

## NOTICE OF FILING

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 23/01/2025 5:52:29 PM AEST  
Date Accepted for Filing: 24/01/2025 12:51:28 PM AEST  
File Number: QUD183/2023  
File Title: DEBRAH JACKSON v CARNIVAL PLC T/AS P&O CRUISES AUSTRALIA  
(ABN 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 59  
Rule 29.02(1)

**Affidavit**

Federal Court of Australia  
District Registry: Queensland  
Division: General

No. QUD183 of 2023

**DEBRAH JACKSON**

Applicant

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

Respondent

Affidavit of: **PETER BARTON CARTER**

Address: c/- Carter Capner Law, Level 18, 150 Charlotte Street, Brisbane, 4000.

Occupation: Director and Principal Solicitor

Date: 23 January 2025

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1.	Affidavit of Peter Barton Carter in support of the application for the approval of the proposed settlement.	1 - 9	1 - 4
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3.	Exhibit item 2, being a copy of the email sent to each group member for whom my firm holds an email address.		9 - 10
4.	Exhibit item 3, being a copy of the email sent to the nominated contact person for passengers identified in Exhibit KNM-01 to the affidavit of Kayla Natalie Milana, sworn on 21 June 2024.		11 - 12
5.	Exhibit item 4, being a copy of the letter sent by post on 12 November 2024 to each group member for whom the Applicant does not have an email address.		13
6.	Exhibit item 5, being a copy of the advertisement as published on 11 November 2024.		14

DEPONENT

WITNESS

I, PETER BARTON CARTER, of Level 18, 150 Charlotte Street, Brisbane, 4000 in the State of Queensland, Legal Practitioner, say on Oath/affirm:

1. I am the legal practice director of the law firm Carter Capner Law (**CCL**), the Applicant's solicitor in this matter. I have carriage of this matter on behalf of the Applicant.
2. This Affidavit is made in support of the application for the approval of the proposed settlement. It sets out all the communications undertaken by the Applicant to notify group members about the proposed settlement and provide them with an opportunity to register their details or object to the proposed terms.
3. Exhibited hereto and marked PBC-1 is a bundle of documents and correspondence referred to in this my affidavit (**Exhibit**).
4. On 7 November 2024, I caused to be published on the Pacific Aria Class Action website at [www.pacificariaclassaction.com.au](http://www.pacificariaclassaction.com.au):-

(a) all pleadings, particulars and relevant affidavits filed; and

(b) all Orders made

in this proceeding. Those documents remain published on the said website.

5. I also caused:-

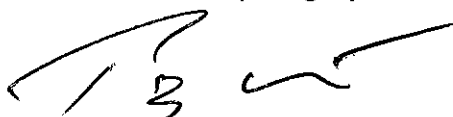
(a) the Notice of Proposed Settlement, appearing in Annexure A of the Order of 1 November 2024;

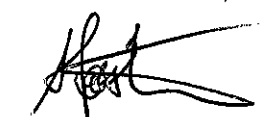
(b) the Settlement Deed in the form attached to the affidavit of Peter Carter filed 31 October 2024; and

(c) the Settlement Distribution Scheme in the form attached to the affidavit of Peter Carter filed 31 October 2024,

to be:

A. published and made available from 7 November 2024 on the Pacific Aria Class Action website at [www.pacificariaclassaction.com.au](http://www.pacificariaclassaction.com.au). A copy of the index page relating to the published documents (including those referred to in paragraph 4 above) appears at pages 5 - 8 of the Exhibit;

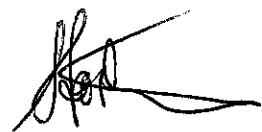
  
DEPONENT

  
WITNESS

- B. emailed on 11 November 2024 to each group member for whom my firm holds an email address. A copy of the email containing links to the published documents appears at pages 9 - 10 of the Exhibit. This email was sent to a total of 451 group members; and
- C. emailed on 11 November 2024 to the nominated contact person for passengers identified in Exhibit KNM-01 to the affidavit of Kayla Natalie Milana, sworn on 21 June 2024. A copy of the email containing links to the published documents appears at pages 11-12 of the Exhibit. This email was sent to a total of 366 recipients; and
- D. sent by post 12 November 2024 to each group member for whom the Applicant does not have an email address. A copy of the letter enclosing such documents appears at page 13 of Exhibit .This letter and the enclosed documents were sent to a total of 40 group members.
6. I caused the Courier-Mail to publish the advertisement specified in Annexure B to the Order of 1 November 2024 on 8 and 13 November 2024. A copy of that advertisement as displayed in the Courier-Mail on 13 November 2024 appears at page 14 of the Exhibit.
7. The number of group members who had registered their details with my firm through the Pacific Aria Class Action website or otherwise was: -
- (a) as at the date of the mediation on 1 October 2024, 534.
- (b) as at the date of the Order of 1 November 2024, 586; and
- (c) as at the time of swearing this affidavit, 713.
8. As at the time of swearing this affidavit, no objections to the proposed settlement have been received by me or by my firm.
9. All facts and circumstances stated in this affidavit are within my own knowledge, except were stated otherwise, and the sources of my information are clearly identified on the face of this affidavit.



