

Liability under this Part to be in substitution for certain other liabilities.

9.—(1.) Subject to the provisions of section thirty-seven of the *Civil Aviation (Carriers' Liability) Act 1959-1962*, in its application by virtue of this Part, the liability of the Commonwealth or a Commonwealth authority under this Part in respect of the death of a passenger, or personal injury to a passenger that has not resulted in his death, is in substitution for any other civil liability of the Commonwealth or the Commonwealth authority in respect of that death or injury other than—

- (a) a liability under Part II. or Part III. of the *Civil Aviation (Carriers' Liability) Act 1959-1962*; or
- (b) a liability arising otherwise than by reason of the operation of the aircraft by the Commonwealth or the Commonwealth authority.

(2.) Notwithstanding anything contained in Part II. or Part III. of the *Civil Aviation (Carriers' Liability) Act 1959-1962*, but without prejudice to the operation of the next succeeding section, any liability of the Commonwealth or a Commonwealth authority under this Part is not excluded by reason of the existence of any liability of the Commonwealth or of that Commonwealth authority under either of those Parts.

Liability of Commonwealth, &c., independently of this Part.

10.—(1.) Where, apart from this section, damages in respect of any death or injury are recoverable from the Commonwealth or a Commonwealth authority by or for the benefit of a person under this Part and such damages are also recoverable from the Commonwealth or a Commonwealth authority by or for the benefit of that person otherwise than under this Part—

- (a) if damages are recovered otherwise than under this Part, damages are not recoverable under this Part; and
- (b) if damages are recovered under this Part, the amount of damages recoverable otherwise than under this Part shall be reduced by the amount of the damages so recovered.

(2.) In the last preceding sub-section, "damages" does not include compensation under the *Commonwealth Employees' Compensation Act 1930-1962* or the *Seamen's Compensation Act 1911-1960*.

(3.) Nothing in this section prevents the application of section seventeen A of the *Commonwealth Employees' Compensation Act 1930-1962* or section ten A of the *Seamen's Compensation Act 1911-1960* in relation to damages recovered or recoverable under this Part.