



ANNO UNDECIMO

ELIZABETHAE II REGINAE

A.D. 1962

No. 11 of 1962

An Act relating to the Carriage of Passengers by Air.

[Assented to 25th October, 1962.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. This Act may be cited as the "Civil Aviation (Carriers' Liability) Act, 1962".

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Interpretation.

3. (1) In this Act—

"the Commonwealth Act" means the Civil Aviation (Carriers' Liability) Act, 1959 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 the Commonwealth Act, other than regulations made for the purposes of section 41 of the Commonwealth Act.

(2) The provisions of sections 5 and 26 of the Commonwealth Act shall apply by virtue of this Act, to the interpretation of section 4 of this Act in like manner as they apply to the interpretation of section 27 of the Commonwealth Act.

4. This Act shall bind the Crown.

Act to bind
Crown.

5. This Act shall apply to 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 in the course of commercial transport operations under a contract for the carriage of the passenger between a place in South Australia and another place in South Australia, not being carriage to which Part IV of the Commonwealth Act applies or to which the Warsaw Convention, or the Warsaw Convention as affected by the Hague Protocol, applies.

Carriage to
which Act
applies.

6. The provisions of Part IV of the Commonwealth Act (other than sections 27, 40 and 41) and subject to any regulations made by the Governor pursuant to section 8 of this Act the provisions of the Commonwealth Regulations shall apply to and in relation to carriage to which this Act applies, and matters connected with such carriage, as if those provisions were incorporated in this Act and as if, in those provisions as so incorporated—

Application of
provisions 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 (5) of section 29 of the Commonwealth Act to carriage referred to in subsection (4) of section 27 of the Commonwealth 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 31 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.

Stowaways.

7. The provisions of section 42 of the Commonwealth Act shall apply in relation to a person who, within South Australia, 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.

Regulations.

8. (1) The Minister shall cause to be laid before both Houses of Parliament a copy of any Commonwealth Regulations made under the Commonwealth Act within fourteen days after the making thereof if Parliament is in Session and if not then within fourteen days after the commencement of the next Session of Parliament.

(2) If either House of Parliament passes a resolution disapproving of all or any such Commonwealth Regulations of which resolution notice has been given at any time within fourteen sitting days of such House after such copy has been laid before it the Regulations so disapproved shall cease to have any effect to and in relation to carriage to which this Act applies but without affecting the validity, or curing the invalidity of anything done, or in the omission of anything in the meantime.

This subsection shall apply notwithstanding that the said fourteen sitting days, or some of them, do not occur in the same Session of Parliament as that in which the regulation is laid before such House.

(3) When a resolution has been passed as mentioned in subsection (2) hereof, notice of such resolution shall forthwith be published in the *Gazette*.

(4) The Governor may in relation to carriage to which this Act applies make regulations prescribing all matters which by the Commonwealth Act 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 to or in relation to carriage to which this Act applies and to matters connected with such carriage.

(5) Where regulations are made by the Governor pursuant to subsection (4) of this section then 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.

In the name and on behalf of Her Majesty, I hereby
assent to this Bill.

J. M. NAPIER, Governor's Deputy.