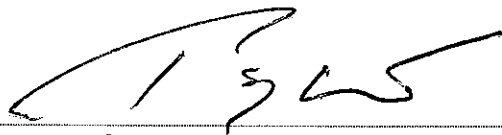
DEPONENT



WITNESS

Affirmed by Peter Carter  
at Level 18, 150 Charlotte Street, Brisbane,  
4000  
in Queensland  
on 23 January 2025  
Before me:

)  
)  
)  
)  
)



Signature of deponent



Signature of witness

Scott Forster  
Solicitor

[Name and qualification of witness]

Proposed Settlement and also REGISTER your details and bank account particulars.

**PBC - 1**

**Exhibit - 1**

I previously registered. What do I need to do?

You must read the Notice of Proposed Settlement. You also need to login to enter your bank account details for payment. Until then, as long as we have your contact information, there is nothing further we need.

## Documents regarding proposed settlement

01 Nov	Notice of Proposed Settlement - Bundle [ZIP]	<a href="#">Download &gt;</a>
11 Nov	Notice of Proposed Settlement [PDF]	<a href="#">Download &gt;</a>
01 Nov	Order of Federal Court [PDF]	<a href="#">Download &gt;</a>
01 Nov	Deed of Settlement [PDF]	<a href="#">Download &gt;</a>

01 Nov	Settlement Distribution Scheme [PDF]	Download >
01 Aug	Application for approval of settlement [PDF]	Download >
30 Oct	Affidavit of Peter Carter [PDF]	Download >
04 May	Statement of Claim [PDF]	Download >
04 May	Originating Application [PDF]	Download >
30 May	Order of Derrington J - 30 May 2023 [PDF]	Download →
04 Oct	Plaintiff Request for Particulars [PDF]	Download >
14 Jul	Order of Derrington J - 14 July 2023 [PDF]	Download >
23 Aug	Order of Derrington J - 23 August 2023 [PDF]	Download >
02 Nov	Order of Derrington J - 2 November 2023 [PDF]	Download >

<b>29 Nov</b>	Order of Derrington J - 29 November 2023 [PDF]	<b>Download &gt;</b>
<b>02 Feb</b>	Order of Derrington J - 2 February 2024 [PDF]	<b>Download &gt;</b>
<b>05 Apr</b>	Order of Derrington J - 5 April 2024 [PDF]	<b>Download &gt;</b>
<b>26 Jul</b>	Order of Derrington J - 26 July 2024 [PDF]	<b>Download &gt;</b>
<b>30 Sep</b>	Order of Derrington J - 30 September 2024 [PDF]	<b>Download &gt;</b>
<b>10 Jul</b>	Defendant's Request for Particulars - 10 July 2023 [PDF]	<b>Download &gt;</b>
<b>23 Jul</b>	Pla Resp to Request - 23 July 2023 [PDF]	<b>Download &gt;</b>
<b>06 Aug</b>	Amended Statement of claim - 6 August 2023 [PDF]	<b>Download &gt;</b>
<b>26 Aug</b>	Joint Position Paper - 24 August 2023 [PDF]	<b>Download &gt;</b>



14 Sep	Defendants' Request for Particulars - 14 September 2023 [PDF]	Download >
06 Oct	Defence filed 6 October 2023 [PDF]	Download >
25 Oct	Reply filed - 25 October 2023 [PDF]	Download >
21 Nov	Plaintiff Request for Further and Better to Defence - 21 November 2023 [PDF]	Download >
11 Nov	Plaintiff's Exhibit to Particulars	Download >

# Timeline

**5 May 2017**

Pacific Aria departed Brisbane.

