

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 22 April, 1971.*

## New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

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**Act No.       , 1971.**

An Act to make further provisions relating to the carriage of passengers and baggage by air; for this purpose to amend the Civil Aviation (Carriers' Liability) Act, 1967; and for purposes connected therewith.

**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  
5 follows:—

**1.** (1) This Act may be cited as the "Civil Aviation (Carriers' Liability) Amendment Act, 1971".

Short title  
and com-  
mencement.

*Civil Aviation (Carriers' Liability) Amendment.*

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5     **2.** The Civil Aviation (Carriers' Liability) Act, 1967, Amendment of Act No. 64, 1967.  
is amended—

- (a) (i) by omitting from subsection one of section Sec. 2. (Interpretation.)  
two the definition of "an exempted person";
- 10     (ii) by omitting from subsection two of the same section the words ", 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";
- 15     (b) (i) by omitting from section four the words ", or Sec. 4. (Carriage to which Act applies.)  
by an exempted person," and by inserting in lieu thereof the words "or a charter licence";
- 20     (ii) by inserting in the same section after the word "State" where secondly occurring the words "or from a place in the State back to that place".

**3.** The amendments made by this Act do not apply in Application of amendments.  
relation to an accident or occurrence that took place before the commencement of this Act.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

[5c]

No. , 1971.

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## A BILL

To make further provisions relating to the carriage of passengers and baggage by air; for this purpose to amend the Civil Aviation (Carriers' Liability) Act, 1967; and for purposes connected therewith.

[MR MORRIS—20 *April*, 1971.]

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**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) Amendment Act, 1971".

Short title  
and com-  
mencement.

*Civil Aviation (Carriers' Liability) Amendment.*

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5     **2.** The Civil Aviation (Carriers' Liability) Act, 1967, Amendment of Act No. 64, 1967.  
is amended—

- (a) (i) by omitting from subsection one of section Sec. 2. (Interpretation.)  
two the definition of "an exempted person";
- 10     (ii) by omitting from subsection two of the same section the words ", 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";
- 15     (b) (i) by omitting from section four the words ", or Sec. 4. (Carriage to which Act applies.)  
by an exempted person," and by inserting in lieu thereof the words "or a charter licence";
- 20     (ii) by inserting in the same section after the word "State" where secondly occurring the words "or from a place in the State back to that place".

**3.** The amendments made by this Act do not apply in Application of  
relation to an accident or occurrence that took place before of amendments.  
the commencement of this Act.

BY AUTHORITY:

V. C. N. Blight, Government Printer, New South Wales—1971

[5c]

*PROOF*

**CIVIL AVIATION (CARRIERS' LIABILITY)  
AMENDMENT BILL, 1971.**

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**EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to extend to carriers holding charter licences the liabilities of carriers holding airline licences, in respect of the death or injury of passengers and the loss and destruction of passengers' baggage, pursuant to the application of Part IV of the Civil Aviation (Carriers' Liability) Act 1959, as amended, of the Commonwealth;
- (b) in the case of carriers holding either airline licences or charter licences, to provide that such liabilities shall extend to the carriage of passengers from a place in the State and back to that place;
- (c) to make provisions consequential upon or ancillary to the foregoing.

PROOF

CIVIL AVIATION (CARRIERS' LIABILITY)  
AMENDMENT BILL, 1971

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EXPLANATORY NOTE

The purpose of this Bill is to amend the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide for the liability of carriers for damage to passengers and cargo carried by aircraft.

The Bill contains the following provisions:

1. To amend the definition of "carrier" in section 2(1) of the Civil Aviation (Carriers' Liability) Act, 1947, so as to include any person who, in the course of his business, is engaged in the carriage of passengers or cargo by aircraft.

2. To amend section 4 of the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide that a carrier shall be liable for damage to passengers or cargo carried by aircraft, unless he proves that the damage was caused by the negligence of the carrier or his servants or agents.

3. To amend section 5 of the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide that a carrier shall not be liable for damage to passengers or cargo carried by aircraft if the damage was caused by the negligence of the passenger or the cargo owner.

4. To amend section 6 of the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide that a carrier shall not be liable for damage to passengers or cargo carried by aircraft if the damage was caused by the negligence of the pilot or the crew.

5. To amend section 7 of the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide that a carrier shall not be liable for damage to passengers or cargo carried by aircraft if the damage was caused by the negligence of the air traffic controller.

