

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane

NUMBER: BS14484/24

First Plaintiff:	DELLA MERRETT
	AND
Second Plaintiff:	SHANE ALLEN ANDREW BRENT POKAI
	AND
Third Plaintiff:	DEBORAH POKAI
	AND
First Defendant:	STATE OF QUEENSLAND (QUEENSLAND POLICE SERVICE)
	AND
Second Defendant:	KATARINA RUZH CARROLL APM

REPLY

The Plaintiffs reply to the Defendants' Defence filed 28 January 2025 (**Defence**) as follows:

1. The Plaintiffs adopt the admissions contained in the Defence and otherwise join issue with the Defence and provide further response below.
2. The Plaintiffs adopt the definitions in the Statement of Claim (**SOC**) in this reply unless otherwise indicated.
3. Unless otherwise stated, the Plaintiffs do not adopt or admit the abbreviations or definitions in the Defence.
4. The Plaintiffs adopt and rely upon the admissions in paragraphs 1, 2, 7(b), 8, 9, 10, 11(a), 12(a) and (b), 13, 14, 15, 16(a), 17, 18, 19, 20, 22, 23, 24, 25(a), 26, 31, 32, 33, 34, 35, 36, 37(a), 38, 39, 40, 41, 42, 43, 44(a), 45, 50(b), 55(c), 59, 61(b), 63(a), 64, 65, 69, 73(b), 74, 75, 76, 77(a), 78, 79, 83, 84, 85(b), 86, 87, 88, 89(a), 90(b)(i), 94(b), 95(b), 98(b), 101(b), 104(b), 108(a), 111(a), 114(a), 117(a), 118(a), 121(a), 124(a), 127(a), 130(a) of the Defence.

REPLY
Filed on Behalf of the Plaintiffs
Uniform Civil Procedure Rules 1999
Rule 164

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A. THE PARTIES

Respondents

5. In respect of paragraph 7 of the Defence, the Plaintiffs join issue with the denial pleaded in subparagraph 7(a) for the reasons pleaded herein.

B. THE COVID-19 DIRECTIONS

Powers of the Commissioner of Police

6. The Plaintiffs admit the allegation in paragraph 11(b) of the Defence.
7. In respect of paragraph 12 of the Defence, the Plaintiffs join issue with the denial in subparagraph 12(c) because the failure to adhere to the requirements of the HRA is a limitation imposed upon the power to issue a direction (on the terms of s 4.9 of the PSAA) pursuant to ss 4.8(1)(a), (3) and 4(b) of the PSAA where the power to issue directions must be exercised lawfully by the Second Respondent.

Direction No 14

8. In respect of paragraph 16 of the Defence, the Plaintiffs:
 - a. in respect of subparagraph 16(b):
 - i. cannot plead to the allegations in subparagraphs 16(b)(i) and 16(b)(ii) as:
 1. the pleadings are vague, imprecise, confusing and embarrassing and are liable to being struck out;
 2. it is unclear as to what “*restriction*” and “*restrictions*” mean respectively;
 - ii. in respect of subparagraph 16(b)(iii):
 1. do not admit the allegation do not admit to the further allegations having made reasonable inquiries but remaining uncertain as to the truth of them given that interlocutory steps (including discovery) have not yet taken place.

2. admit that clause 7 of Direction 14 states words to similar effect.
- b. deny the allegation in subparagraph 16(c) because:
- i. the lawfulness of Direction No.12 was not considered by the Full Bench of the Queensland Industrial Relations Commission (QIRC) pursuant to:
 1. the PSA in the context of the operation of the HRA;
 2. the HRA;
 3. the common law;
 4. expert evidence regarding:
 - a. COVID-19; and,
 - b. the efficacy of COVID-19 vaccinations;
 - c. the reasonableness (or otherwise) of COVID-19 vaccine mandates such as Direction 12;
 - ii. the lawfulness of Direction No. 14 was not considered at all by the Full Bench of the QIRC;
- c. say further that, the Supreme Court of Queensland has found that Direction No 12 and Direction No 14 were unlawful at the time of their inception.