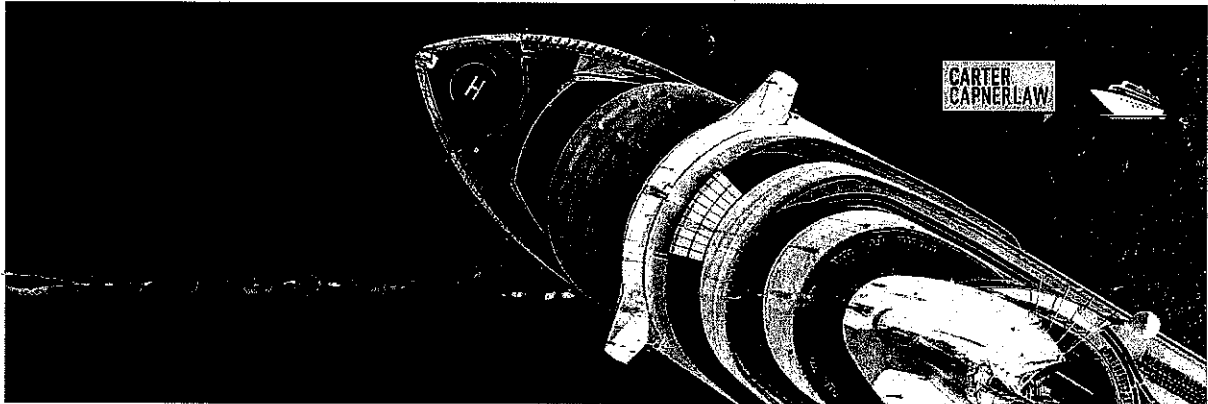
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**Exhibit - 2**



Update: Pacific Aria Class Action Settlement Notice

11 November 2024

<<First Name>>,

This email is sent to you as a group member of the Pacific Aria Class Action and contains important information concerning the proposed settlement.

Please read the **Notice of Proposed Settlement.**

Other documents referred to in the Notice can be read here:-

- **Settlement Deed;**
- **Settlement Distribution Scheme.**

Further information is available on the **Pacific Aria Class Action website.**

-----

Thank you for helping us present your case for Pacific Aria passengers. If you have any questions or difficulties, please email **PandOClassaction@cartercapner.com.au.**



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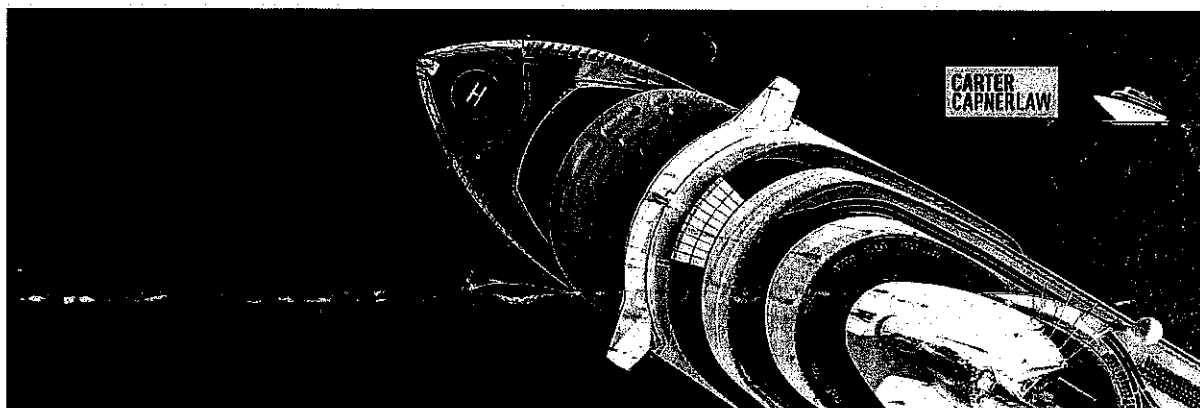
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**Exhibit - 3**



Update: Pacific Aria Class Action Settlement Notice

11 November 2024

<<First Name>>,

This email is sent to you as a group member of the Pacific Aria Class Action and contains important information concerning the proposed settlement.

Please read the **Notice of Proposed Settlement**.