6. To amend section 8 of the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide that a carrier shall not be liable for damage to passengers or cargo carried by aircraft if the damage was caused by the negligence of the airport authority.

7. To amend section 9 of the Civil Aviation (Carriers' Liability) Act, 1947, so as to provide that a carrier shall not be liable for damage to passengers or cargo carried by aircraft if the damage was caused by the negligence of the air traffic controller, the pilot or the crew, the air traffic controller, the airport authority, or the carrier.

No. , 1971.

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# A BILL

To make further provisions relating to the carriage of passengers and baggage by air; for this purpose to amend the Civil Aviation (Carriers' Liability) Act, 1967; and for purposes connected therewith.

[MR MORRIS—20 April, 1971.]

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---

**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) Amendment Act, 1971".

Short title  
and com-  
mencement.

*Civil Aviation (Carriers' Liability) Amendment.*

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

5     **2.** The Civil Aviation (Carriers' Liability) Act, 1967, Amendment  
is amended— of Act No.  
64, 1967.

      (a) (i) by omitting from subsection one of section Sec. 2.  
          two the definition of "an exempted person"; (Interpreta-  
          tion.)  
          (ii) by omitting from subsection two of the same  
10        section the words ", 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";

15       (b) (i) by omitting from section four the words ", or Sec. 4.  
          by an exempted person," and by inserting in (Carriage  
          lieu thereof the words "or a charter licence"; to which  
          Act applies.)  
          (ii) by inserting in the same section after the word  
20        "State" where secondly occurring the words  
          "or from a place in the State back to that  
          place".

**3.** The amendments made by this Act do not apply in Application  
relation to an accident or occurrence that took place before of  
the commencement of this Act. amendments.



New South Wales



ANNO VICESIMO

ELIZABETHÆ II REGINÆ

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Act No. 8, 1971.

An Act to make further provisions relating to the carriage of passengers and baggage by air; for this purpose to amend the Civil Aviation (Carriers' Liability) Act, 1967; and for purposes connected therewith. [Assented to, 14th May, 1971.]

BE 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) Amendment Act, 1971".

Short title and commencement.

(2)

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*Civil Aviation (Carriers' Liability) Amendment.*

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment  
of Act No.  
64, 1967.

**2.** The Civil Aviation (Carriers' Liability) Act, 1967, is amended—

Sec. 2.  
(Interpreta-  
tion.)

- (a) (i) by omitting from subsection one of section two the definition of "an exempted person";
- (ii) by omitting from subsection two of the same section the words "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";

Sec. 4.  
(Carriage  
to which  
Act applies.)

- (b) (i) by omitting from section four the words "or by an exempted person," and by inserting in lieu thereof the words "or a charter licence";
- (ii) by inserting in the same section after the word "State" where secondly occurring the words "or from a place in the State back to that place".

Application  
of  
amendments.

**3.** The amendments made by this Act do not apply in relation to an accident or occurrence that took place before the commencement of this Act.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1971

*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 5 May, 1971.*

## New South Wales



ANNO VICESIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 8, 1971.

An Act to make further provisions relating to the carriage of passengers and baggage by air; for this purpose to amend the Civil Aviation (Carriers' Liability) Act, 1967; and for purposes connected therewith. [Assented to, 14th May, 1971.]

**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) Amendment Act, 1971".

Short title  
and com-  
mencement.

(2)

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

L. A. PUNCH,  
*Chairman of Committees of the Legislative Assembly.*

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*Civil Aviation (Carriers' Liability) Amendment.*

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(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Amendment of Act No. 64, 1967.      **2.** The Civil Aviation (Carriers' Liability) Act, 1967, is amended—

Sec. 2.  
(Interpretation.)

- (a) (i) by omitting from subsection one of section two the definition of "an exempted person";
- (ii) by omitting from subsection two of the same section the words ", 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";

Sec. 4.  
(Carriage to which Act applies.)

- (b) (i) by omitting from section four the words ", or by an exempted person," and by inserting in lieu thereof the words "or a charter licence";
- (ii) by inserting in the same section after the word "State" where secondly occurring the words "or from a place in the State back to that place".

Application of amendments.      **3.** The amendments made by this Act do not apply in relation to an accident or occurrence that took place before the commencement of this Act.

*In the name and on behalf of Her Majesty I assent to this Act.*

A. R. CUTLER,  
*Governor.*

*Government House,  
Sydney, 14th May, 1971.*