Coercive statements re enforcement of the COVID-19 Directions

9. As to subparagraph 21(b) of the Defence, the Plaintiffs:
- a. cannot plead to the allegations as:
 - i. the pleadings are vague, imprecise, confusing and embarrassing and are liable to being struck out;
 - ii. it is unclear as to what “*the Vaccine Exception Guidelines*” means;

- b. otherwise admit that a copy of the COVID19 Vaccine Exemption Guidelines was attached to the email date 21 September 2021;
- c. say further that the Vaccine Exemption Guidelines were not referred to in the body of the email of the Second Defendant.

C. THE FIRST PLAINTIFF – VACCINE REFUSAL

- 10. As to subparagraph 25(b) of the Defence, the Plaintiffs:
 - a. admit the allegations in subparagraphs 25(b)(i) – (vi);
 - b. says further that as of 2012, she had completed a Diploma in Management and her position classification was Administrative Officer A03.5(Q);
 - c. otherwise say that the First Plaintiff was terminated for the reasons pleaded at paragraph 43 of the SOC.
- 11. In respect of paragraph 33 of the Defence, the Plaintiffs:
 - a. admit the additional allegations;
 - b. say further that the First Plaintiff's Suspension without Remuneration Notice was dated 26 November 2021.
- 12. The Plaintiffs admit the additional allegation in paragraph 35 of the Defence.
- 13. In respect of subparagraph 37(b) of the Defence, the Plaintiffs:
 - a. admit that the email was dated 4 May 2022;
 - b. otherwise join issue with the denial because the Notice of Suspension attached to the email (and not the email itself) contain the words alleged.

D. THE SECOND PLAINTIFF – VACCINE COERCION

- 14. In respect of subparagraph 44(b) of the Defence, the Plaintiffs:
 - a. admit the allegations in subparagraphs 44(b)(i) – (iii);
 - b. otherwise say that the Second Plaintiff resigned under duress for the reasons pleaded at paragraph 63 of the SOC.
- 15. In respect of subparagraph 47(a) of the Defence, the Plaintiffs:

- a. say that it is unclear what is meant by *“it is unclear in what respect the pleaded matters had the alleged effect upon the Second Plaintiff”*;
 - b. otherwise deny that *“it is unclear in what respect the pleaded matters had the effect upon the Second Plaintiff”* as sufficient clarity is provided in circumstances where paragraph 47 of the SOC refers to paragraphs 45 and 46 of the SOC.
- 16. In respect of subparagraph 48(b) of the Defence, the Plaintiffs:
 - a. join issue with the denial pleaded therein;
 - b. deny the additional allegations
 - c. say further that the additional allegations misconceive the circumstances in which the Second Plaintiff received a first dose of COVID-19 vaccine (which will be a matter of evidence at trial) and are speculative and irrelevant to the circumstances of the Second Plaintiff;
- 17. In respect of subparagraph 51(a) of the Defence, the Plaintiffs deny that *“it is not stated in what respect the pleaded matters had the effect upon the Second Plaintiff”* as sufficient clarity is provided in circumstances where paragraph 51 of the SOC refers to paragraph 50 of the SOC.
- 18. In respect of subparagraph 52(b) of the Defence, the Plaintiffs:
 - a. join issue with the denial pleaded therein;
 - b. deny the additional allegations;
 - c. say further that the additional allegations misconceive the circumstances in which the Second Plaintiff received a second dose of COVID-19 vaccine (which will be a matter of evidence at trial) and are speculative and irrelevant to the circumstances of the Second Plaintiff;
- 19. In respect of subparagraph 57(b) of the Defence, the Plaintiffs:
 - a. join issue with the denial pleaded therein;
 - b. deny the additional allegations;
 - c. say further that the additional allegations misconceive the circumstances in which the Second Plaintiff was administered with a third (booster)

dose of COVID-19 vaccine (which will be a matter of evidence at trial) and are speculative and irrelevant to the circumstances of the Second Plaintiff;

20. In respect of subparagraph 59 of the Defence, the Plaintiffs:
 - a. adopt the admission therein;
 - b. do not admit to the further allegations having made reasonable inquiries but remaining uncertain as to the truth of them given that interlocutory steps (including discovery) have not yet taken place.
21. In respect of subparagraph 62(a) of the Defence, the Plaintiffs deny that "*it is not stated in what respect the pleaded matters had the effect upon the Second Plaintiff*" as sufficient clarity is provided in circumstances where paragraph 62 of the SOC refers to paragraph 61 of the SOC.

