

SUPREME COURT OF QUEENSLAND

REGISTRY: *Brisbane*

NUMBER: *14484/24*

First Plaintiff: **DELLA MERRETT**

AND

Second Plaintiff: **SHANE ALLEN ANDREW BRENT POKAI**

AND

Third Plaintiff: **DEBORAH POKAI**

First Defendant: **STATE OF QUEENSLAND
(QUEENSLAND POLICE SERVICE)**

AND

Second Defendant: **KATARINA RUZH CARROLL**

**AMENDED CLAIM STARTING A REPRESENTATIVE PROCEEDING
UNDER PART 13A OF THE CIVIL PROCEEDINGS ACT 2011**

Representative proceeding

The plaintiffs bring this claim as representative parties under Part 13A of the *Civil Proceedings Act 2011*.

The group members to whom this proceeding relates are described as follows:

1. The First Plaintiff, former Detective Senior Constable Della Merrett, brings this proceeding in her own right and on behalf of each person who:

**CLAIM (REPRESENTATIVE PROCEEDING)
Filed on Behalf of the Plaintiffs**

Form 2B, Version 2, approved 21 July 2023
Uniform Civil Procedure Rules 1999
Rule 77B

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*Amended Claim pursuant to the
order of Williams J on 12 February 2026
13*



Amended Claim / Statement of Claim filed on **16 FEB 2026**
Registrar



- a. at any time between 7 September 2021 and 12 December 2022 was a police officer or staff member;
 - b. refused to comply with one or more requirements of the COVID-19 Directions;
 - c. was subjected to disciplinary action under Chapter 6 of the *Public Service Act 2008* or PSAA Part 7, Part 7A or Part 8 by reason of their non-compliance with one or more of the requirements of the COVID-19 Directions (**Vaccine Refusal Group Members**).
2. The Second Plaintiff, former Senior Constable Shane Allen Andrew Brent Pokai brings this proceeding in his own right and on behalf of each person who:
- a. at any time between 7 September 2021 and 12 December 2022 was a police officer or staff member;
 - b. complied with the requirements of the COVID-19 Directions to be vaccinated;
 - i. under duress; and/or
 - ii. under coercion; and/or
 - iii. under undue influence; and/or
 - iv. under a practical compulsion; under protest whether or not that protest was communicated to QPS) (**Vaccine Coercion Group Members**);
 - bb. but for the COVID-19 Directions, would not have received any dose of the COVID-19 vaccination (including a booster dose);
 - c. is not a Refused Medical Exemption Group Member.
- (Vaccine Coercion Group Members)**

3. The Third Plaintiff, Constable Deborah Pokai, brings this proceeding in her own right and on behalf of each person who:
 - a. at any time between 7 September 2021 and 12 December 2022 was a police officer or staff member;
 - b. applied for but was refused an exemption from complying with the requirements under the COVID-19 Directions on medical grounds
(Refused Medical Exemption Group Members).

Details of claim

The Plaintiffs claim, on behalf of the Group Members:

1. Damages [in an amount to be determined prior to trial] for misfeasance in public office, and/or negligence, and/or breach of statutory duty by the First Respondent and Second Respondent;
2. Aggravated Damages [in an amount to be determined prior to trial];
3. Exemplary Damages [in an amount to be determined prior to trial];
4. Interest pursuant to s 58 of the *Civil Proceedings Act 2011* to the date of judgement on any payment, award, or damages or compensation or other sum ordered by this Honourable Court to be paid;
5. Costs

The First Plaintiff Claims:

6. Damages [in an amount to be determined prior to trial] for misfeasance in public office, and/or negligence, and/or breach of statutory duty by the First Respondent and Second Respondent;
7. Aggravated Damages [in an amount to be determined prior to trial];
8. Exemplary Damages [in an amount to be determined prior to trial];
9. Interest pursuant to s 58 of the *Civil Proceedings Act 2011* to the date of judgement on any payment, award, or damages or compensation or other sum ordered by this Honourable Court to be paid;
10. Costs.

