

Form 9 (version 4)
UCPR 9.1

THIRD DEFENDANT'S CROSS-CLAIM STATEMENT OF CROSS-CLAIM

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
Registry	Sydney
Case number	2014/200854 <i>— 006</i>

FILED

- 7 SEP 2015



TITLE OF PROCEEDINGS

Plaintiff **Rodriguez & Sons Pty Ltd (ACN 108 770 681)**

First defendant **Queensland Bulk Water Supply Authority trading as Seqwater**

Number of defendants **3**

TITLE OF THIS CROSS-CLAIM

Cross-claimant **State of Queensland**

First Cross-defendant **Queensland Bulk Water Supply Authority trading as Seqwater**

Second Cross-defendant **SunWater Limited (ACN 131 034 985)**

FILING DETAILS

Filed for **State of Queensland, Third Defendant**

Filed in relation to **Plaintiff's claim**

Legal representative **Christopher Hardy Gasteen on behalf of G.R. Cooper
Crown Solicitor for the State of Queensland**

Legal representative reference **PRE052/1942**

Contact name and telephone **Mr Chris Gasteen, (07) 3239 0292**

Contact email **chris.gasteen@crownlaw.qld.gov.au**

RELIEF CLAIMED

- 1 An indemnity or a contribution under s.6 of the *Law Reform Act 1995* (Qld)
- 2 Apportionment under s.31 of the *Civil Liability Act 2003* (Qld)

PLEADINGS AND PARTICULARS

- 1 The State denies the Plaintiff's claim as appears in its Defence.
- 2 If, contrary to the matters pleaded in the State's Defence and its denial of liability, the State is found to be liable to the Plaintiff or any one or more of the Group Members:
 - a. the State claims an entitlement to an indemnity or contribution against the First Cross-defendant and/or Second Cross-defendant under s.6 of the *Law Reform Act 1995* (Qld) in respect of any sum which the Plaintiff or a Group Member, or any one of them, may recover against the State having regard to the facts alleged in the Plaintiff's Further Amended Statement of Claim and the First Cross-defendant's and/or the Second Cross-defendant's responsibility for it;
 - b. the State claims any liability be apportioned according to what the Court considers just and equitable having regard to the facts alleged in the Plaintiff's Further Amended Statement of Claim and the First Cross-defendant's and Second Cross-defendant's responsibility for any loss or damage under s.31 of the *Civil Liability Act 2003* (Qld).

SIGNATURE OF LEGAL REPRESENTATIVE

~~This statement of cross-claim does not require a certificate under section 347 of the Legal Profession Act 2001~~

I certify under clause 4 of Schedule 2 to the *Legal Profession Uniform Law Application Act 2014* that there are reasonable grounds for believing on the basis of provable facts and a reasonably arguable view of the law that the claim for damages in this statement of cross-claim has reasonable prospects of success.

I have advised the cross-claimant that court fees may be payable during these proceedings. These fees may include a hearing allocation fee.

Signature 

Capacity

Contact solicitor

Date of signature

4 September 2015

REGISTRY ADDRESS

Street address	Level 5, Law Courts Building, 184 Phillip Street, Sydney
Postal address	GPO Box 3, Sydney NSW 2001
Telephone	1300 679 272

AFFIDAVIT VERIFYING

Name Caroline Louise Helman
 Address C/- 100 George Street, Brisbane, QLD 4000
 Occupation Solicitor
 Date 4th September 2015

I say on oath:

- 1 I am the A/Special Legal Adviser, State Coordination of Legal Representation for the Department of the Premier and Cabinet of the State of Queensland, the Third Defendant in these proceedings.
- 2 I believe that the allegations of fact in the statement of cross-claim are true.

SWORN at Brisbane
 Signature of deponent CHelman
 Name of witness Christopher Hardy Gasteen
 Address of witness C/- Level 11, 50 Ann Street, Brisbane, QLD 4000
 Capacity of witness Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 I saw the face of the deponent.
- 2 I have known the deponent for at least 12 months.

Signature of witness [Signature]

Note The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

[* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[† "Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]