

No. 9735

**AUSTRALIA
and
INDONESIA**

**Agreement for air services between and beyond their
respective territory (with annex). Signed at Sydney
on 7 March 1969**

Authentic text: English.

Registered by Australia on 30 July 1969.

**AUSTRALIE
et
INDONÉSIE**

**Accord relatif aux services aériens entre les territoires des
deux pays et au-delà (avec annexe). Signé à Sydney
le 7 mars 1969**

Texte authentique: anglais.

Enregistré par l'Australie le 30 juillet 1969.

AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE
COMMONWEALTH OF AUSTRALIA AND THE GOVERN-
MENT OF THE REPUBLIC OF INDONESIA FOR AIR
SERVICES BETWEEN AND BEYOND THEIR RESPEC-
TIVE TERRITORY

The Government of the Commonwealth of Australia and the Government of the Republic of Indonesia, (hereinafter referred to as the Contracting Parties),

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

Desiring to conclude an Agreement, supplementary to the said Convention, for the purpose of establishing air services between and beyond the territory of Australia and Indonesia,

Have agreed as follows:

Article 1

(1) For the purpose of the present Agreement, unless the context otherwise requires:

(a) the term "the Convention" means the Convention on International Civil Aviation opened for signature at Chicago on the seventh day of December 1944 and includes any Annex adopted under Article 90 of that Convention and any amendment of the Annexes or Convention under Articles 90 or 94 thereof;

(b) 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 similar functions and, in the case of the Republic of Indonesia, the Minister of Communications and any person or body authorised to perform any function at present exercised by the Minister of Communications or similar functions;

(c) the term "designated airline" means the airline which one Contracting Party shall have designated, by written notification to the other Contracting Party, in accordance with Article 3 of the present Agreement, for the operation of air services on the routes specified in such notification;

¹ Came into force on 7 March 1969 by signature, in accordance with article 12.

² United Nations, *Treaty Series*, vol. 15, p. 295; for the texts of the Protocols amending this Convention, see vol. 320, pp. 209 and 217; vol. 418, p. 161, and vol. 514, p. 209.

(d) the term "territory" in relation to a State has the meaning assigned to it in Article 2 of the Convention except that for the word "mandate" therein there is substituted the word "trusteeship";

(e) the terms "air service", "international air service", "airline" and "stop for non-traffic purposes" have the meanings respectively assigned to them in Article 96 of the Convention.

(2) To the extent to which they are applicable to the air services established under this present Agreement, the provisions of the Convention shall remain in force in their present form as between the Contracting Parties for the duration of this present 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.

(3) The Annex to the present Agreement forms as integral part of the Agreement, and all reference to the "Agreement" shall be deemed to include reference to the Annex except where otherwise provided.

Article 2

(1) Each Contracting Party grants to the other Contracting Party the rights specified in the present Agreement to enable its designated airline to establish and operate international air services on the routes specified in the appropriate Section of the Annex thereto (hereinafter called "the agreed services" and "the specified routes").

(2) The airline designated by each Contracting Party shall enjoy the following rights:

- (a) to fly without landing across the territory of the other Contracting Party;
- (b) to make stops in the said territory for non-traffic purposes; and
- (c) while operating an agreed service on a specified route, and subject to the provisions of the present Agreement, to make stops in the said territory at the points specified for that route in the Annex to the present Agreement for the purpose of putting down and of taking on international traffic in passengers, cargo and mail.

(3) Nothing in paragraph (2) of this Article shall be deemed to confer on the airline of one Contracting Party the right of taking up, in the territory of the other Contracting Party, passengers, cargo or mail destined for another point in the territory of that other Contracting Party.

(4) Notwithstanding the provisions of paragraphs (1) and (2) of this Article, the operation of agreed services in areas of hostilities or military

occupation, or in areas affected thereby, shall, in accordance with Article 9 of the Convention, be subject to the approval of the competent military authorities.

Article 3

(1) Each Contracting Party shall designate in writing to the other Contracting Party, in respect of any specified route, an airline to operate an agreed service on that route.

(2) On receipt of the designation, the other Contracting Party shall, subject to the provisions of paragraphs (3) and (4) of this Article, without delay grant to the airline designated the appropriate operating authorisation.

(3) The aeronautical authorities of one Contracting Party may require the airline designated by the other Contracting Party to satisfy them that it is qualified to fulfil the conditions prescribed under the laws and regulations normally applied by them in conformity with the provisions of the Convention to the operation of international commercial air services.

(4) Each Contracting Party shall have the right to refuse to accept the designation of the airline, or to impose such conditions as it may deem necessary on the exercise by the airline of those rights, in any case where it is not satisfied that substantial ownership and effective control of that airline are vested in the Contracting Party designating the airline or in nationals of that Contracting Party.

(5) At any time after the provisions of paragraphs (1) and (2) of this Article have been complied with, the airline so designated and authorised may begin to operate the agreed services, provided that a service shall not be operated unless a tariff is in force in respect thereof established in accordance with the provisions of Article 6 of the present Agreement.

(6) Each Contracting Party shall have the right to revoke, or suspend the exercise by the airline of, the rights specified in paragraph (2) of Article 2 of the present Agreement or to impose such conditions as it may deem necessary on the exercise by that airline of those rights, if at any time it is not satisfied that substantial ownership and effective control of the airline are vested in the Contracting Party designating the airline or in nationals of that Contracting Party or if at any time the airline fails to comply with the laws or regulations of the Contracting Party granting those rights or otherwise fails to operate in accordance with the conditions prescribed in the present Agreement; provided that, unless immediate revocation, suspension or imposition of conditions is essential to prevent

further infringements of laws or regulations, this right shall be exercised only after consultation with the other Contracting Party.

Article 4

(1) Aircraft operated by a designated airline of either Contracting Party and entering, departing again from, or flying across the territory of the other Contracting Party, as well as fuel, lubricants, spare parts, regular equipment and aircraft stores on board such aircraft, shall be exempt from customs duties and other charges levied on the occasion of importation, exportation or transit of goods. This shall also apply to the abovementioned goods on board the aircraft consumed during the flight across the territory of the latter Contracting Party.

(2) Fuel, lubricants, aircraft stores, spare parts and regular equipment, temporarily imported into the territory of either Contracting Party, there to be immediately or after storage installed in or otherwise taken on board the aircraft of a designated airline of the other Contracting Party, or to be otherwise exported again from the territory of the former Contracting Party, shall be exempt from the customs duties and other charges mentioned in paragraph (1) of this Article.

(3) Fuel and lubricants taken on board the aircraft of a designated airline of either Contracting Party in the territory of the other Contracting Party and used in international air services, shall be exempt from the customs duties and other charges mentioned in paragraph (1) of this Article, as well as from any other special consumption charges, provided that formal customs regulations are complied with.

(4) Each Contracting Party may keep the goods mentioned in paragraphs (1) to (3) of this Article under customs supervision or control.

(5) In so far as no duties or other charges are imposed on goods mentioned in paragraphs (1) to (3) of this Article, such goods shall not be subject to any economic prohibitions or restrictions on importation, exportation and transit that may otherwise be applicable unless such prohibition or restriction applies to all airlines including the national airlines in respect to certain items mentioned in paragraphs (1) to (3) of this Article.