

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**
AND
First Defendant: **STATE OF QUEENSLAND (QUEENSLAND POLICE SERVICE)**
AND
Second Defendant: **KATARINA RUZH CARROLL APM**

AMENDED STATEMENT OF CLAIM

This claim in this proceeding is made in reliance on the following facts:

A. THE PARTIES

Group Members

1. This proceeding is commenced as a representative proceeding pursuant to Part 13A of the *Civil Proceedings Act 2011*.
2. As at the date of commencement of this proceeding, there are seven or more persons who have claims against each of the Respondents, as particularised in this Statement of Claim.
3. For the purposes of this Statement of Claim:

STATEMENT OF CLAIM
Filed on Behalf of the Plaintiffs

Form 16, Version 2
Uniform Civil Procedure Rules 1999
Rules 22, 146

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Amended Statement of claim pursuant to the orders of Williams J on 12 February 2026

- a. **PSAA** means the *Police Service Administration Act 1990*;
 - b. **police officer** means a "police officer" as defined by the PSAA, other than the Second Respondent, and includes a police recruit;
 - c. **police recruit** means a "police recruit" as defined by the PSAA;
 - d. **QPS** means the Queensland Police Service maintained pursuant to the PSAA;
 - e. **staff member** means a "staff member" as defined by the PSAA;
 - f. **Direction No 12** means the document entitled "Instrument of Commissioner's Direction No 12" dated 7 September 2021;
 - g. **Direction No 14** means the document entitled "Instrument of Commissioner's Direction No 14" dated 14 December 2021;
 - h. **COVID-19 Directions** means Direction No 12 and Direction No 14;
 - i. **HRA** means the *Human Rights Act 2019*.
 - j. **Plaintiffs** means the First, Second and Third Plaintiffs.
 - k. **Group Members** means the Vaccine Refusal Group Members, the Vaccine Coercion Group Members, and the Refused Medical Exemption Group Members.
4. The First Plaintiff, former Detective Senior Constable Della Merrett, 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. refused to comply with one or more requirements of the COVID-19 Directions;
 - c. was, or would have been liable to be, 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**).

5. 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; 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)

6. 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;

- c. upon being refused an exemption, 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;
- d. but for the COVID-19 Directions and being refused an exemption, would not have received any dose of the COVID-19 vaccination (including a booster dose).

(Refused Medical Exemption Group Members).

Respondents

7. The First Respondent:

- a. is sued pursuant to the *Crown Proceedings Act 1980*;
- b. is liable for any civil liability that, but for PSAA s10.5(1) would attach to the Second Respondent;

Particulars

PSAA, s10.5(3)

- c. is otherwise vicariously liable for the tortious conduct of the Second Respondent pleaded below.

8. The Second Respondent:

- a. at all material times held the position of Commissioner of QPS;
- b. was a "public entity" within the meaning of the HRA.

Particulars

HRA, s9(1)(c) and (i)

B. THE COVID-19 DIRECTIONS*Powers of the Commissioner of Police*

9. At all material times the Second Respondent was responsible for the efficient and proper administration, management and functioning of the QPS in accordance with law (**Prescribed Responsibility**).

Particulars

PSAA, s4.8(1)

10. In discharging the Prescribed Responsibility the Second Respondent was, subject to the PSAA:
- a. authorised to do, or cause to be done, all such lawful acts and things as she considered to be necessary or convenient for the efficient and proper discharge of the Prescribed Responsibility;

Particulars

PSAA, s4.8(3)

- b. required to ensure compliance with the requirements of all Acts and laws binding on members of the QPS.

Particulars

PSAA, s4.8(4)(b)

11. In discharging the Prescribed Responsibility the Second Respondent was empowered to give, and cause to be issued, to police officers, staff members or police recruits, such directions as she considered necessary or convenient for the efficient and proper functioning of the police service (**Directions Power**).

Particulars

PSAA, s4.9(1)

12. The Directions Power did not empower the Second Respondent to issue a direction:
- a. if the direction was inconsistent with the PSAA;
 - b. if the direction was unlawful;
 - c. if the direction was not compatible with human rights;
 - d. if, in making the decision to issue the direction, the Second Respondent failed to give proper consideration to a human right relevant to the decision.

