

Queensland



CIVIL AVIATION (CARRIERS' LIABILITY) ACT 1964

**Reprinted as in force on 16 August 1994
(includes amendments up to Act No. 38 of 1970)**

Reprint No. 1

**This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy**

Information about this reprint

This Act is reprinted as at 16 August 1994. The reprint—

- shows the law as amended by all amendments that commenced on or before that day
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind.

The reprint includes a reference to the law by which each amendment was made—see List of legislation and List of annotations in Endnotes.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 mentioned in the following list have also been made to—

- update citations and references (Pt 4, Div 2)
- use different spelling consistent with current legislative drafting practice (s 26(2))
- use conjunctives and disjunctives consistent with current legislative drafting practice (s 28)
- use expressions consistent with current legislative drafting practice (s 29)
- use aspects of format and printing style consistent with current legislative drafting practice (s 35)
- omit provisions that are no longer required (s 39)
- omit unnecessary referential words (s 41)
- omit the enacting words (s 42A)
- number and renumber certain provisions and references (s 43)

Also see Endnotes for—

- **details about when provisions commenced**
- **further information about editorial changes made in the reprint, including—**
 - **Table of obsolete and redundant provisions**
 - **Table of renumbered provisions**

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CIVIL AVIATION (CARRIERS' LIABILITY) ACT 1964

[as amended by all amendments that commenced on or before 16 August 1994²]

An Act relating to the carriage of passengers by air

Short title

1.(1) This Act may be cited as the *Civil Aviation (Carriers' Liability) Act 1964*³⁻⁶.

Commencement of Act

(2) This Act shall come into operation on a date to be fixed by the Governor in Council by proclamation published in the Gazette.

Interpretation

2.(1) In this Act—

“the Commonwealth Act” means the *Civil Aviation (Carriers' Liability) Act 1959* (Cwlth).

“the Commonwealth Regulations” means the regulations in force under the Commonwealth Act for the purposes of Part 4 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.

Act to bind Crown

3. This Act shall bind the Crown.

Carriage to which Act applies

4. 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 or a charter licence in the course of commercial transport operations under a contract for the carriage of the passenger—

- (a) between a place in Queensland and another place in Queensland; or
- (b) in the case of the holder of a charter licence, beginning at a place in Queensland and ending at that place without any intermediate landing or landings at any other place or places;

not being carriage to which Part 4 of the Commonwealth Act applies or to which the Warsaw Convention, or the Warsaw Convention as affected by the Hague Protocol and by the Guadalajara Convention, applies.

Application of provisions of Pt 4 of Commonwealth Act

5.(1) The provisions of Part 4 of the Commonwealth Act (other than sections 27, 40 and 41) and subject to any regulations made by the Governor in Council pursuant to section 7 of this Act the approved 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—

- (a) general references to Part 4 of the Commonwealth Act were references to this Act; and
- (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; and
- (c) the reference in section 29(5) of the Commonwealth Act to carriage referred to in section 27(4) of the Commonwealth Act were a reference to the carriage of a passenger where—

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- (i) the carriage of the passenger between 2 places was to be performed by 2 or more carriers in successive stages; and
 - (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 2 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; and
- (e) in the case of a passenger in respect of whom compensation is paid out of the State Accident Insurance Fund created under the *Workers' Compensation Act 1916*—the reference in section 37 of the Commonwealth Act to the employer of such passenger were a reference to the State Government Insurance Office (Queensland).

(2) In this section—

“the approved provisions of the Commonwealth Regulations” means all such provisions of the Commonwealth Regulations as the Governor in Council (who is hereby thereunto authorised) by notice published in the Gazette approves for the purposes of this Act.

Stowaways

6. The provisions of section 42 of the Commonwealth Act shall apply in relation to a person who, within Queensland 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

7.(1) All Commonwealth Regulations in force at the date of the commencement of this Act shall be laid before the Legislative Assembly within 14 sitting days after such date if the Legislative Assembly is then in session and, if not, then within 14 sitting days after the commencement of

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the next session.

(1A) Any Commonwealth Regulation made after the date of the commencement of this Act shall be laid before the Legislative Assembly within 14 sitting days after the notification in the Commonwealth Gazette of the making thereof if the Legislative Assembly is then in session and, if not, then within 14 sitting days after the commencement of the next session.

(2) The Governor in Council 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 in Council cease to apply to or in relation to carriage to which this Act applies and to matters connected with such carriage.

(3) Every regulation made under this Act shall—

- (a) be published in the Gazette;
- (b) upon its publication in the Gazette, be judicially noticed and such publication shall be conclusive evidence of the matters contained therein;
- (c) take effect from the date of such publication unless a later date is specified therein or in any other regulation for its commencement when in such event it shall take effect from such later date;
- (d) be laid before the Legislative Assembly within 14 sitting days after such publication if the Legislative Assembly is in session and, if not, then within 14 sitting days after the commencement of the next session.

(4) If the Legislative Assembly passes a resolution of which notice has been given at any time within 14 sitting days after any Commonwealth Regulation or regulation made under this Act has been laid before it disallowing such Commonwealth Regulation or regulation made under this Act, or part thereof, such Commonwealth Regulation or regulation or part shall thereupon cease to have effect by virtue of this Act, but without prejudice to the validity of anything done in the meantime or to the application by virtue of this Act of any Commonwealth Regulation made thereafter or to the making of any further regulation under this Act.

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(5) Where regulations are made by the Governor in Council pursuant to subsection (2) 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 in Council and as excluding a reference to any Commonwealth Regulations inconsistent therewith.

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 16 August 1994. Future amendments of the Civil Aviation (Carriers' Liability) Act 1964 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 List of legislation

Civil Aviation (Carriers' Liability) Act 1964 No. 24

date of assent 9 April 1964

commenced 11 May 1964 (proc pubd Gaz 9 May 1964 p 149)

as amended by—

Civil Aviation (Carriers' Liability) Act Amendment Act 1970 No. 38

date of assent 18 December 1970

commenced on date of assent

4 List of annotations

Key to abbreviations in list of annotations

amd	=	amended
Ch	=	Chapter
cl	=	clause
def	=	definition
Div	=	Division
hdg	=	heading
ins	=	inserted
om	=	omitted
prec	=	preceding
pres	=	present
prev	=	previous
(prev)	=	previously
prov	=	provision
Pt	=	Part
RA	=	Reprints Act 1992
renum	=	renumbered
Sdiv	=	Subdivision
sub	=	substituted

Provisions not included in reprint, or amended by amendments not included in reprint, are underlined

Carriage to which Act applies

s 4 amd 1970 No. 38 s 2

5 Table of obsolete and redundant provisions

TABLE OF OBSOLETE AND REDUNDANT PROVISIONS under the Reprints Act 1992 s 39

Omitted provision	Provision making omitted provision obsolete/redundant
definitions to be read in context	Acts Interpretation Act 1954 s 32A
references included in citation of law	Acts Interpretation Act 1954 s 14H

6 Table of renumbered provisionsTABLE OF RENUMBERED PROVISIONS
under the Reprints Act 1992 s 43

Previous	Renumbered as
5, 1st sentence	5(1)
5, 2nd sentence	5(2)
7(1), 2nd sentence	5(1A)