

NOTICE OF FILING

Details of Filing

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File Title: DEBRAH JACKSON v CARNIVAL PLC (ARBN 23 107 998 443)
Registry: QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA



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.



Form 34
Rule 16.33

Reply

No. QUD183 of 2023

Federal Court of Australia
District Registry: Queensland
Division: General

DEBRAH JACKSON

Applicant

CARNIVAL PLC t/as P&O Cruises Australia ABN 23 107 998 443

Respondent

The Applicant adopts and incorporates into this Reply those terms defined by the Applicant in its Amended Statement of Claim filed 9 August 2023 (the **ASOC**) and by the Respondent in its Defence filed 6 October 2023 (the **Defence**).

1. The Applicant adopts the admissions made in the Defence.
2. Save for the matters specifically pleaded below, the Applicant joins issues with the facts which are denied or not admitted in the Defence.
3. As to paragraph 1(b) of the Defence, the Applicant denies the allegation made therein and says that:
 - (a) the proceeding has been commenced by the Applicant on her own behalf and on behalf the group members who comprise more than seven (7) persons;
 - (b) the claims of the Applicant and the group members are in respect of, or arise out of, the same, similar or related circumstances which are pleaded in the Amended Statement of Claim;

Filed on behalf of (name & role of party) Debrah Jackson, the Lead Applicant

Prepared by (name of person/lawyer) Peter Carter

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- (c) the claims of the Applicant and the group members give rise to a substantial common issue of law or fact; and
 - (d) the proceeding satisfies the requirements of s 33C of the *Federal Court of Australia Act 1976* (Cth).
4. The Applicant does not admit the facts pleaded in paragraph 5(b) of the Defence as until after discovery or the Respondent supplies a copy of the document referred to in paragraph 5(b) of the Defence pursuant to Order 15 rule 10 of the *Federal Court Rules*, the Applicant is unaware of the wording of the pleaded clauses and is therefore unable to either admit or deny them.
5. As to paragraph 9(a) of the Defence, the Applicant:
- (a) admits that the Respondent supplied services to the Applicant;
 - (b) says that the nature of the services supplied by the Respondent to the Applicant are set out in paragraph 9 of the Amended Statement of Claim;
 - (c) denies that the services (or all of them) provided by the Respondent were reasonably fit for enabling the Applicant to have a safe and enjoyable cruise for the reasons pleaded in the Amended Statement of Claim;
 - (d) denies that the services (or all of them) provided by the Respondent were of such a nature and quality, state or condition that the Applicant as a passenger on the cruise could reasonably be expected to have a safe and enjoyable cruise for the reasons pleaded in the Amended Statement of Claim;
 - (e) save as aforesaid joins issues with the facts pleaded therein.
6. As to paragraph 9(b) of the Defence, the Applicant:
- (a) admits that the services provided by the Respondent included the protection of human health and life;
 - (b) save as aforesaid, joins issue with the facts pleaded therein.
7. The Applicant does not admit the facts pleaded in paragraph 16(b) of the Defence as it is implied in the phrase "pleasurable and enjoyable holiday experience" that it would concern a cruise which was both "safe" and "enjoyable".

Date: 25 October 2023

A handwritten signature in dark ink, appearing to read 'Peter Carter', written over a horizontal line.

Signed by Peter Carter
Solicitor for the Applicant

This pleading was settled by D J Campbell of King's Counsel and B A Hall of Counsel

Counsel for the Applicant
25 October 2023

Certificate of lawyer

I Peter Carter certify to the Court that, in relation to the reply filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 25 October 2023

A handwritten signature in black ink, appearing to read 'Peter Carter', written over a horizontal line.

Signed by Peter Carter
Solicitor for the Applicant