E. THE THIRD PLAINTIFF – REFUSED MEDICAL EXEMPTION

22. In respect of subparagraph 66(a) of the Defence, the Plaintiffs deny that "*it is not stated in what respect the pleaded matters had the effect upon the Third Plaintiff*" as sufficient clarity is provided in circumstances where paragraph 66 of the SOC refers to paragraph 65 of the SOC.
23. In respect of subparagraph 67(b) of the Defence, the Plaintiffs:
 - a. join issue with the denial pleaded therein;
 - b. deny the additional allegations;
 - c. say further that the additional allegations misconceive the circumstances in which the Third Plaintiff was administered with a first dose of COVID-19 vaccine (which will be a matter of evidence at trial) and are speculative and irrelevant to the circumstances of the Second Plaintiff;
24. In respect of subparagraph 70(a) of the Defence, the Plaintiffs deny that "*it is not stated in what respect the pleaded matters had the effect upon the Third Plaintiff*" as sufficient clarity is provided in circumstances where paragraph 70 of the SOC refers to paragraph 69 of the SOC.
25. In respect of subparagraph 71(b) of the Defence, the Plaintiffs:

- a. join issue with the denial pleaded therein;
 - b. deny the additional allegations;
 - c. say further that the additional allegations misconceive the circumstances in which the Third Plaintiff was administered with a second dose of COVID-19 vaccine (which will be a matter of evidence at trial) and are speculative and irrelevant to the circumstances of the Second Plaintiff;
26. In respect of paragraph 73 of the Defence, the Plaintiffs:
- a. in respect of subparagraph 73(a), say that the medical practitioner was Dr Cindy Lee MBBS (Qld) FRACGP, DRANZCOG as stated on the medical certificate;
 - b. in respect of subparagraph 73(c):
 - i. admit the additional allegations; and,
 - ii. will rely upon the medical certificate date 2 March 2022 for its full effect at trial.
27. In respect of subparagraph 77(b) of the Defence, the Plaintiffs:
- a. admit that the email dated 17 March 2022 stated inter alia as follows:

"...With regard to the above VEC application please be advised that the VEC considered this medical request on 14/03/2022 and decided by a majority to not support the application based on the evidence provided'. The VEC medical specialist noted that in terms of meeting the Commissioner's Directive there doesn't appear to be a medical reason to delay the booster whenever it is due."
 - b. Otherwise do not admit to the further allegations having made reasonable inquiries but remaining uncertain as to the truth of them given that interlocutory steps (including discovery) have not yet taken place.
 - c. will rely upon the email dated 17 March 2022 for its full effect at trial.
28. In respect of subparagraph 80(a) of the Defence, the Plaintiffs deny that *"it is not stated in what respect the pleaded matters had the effect upon the Third Plaintiff"* as sufficient clarity is provided in circumstances where paragraph 80 of the SOC refers to paragraph 79 of the SOC.
29. In respect of subparagraph 81(b) of the Defence, the Plaintiffs:

- a. join issue with the denial pleaded therein;
 - b. deny the additional allegations;
 - c. say further that the additional allegations misconceive the circumstances in which the Third Plaintiff was administered with a third (booster) dose of COVID-19 vaccine (which will be a matter of evidence at trial) and are speculative and irrelevant to the circumstances of the Second Plaintiff;
30. In respect of paragraph 86 of the Defence, the Plaintiffs deny the additional allegations as the application was submitted via email dated 4 October 2022.
31. In respect of paragraph 87 of the Defence, the Plaintiffs deny the allegation for the reasons pleaded at paragraph 87 of the SOC.

