

**CIVIL AVIATION (CARRIERS' LIABILITY) ACT.**

**New South Wales**



ANNO SEXTO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 64, 1967.**

An Act relating to the carriage of passengers and baggage by air; and for purposes connected therewith. [Assented to, 7th December, 1967.]

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Civil Aviation (Carriers' Liability) Act, 1967".

(2)

Short title  
and com-  
mencement.

*Civil Aviation (Carriers' Liability).*

No. 64, 1967 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Interpre-  
tation.

2. (1) In this Act—

“an exempted person” means a person who, under the Air Navigation Regulations, is exempted from the necessity of obtaining an airline licence;

“the Commonwealth Act” means the Civil Aviation (Carriers' Liability) Act 1959–1962 of the Parliament of the Commonwealth of Australia and, if that Act is amended, includes that Act as amended from time to time;

“the Commonwealth Regulations” means the regulations from time to time in force under the Commonwealth Act for the purposes of Part IV of that Act, other than regulations made for the purposes of section forty-one of that Act.

(2) The provisions of sections five and twenty-six of the Commonwealth Act apply, by virtue of this Act, to the interpretation of this Act, and subsection two of section twenty-six of the Commonwealth Act is to be read and construed as if the words “, or an exempted person,” were inserted therein after the word “licence” wherever occurring.

Act to  
bind Crown.

3. This Act binds the Crown.

Carriage to  
which Act  
applies.

4. The carriage to which this Act applies is the carriage of a passenger where the passenger is or is to be carried in an aircraft being operated by the holder of an airline licence, or by an exempted person, in the course of commercial transport operations under a contract for the carriage of the passenger between a place in the State and another place in the State, not being carriage to which Part IV of the Commonwealth Act applies or to which the Warsaw Convention, the Hague Protocol or the Guadalajara Convention applies.

5.

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5. The provisions of Part IV of the Commonwealth Act (other than sections twenty-seven, forty and forty-one) and, subject to section seven of this Act, the provisions of the Commonwealth Regulations apply to and in relation to carriage to which this Act applies and matters connected with the carriage, as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated—

**No. 64, 1967**  
**Application**  
**of pro-**  
**visions of**  
**Part IV of**  
**Common-**  
**wealth Act.**

- (a) general references to Part IV of the Commonwealth Act were references to this Act;
- (b) a reference in one of those provisions to another of those provisions were a reference to that other provision as applying by virtue of this Act;
- (c) the reference in subsection five of section twenty-nine of the Commonwealth Act to carriage referred to in subsection four of section twenty-seven of that Act were a reference to the carriage of a passenger where—
  - (i) the carriage of the passenger between two places was to be performed by two or more carriers in successive stages;
  - (ii) the carriage has been regarded by the parties as a single operation, whether it has been agreed upon by a single contract or by two or more contracts; and
  - (iii) this Act would have applied to that carriage if it had been performed by a single carrier under a single contract; and
- (d) the references in section thirty-one of the Commonwealth Act to the regulations relating to certain matters were references to the provisions of the Commonwealth Regulations relating to those matters as applying by virtue of this Act.

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**No. 64, 1967**    **6.** The provisions of section forty-two of the Commonwealth Act apply in relation to a person who, within the State, travels in an aircraft without the consent of the carrier as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated, a reference to a Part or Parts of the Commonwealth Act were a reference to this Act.

**Stowaways.**

**Regulations.**    **7.** (1) Any Commonwealth Regulations in force at the commencement of this Act shall be laid before both Houses of Parliament within fourteen sitting days after that commencement if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(2) Any Commonwealth Regulation made after the commencement of this Act shall be laid before both Houses of Parliament within fourteen sitting days after the notification in the Commonwealth of Australia Gazette of the making thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(3) The Governor may in relation to carriage to which this Act applies make regulations prescribing all matters which by the Commonwealth Act (including section forty) are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the Commonwealth Act, and the Commonwealth Regulations shall in so far as they are inconsistent with any regulations made by the Governor cease to apply in relation to carriage to which this Act applies and to matters connected with that carriage.

(4) Regulations made under this Act shall—

- (a) be published in the Gazette;
- (b) take effect from the date of publication or from a later date to be specified in the regulations;

(c)

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(c) be laid before both Houses of Parliament within **No. 64, 1967** fourteen sitting days after the publication thereof if Parliament is then in session, and, if not, then within fourteen sitting days after the commencement of the next session.

(5) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after any Commonwealth Regulation or regulation made under this Act has been laid before it disallowing the Commonwealth Regulation or regulation, or part thereof, the Commonwealth Regulation or regulation, or part thereof, shall thereupon cease to apply by virtue of this Act.

(6) Where regulations are made by the Governor pursuant to subsection three of this section, any reference in the Commonwealth Act to regulations made thereunder shall, in respect of the application of the Commonwealth Act by virtue of this Act, be construed as including a reference to regulations made by the Governor and as excluding a reference to any Commonwealth Regulations inconsistent therewith.

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FRIENDLY