

ANNEXURE A

QUESTIONS FOR REFERENCE

Proceedings means proceedings number 2014/223271.

First Primary Judgment means reasons and orders made in *Moore v Scenic Tours (No.2)* [2017] NSWSC 733.

Second Primary Judgment means reasons and orders made in *Moore v Scenic Tours (No. 4)* [2022] NSWSC 270.

Group Member means a passenger on board Cruises 1 to 9 and 11 as set out in paragraph 13 of the First Primary Judgment excluding the plaintiff and any Group Member who has opted out of the Proceedings or whose claim for damages pursuant to s 267(4) of the *Australian Consumer Law* was determined in the Second Primary Judgment.

For each Group Member:

- (1) Has the Group Member, because of the failures of the defendant to comply with the purpose or result guarantees in respect of the relevant Cruise as found in the First Primary Judgment, suffered any of the following loss or damage:
 - (a) Distress and/or disappointment; and/or
 - (b) Any other consequential loss claimed by the Group Member which was reasonably foreseeable.

- (2) If so, what is the amount of damages payable by the defendant to the Group Member for:
 - (a) Distress and/or disappointment (if any);
 - (b) Consequential loss (if any).