Other documents referred to in the Notice can be read here:-

- **Settlement Deed;**
- **Settlement Distribution Scheme.**

Further information is available on the **Pacific Aria Class Action website.**

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Thank you for helping us present your case for Pacific Aria passengers. If you have any questions or difficulties, please email **PandOClassaction@cartercapner.com.au.**



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WHERE EXPERIENCE COUNTS

**CARTER  
CAPNER LAW**

Our Ref: PC:MKK:P&O4851  
Date: 11 November 2024

<b>Exhibit - 4</b>
--------------------

«AddressBlock»

Dear «GreetingLine»

RE: DEBRAH JACKSON V. CARNIVAL PLC T/AS P&O CRUISES AUSTRALIA  
FEDERAL COURT PROCEEDING NO. QUD 183/2023

This letter is sent to you as a group member of the Pacific Aria Class Action and contains important information concerning the proposed settlement.

Please read the enclosed Notice of Proposed Settlement.

The following documents referred to in the Notice are also enclosed:-

- Settlement Deed;
- Settlement Distribution Scheme.

Further information is available on the Pacific Aria Class Action website at <https://pacificariaclassaction.com.au/>.

Yours faithfully,  
CARTER CAPNER LAW

*Carter Capner Law.*

**Contact**

Mirdhula Kumar, Admitted Solicitor  
Direct Phone No: 07 3210 3441  
Local Rate No: 1300 LAW LAW  
Email: mkumar@cartercapner.com.au

**Paralegal**

Joseph Lewis  
Direct Phone No: 07 3210 3403  
Email: jlewis@cartercapner.com.au

\*02056097-002--\* 02056097-002 (A-110)

Head Office Level 18, 150 Charlotte Street, Brisbane QLD 4000 Phone 07 3210 3444 Int Phone +61 7 3210 3444  
Postal Address GPO Box 1860, Brisbane QLD 4001 Facsimile 07 3221 6058

ABN 34 633 655 213

COMPENSATION CLAIMS | BUSINESS, PROPERTY & INVESTOR | LITIGATION & BUSINESS DISPUTES | HOLIDAY & TRAVEL LAW | AVIATION | ESTATES, WILLS & SUPERANNUATION

50 CLASSIFIEDS

The Courier-Mail | Wednesday November 13, 2024

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buy search sell  
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Jobs

Construction

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Kenfrost Homes is a builder and property developer in Cairns with residential estates in Clifton Beach, Redlynch and Mount Peter currently under construction. We build close to 100 homes a year and can provide consistent work within a 25km radius of Cairns city centre.

We have been in the HIA Top 100 Builders for the last 4 years. We build 1 in 4 of new homes in Cairns.

We are looking for experienced tilers/tiling teams to work as subcontractors in our new home builds. The builds are ALL on our own developments, not on third party builds or land. Competitive rates apply. The houses are all designed by us, and are sold as completed homes, not custom builds. We would work on an average of 3 homes per month minimum.

If needed, we can provide short term accommodation for anyone looking to move to Cairns on a 3 month contract, which we are happy to extend for the right subcontractor.

[lisah@kenfrost1987.com.au](mailto:lisah@kenfrost1987.com.au)

Notices

Legal Notices

Notice to Creditors

Any person having any claim whether as creditor or beneficiary or otherwise in the estate of JANICE SHIRLEY GALLAHAWK late of unit 1, 11 Venner Road, Annerley in the State of Queensland, must send particulars of the person's claim to the Administrator of the said estate - Stuart Glover, care of Mills Oakley, Level 23, 66 Eagle Street, Brisbane in the State of Queensland, not later than the date which is 6 weeks after the date of publication of this Notice, after which date, pursuant to s.67 of the Trusts Act 1973, the Administrator will distribute the Estate of the Deceased having regard only to the claims of which the Administrator has notice.

Lodged by the Solicitors of the Estate, Mills Oakley of Level 23, 66 Eagle Street Brisbane Qld 4000



mytributes.com.au

mytributes.com.au | 13 11 35

Tributes

Deaths

**BUTCHER Catherine Chaille**  
*(nee Dodd)*  
Aged 60 Years  
Late of Carina  
Passed away on 31 October, 2024.  
Much loved and adored by her daughter Alison and her family.  
Privately Cremated near wife's home.

**ALEX GOW FUNERALS**  
Geelong Ph 3851 7800  
[alexgowfunerals.com.au](http://alexgowfunerals.com.au)

Funerals

**Lisa Ann HOOPER**  
*(nee Wilton)*  
Formerly of Ipswich  
Passed away peacefully  
6th November 2024,  
aged 63 years.

Beloved wife of John, beloved daughter of Robert and Glenn, dearly loved sister of Gaye and Roberta, dearly loved mother and mother-in-law of Alexandra and Brett, Eloise, Nicholas and Melissa. Much loved Lahlah to Jemima, Sadie and Luella.

