

3 No action lies in respect of trespass, or in respect of nuisance, by reason only of—

(a) the flight of an aircraft over any property at a height above the ground that, having regard to the wind, the weather, and all the circumstances, is reasonable; or

(b) the ordinary incidents of such a flight,

so long as the Air Navigation Regulations are complied with.

Limitation of liability in respect of trespass, &c., by flying over property. Cf. 12, 13 & 14 Geo. 6, c. 67 (Imp.), s. 40 (1). No. 12 of 1948 (No. 2), s. 5 (3). No. 46 of 1952 (N.S.W.), s. 2 (1). No. 6420 (Vic.), s. 30.

4—(1) Where material loss or damage is caused to any person or property on land or water by, or by a person in, or by an article, animal, or person falling from, an aircraft while the aircraft is in flight, or is taking off, or is landing then, unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage are recoverable from the owner of the aircraft without proof of negligence, or intention, or other cause of action as if the loss or damage had been caused by the wilful act, neglect, or default of the owner.

Liability for damage by aircraft or articles, &c., falling therefrom. Imp., s. 40 (2). N.Z., s. 5 (3). N.S.W., s. 2 (2), (3). Vic., s. 31.

(2) Notwithstanding anything in subsection (1) of this section, where material loss or damage is caused as mentioned in that subsection in circumstances in which—

(a) damages in respect of that loss or damage are recoverable from the owner by virtue only of the provisions of that subsection; and

(b) a legal liability is created in some person other than the owner to pay damages in respect of that loss or damage,

the owner is entitled to be indemnified by that other person against any claim in respect of that loss or damage.

(3) Where an aircraft has been demised, chartered, let, or hired out for a period exceeding fourteen days to any other person by the owner thereof and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, this section has effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised, chartered, let, or hired out.

INFLAMMABLE LIQUIDS.

No. 8 of 1963.

AN ACT to amend the *Inflammable Liquids Act*
1929. [2 May 1963.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title, citation, and commencement.

1—(1) This Act may be cited as the *Inflammable Liquids Act 1963*.

(2) The *Inflammable Liquids Act 1929*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.

Interpretation.

2 Section three of the Principal Act is amended—

(a) by omitting from subsection (1) thereof the definition of “carbide”; and

(b) by omitting from the definition of “dangerous commodity” in that subsection the words “carbide, and any other” and substituting therefor the word “any”.

Power of Governor to extend application of Act.

3 Section four of the Principal Act is amended by adding at the end thereof the following subsection:—

“(3) A proclamation under this section may declare a substance to be a dangerous commodity either specifically or by the incorporation or adoption of, or by reference to, any regulation, rule, by-law, proclamation, notice, or list specifying, declaring, or relating to dangerous commodities made or issued under any Commonwealth Act or any such notice or list issued by the Standards Association of Australia, the British Standards Institute, the Board of Trade, or any other like authority specified in the proclamation.”.

Prohibition of keeping of inflammable liquids or dangerous commodities otherwise than under this Act.

4 Section five of the Principal Act is amended—

(a) by omitting sub-paragraphs (ii) and (iv) of paragraph (a) of subsection (4) thereof;

(b) by omitting paragraph (b) of that subsection;

(c) by omitting from paragraph (c) of that subsection the words “(other than carbide)”;

(d) by transposing the word “or” at the end of sub-paragraph (v) of paragraph (a) of that subsection to follow paragraph (c) thereof; and

(e) by adding at the end of that subsection the following paragraph:—

“(d) any inflammable liquid or dangerous commodity—

(i) in or on a ship, boat, or vehicle for the purpose of conveying it therein or thereon as prescribed; or

(ii) otherwise than for the purposes of sale, at any premises (not within a city, town, or pre-

scribed area) in respect of which the Chief Inspector has given permission in writing for the keeping of inflammable liquids or dangerous commodities, or any class or kind thereof, without licence under this Act.”.

5 Section fifteen of the Principal Act is amended—

Evidence.

(a) by inserting after paragraph (c) of subsection (1) thereof the following paragraph:—

“(d) that any inflammable liquid or dangerous commodity is an inflammable liquid or dangerous commodity, as the case may be, of a specified class or kind,”; and

(b) by transposing the word “or” at the end of paragraph (b) of that subsection to follow paragraph (c) thereof.

6 Section sixteen of the Principal Act is amended—

Regulations.

(a) by inserting after paragraph (a) of subsection (2) thereof the following paragraph:—

“(b) incorporate or adopt, either specifically or by reference and either wholly or in part—

(i) any of the standard codes, rules, or specifications of the bodies known as the Standards Association of Australia, the British Standards Institution, or the Board of Trade, or any other like authority, specified in the regulations; or

(ii) any regulation, rule, by-law, proclamation, notice, or list specifying, declaring, or relating to inflammable liquids or dangerous commodities made or issued under a Commonwealth Act;” and

(b) by re-lettering paragraphs (b) and (c) of that subsection as paragraphs (c) and (d) respectively.