



Federal Court of Australia
District Registry: Queensland
Division: General

No: QUD183/2023

DEBRAH JACKSON
Applicant

CARNIVAL PLC T/AS P&O CRUISES AUSTRALIA (ABN 23 107 998 443)
Respondent

ORDER

JUDGE: JUSTICE DERRINGTON

DATE OF ORDER: 29 November 2023

WHERE MADE: Brisbane

THE COURT ORDERS, BY CONSENT, THAT:

Discovery

1. Discovery of documents initially be undertaken by the Respondent discovering documents listed in the form attached hereto and marked "A" by 4:00 pm AEST on 29 January 2024.
2. The parties confer and exchange proposed categories and/or methods or parameters for discovery (**Proposed Discovery Orders**) by 8 February 2024.
3. The parties further confer in relation to each party's Proposed Discovery Orders with a view to agreeing consent orders for discovery by 15 February 2024.
4. If the parties do not agree to consent orders for discovery following the conferral, then by 4:00 pm AEST on 22 February 2024, the parties:
 - a. file and serve any supporting affidavits and outlines of submissions they wish to rely upon regarding discovery;
 - b. annex a copy of their respective final Proposed Discovery Orders to their outline of submissions.

Security for Costs

5. By 21 December 2023, the Applicant file and serve any affidavits upon which she intends to rely on the Application for Security for Costs.



6. By 29 January 2024, the Respondent file and serve any further affidavits in response to the Applicant's affidavits, if any.
7. At least three (3) business days before the hearing of the Application for Security for Costs the parties:
 - a. exchange written submissions of no more than ten pages; and
 - b. provide a copy of those submissions by email to the Associate to Justice Derrington.
8. The Respondent's Application for Security for Costs be set down for hearing before Justice Derrington at 10:00 am AEST on 12 March 2024.

Mediation

9. The parties attend a mediation by 4:00 pm AEST on 29 March 2024.
10. Each party bear half the mediator's costs.
11. The parties confer as soon as possible about the identity of the mediator and the date and venue for the mediation.

Liberty to Apply

12. Each party be given liberty to apply with three (3) business days' notice to the other side.

Further Case Management

13. That the matter be listed for a further case management hearing at 9:00 am AEST on 8 April 2024.

Costs

14. Cost are in the proceeding.

Date that entry is stamped: 29 November 2023


Registrar



Annexure "A"

Documents to be discovered by Respondent

Defined Terms:

"Critical Documents" means those documents in the possession or control of a party that have been located after a reasonable search and are likely to be tendered at trial and have a decisive effect on the resolution of the matter. They include documents that either support or are adverse to a party's case. At this stage, the parties agree a maximum of [50] documents will be produced as critical documents.

1. Contract of carriage

- 1.1 Contract of carriage referred to in paragraph 5(b) of the Defence.
- 1.2 Sample contracts of carriage entered into by the remainder of the passengers who travelled on the Cruise.

2. Cyclone Donna

Weather reports for the Cruise, being Critical Documents containing any weather information received by the ship or the Respondent's management ashore, from any source, that is relevant to the Cruise for passage planning, both before and during.

3. Respondent's policies and procedures

- 3.1 Policies and procedures applicable to the Cruise for:
 - (a) pre-departure advice to be given (in any form) to passengers in respect of the Cruise that may be impacted by adverse weather and/or sea conditions;
 - (b) cancellation, re-scheduling or re-routing of the Cruise due to adverse weather and/or sea conditions;
 - (c) passenger refunds or credits in respect of cruise fares where the Cruise was to be conducted in adverse weather and/or sea conditions; and
 - (d) the conduct of risk assessments for the Cruise to be conducted in adverse weather and/or sea conditions including the Respondent's compliance with ISMC and Marine Order 58.

4. Marketing material

- 4.1 Sample marketing materials for the Cruise from on or around 1 September 2016 to and including 31 May 2017.

5. Booking records

- 5.1 POLAR (booking) archive report for Applicant.
- 5.2 Spreadsheet extract of POLAR records for all guests including:
 - (i) Full name;



- (ii) Date of birth;
- (iii) Age;
- (iv) Address;
- (v) Captain circle number;
- (vi) Cabin number;
- (vii) Nationality;
- (viii) Email address at the time of booking;
- (ix) Booking locator (booking reference);
- (x) Number of guests per booking locator;
- (xi) Agent number;
- (xii) Agent name;
- (xiii) Agent address;
- (xiv) Agent country code;
- (xv) Agent email address;
- (xvi) Agent phone number;
- (xvii) Booked date; and
- (xviii) Final payment date.

5.3 Spreadsheet/List of guests who did not return to the Ship once the Ship made port in Noumea.

6. Ship facilities

- 6.1 Deck logs for the Cruise.
- 6.2 Comments reports for the Cruise.
- 6.3 End of cruise survey report for the Cruise.
- 6.4 Deck plans for Pacific Aria.
- 6.5 General arrangement plan for Pacific Aria.
- 6.6 Onboard spending invoice for the Applicant.