

Application
of certain
provisions of
Civil Aviation
(Carriers'
Liability) Act
1959-1962.

13. Subject to this Part, the following provisions of the *Civil Aviation (Carriers' Liability) Act* 1959-1962, namely, sections thirty-four, thirty-five (other than sub-sections (2.) and (10.)), thirty-eight and thirty-nine, apply to and in relation to carriage to which this Part applies as if those provisions were incorporated in this Part and as if—

- (a) references in those provisions to a carrier were references to the Commonwealth or a Commonwealth authority; and
- (b) references in those provisions to Australia included references to the Territories of the Commonwealth.

Limitation
of amount
recoverable
under this
Part.

14.—(1.) The maximum liability of the Commonwealth or a Commonwealth authority under this Part in respect of any one person, by reason of his death or injury, is Seven thousand five hundred pounds.

(2.) The amount of any damages recoverable but for this sub-section by a person from the Commonwealth or a Commonwealth authority by virtue of this Part in respect of a death or injury shall be reduced by—

- (a) the amount of any damages or compensation paid or payable in respect of the death or injury to or for the benefit of that person by, or recovered or recoverable by or for the benefit of that person from, the carrier, a servant or agent of the carrier or any other person other than the Commonwealth or the Commonwealth authority, as the case may be; and
- (b) any amount received or receivable by that person in consequence of the death or injury by reason of—
 - (i) insurance effected for the benefit of the deceased or injured person or his estate by the carrier or by the Commonwealth or the Commonwealth authority; or
 - (ii) insurance effected by the deceased or injured person that is referable to an allowance granted by the Commonwealth or the Commonwealth authority for the purpose of enabling him to effect such insurance.

Liability of
Common-
wealth, &c.,
independently
of this Part.

15.—(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