

(10.) 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 carrier and of any proceedings which have been, or are likely to be, commenced against the carrier, whether in or outside Australia.

(11.) The second sentence of paragraph 4 of Article 22 of the Warsaw Convention, as amended by the Hague Protocol, shall not be construed as applying to an action to which this section applies that is wholly or partly for the benefit of a person or persons other than the plaintiff, but the court may, in such an action, deal with any question of costs in such manner as it thinks proper having regard to the operation of that sentence in cases to which it applies.

13. Subject to the next succeeding section, the liability of a carrier under the Convention in respect of personal injury suffered by a passenger, not being injury that has resulted in the death of the passenger, is in substitution for any civil liability of the carrier under any other law in respect of the injury.

*Liability in respect of injury.*

14. Nothing in the Convention or in this Part shall be deemed to exclude any liability of a carrier—

*Certain liabilities not excluded.*

(a) to indemnify an employer of a passenger in respect of liability of that employer under a law of the Commonwealth or of a State or Territory of the Commonwealth providing for compensation to workmen or employees in respect of accidents arising out of or in the course of their employment; or

(b) to pay contribution to a tort-feasor who is liable in respect of the death of, or injury to, the passenger, but this section does not operate so as to increase the limit of liability of a carrier in respect of a passenger beyond the amount fixed by or in accordance with the Convention.

15. In assessing damages in respect of liability under the Convention there shall not be taken into account by way of reduction of the damages—

*Proceeds of insurance policies, &c.*

(a) a sum paid or payable on the death of, or personal injury to, a passenger 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;