

(2.) Where an action under the Convention is pending in the Supreme Court of a State or Territory of the Commonwealth, an action under the Convention arising out of the same incident (other than an action instituted before the institution of the action in the Supreme Court) does not lie in any other Court of that State or Territory.

(3.) Where actions under the Convention arising out of a single incident are pending in two or more Courts of a State or Territory of the Commonwealth (whether or not one of those Courts is the Supreme Court), the Supreme Court of that State or Territory may, upon the application of the defendant in any such action (or, if there is more than one defendant, upon the application of any defendant), order any such action to be removed into the Supreme Court, and any such order may be made on such terms and conditions as the Supreme Court thinks fit.

(4.) For the purposes of section thirty-eight of the *Judiciary Act* 1903-1955, an action under the Convention shall be deemed not to be a matter arising directly under a treaty.

(5.) For the purposes of this section, the Territory of Papua and the Territory of New Guinea shall be deemed to constitute one Territory of the Commonwealth.

10.—(1.) A Court in which two or more actions under the Convention are pending, being actions arising out of a single incident, may make such orders as it thinks fit, upon such terms and conditions as it thinks fit, for the purpose of ensuring, so far as the interests of justice and convenience permit, that all of those actions are consolidated for disposal in a single proceeding.

Consolidation
of actions.

(2.) The last preceding sub-section does not prejudice any power of a Court under any other law with respect to any actions to which that sub-section is applicable.

11.—(1.) The provisions of this section apply in relation to the liability imposed by the Convention on a person in respect of the death of another person.

Liability in
respect of
death.

(2.) The action to enforce the liability may be brought by the personal representative of the deceased person or by one of the persons who suffered damage by reason of the death, but only one action shall be brought in Australia in respect of the death of any one person and the action, by whomsoever brought, shall be for the benefit of all persons for whose benefit the liability is enforceable who are resident in Australia or, not being resident in Australia, express the desire to take the benefit of the action.