The Second Plaintiff Claims:

11. Damages [in an amount to be determined prior to trial] for misfeasance in public office, and/or negligence, and/or breach of statutory duty;

12. Aggravated Damages [in an amount to be determined prior to trial];
13. Exemplary Damages [in an amount to be determined prior to trial];
14. Interest pursuant to s 58 of the *Civil Proceedings Act 2011* to the date of judgement on any payment, award, or damages or compensation or other sum ordered by this Honourable Court to be paid;
15. Costs.

The Third Plaintiff Claims:

16. Damages [in an amount to be determined prior to trial] for misfeasance in public office, and/or negligence, and/or breach of statutory duty;
17. Aggravated Damages [in an amount to be determined prior to trial];
18. Exemplary Damages [in an amount to be determined prior to trial];
19. Interest pursuant to s 58 of the *Civil Proceedings Act 2011* to the date of judgement on any payment, award, or damages or compensation or other sum ordered by this Honourable Court to be paid;
20. Costs.

The Plaintiffs make this claim in reliance on the facts alleged in the **attached** Statement of Claim.

Questions common to claims of group members

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

Common questions in relation to all Group Members

1. Were any of the following rights engaged and/or limited by Direction No 12 (?):
 - a. right to recognition and equality before the law (HRA s15);
 - b. right to life (HRA s16);
 - c. right to freedom from being subjected to medical treatment without full, free and informed consent (HRA s17);
 - d. right to freedom of thought, conscience, religion and belief (HRA s20);
 - e. right to take part in public life without discrimination (HRA s23);

- f. right to privacy and reputation (HRA s25);
 - g. right to liberty and security (HRA s29).
2. Were any of the following rights engaged and/or limited by Direction No 14 (?):
- a. right to recognition and equality before the law (HRA s15);
 - b. right to life (HRA s16);
 - c. right to freedom from being subjected to medical treatment without full, free and informed consent (HRA s17);
 - d. right to freedom of thought, conscience, religion and belief (HRA s20);
 - e. right to take part in public life without discrimination (HRA s23);
 - f. right to privacy and reputation (HRA s25);
 - g. right to liberty and security (HRA s29).
3. Was the decision of the Second Respondent to issue Direction No 12 unlawful on the basis that:
- a. Direction No 12 was not consistent with the PSAA?
 - b. Direction No 12 did not comply with the proper discharge of the Prescribed Responsibility in PSAA s4.8?
 - c. Direction No 12 was not compatible with human rights in that it limited human rights to a greater extent than was reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom?
 - d. the Second Respondent failed to give proper consideration to human rights relevant to the making of Direction No 12?
4. Was the decision of the Second Respondent to issue Direction No 14 unlawful on the basis that:

- a. Direction No 14 was not consistent with the PSAA?
 - b. Direction No 14 did not comply with the proper discharge of the Prescribed Responsibility in PSAA s4.8?
 - c. Direction No 14 was not compatible with human rights in that it limited human rights to a greater extent than was reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom?
 - d. the Second Respondent failed to give proper consideration to human rights relevant to the making of Direction No 14?
5. At the time of the making of the decision to issue Direction 12, did the Second Respondent know:
- a. Direction No 12 was not consistent with the PSAA?
 - b. Direction No 12 did not comply with the proper discharge of the Prescribed Responsibility in PSAA s 4.8?
 - c. Direction No 12 was not compatible with human rights in that it limited human rights to a greater extent than was reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom?
 - d. the Second Respondent failed to give proper consideration to human rights relevant to the making of Direction No 12?
6. At the time of the making of the decision to issue Direction 12, was the Second Respondent recklessly indifferent to whether or not:
- a. Direction No 12 was not consistent with the PSAA?
 - b. Direction No 12 did not comply with the proper discharge of the Prescribed Responsibility in PSAA s 4.8?
 - c. Direction No 12 was compatible with human rights in that it did not limit human rights to a greater extent than was reasonable and demonstrably

justified in a free and democratic society based on human dignity, equality and freedom?