Particulars

HRA s58(1), PSAA s4.8(4)(b), 4.9(2)

Direction No 12

13. On 7 September 2021, the Second Respondent purported to issue Direction No 12 pursuant to PSAA s4.9(1).
14. Direction No 12 purported to, *inter alia*, require police officers and frontline staff members (unless exempt as provided for by paragraphs 8 or 9 of Direction No 12) to:
- a. receive at least one dose of a COVID-19 vaccine by 4 October 2021;
 - b. receive a second dose of a COVID-19 vaccine by 24 January 2022; and
 - c. provide evidence of receiving a COVID-19 vaccine if requested to do so by the second Respondent (or a delegate of the Second Respondent).
- (Direction No 12 Vaccination Requirements).**

Direction No 14

15. On 14 December 2021, the Second Respondent revoked Direction No 12 and purported to issue Direction No 14 pursuant to PSAA s4.9(1).
16. Direction No 14 purported to, *inter alia*, require police officers and frontline staff members (unless exempt as provided for by paragraphs 11 or 13 of Direction No 14) to:
 - a. receive at least one dose of a COVID-19 vaccine by 4 October 2021;
 - b. receive a second dose of the COVID-19 vaccine by 17 December 2021;
 - c. receive a booster dose of a COVID-19 vaccine no more than one month after they become eligible to do so, in accordance with the advice of the Australian Technical Advisory Group on Immunisation (ATAGI) on the use of a booster dose of COVID-19 vaccine at that time, or if already eligible to do so at the time of the direction, no more than one month after the date of the direction; and
 - d. provide evidence of receiving the COVID-19 vaccine if required by the Second Respondent (or a delegate of the Second Respondent's) to their direct report and record the information on Employee Self Service within two days of receiving the vaccine unless otherwise agreed with their direct report.

(Direction No 14 Vaccination Requirements).

Exemptions

17. The COVID-19 Directions provided, *inter alia*, for exemptions from the requirements for vaccination, including where the police officer or staff member was unable to be vaccinated due to a medical contraindication and the police officer or staff member provided (**Medical Exemption**):
 - a. evidence of the condition and whether it was temporary in nature and, if so, the duration;

- b. any other supporting evidence requested.

Particulars

Direction No 12, cl 8(a) and (b)

Direction No 14, cl 11, 12(a) and (b)

Coercive statements re enforcement of the COVID-19 Directions

18. On 2 September 2021, the Second Respondent sent an email to all police officers and staff members entitled “*Mandatory Vaccination Requirements For the QPS workforce*” in which the Second Respondent, *inter alia*, (**2 September Email**):

- a. advised of her obligation to all police officers and staff members and the greater Queensland Community that she must:
 - i. maintain a safe workplace so police officers and staff members can come to work and be secure that their health and safety requirements are met.
 - ii. maintain a workforce that is capable of delivering the police services to the community.
 - iii. maintain the confidence of the community of Queensland in the workforce that does not put them at risk when dealing with members of the Queensland Police Service.
- b. stated her intentions:
 - i. to have a fully vaccinated QPS workforce by 23 January 2022;
 - ii. of issuing a direction mandating that all sworn QPS members receive a first dose of the COVID-19 vaccination by 4 October 2021, and a second dose of the COVID-19 vaccination by 23 January 2022;

- iii. to put in place a similar mandated vaccination requirement for all staff members, contractors and consultants across all QPS workplaces.
- 19. On 7 September 2021, a delegate of the Second Respondent, Deputy Commissioner Doug Smith, sent an email to all police officers and staff members entitled "*Commissioners Direction - Mandatory Covid-19 Vaccination and Mask Requirements for Police Officers and Certain Staff Members*" in which Deputy Commissioner Smith (**7 September Email**):
 - a. repeated the Second Respondent's intention to have a fully vaccinated QPS workforce by 23 January 2022;
 - b. advised that Direction No 12 had taken effect;
 - c. advised that, unless exempt, all members of QPS were required to comply with the Direction No 12 Vaccination Requirements.
- 20. On 21 September 2021, the Second Respondent sent an email to all police officers and staff members entitled "*Commissioner's message – COVID-19 vaccine update*" in which the Second Respondent (**21 September Email**):
 - a. repeated the Second Respondent's intention to have a fully vaccinated QPS workforce by 23 January 2022;
 - b. advised that, unless exempt, all QPS employees (which term included police officers and staff members) were required to comply with the Direction No 12 Vaccination Requirements;
 - c. advised that from 5 October 2021, an employee (which term included police officers and staff members) who refused to follow Direction No 12 would:
 - i. be immediately suspended with pay; and
 - d. a Show Cause process would be commenced by which the employee would be provided with seven days to state why suspension without pay should not be implemented.

