

No. 3234

**UNION OF SOUTH AFRICA
and
AUSTRALIA**

Agreement relating to air services between their respective territories. Signed at Pretoria, on 4 November 1955

Official texts: English and Afrikaans.

Registered by the International Civil Aviation Organization on 11 April 1956.

**UNION SUD-AFRICAINE
et
AUSTRALIE**

Accord relatif aux services aériens entre leurs territoires respectifs. Signé à Prétoria, le 4 novembre 1955

Textes officiels anglais et afrikaans.

Enregistré par l'Organisation de l'aviation civile internationale le 11 avril 1956.

No. 3234. AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA RELATING TO AIR SERVICES BETWEEN THEIR RESPECTIVE TERRITORIES. SIGNED AT PRETORIA, ON 4 NOVEMBER 1955

The Government of the Commonwealth of Australia and the Government of the Union of South Africa,

desirous of regulating the air services between their respective territories, have decided to this end to enter into an Agreement and have agreed as follows :

Article 1

For the purposes of the present agreement :

(a) the term "territory" in relation to a party to this agreement means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection, mandate, administration or trusteeship of that party ;

(b) the term "air service" means any scheduled air service performed by aircraft for the public transport of passengers, mail or cargo.

Article 2

1. The Government of the Union of South Africa agree to an air service between the respective territories of the Commonwealth of Australia and of the Union of South Africa being operated by an airline designated by the Government of the Commonwealth of Australia (hereinafter referred to as the designated airline).

2. The Government of the Commonwealth of Australia grant to the Government of the Union of South Africa the right to designate an airline to operate an air service between the respective territories of the Commonwealth of Australia and the Union of South Africa.

3. In the event of the Government of the Union of South Africa exercising the right granted to it by sub-article (2) this agreement shall be subject to review

¹ Deemed to have come into force on 29 July 1952, in accordance with article 12.

and thereupon the conditions, under which the airlines designated by the parties hereto shall operate their respective air services, shall be determined on the basis of full reciprocity.

Article 3

Substantial ownership and effective control of the designated airline shall be vested in nationals of the Commonwealth of Australia.

Article 4

The air services of the designated airline in terms of this agreement shall be operated on the following route, in both directions :

Australia—Cocos (Keeling) Island—Mauritius—Johannesburg.

Article 5

Any or all of the intermediate points on the route set out in Article 4 may be omitted on any flight at the option of the designated airline.

Article 6

The designated airline may set down or pick up traffic from or for the territory of the Union of South Africa at any point specified on the route set out in Article 4.

Article 7

The frequency of the air service provided by the designated airline shall not exceed once per week.

Article 8

Notwithstanding the provisions of Article 6 the designated airline shall not at Johannesburg pick up or set down more than eighty passengers in any one flight and there shall be no carry-over of unused passenger capacity from one flight to any other flight.

Article 9

The Government of the Union of South Africa shall have the right to suspend the air service operated in terms of this agreement by the designated airline if the designated airline fails to comply with any law or regulation of the Government of the Union of South Africa or fails to comply with any term or condition prescribed in this agreement : Provided that unless immediate suspension is essential to prevent further infringement by the designated airline of a law or regulation or term or condition this right shall be exercised by the Government of the Union

of South Africa only after consultation with the Government of the Commonwealth of Australia.

Article 10

1. The tariffs to be charged by the designated airline for carriage on the air service shall be fixed at reasonable levels and shall have regard to any relevant rates adopted by the International Air Transport Association.

2. The tariffs mentioned in sub-article 1 shall be subject to approval by the Government of the Union of South Africa and the Government of the Commonwealth of Australia.

Article 11

The designated airline shall as soon as possible at the end of each quarter submit to the Secretary for Transport of the Union of South Africa such traffic statistics, prepared on a monthly basis in the form and manner required by him, as may be reasonably required in respect of the traffic picked up or set down by the designated airline at Johannesburg in terms of this agreement.

Article 12

This agreement shall be deemed to have come into force on the twenty-ninth day of July, 1952, and may be terminated by either party thereto giving six months notice in writing to the other party.

DONE at Pretoria this fourth day of November One Thousand Nine Hundred and Fifty-five, in the English and Afrikaans languages, both texts being equally authentic.

For the Government of the Commonwealth of Australia :

W. R. HODGSON

High Commissioner for the Commonwealth
of Australia in the Union of South Africa

For the Government of the Union of South Africa :

B. J. SCHOEMAN

Minister of Transport