- d. the Second Respondent failed to give proper consideration to human rights relevant to the making of Direction No 12?

7. At the time of the making of the decision to issue Direction 14, did the Second Respondent know:

- a. Direction No 14 was not consistent with the PSAA?
- b. Direction No 14 did not comply with the proper discharge of the Prescribed Responsibility in PSAA s4.8?
- c. Direction No 14 was not compatible with human rights in that it limited human rights to a greater extent than was reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom?
- d. the Second Respondent failed to give proper consideration to human rights relevant to the making of Direction No 14?

8. At the time of the making of the decision to issue Direction 14, was the Second Respondent recklessly indifferent to whether or not:

- a. Direction No 14 was not consistent with the PSAA?
- b. Direction No 14 did not comply with the proper discharge of the Prescribed Responsibility in PSAA s4.8?
- c. Direction No 14 was compatible with human rights in that it did not limit human rights to a greater extent than was reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom?
- d. the Second Respondent failed to give proper consideration to human rights relevant to the making of Direction No 12?

9. At the time of the making of the decision to issue Direction 12, did the Second Respondent know that issuing Direction No 12 was likely to cause loss and/or damage to the Plaintiffs and the Group Members?
10. At the time of the making of the decision to issue Direction 12, was the Second Respondent recklessly indifferent to whether or not issuing Direction No 12 was likely to cause loss and/or damage to the Plaintiffs and the Group Members?
11. At the time of the making of the decision to issue Direction 14, did the Second Respondent know that issuing Direction No 14 was likely to cause loss and/or damage to the Plaintiffs and the Group Members?
12. At the time of the making of the decision to issue Direction 14, was the Second Respondent recklessly indifferent to whether or not issuing Direction No 14 was likely to cause loss and/or damage to the Plaintiffs and the Group Members?
13. Did the Second Respondent, in purporting to issue Direction No 12, commit the tort of misfeasance in public office?
14. Are the Plaintiffs and the Group Members entitled to recover damages from the First Respondent by reason of the Second Respondent's misfeasance in public office in purporting to issue Direction No 12?
15. Are the Plaintiffs and the Group Members entitled to recover damages from the Second Respondent by reason of the Second Respondent's misfeasance in public office in purporting to issue Direction No 12?
16. Is the First Respondent vicariously liable for the Second Respondent's misfeasance in public office in purporting to issue Direction No 12?
17. Are the Plaintiffs and the Group Members entitled to recover damages from the First Respondent by reason of the Second Respondent's misfeasance in public office in purporting to issue Direction No 14?
18. Are the Plaintiffs and the Group Members entitled to recover damages from the Second Respondent by reason of the Second Respondent's misfeasance in public office in purporting to issue Direction No 14?

19. Is the First Respondent vicariously liable for the Second Respondent's misfeasance in public office in purporting to issue Direction No 14?
20. Did the Second Respondent owe a common law duty to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 12?
21. Did the Second Respondent owe a common law duty to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 14?
22. Did the Second Respondent breach a common law duty to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 12?
23. Did the Second Respondent breach a common law duty to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 14?
24. Are the Plaintiffs and the Group Members entitled to recover damages from the First Respondent by reason of the Second Respondent's breach of a common law duty of care to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 12?
25. Are the Plaintiffs and the Group Members entitled to recover damages from the Second Respondent by reason of the Second Respondent's breach of a common law duty of care to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 12?
26. Is the First Respondent vicariously liable for the Second Respondent's breach of a common law duty of care to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 12?
27. Are the Plaintiffs and the Group Members entitled to recover damages from the First Respondent by reason of the Second Respondent's breach of a common law duty of care to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 14?

28. Are the Plaintiffs and the Group Members entitled to recover damages from the Second Respondent by reason of the Second Respondent's breach of a common law duty of care to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 14?
29. Is the First Respondent vicariously liable for the Second Respondent's breach of a common law duty of care to the Plaintiffs and the Group Members to exercise reasonable care and skill in the making of Direction No 14?