F. MISFEASANCE IN PUBLIC OFFICE

General pleading

32. In respect of subparagraph 89(b) of the Defence, the Plaintiffs do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because what the Second Defendant allegedly “believed” are not matters to which the Plaintiffs are alleged to have been privy.
33. In respect of paragraph 90 of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded in subparagraph 90(a);
 - b. in respect of subparagraph 90(a):
 - i. admit the allegation in subparagraph 90(a)(i);
 - ii. in respect of subparagraph 90(a)(ii):
 - 1. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because what the Second Defendant “*at all times acted on*” are not matters to which the Plaintiffs are alleged to have been privy;
 - 2. say further that the allegations are a matter for evidence at trial;

iii. in respect of subparagraph 90(a)(iii):

1. say that they are not required to plead to the allegations as it is not a proper pleading as whether “*such advice provided a reasoned basis to issue the COVID-19 Directions and gave consideration to human rights*” is a matter for this honourable Court to determine;
2. say further that, the Supreme Court of Queensland has found that Direction No 12 and Direction No 14 were unlawful at the time of their inception as they failed to give “proper consideration” to human rights;
3. otherwise deny the allegations;

iv. in respect of subparagraph 90(a)(iv)(A):

1. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because what was “*considered...reasonably necessary to preserve the ability of the QPS to discharge its responsibilities*” are not matters to which the Plaintiffs are alleged to have been privy and as interlocutory steps (including discovery) have not yet taken place;
2. say further that it is ultimately a matter for this Honourable Court to determine;
3. otherwise deny the allegations;

v. in respect of subparagraph 90(a)(iv)(B):

1. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because what was “*considered...necessary to maintain a safe workplace so officers and staff members could come to work and be secure that their health and safety requirements were being met*” are not matters to which the Plaintiffs are alleged to have been privy and

as interlocutory steps (including discovery) have not yet taken place;

2. say further that it is ultimately a matter for this Honourable Court to determine;
3. otherwise deny the allegations;

vi. in respect of subparagraph 90(a)(iv)(C):

1. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because what was "*considered...necessary to maintain a workforce capable of delivering police services to the community (including the additional services required in a public health emergency)*" are not matters to which the Plaintiffs are alleged to have been privy and as interlocutory steps (including discovery) have not yet taken place;
2. say further that it is ultimately a matter for this Honourable Court to determine;
3. otherwise deny the allegations;

vii. in respect of subparagraph 90(a)(iv)(D):

1. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because what was "*considered...necessary to maintain the confidence of the community of Queensland (and communities within it) in the workforce that does not put them at risk when dealing with members of the QPS*" are not matters to which the Plaintiffs are alleged to have been privy and as interlocutory steps (including discovery) have not yet taken place;
2. say further that it is ultimately a matter for this Honourable Court to determine;
3. otherwise deny the allegation;

- viii. in respect of subparagraph 90(a)(v), repeat and rely on the response pleaded at subparagraphs 8(c) and (d) hereof;
- ix. in respect of subparagraph 90(a)(vi)(A) and (B):
 - 1. say that they are not a proper form of pleading and are matters for submissions;
 - 2. deny that the Full Bench of the Fair Work Commission is “a judicial body”;
 - 3. otherwise admit the allegation that the Supreme Court of New South Wales and the Full Bench of the Fair Work Commission found that other unrelated vaccine mandates were not unlawful but say that those decisions hold limited relevance (if any) to the circumstances of this representative proceeding as the vaccine mandates in the decisions referred to:
 - a. were not issued by the First Defendant or Second Defendant;
 - b. were not issued within the statutory requirements of the PSAA;
 - c. were not subject to the mandatory obligations of the HRA;
- x. in respect of subparagraph 90(a)(vii):
 - 1. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because whether “*the giving of the COVID-19 Directions was reasonably required to preserve the ability of the QPS to continue to discharge its responsibilities in s2.3 of the PSAA*” is not a matter to which the Plaintiffs are alleged to have been privy and as interlocutory steps (including discovery) have not yet taken place;

