

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	4/05/2023 3:05:58 PM AEST
Date Accepted for Filing:	5/05/2023 4:31:54 PM AEST
File Number:	QUD183/2023
File Title:	DEBRAH JACKSON v CARNIVAL PLC (ARBN 23 107 998 443)
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



## Originating application

No. of 2023

Federal Court of Australia  
District Registry: Queensland  
Division: General

### DEBRAH JACKSON

Applicant

### CARNIVAL PLC (ARBN 23 107 998 443)

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.

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:**

**Place:** Level 6, Harry Gibbs Commonwealth Law Courts Building  
119 North Quay (cnr Tank Street), Brisbane QLD 4000

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

Filed on behalf of (name & role of party) Debrah Jackson  
Prepared by (name of person/lawyer) Peter Carter, Lawyer for the Applicant  
Law firm (if applicable) Carter Capner Lawyers  
Tel 07 32103409 Fax 07 3221 6058  
Email pcarter@cartercapner.com.au  
**Address for service** Level18/150 Charlotte Street  
(include state and postcode) BRISBANE CITY QLD 4000



Date:

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



### Details of claim

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

1. Damages pursuant to ss267 and/or 268 of the *Australian Consumer Law*;
2. Interest; and
3. Costs.

### Questions common to claims of group members

The Question of law or facts common to the claims of the group members are:

1. By operating the Cruise did the Respondent provide a “service” as that term is defined in s 3 of the *Australia Consumer Law (ACL)*?
2. Was the Applicant and Group Members a “consumer” as that term is defined in s.3 of the ACL?
3. In supplying the services to the Applicant and Group Members, did the Respondent guarantee that the Services would be rendered with due care and skill?
4. Did the Applicant and Group Members make known to the Respondent the purpose for which the Services were acquired?
5. Did the Applicant and Group Members make known to the Respondent the desired result to be achieved by the provision of the Services?
6. In supplying the services, did the Respondent guarantee that the Services would be reasonably fit for the purpose?
7. In supplying the services, did the Respondent guarantee that the Services might reasonably be expected to achieve the Result?
8. Were the Services supplied without due care and skill and in breach of the due care and skill guarantee?
9. Did the provision of the Services constitute a “major failure” as that term is used in s 268 of the ACL?
10. Were the Services not reasonably fit for the purpose?
11. Did the Services not achieve the Result?

**Representative action**

The Applicant sues in a representative capacity.

The Group Members to whom this proceeding relates were passengers on a cruise undertaken by the Respondent the subject of the present claim.

**Applicant's address**

The Applicant's address for service is:

Place: Carter Capner Law, Level 18, 150 Charlotte Street, Brisbane QLD 4000

Email: pcarter@cartercapner.com.au

The Applicant's address is 7 Hinchinbrook Avenue, Bethania, Queensland

**Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 4 May 2023

A handwritten signature in black ink, appearing to be "P Carter", written over a horizontal dotted line.

Signed by Peter Carter