



HIGH COURT OF AUSTRALIA

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Details of Filing

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Important Information

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**IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY**

BETWEEN:

RENAE EVANS

First Appellant

STEPHANIE EVANS

Second Appellant

And

AIR CANADA ABN: 29 094 769 561

Respondent

APPELLANTS' OUTLINE OF ORAL ARGUMENT

PART I: CERTIFICATION

This outline is in a form suitable for publication on the internet.

PART II: PROPOSITIONS TO BE ADVANCED IN ORAL ARGUMENT

1. In its context the wording of Article 21(2) of the Montreal Convention places a financial limit on the amount payable by a carrier to an injured passenger (**AS [33(a)], [33(b)], [33(c)], [33(d)] ARS [5], [6], [8], [9], [10]**).
2. Article 21(2) of the Montreal Convention is subject to the Article 25 stipulation in Rule 105(C)(1)(a) of the Tariff for a higher or no limit of liability (**AS [33(a)], [33(b)], [33(h)], [33(i)], [33(j)], [33(k)], [33(l)], [41(e)], [41(f)]**).
3. Rule 105(C)(1)(a) of the Tariff according to its tenor and its context is plainly an Article 25 stipulation altering the Article 21(2) limit (**AS [40-41] ARS [11-14]**).
4. Nothing in the broader circumstances raised in the Court of Appeal's reasoning could displace this character of these provisions (**AS [39], [41(g)]**).
5. Nor do the travaux préparatoires for the Montreal Convention or other treaties (or their travaux préparatoires) produce any different result.

11 March 2025



Bret Walker