2. say further that it is ultimately a matter for this Honourable Court to determine;
3. otherwise deny the allegation;
- xi. deny the allegations pleaded in subparagraphs 90(a)(viii) and 90(a)(ix);
- c. in respect of subparagraph 90(b):
 - i. in respect of subparagraph 90(b)(ii)(A):
 1. cannot plead to the allegation as it is unclear what is meant by “*in a time of emergency*”;
 2. say the pleading is vague, imprecise, confusing and embarrassing and is liable to being struck out;
 3. otherwise deny the allegation;
 - ii. in respect of subparagraph 90(b)(ii)(B):
 1. cannot plead to the allegation as it is unclear what is meant by “*...was limited and being added to on an almost daily basis*”;
 2. say the pleading is vague, imprecise, confusing and embarrassing and is liable to being struck out;
 3. otherwise deny the allegation;
 - iii. deny the allegations pleaded in subparagraphs 90(b)(ii)(C) – (G).
34. In respect of paragraph 91 of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. deny the allegations in subparagraphs (a) and (b);
 - c. in respect of subparagraphs 91(c), (d) and (e), repeat and rely upon the matters pleaded at subparagraphs 33(b)(ii)–(vii) hereof;
 - d. in respect of subparagraphs 91(f) and (g)(i) and (ii), repeat and rely upon the matters pleaded at subparagraphs 33(b)(viii) and (ix) and 8(c) and (d) hereof;

- e. in respect of subparagraphs 91(h):
 - i. do not admit the allegations, having made reasonable inquiries but remaining uncertain as to the truth of them, including because the basis on which the Second Defendant “proceeded...(erroneously or otherwise) that human rights had been properly considered in the formulation of the COVID-19 Directions is not a matter to which the Plaintiffs are alleged to have been privy and as interlocutory steps (including discovery) have not yet taken place;
 - ii. say further that it is ultimately a matter for this Honourable Court to determine;
 - iii. otherwise deny the allegations.
35. In respect of paragraph 92 of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. deny the allegations in subparagraphs 92(a)-(g);
 - c. otherwise repeat and rely on the responses pleaded at subparagraphs 33(b)(ii)-(ix) and 8(c) and (d) hereof.
36. In respect of paragraph 93 of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded in subparagraphs 93(a) and (c);
 - b. in respect of subparagraph 93(a):
 - i. admit that the Second Defendant “*did not consider loss and/or damage to the Plaintiffs and Group Members*”;
 - ii. otherwise deny the allegation;
 - c. in respect of subparagraph 93(b):
 - i. repeat and rely upon the matters pleaded at subparagraphs 33(b)(iii), (iv), (vii)(viii) and (ix) hereof;
 - ii. otherwise deny the allegations.
37. In respect of paragraph 94 of the Defence, the Plaintiffs:
- a. join issue with the denial pleaded in subparagraph 94(a);

- b. adopt and rely upon the admission in subparagraph 94(b).
38. In respect of paragraph 95 of the Defence, the Plaintiffs join issue with the denials in subparagraphs 95(a) and (c) for the reasons pleaded herein and in the SOC.

Misfeasance claim by the First Plaintiff

39. In respect of paragraph 96 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 10 to 13 and 32 to 38 hereof as well as paragraph 96 of the SOC.
40. The Plaintiffs join issue with the denials pleaded in subparagraphs 97(a), 97(b), 98(a), 98(c), for the reasons pleaded herein and in the SOC.

Misfeasance claim by the Second Plaintiff

41. In respect of paragraph 99 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 14 to 21 and 32 to 38 hereof as well as paragraph 99 of the SOC.
42. The Plaintiffs join issue with the denials pleaded in subparagraphs 100(a), 100(b), 101(a), 101(c), for the reasons pleaded herein and in the SOC.

Misfeasance claim by the Third Plaintiff

43. In respect of paragraph 102 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 22 to 31 and 32 to 38 hereof as well as paragraph 102 of the SOC.
44. The Plaintiffs join issue with the denials in subparagraphs 103(a), 103(b), 104(a), 104(c), for the reasons pleaded herein and in the SOC.

G. CLAIM IN NEGLIGENCE

General pleading

45. In respect of paragraph 105 of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. admit the allegations pleaded at subparagraphs 105(a)(i)-(ii);

