation and any person or body authorised to perform the functions exercised by the Director-General of Civil Aviation or

¹ Came into force on 25 July 1961, upon signature, in accordance with article 16.

² United Nations, *Treaty Series*, Vol. 15, p. 295 ; for subsequent actions relating to this Convention, see references in Cumulative Indexes Nos. 1 to 4, as well as Annex B in volumes 409 and 472.

similar functions, and in the case of New Zealand, the Minister in Charge of Civil Aviation and any person or body authorised to perform the functions exercised by the Minister or similar functions ;

- (b) the term "territory" in relation to a State means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or trusteeship of that State, provided however that in relation to New Zealand the term shall not include the land area of the Trust Territory of Western Samoa and the territorial waters adjacent thereto ;
- (c) the term "designated airline" means an airline or airlines which one Contracting Party has designated in writing to the other Contracting Party in accordance with Article 4 of this Agreement as being the airline or airlines authorised to operate international air services in accordance with the provisions of Article 3 of this Agreement ;
- (d) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, cargo or mail ;
- (e) the term "international air service" means an air service which passes through the air space over the territory of more than one State ;
- (f) the term "airline" means any air transport enterprise offering or operating an international air service ; and
- (g) the term "stop for non-traffic purposes" means a landing for any purpose other than taking on or discharging passengers, cargo or mail.

(2) The Schedule¹ to this Agreement forms an integral part of the Agreement, and all references to the "Agreement" shall be deemed to include reference to the Schedule except where otherwise provided.

Article 2

To the extent to which they are applicable to the air services established under this Agreement, the provisions of the Convention on International Civil Aviation opened for signature at Chicago on the 7th day of December, 1944, (hereinafter called "the Convention") shall remain in force in their present form as between the Contracting Parties for the duration of this Agreement as if they were incorporated herein, unless both Contracting Parties ratify any amendment to the Convention which shall have come into force, in which case the Convention as amended shall remain in force as aforesaid.

¹ See p. 286 of this volume.

Article 3

Each Contracting Party grants to the other Contracting Party the rights specified in this Agreement to enable its designated airline to establish and operate international air services on the routes specified in the Schedule (hereinafter called "agreed services" and "specified routes" respectively).

Article 4

(1) The agreed services on any specified route may be inaugurated immediately or at a later date at the option of the Contracting Party to which the rights are granted under Article 3 of this Agreement, but not before :

- (a) the Contracting Party to which the rights have been granted has designated an airline for that route ; and
- (b) the Contracting Party granting the rights has given the appropriate operating permission to the airline concerned. Operating permission shall, subject to the provisions of paragraph (2) of this Article and of paragraph (1) of Article 7 of this Agreement be given without delay.

(2) An airline designated by one Contracting Party may be required to satisfy the aeronautical authorities of the other Contracting Party that it is qualified to fulfil the conditions prescribed by the laws and regulations normally applied by those authorities to the operation of international air services.

Article 5

Subject to the provisions of this Agreement, the designated airline of each Contracting Party shall enjoy, while operating an agreed service on a specified route, the following rights :

- (a) the right to fly without landing across the territory of the other Contracting Party ;
- (b) the right to make stops in that territory for non-traffic purposes ; and
- (c) the right to make stops in that territory, at the points specified for that route in the Schedule, for the purposes of putting down and of taking on international traffic in passengers, cargo or mail.

Article 6

Fuel, lubricating oils, spare parts, regular equipment and aircraft stores on board aircraft of the designated airline of one Contracting Party on arrival in the territory of the other Contracting Party or taken on board those aircraft in that territory, and not unloaded from the aircraft without the consent of the customs authorities, if intended solely for use by or in aircraft of that airline in the operation of the agreed services shall, subject to compliance in other respects with the customs requirements