

Form 22  
Rule 9.35(1)

## Application

No. QUD183 of 2023

Federal Court of Australia  
District Registry: Queensland  
Division: General

### DEBRAH JACKSON

Applicant

### CARNIVAL PLC (ARBN 21 107 998 443)

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

If you have not already done so, you must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing:** AEST 01 November 2023

**Place:** Level 6, Harry Gibbs Commonwealth Law Courts, 119 North Quay, Brisbane

The Court ordered that the time for serving this application be abridged to

Date: 30 October 2024

Signed by an officer acting with the authority  
of the District Registrar

Filed on behalf of (name & role of party) Debra Jackson, Applicant

Prepared by (name of person/lawyer) Peter Carter

Law firm (if applicable) Carter Capner Lawyers

Tel 07 3210 3409

Fax 07 3221 6058

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**Address for service** Level 18, 150 Charlotte Street, Brisbane QLD 4000

(include state and postcode)

[Form approved 01/08/2011]

#11554916v1

**Details of orders sought**

On the grounds stated in the accompanying affidavit, the Applicant applies for the following order/s under section 33X(4), 33Y, 33V and 33ZF of the *Federal Court of Australia Act 1976*:

**Notice of Proposed Settlement**

1. The form and content of the Notice of Proposed Settlement as exhibited to the affidavit of Peter Carter filed 30 October 2024 be approved.
2. Copies of the Notice of Proposed Settlement, the Settlement Deed and the proposed Settlement Distribution Scheme in the form attached to the affidavit of Peter Carter filed 30 October 2024 are be:
  - (a) sent:
    - (i) By email to each group Member for whom a valid email address is held by the Applicant's solicitors;
    - (ii) By email to the nominated contact person for passengers identified in exhibited KNM-01 to the affidavit of Kayla Natalie Milana sworn 21 June 2024;
    - (iii) By post to each group member for whom the Applicant does not have a valid email address and in respect of whom a valid postal address is held;
  - (b) made available for access by members of the public on the website at [www.pacificariaclassaction.com.au](http://www.pacificariaclassaction.com.au).
3. By 14 November 2024 the applicant's solicitors are to cause to be advertised in the Court Mail two advertisements in the form and manner, or substantially in the form and manner, as attached hereto and marked with the letter "A".
4. Save for leave by the Court:
  - (a) Subject to subparagraph (b) any further affidavit material in support of the approval of the settlement is to be filed by the applicant by a date which is two weeks prior to the hearing of the settlement application;
  - (b) any confidential material to be relied on by the Applicant is not to be filed but rather is to be provided to the Associate to R. Derrington J together with an envelope marked "Confidential – only to be opened by order of a Judge of the

Federal Court of Australia”, by a date which is 5 days prior to the settlement application;

- (c) written submission by the Applicant are to be filed by a date which is 5 days prior to the settlement application, with copies provided to the Respondents and the Associate to Derrington J;
  - (d) written submission by the Respondents are to be filed by a date which is two days prior to the settlement application with copies provided to the Applicant and the Associate to Derrington J.
5. The Applicant is to file an affidavit exhibiting any objections to the proposed settlement which the Applicant may have received by the day prior to the hearing of the settlement application.
  6. A copy of this Application, all supporting material (including written submissions but excluding confidential material) and any order made on 01 November 2024, is to be placed by the Applicant on the P&O Pacific Aria Class Action website at [www.pacificariaclassaction.com.au](http://www.pacificariaclassaction.com.au) so that it is available for access by group members.

### **Approval of Settlement**

7. The Application for approval of the proposed settlement (set out in paragraphs 8 to 17 of this Application) is to be heard on a date to be determined by the Court.
8. The settlement of the proceeding be approved in terms set out in the:
  - (a) Settlement Deed; and
  - (b) the Settlement Distribution Scheme.
9. Pursuant to section 33ZF of the Act or otherwise:
  - (a) the Applicant’s cost be approved; and
  - (b) the Administration Costs be approved.
10. Pursuant to section 33ZF of the Act or otherwise, the Applicant be authorised *nunc pro tunc* on behalf of the group members, to enter into and to give effect to the Settlement Deed and the transactions contemplated therein for and on behalf of the group members.
11. Any orders relating to costs previously made in the proceedings be vacated.

12. The parties have liberty to apply on three clear days' notice to seek further orders with regard to the administration of the Settlement Distribution Scheme.
13. Otherwise, the whole of the proceeding be dismissed.
14. Each party to bear its own costs.
15. Such further or other order as the court thinks fit.

**Applicant's address**

The Applicant's address for service is:

Place: Level 18, 150 Charlotte St, BRISBANE 4000

Email: PandOclassaction@cartercapner.com.au

The Applicant's address is a place of business.

**Service on the Respondents**

It is intended to serve this application on all Respondents.

Date: 30 October 2024



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Peter Carter

Carter Capner Law, Brisbane

Lawyers for the Applicant

**Attachment A**

***P&O PACIFIC ARIA CLASS ACTION***

Debrah Jackson v. Carnival PLC t/as P&O Cruises Australia QUD 183 of 2023

This class action concerns passengers on Pacific Aria when it sailed from Brisbane on 5/11/2017.

The Proceeding has settled subject to the court's approval. Subject to approval of the Federal Court \$2,416,000 will be available to eligible group members subject to any approved deductions for legal costs and other payments.

A Settlement Approval Hearing will be heard by the Federal Court of Australia at the Harry Gibbs Commonwealth Courts Building, 119 North Quay (cnr Tank Steet) Brisbane QLD 4000.at 10:15 AM on [insert date].

Further information can be found at [www.pacificariaclassaction.com.au](http://www.pacificariaclassaction.com.au)