Family and friends are respectfully invited to attend Lisa's funeral service to be held at 10am Monday 18th November 2024 in St. Paul's Anglican Church, 124 Brisbane Street, Ipswich. Private Cremation.

Please wear something that celebrates Lisa's love for fashion.

**LEN RUSSELL FUNERALS**  
Ipswich - 3812 3122  
[www.lenrussellfunerals.com.au](http://www.lenrussellfunerals.com.au)

**SLIPPER, Kenneth James**  
Passed away on the 7th November 2024  
Aged 71 years.

Loving husband of Helen and Father and Father-in-law to Isabelle and James. A devoted Son of Joan and Stan Slipper and an adored Brother, Brother-in-law and Uncle to his family.

Our warmest thanks and gratitude to the staff of St Vincent's Northside and St Vincent's Kangaroo Point Hospitals for their care of Ken.

A celebration of Ken's life will be held at St. Augustine's Anglican Church, 56 Racecourse Rd Hamilton, on Monday 18th November commencing at 10:30.

Deaths

**LUDLOW, Robyn**  
24 Aug 1949  
09 Nov 2024

Passed away peacefully, aged 75.  
Beloved daughter of Phyllis and Raymond (both dec.)  
Loved sister to Lorraine (dec) and sister-in-law to Graeme.  
Much loved Aunty to Kym and Mark and their families.  
Rest in peace.  
Special thanks to Dr Miles, Bhawana, Lucy and staff at St Vincent's Carina.

Funerals

**ALEX GOW FUNERALS**  
Geelong Ph 3851 7800  
100% AUSTRALIAN OWNED  
[alexgowfunerals.com.au](http://alexgowfunerals.com.au)

Tributes & Condolences

**LAGO, Virginio (Vic)**  
13 Nov 2023  
Remembering you is easy we do it everyday. Missing you is a heartache that never goes away. Lovingly remembered by partner Jean, Sons Robert, Walter, Roger and families.

Adults

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702 Boundary Road, Coopers Plains

Notices

Public Notices

**CARTER CARNERLAW**  
COMPENSATION RECOVERY  
P&O PACIFIC ARIA CLASS ACTION  
Debrah Jackson v. Carnival PLC vs 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 Street) Brisbane QLD 4000 at 10:15 AM on 6 February 2025.  
Further information can be found at [www.pacificariaclassaction.com.au](http://www.pacificariaclassaction.com.au)

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Funerals

**BEGG, SM, Father John**  
Requiem Mass for Father John BEGG, SM to be held at St Peter Chanel Church, The Gap, Brisbane on Tuesday 19th November at 10:30am.

John passed away peacefully at Villa Maria, Brisbane. Son of the late Charles and Frances BEGG of Ashgrove. Brother of Ann (of Scarborough) and Brian (deceased). Loving brother-in-law to Jenine. Loved uncle to Katharine, Charles and Madeline. Beloved great-uncle to Elliott, Emily, Bonnie, Olivia and Rafael. Faithful friend to many. Proud and devoted Marist Father.



**GULBRANSEN, Bill**  
Died 4 November at Mt Mee  
Much loved husband of Cate and father of Isabel, Claudia and Natalia.  
A celebration of Bill's life will take place at Mt Mee Community Hall on Monday 18 November at 10am

Kilcoy Funeral Directors  
(07) 5497 1196  
[kilcoyfuneraldirectors.com](http://kilcoyfuneraldirectors.com)

mytributes  
13 11 35

Funerals

**SEETO, Elizabeth Lucy**  
Late of North Lakes  
Passed away peacefully (Surrounded by her family)  
8th November 2024.  
Aged 86 years.

Beloved wife of Francis. Much loved mother and mother-in-law of Ricky & Alice, Denis & Marilou, Denise & Ian, Trevor & Mary. Loved nanna to their families.  
A service to celebrate Elizabeth's life will be held at the Pinnaroo Cemetery Chapel, Graham Road, Bridgeman Downs, Monday, 18th November 2024 at 2 p.m.  
For streaming services, visit [kmsmith.com.au](http://kmsmith.com.au)

**K.M.SMITH**  
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[www.jglohrisch.com.au](http://www.jglohrisch.com.au)

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FAMILY OWNED SINCE 1870  
Ph: 3287 2030  
[www.jglohrisch.com.au](http://www.jglohrisch.com.au)

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