21. On 23 September 2021, the Second Respondent sent an email to, *inter alios*, police officers and staff members entitled "*Queensland Police Service Guidelines – COVID-19 Vaccination Exemption Process*" to which was attached a copy of a document entitled "*Queensland Police Service Guidelines – COVID-19 Vaccination Exemption Process*" which document (**Vaccine Exemption Guidelines**):
- a. repeated the Second Respondent's intention to have a fully vaccinated QPS workforce by 23 January 2022;
 - b. advised that, unless exempt, all QPS employees (which term included police officers and staff members) were required to comply with the Direction No 12 Vaccination Requirements;
 - c. advised that an employee (which term included police officers and staff members) who failed to comply with Direction No 12 would render themselves liable to discipline:
 - i. if police officers or police recruits, under Parts 7, 7A and 8 of the PSAA;
 - ii. if staff members, pursuant to Chapter 6 of the *Public Service Act 2008*.
 - d. advised that from 5 October 2021 an employee (which term included police officers and staff members) who refused to follow Direction No 12 would:
 - i. be immediately suspended from duty with pay; and
 - ii. a Show Cause process would be commenced by which the employee would be provided with seven days to state why suspension without pay should not be implemented.
 - e. advised that police officers who refused to comply with Direction No 12 would not be eligible for Sick Leave Bank in accordance with Appendix 4 of the *QPS Certified Agreement 2019*.

22. On or about 31 December 2021, the Second Respondent sent an email to police officers and staff members entitled "*Current COVID-19 Situation*" (**31 December 2021 Booster Email**) which, *inter alia*:
 - a. reinforced the importance of having a COVID vaccination booster dose and recording the details of the COVID vaccination booster dose on ESS;
 - b. asked police officers and staff members to ensure their COVID vaccinations are up to date, wearing appropriate PPE, and adhering to hygiene requirements in the workplace including wearing a mask when social distancing is not possible.

23. On or about 21 July 2022, a delegate of the Second Respondent, Deputy Commissioner Strategy and Corporate Services, Doug Smith APM (**DC Smith**), sent an email to police officers and staff members entitled "*COVID Winter Booster*" (**21 July 2022 Winter Booster Email**) which advised, *inter alia*, that:
 - a. under Direction No 14, all police officers and staff members 50-years-old and over were required to receive a "winter booster" COVID-19 vaccination purportedly in line with current ATAGI advice;
 - b. it is also strongly recommended that members over 30 years of age also receive the booster.

24. On or about 25 July 2022, a delegate of the Second Respondent, Acting Deputy Commissioner Shane Chelepy, sent an email to police officers and staff members entitled "*COVID Winter Booster*" (**25 July 2022 Winter Booster Email**) which advised, *inter alia*, that:
 - a. for compliance with Direction No 14 all police officers and staff members aged 50-years-old and over must receive their "winter booster" COVID-19 vaccination within 4 weeks of the 21 July 2022 Winter Booster Email from DC Smith;

- b. police officers and staff members aged between 30 and 49 years are encouraged to receive the winter booster.

C. THE FIRST PLAINTIFF – VACCINE REFUSAL

25. At all material times the First Plaintiff:
 - a. was a former police officer who was sworn in as a police officer in June 1975 and resigned as a police officer in 1984;
 - b. was a staff member of the QPS;
 - c. was an Administrative Officer in the Road Policing and Regional Support Command;
 - d. was subject to lawful directions given by the Second Respondent pursuant to PSAA s4.9(1).

