

1961.]

*Civil Aviation (Carriers'  
Liability).*

[No. 69.]

## CIVIL AVIATION (CARRIERS' LIABILITY).

10° Elizabeth II., No. LXIX.

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No. 69 of 1961.

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AN ACT relating to the carriage of passengers in  
Aircraft.

[Assented to 28th November, 1961.]

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

1. This Act may be cited as the *Civil Aviation (Carriers' Liability) Act, 1961.* Short title and citation.

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

Interpre-  
tation.

3. (1) In this Act—

“the Commonwealth Act” means the Civil Aviation (Carriers’ Liability) Act 1959 of the Commonwealth;

“the Commonwealth Regulations” means the regulations 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 section five of this Act in like manner as they apply to the interpretation of section twenty-seven of the Commonwealth Act.

Act to bind  
Crown in  
right of the  
State.

4. This Act binds the Crown in right of the State.

Carriage to  
which Act  
applies.

5. 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 license 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, or that Convention as affected by The Hague Protocol, applies.

Application  
of provisions  
of Part IV. of  
the Com-  
monwealth  
Act.

6. The provisions of Part IV. of the Commonwealth Act (other than sections twenty-seven, forty and forty-one) and 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,—

- (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 twenty-nine of the Commonwealth Act to carriage referred to in subsection (4) of section twenty-seven 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 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.

7. 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 in  
aircraft.