

(3.) The damages recoverable in the action include loss of earnings or profits up to the date of death and the reasonable expenses of the funeral of the deceased person and medical and hospital expenses reasonably incurred in relation to the injury that resulted in the death of the deceased person.

(4.) In awarding damages, the Court is not limited to the financial loss resulting from the death of the deceased person.

(5.) Subject to the next succeeding sub-section, the amount recovered in the action, after deducting any costs not recovered from the defendant, shall be divided amongst the persons entitled in such proportions as the Court (or, where the action is tried with a jury, the jury) directs.

(6.) The Court may, at any stage of the proceedings, make any such order as appears to the Court to be just and equitable in view of the provisions of the Convention limiting the liability of the defendant.

Proceeds of
insurance
policies in
relation to
death or
injury.

12. In assessing damages in respect of liability under the Convention in relation to the death of, or personal injury to, a person, there shall not be taken into account—

- (a) a sum paid or payable on the death of, or personal injury to, that person under a contract of insurance;
- (b) a sum paid or payable out of a superannuation, provident or like fund, or by way of benefit from a friendly society, benefit society or trade union ; or
- (c) in the case of death, a premium that would have become payable under a contract of insurance in respect of the life of that person if he had lived after the time at which he died.

Actions against
contracting
States as
operators of
aircraft.

13.—(1.) A contracting State shall, for the purposes of an action under the Convention brought in a Court in Australia to enforce a claim in respect of damage for which, under the Convention, the contracting State is liable as operator of the aircraft concerned or as being otherwise connected with that aircraft, be deemed to have submitted to the jurisdiction of that Court.

(2.) Nothing in this section authorizes the issue of execution against the property of a contracting State.

Evidence of
certain matters.

14.—(1.) The Minister may, by notice published in the *Gazette*, from time to time declare—

- (a) that a country specified in the notice is a country which has ratified or adhered to the Convention and the date on which the ratification or adherence became effective;