26. As at 7 September 2021, the First Plaintiff was aware of the existence of and contents of Direction No 12 and, in particular, was aware of:
 - a. the Direction No 12 Vaccination Requirements;
 - b. the contents of the 2 September 2021 Email;
 - c. the contents of the 7 September 2021 Email;
 - d. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA s 4.9(1) exposed the First Plaintiff to disciplinary action under Chapter 6 of the *Public Service Act 2008*, including suspension without pay and up to termination of employment.
 - e. that the Second Respondent's stated intention was to take disciplinary action against police officers and staff members who did not receive at least one dose of COVID-19 Vaccine by 4 October 2021, including suspension without pay and up to termination of employment.

27. By reason of the matters described in paragraph 26 above, the First Plaintiff:

- a. was coerced;
- b. was under duress;
- c. experienced undue influence;
- d. feared for her own financial and emotional well-being, and the financial and emotional well-being of her family;
- e. was under a practical compulsion to receive the first dose of COVID-19 vaccine against her wishes.

28. As a consequence of the aforesaid:

- a. coercion;
- b. duress;
- c. undue influence;
- d. fear for her own financial and emotional well-being, and the financial and emotional well-being of her family;
- e. the practical compulsion,

on or about 24 September 2021 the First Plaintiff attended the Cairns Convention Centre COVID Vaccination Hub.

29. The First Plaintiff informed the Queensland Health staff at the Cairns Convention Centre COVID Vaccination Hub:

- a. that she had previously experienced an adverse reaction to an influenza vaccination;
- b. that she had attended the Cairns Convention Centre COVID Hub against her free will;
- c. that she did not consent to the administration of the COVID-19 vaccine.

30. The Queensland Health Staff declined to administer the COVID-19 vaccine to the First Plaintiff.
31. On or about 20 October 2021, the First Plaintiff was served with a document entitled "*Notice of Suspension with Remuneration and Show Cause Notice for Suspension without Remuneration*" purportedly issued pursuant to ss103 and 137 of the *Public Service Act 2008* and the *Public Service Commission Directive 16/20* by a delegate of the Second Respondent (**First Plaintiff's Suspension Show Cause Notice**), by which the First Plaintiff was notified, *inter alia*, that:
- a. the First Plaintiff was immediately suspended with normal remuneration, which suspension would remain in force until midnight 7 April 2022, unless cancelled earlier;
 - b. the First Plaintiff was directed to:
 - i. immediately return all Service material and equipment;
 - ii. not attend her workplace or any policing establishment or any other QPS premises during the suspension without first obtaining permission;
 - iii. keep the contents of the Notice and the Notice itself, confidential;
 - iv. not contact members of the QPS whether directly or indirectly or discuss the Notice with work colleagues;
 - c. consideration was being given to whether or not the First Plaintiff should be suspended without remuneration on the basis that the First Plaintiff was liable to discipline under a disciplinary law;
 - d. the First Plaintiff had seven days within which to show cause why the First Plaintiff should not be suspended without remuneration.
32. The First Plaintiff responded to the First Plaintiff's Suspension Show Cause Notice by email dated 26 October 2021.

33. On 26 November 2021, the First Plaintiff was served with a document entitled "*Notice of Suspension without Remuneration*" purportedly issued pursuant to ss103, 137 and 187 of the *Public Service Act 2008* and the *Public Service Commission Directive 16/20* by a delegate of the Second Respondent (**First Plaintiff's Suspension Notice**), by which the First Plaintiff was notified, *inter alia*, that:
- a. the Second Respondent's delegate reasonably believed that the First Plaintiff was liable to discipline under disciplinary law, namely Chapter 6 of the *Public Service Act 2008* for failing to comply with Direction No 12;
 - b. the First Plaintiff's suspension with remuneration imposed on 14 October 2021 would continue until midnight on 3 December 2021;
 - c. the First Plaintiff would be suspended from duty without remuneration effective from 4 December 2021 and would remain in force until 3 June 2022, unless revoked earlier.
34. On 4 December 2021, the First Plaintiff was suspended from duty without remuneration concerning the allegation that she had failed to comply with Direction No 12.
35. By way of email dated 3 March 2022, the First Plaintiff, while suspended without remuneration, was notified by Inspector Brett Seeto of the issue of Direction No 14.
36. As at 4 March 2022, the First Plaintiff was aware of the existence of and contents of Direction No 14 and, in particular, was aware of:
- a. the Direction No 12 Vaccination Requirements;
 - b. the contents of the 2 September 2021 Email;
 - c. the contents of the 7 September 2021 Email;
 - d. the contents of the 31 December 2021 Booster Email;

