



Federal Court of Australia
District Registry: Queensland Registry
Division: General

No: QUD183/2023

DEBRAH JACKSON
Applicant

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

ORDER

REGISTRAR: Registrar Schmidt

DATE OF ORDER: 19 December 2024

WHERE MADE: Brisbane

THE COURT ORDERS BY CONSENT THAT:

1. Pursuant to Order 7 of Justice Derrington's order of 1 November 2024:
 - (a) The applicant prepares a statement of its costs to be sought in the proceedings in an itemised form;
 - (b) Those costs, including a copy of the applicant's solicitor retainer, the above Orders and these Orders, be sent by the applicant to an independent referee (cost assessor) (**Referee**) appointed by the Registrar; and
 - (c) The Registrar approves the appointment Mr Paul Garrett or Mr Adam Bloom as the Referee. If neither are available, the applicant has leave to ask the Registrar, with copy to the respondent's solicitors, to appoint another independent referee (cost assessor).
2. Such Referee to prepare a report on the reasonableness or otherwise of the costs sought by the applicant in these proceedings, with regard to the principles related to costs for a Representative Proceeding commenced under Part IVA of the *Federal Court Act of Australia 1976* (Cth). Such report to be addressed and sent to Registrar Schmidt of the Brisbane Registry of the Federal Court of Australia.



3. The applicant's solicitor shall cooperate with the Referee in respect of their reasonable requirements.
4. The costs of the preparation of such report by the Referee shall at first instance be borne by the applicant, and then be approved by the Court to be deducted from the settlement sum.
5. The Registrar shall distribute the Referee's report and / or conduct such further hearings as deemed necessary to finalise the applicant's costs of the proceedings, excluding any costs of administrating the settlement amount.

THE COURT NOTES THAT:

- A. The applicant anticipates completing its costs in a taxable form on or about 13 January 2025.
- B. The applicant's settlement application is set down for hearing on 6 February 2025.
- C. The applicant is required to provide its submissions to the Court for approval of the proposed distribution scheme ahead of the settlement application hearing, by no later than 1 February 2025.
- D. In the event that the Referee's report or the assessment of the applicant's costs cannot be completed before 1 February 2025, the parties have agreed to confer with regard to deferring the hearing of the settlement application.

Date orders authenticated: 20 December 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Subsection 35A (5) of the *Federal Court of Australia Act 1976* (the *Act*) provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 35A (1) of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Rule 3.11 provides that a party may apply to the Court under subsection 35A (5) of the Act for review of the exercise of a power of the Court by a Registrar and that any application must be made within 21 days after the day on which the power was exercised. A party seeking a review can apply to the Court to dispense with any requirement of the Rules (Rule 1.34).