

**NOTICE OF FILING AND HEARING**

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 28/07/2017 3:51:40 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

**Filing and Hearing Details**

Document Lodged:	Originating Application Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
File Number:	NSD1245/2016
File Title:	Daniel Aristabulus Sanda v Pttep Australasia (Ashmore Cartier) Pty Ltd (ACN 004 210 164)
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	Please check Daily Court List for details



A handwritten signature in blue ink, appearing to read 'Warwick Soden'.

Dated: 31/07/2017 10:23:41 AM AEST

Registrar

**Important Information**

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 19  
Rule 9.32

**Further Amended Originating application starting a representative proceeding under Part IVA of the Federal Court of Australia Act 1976**

**Amended on 28 July 2017 and filed pursuant to an order made on 19 June 2017**

No. NSD 1245 of 2016

Federal Court of Australia  
District Registry: New South Wales  
Division: General

**DANIEL ARISTABULUS SANDA**

Applicant

and

**PTTEP AUSTRALASIA (ASHMORE CARTIER) PTY LTD (ACN 004 210 164)**

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer does not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing:** [Registry will insert time and date]

**Place:** Law Courts Building Queens Square Sydney 2000

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable]

Filed on behalf of (name & role of party)	Daniel Aristabulus Sanda		
Prepared by (name of person/lawyer)	Ben Slade		
Law firm (if applicable)	Maurice Blackburn Lawyers		
Tel	(02) 8267 0914	Fax	(02) 9261 3318
Email	bslade@mauriceblackburn.com.au		
<b>Address for service</b>	Level 32, 201 Elizabeth Street		
(include state and postcode)	Sydney NSW 2000		



Date:

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Signed by an officer acting with the authority  
of the District Registrar

### Details of claim

1. On the grounds stated in the accompanying [Further](#) Amended Statement of Claim, the Applicant seeks an extension of the limitation periods applicable to the claims made in this proceeding pursuant to section 44 of the *Limitation Act 1981* (NT) for himself and for Group Members.
2. On the grounds stated in the accompanying [Further](#) Amended Statement of Claim, the Applicant claims for himself and for Group Members:
  - (a) An order pursuant to section 44 of the *Limitation Act 1981* (NT) extending the time to institute this action;
  - (b) an order that the Respondent pay damages for loss caused by reason of its negligence;
  - (c) interest on any compensation or monetary amount awarded;
  - (d) costs; and
  - (e) such further or other relief as the Court deems fit.

### Questions common to claims of group members

The questions of law or fact common to the claims of the group members are:

1. Whether the Respondent owed a duty of care to Group Members.
2. Whether the Respondent breached the duty of care that it owed to Group Members in the manner alleged in the [Further](#) Amended Statement of Claim.
3. Whether the Respondent's breach of duty of care caused the uncontrolled release of hydrocarbons from the Montara Oil Well (**Montara Oil Spill**).
4. Whether the Montara Oil Spill caused hydrocarbons to reach the areas identified in the [Further](#) Amended Statement of Claim.
5. What is the correct measure of the damages for which the Respondent may be liable to Group Members.

**Representative action**

The Applicant brings this Further Amended application as a representative party under Part IVA of the *Federal Court of Australia Act 1976*.

The group members to whom this proceeding relates are persons who are defined in paragraph 1 of the Further Amended Statement of Claim, being those persons who:

- (a) as at August 2009, conducted business as seaweed farmers in the coastal areas of Nusa Tenggara Timor identified in paragraph 95 of the Amended Statement of Claim;
- (b) have suffered loss or damage:
  - (i) by reason of the decline in, or loss of, seaweed production caused by the effects of the uncontrolled release of oil and gas from the Montara Well Head Platform in August-November 2009 (Montara Oil Spill); or
  - (ii) by reason of the destruction of seaweed owned by them caused by the Montara Oil Spill; and
- (c) became aware of some or all of the material facts giving rise to the claims set out herein no earlier than 12 months prior to the commencement of this proceeding; and
- (d) have prior to the filing of the Further Amended Statement of Claim entered into a litigation funding agreement with Harbour Fund II LP.

**Applicant's address**

The Applicant's address for service is:

Place: Level 32, 201 Elizabeth Street Sydney NSW 2000

Email: [bslade@mauriceblackburn.com.au](mailto:bslade@mauriceblackburn.com.au)

The Applicant's address is RT2 RW2 Dusun Tunggawen Timur, Village of Oenggaut, District of Rote Ndao, Indonesia.

The applicant may be served at the following exchange box in the Sydney Market Street Document Exchange:

Maurice Blackburn

AUSDOC: D.X. 13002 Sydney Market Street

[Email: BSlade@mauriceblackburn.com.au](mailto:BSlade@mauriceblackburn.com.au)

**Respondent's address**

The Respondent's address for service is:



Place: ~~Level 1, 162 Colin Street, West Perth WA 6005. Allens, 101 Collins Street, Melbourne,~~  
[VIC 3000](#)

Email: [Peter.O'Donahoo@allens.com.au](mailto:Peter.O'Donahoo@allens.com.au)

**Service on the Respondent**

It is intended to serve this [Further](#) Amended application on the Respondent's lawyers

Date: ~~2 November 2016~~ [28 July 2017](#)

A handwritten signature in black ink that reads 'Ben Slade'.

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Signed by Ben Slade  
Lawyer for the Applicant