- e. the Direction No 14 Vaccination Requirements;
 - f. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA 4.9(1) exposed the First Plaintiff to disciplinary action under Chapter 6 of the *Public Service Act 2008*, including suspension without pay and up to termination of employment;
 - g. that the Second Respondent's stated intention was to take disciplinary action against police officers who, unless exempt, did not receive vaccinations in accordance with Direction No 12 and Direction No 14, including suspension without pay and up to termination of employment.
37. By way of email dated 5 May 2022, the First Plaintiff was served with a document entitled "*Notice of Suspension without Remuneration*" dated 20 April 2022 and purportedly issued pursuant to ss103, 137 and 187 of the *Public Service Act 2008* and the *Public Service Commission Directive 16/20* by a delegate of the Second Respondent (**First Plaintiff's Suspension Notice**), by which the First Plaintiff was notified, *inter alia*, that:
- a. the Second Respondent's delegate reasonably believed that the First Plaintiff was liable to discipline under disciplinary law, namely Chapter 6 of the *Public Service Act 2008* for failing to comply with the *COVID-19 Directions*, and that the First Plaintiff should therefore remain suspended from duty without remuneration;
 - b. the Second Respondent's delegate had considered all reasonable alternatives including, alternative duties, a temporary transfer or another alternative working arrangement but was of the view that no reasonable alternative was available to the First Plaintiff;
 - c. the Second Respondent's delegate reiterated the directions from the First Plaintiff's Suspension Show Cause Notice;

- d. the First Plaintiff would remain suspended from duty without remuneration until 14 November 2022, unless revoked earlier.
38. On 9 September 2022, the First Plaintiff was served with a document entitled “9-month Suspension Review” issued by a delegate of the Second Respondent purportedly issued pursuant to ss103 and 137 of the *Public Service Act 2008* and the *Public Service Commission Directive 16/20 (First Plaintiff’s Suspension Review)* regarding the allegation that she had failed to comply with Direction No 12, by which the First Plaintiff was notified, *inter alia*, that:
- a. the Second Respondent’s delegate reasonably believed that there were no reasonable alternatives to suspension action including, alternative duties, temporary transfer or alternative working arrangements.
 - b. the First Plaintiff was to remain suspended from duty without remuneration until 4 January 2023, unless revoked earlier.
 - c. all prior conditions of suspension were to remain in place.
39. On or about 23 June 2022, the First Plaintiff was served with a document entitled “Show Cause on Allegation” purportedly issued pursuant to ss 187 and 188 of the *Public Service Act 2008* issued by a delegate of the Second Respondent, by which the First Plaintiff was notified that (**First Plaintiff’s Disciplinary Show Cause Notice**):
- a. the delegate considered that the First Plaintiff may be liable to disciplinary findings on the basis that the First Plaintiff had contravened, without reasonable excuse, Direction No 12 and Direction No 14;
 - b. the First Plaintiff had 28 days to show cause why a disciplinary finding should not be made against the First Plaintiff.
40. On or about 2 September 2022, the First Plaintiff, through her legal representatives, responded to the First Plaintiff’s Disciplinary Show Cause Notice.

41. On or about 15 November 2022, the First Plaintiff was served with a document entitled "*Decision on Disciplinary Finding and Proposed Action*" purportedly issued pursuant to ss 187 and 188 of the *Public Service Act 2008* by a delegate of the Second Respondent (**First Plaintiff's Termination Show Cause Notice**) by which the First Plaintiff was notified, *inter alia*, that:
 - a. the delegate had determined that the First Plaintiff was guilty of misconduct purportedly pursuant to s 187(1)(b) of the *Public Service Act 2008* rendering First Plaintiff liable to disciplinary action;
 - b. the delegate proposed to terminate the First Plaintiff's employment with the QPS;
 - c. the First Plaintiff had 21 days within to address whether the proposed disciplinary action, or some alternative, should be imposed.
42. On or about 12 December 2022, the First Plaintiff, through her solicitors, responded to the First Plaintiff's Termination Show Cause Notice.
43. On or about 17 January 2023, the First Plaintiff was served with a document entitled "*Decision on Disciplinary Action*" purportedly issued pursuant to ss 187 and 188 of the *Public Service Act 2008* by a delegate of the Second Respondent (**First Plaintiff's Termination Notice**) by which the First Plaintiff was notified that the First Plaintiff's employment with the QPS was terminated with immediate effect from the date of service of the Notice.

