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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
HOUSE OF REPRESENTATIVES

Civil Aviation (Carriers' Liability) Amendment Bill 1982

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Minister for Transport,
the Hon. Ralph Hunt, MP)

OUTLINE

The purpose of this Bill is to amend the Principal Act to increase the liability limits applying to carriers for domestic and non-convention international air carriage and to allow for future amendments to these limits to be made by regulation. The Principal Act will also be amended to include the new range of air service licence classifications that are to be introduced later this year following amendments to the Air Navigation Regulations.

The Bill provides for amendments to Part IV of the Civil Aviation (Carriers' Liability) Act 1959 to increase the existing liability levels from \$45,000 to \$100,000 for death or injury to passengers; from \$300 to \$900 for damage to registered baggage; and, from \$30 to \$90 for baggage in passengers' own care.

EXPLANATION OF CLAUSES

Clause 1: Provides for the citation of the amending Act and for the Civil Aviation (Carriers' Liability) Act 1959 to be referred to as the Principal Act.

Clause 2: Sub Clause (1) provides for Sections 1 and 2 of the Act to come into operation on the date on which this Act receives Royal Assent. Sub Clause (2) provides for the remaining provisions of this Act to come into operation on a date, or dates, to be fixed by Proclamation. A proclamation date some time after passage of the legislation is necessary to enable operators to make appropriate arrangements for any necessary liability coverage. A separate proclamation date for amendments to Section 26 may become necessary to ensure a commonality of terms between the Liability Act and the Air Navigation Regulations.

Clause 3: Sub Clause (a) provides for the definition of an "airline licence" in Section 26 of the Principal Act to be extended to include a cargo airline licence, a supplementary airline licence and a cargo supplementary airline licence to embrace new air service licence classifications which are to be introduced by amendment to the Air Navigation Regulations in the near future. Similarly, Sub Clause (b) provides for the definition of a "charter licence" to be extended to include a cargo charter licence.

Clause 4: Sub Clause (1) repeals Section 31 of the Principal Act and substitutes a new Section which increases the levels of liability currently applying to death or injury to passengers from \$45,000 to \$100,000; to damage to registered baggage from \$300 to \$900; and, to baggage other than registered baggage from \$30 to \$90. This Sub Clause also makes provision for future amendments to these limits to be made by regulation. Sub Clause (2) provides for the liability levels that are presently prescribed by the Principal Act to continue to operate in relation to accidents that occurred before the date of commencement of these Amendments.