- c. deny the allegation at subparagraph 105(b) given that the Queensland Industrial Relations Commission is neither a Court nor a judicial body that can consider and determine tortious common law claims for loss and damage;
 - d. in respect of subparagraph 105(c);
 - i. say that it is not a proper form of pleading as it is a matter for submissions;
 - ii. say further that it is a matter for this Honourable Court to determine;
 - iii. otherwise deny the allegations for the reasons pleaded herein;
 - e. in respect of subparagraph 105(d);
 - i. say that it is not a proper form of pleading as it is a matter for submissions;
 - ii. say further that it is a matter for this Honourable Court to determine;
 - iii. otherwise deny the allegations for the reasons pleaded herein.
46. In respect of paragraph 106 of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. say that it is not a proper form of pleading as it is a matter for submissions;
 - c. say further that it is a matter for this Honourable Court to determine;
 - d. otherwise deny the allegations for the reasons pleaded herein.
47. In respect of subparagraph 107(a) of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. say that it is not a proper form of pleading as it is a matter for submissions;
 - c. say further that it is a matter for this Honourable Court to determine;
 - d. otherwise deny the allegations for the reasons pleaded herein.

Negligence claim by the First Plaintiff

48. In respect of paragraph 109 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 10 to 13 and 45 to 47 hereof as well as paragraph 109 of the SOC.
49. In respect of subparagraphs 110(a) and 111(b) of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. say that it is not a proper form of pleading as it is a matter for submissions;
 - c. say further that it is a matter for this Honourable Court to determine;
 - d. otherwise deny the allegations for the reasons pleaded herein..

Negligence claim by the Second Plaintiff

50. In respect of paragraph 112 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 14 to 21 and 45 to 47 hereof as well as paragraph 112 of the SOC.
51. In respect of subparagraphs 113(a) and 114(b) of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. say that it is not a proper form of pleading as it is a matter for submissions;
 - c. say further that it is a matter for this Honourable Court to determine;
 - d. otherwise deny the allegations for the reasons pleaded herein.

Negligence claim by the Third Plaintiff

52. In respect of paragraph 115 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 22 to 31 and 49 to 51 hereof as well as paragraph 115 of the SOC.
53. In respect of subparagraphs 116(a) and 117(b) of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. say that it is not a proper form of pleading as it is a matter for submissions;

- c. say further that it is a matter for this Honourable Court to determine;
- d. otherwise deny the allegations for the reasons pleaded herein..

H. CLAIM FOR THE TORT OF BREACH OF STATUTORY DUTY

General pleading

54. In respect of paragraph 118 of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. in respect of subparagraphs 118(b)(i)-(iv) say that they are not required to plead a response because:
 - i. they are not a proper form of pleading and rather a matter for submissions;
 - ii. say further that they are matters for this Honourable Court to determine;
 - iii. otherwise deny the allegations for the reasons pleaded herein..
55. In respect of paragraph 119 of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. in respect of subparagraphs 119(a)-(c) say that they are not required to plead a response because:
 - i. they are not a proper form of pleading and rather a matter for submissions;
 - ii. say further that they are matters for this Honourable Court to determine;
 - iii. otherwise deny the allegations for the reasons pleaded herein..
56. In respect of subparagraphs 120(a) and 121(b) of the Defence, the Plaintiffs:
 - a. join issue with the denials pleaded therein;
 - b. otherwise deny the allegations for the reasons pleaded herein..

Breach of Statutory Duty claim by the First Plaintiff

57. In respect of paragraph 122 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 10 to 13 and 54 to 56 hereof as well as paragraph 122 of the SOC.
58. In respect of subparagraphs 123(a) and 124(b) of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. otherwise deny the allegations for the reasons pleaded herein.

Breach of Statutory Duty claim by the Second Plaintiff

59. In respect of paragraph 125 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 14 to 21 and 54 to 56 hereof as well as paragraph 125 of the SOC.
60. In respect of subparagraphs 126(a) and 127(b) of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. otherwise deny the allegations for the reasons pleaded herein.

Breach of Statutory Duty claim by the Third Plaintiff

61. In respect of paragraph 128 of the Defence, the Plaintiffs repeat and rely on the responses pleaded in paragraphs 22 to 31 and 54 to 56 hereof as well as paragraph 125 of the SOC.
62. In respect of subparagraphs 129(a) and 130(b) of the Defence, the Plaintiffs:
- a. join issue with the denials pleaded therein;
 - b. otherwise deny the allegations for the reasons pleaded herein.

Signed:

Description:  Solicitor for the Plaintiffs

This pleading was settled by Dominic Villa SC and Benedict Coyne of Counsel