

South Australia



**CIVIL AVIATION (CARRIERS' LIABILITY) (MANDATORY
INSURANCE AND ADMINISTRATION) AMENDMENT ACT 1996**

No. 24 of 1996

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ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 24 of 1996

An Act to amend the Civil Aviation (Carriers' Liability) Act 1962.

[Assented to 2 May 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Civil Aviation (Carriers' Liability) (Mandatory Insurance and Administration) Amendment Act 1996*.

(2) The *Civil Aviation (Carriers' Liability) Act 1962* is referred to in this Act as "the principal Act".

Commencement

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

Amendment of s. 3—Interpretation

3. Section 3 of the principal Act is amended—

(a) by inserting before the definition of "the Commonwealth Act" in subsection (1) the following definition:

"**applied provisions**" means the provisions of the Commonwealth Act as they apply under this Act as a law of the State;;

(b) by inserting after the definition of "the Commonwealth Act" in subsection (1) the following definition:

"**Commonwealth authority**" means an authority or officer of the Commonwealth;;

(c) by striking out from the definition of "the Commonwealth Regulations" in subsection (1) "Part IV" and substituting "Part 4 or 4A";

- (d) by inserting after the definition of "the Commonwealth Regulations" in subsection (1) the following definitions:

"Commonwealth/State scheme" means—

(a) the Commonwealth Act; and

(b) the provisions of the Commonwealth Act as applied by this Act and the corresponding legislation of other States;

"State" includes a Territory.;

- (e) by striking out from subsection (2) "sections 5 and 26" and substituting "sections 5, 26 and 41B";
- (f) by striking out from subsection (2) "section 5 of".

Substitution of s. 5

4. Section 5 of the principal Act is repealed and the following section is substituted:

Carriage to which Act applies

5. (1) This Act applies to the carriage of a passenger, under a contract for the carriage of the passenger, to or from a place in South Australia in an aircraft operated by the holder of an airline licence or a charter licence in the course of commercial transport operations.

(2) However, this Act does not apply to the carriage of a passenger to or from a place in South Australia if—

- (a) Part 4 of the Commonwealth Act applies, of its own force, to the carriage of the passenger; or
- (b) provisions of a treaty, convention or protocol that have the force of law under the Commonwealth Act apply to the carriage of the passenger.

Amendment of s. 6—Application of Parts 4 and 4A of the Commonwealth Act

5. Section 6 of the principal Act is amended—

- (a) by striking out "Part IV" (twice occurring) and substituting, in each case, "Parts 4 and 4A";
- (b) by striking out "sections 27, 40 and 41" and substituting "sections 27, 40, 41 and 41J(8)";
- (c) by striking out from paragraph (d) "section 31 of".

Insertion of s. 7A

6. The following section is inserted after section 7 of the principal Act:

Administration of Commonwealth/State scheme as Commonwealth Act

7A. (1) It is the intention of the Parliament that the Commonwealth/State scheme, to the extent it operates by force of this Act, should be administered and enforced in the same way as the Commonwealth Act and the Commonwealth Regulations.

(2) To that end—

- (a) Commonwealth authorities have the same powers to enforce the applied provisions as they have to enforce the Commonwealth Act and the Commonwealth Regulations; and
- (b) the laws of the Commonwealth apply to offences against the applied provisions as if they were offences against the Commonwealth Act or the Commonwealth Regulations.

Amendment of s. 8—Regulations

7. Section 8 of the principal Act is amended by inserting after subsection (5) the following subsection:

- (6) The Governor may make regulations for the purposes of this Act.

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

ROMA MITCHELL Governor