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THE PARLIAMENT OF THE COMMONWEALTH
OF AUSTRALIA

THE SENATE

CIVIL AVIATION (CARRIERS' LIABILITY) AMENDMENT BILL 1991

SUPPLEMENTARY EXPLANATORY MEMORANDUM

(Amendments to be moved on behalf of the Government)

(Circulated by Authority of the Minister for Transport
and Communications, the Hon. Kim Beazley, MP)

CIVIL AVIATION (CARRIERS' LIABILITY) AMENDMENT BILL 1991

GENERAL OUTLINE AND FINANCIAL IMPACT

General outline

The Civil Aviation (Carriers' Liability) Amendment Bill 1991 (the Bill) amends the *Civil Aviation (Carriers' Liability) Act 1959* (the Principal Act) to:

- . enable ratification of Additional Protocol No. 3 of Montreal 1975, which increases international carriers' liability limits and establishes limits in terms of the International Monetary Fund's Special Drawing Rights (SDR), and Montreal Protocol No. 4 1975, which introduces modern cargo handling terminology;
- . apply, with immediate effect, the increased liability limits for passenger death and injury to Australia's international airlines; and
- . convert the Warsaw Convention and Hague Protocol Poincare gold franc liability limits to SDR.

The proposed amendments of the Bill will remove those provisions which convert the Poincare gold franc limits to SDRs and apply the 100,000 SDR limits to Australian international carriers. The Bill will retain those provisions which would enable Australia to ratify the Montreal Protocols in the future.

Financial impact

None of the proposed amendments will have an impact on Commonwealth expenditure or revenue.

NOTES ON AMENDMENTS

Amendment (1)

This Amendment omits the proposed definition of "Australian corporation" from clause 3 of the Bill. It is consequential on amendments (2), (3) and (4).

Amendment (2)

This Amendment omits clause 6 from the Bill.

Clause 6 repeals section 17 of the Principal Act and replaces it with new sections 17 and 17A which, respectively, provide SDR equivalents to the Poincare gold franc limits in the Warsaw Convention as amended by the Hague Protocol and increase the liability limits applicable to Australian carriers for passenger death and injury in respect of carriage to which the Warsaw Convention as amended by the Hague Protocol applies.

Amendment (3)

This Amendment omits clause 7 from the Bill.

Clause 7 repeals section 23 of the Principal Act and replaces it with new sections 23 and 23A which, respectively, provide SDR equivalents to the Poincare gold franc limits in the Warsaw Convention and increase the liability limits applicable to Australian carriers in respect of passenger death and injury for carriage to which the Warsaw Convention applies.

Amendment (4)

This Amendment omits proposed sections 25L and 25M from clause 12 of the Bill.

Clause 12 of the Bill inserts a new Part IIIC into the Principal Act giving the force of law to the Montreal Protocol No. 4. The Montreal Protocol No. 4 retains the Poincare gold franc limits of the Warsaw Convention as amended by the Hague Protocol for passengers, registered baggage and objects of which the passenger takes charge.

Proposed sections 25L and 25M, respectively, provide SDR equivalents to the Poincare gold franc retained by the Montreal Protocol No. 4 and increase the liability limits applicable to Australian carriers in respect of passenger death and injury in respect of carriage to which the Montreal Protocol No. 4 applies.



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