Additional Common Questions in Relation to Vaccine Refusal Group Members

30. Are the Vaccine Refusal Group Members entitled to damages from the First Respondent for the adverse consequences to them of having been exposed to disciplinary procedures for non-compliance with Direction No 12?
31. Are the Vaccine Refusal Group Members entitled to damages from the First Respondent for the adverse consequences to them of having been exposed to disciplinary procedures for non-compliance with Direction No 14?
32. Are the Vaccine Refusal Group Members entitled to damages from the Second Respondent for the adverse consequences to them of having been exposed to disciplinary procedures for non-compliance with Direction No 12?
33. Are the Vaccine Refusal Group Members entitled to damages from the Second Respondent for the adverse consequences to them of having been exposed to disciplinary procedures for non-compliance with Direction No 14?

Additional Common Questions in Relation to Vaccine Coercion Group Members

34. Was the consent provided by the Vaccine Coercion Group Members to vaccination a valid consent at law having regard to (?):
- a. Direction No 12;
 - b. Direction No 14;
 - c. the threat of disciplinary action for police officers and staff members who, without exemption, failed to comply with the COVID-19 Directions;

- d. the threat of suspension for police officers and staff members who, without exemption, failed to comply with the COVID-19 Directions;
- e. the threat of Show Cause Notices being issued requiring police officers and staff members who, without exemption, failed to comply with the COVID-19 Directions to show cause why they should not be suspended without pay.

Additional Common Questions in Relation to Exemption Refusal Group Members

- 35. Did the Second Respondent breach a common law duty to the Vaccine Coercion Group Members in formulating the Vaccine Exemption Guidelines?
- 36. Did the Second Respondent breach a common law duty of care to the Vaccine Coercion Group Members in implementing the Vaccine Exemption Guidelines?

ISSUED WITH THE AUTHORITY OF THE SUPREME COURT OF
QUEENSLAND

And filed in the Brisbane Registry on 25 October 2024



Registrar: *(Registrar to sign and seal)*

To the defendant(s):

TAKE NOTICE that you are being sued by the plaintiff in the Court. The proceeding will be listed for an initial case conference at a date to be fixed by the Class Actions List Manager: see, generally, Practice Direction 8 of 2023 "Class Actions List".

You must attend and should be prepared to deal with the following matters at the initial case conference:

- (a) whether there is any dispute that the proceeding is a representative proceeding for the purpose of part 13A;
- (b) any issue about the standing of the representative party;
- (c) any issue concerning the description of group members;
- (d) any issue concerning the identification of the common questions of fact or law in the originating process;
- (e) any other issues concerning the adequacy of the originating process, so that directions may be made as to the manner by which (and the time frame within which) the relevant issue may be dealt with by the Court.

Address of Registry: QEII Courts of Law Complex, 415 George Street, Brisbane Qld 4000

PARTICULARS OF THE FIRST PLAINTIFF:

Name: Della Merrett

Plaintiff's residential or business address: 308 Toogood Road Bayview Heights Queensland 4868

Plaintiff's solicitors name: Justin Sibley
and firm name: Sibley Lawyers

Solicitor's business address: 10/95 North Quay, Brisbane QLD 4000

Address for service: 10/95 North Quay, Brisbane QLD 4000

Dx (if any):

Telephone: (07) 3180 0120

Fax:

E-mail address (if any): info@sibleylawyers.com.au

Signed:



Description: *Solicitor*

Dated: ~~25 October 2024~~ ~~28 November 2025~~ 6 February 2026

This Claim is to be served on:

STATE OF QUEENSLAND (QUEENSLAND POLICE SERVICE)

of: c/o Crown Solicitor, State Law Building, 50 Ann Street BRISBANE QLD 4000

and on: **KATARINA RUZH CARROLL**

of: c/o Crown Solicitor, State Law Building, 50 Ann Street