D. THE SECOND PLAINTIFF – VACCINE COERCION

44. At all material times the Second Plaintiff:
 - a. was a police officer and a member of the QPS;
 - b. served in the rank of senior constable;
 - c. was subject to lawful directions given by the Second Respondent pursuant to PSAA s 4.9(1).

45. As at 5 October 2021, the Second Plaintiff was aware of the existence of and contents of Direction No 12 and, in particular, was aware of:
- a. the Direction No 12 Vaccination Requirements;
 - b. the contents of the 2 September 2021 Email;
 - c. the contents of the 7 September 2021 Email;
 - d. the contents of the 21 September 2021 Email;
 - e. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA s 4.9(1) exposed the Second Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
 - f. that the Second Respondent's stated intention was to take disciplinary action against police officers and staff members who did not receive at least one dose of COVID-19 Vaccine by 4 October 2021, including suspension without pay and up to termination of employment.
46. Further, in or around late September or early October 2021, the Second Plaintiff was contacted via telephone by the Administration Sergeant from Surfers Paradise Police Station in relation to the Second Plaintiff's COVID vaccination status (**September/October 2021 telephone communications by the Administration Sergeant from Surfers Paradise Police Station**), and in the course of these telephone calls the Administration Sergeant:
- a. advised the Second Plaintiff that:
 - i. the Second Plaintiff was required to comply with Direction No 12;
 - ii. there was a running log of police officers' and staff members' vaccination COVID status being maintained at the Surfers Paradise Police Station; and,

iii. everyone had to be vaccinated by the dates stipulated by Direction No 12.

b. who requested confirmation that the Second Plaintiff had received a first dose of COVID-19 vaccine, and further requested that the Second Plaintiff send confirmation when the Second Plaintiff had done so.

47. By reason of the matters described in paragraphs 45 to 46 above, the Second Plaintiff:

- a. was coerced;
- b. was under duress;
- c. experienced undue influence;
- d. feared for his own financial and emotional well-being, and the financial and emotional well-being of his family;
- e. was under a practical compulsion to receive the first dose of COVID-19 vaccine against his wishes.

48. As a consequence of the aforesaid:

- a. coercion;
- b. duress;
- c. undue influence;
- d. fear for his own financial and emotional well-being, and the financial and emotional well-being of his family;
- e. the practical compulsion,

on or about 5 October 2021, the Second Plaintiff attended the Terry White Chemist on Foxwell Road, Coomera and, under ~~protest~~ duress and/or coercion and/or undue influence and/or a practical compulsion, and without full and

free consent, received a first dose of COVID-19 vaccine (**Second Plaintiff's First Dose**).

49. On or about 6 October 2021, and thereafter the Second Plaintiff experienced adverse side effects of the Second Plaintiff's First Dose.

Particulars

- i. Pain in his left arm;
 - ii. Intermittent heart palpitations and shortness of breath, which became progressively worse;
 - iii. Arrhythmia;
 - iv. Myocarditis.
50. As of 3 December 2021, the Second Plaintiff was aware of the existence of and contents of Direction No 12 and, in particular, was aware of:
- a. the Direction No 12 Vaccination Requirements;
 - b. the contents of the 2 September 2021 Email;
 - c. the contents of the 7 September 2021 Email;
 - d. the contents of the 21 September 2021 Email;
 - e. the September/October 2021 telephone communications by the Administration Sergeant from Surfers Paradise Police Station;
 - f. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA 4.9(1) exposed the Second Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
 - g. that the Second Respondent's stated intention was to take disciplinary action against police officers and staff members who did not receive at

least one dose of COVID-19 Vaccine by 4 October 2021, including suspension without pay and up to termination of employment.

51. By reason of the matters described in paragraph 50 above, the Second Plaintiff:
 - a. was coerced;
 - b. was under duress;
 - c. experienced undue influence;
 - d. feared for his own financial and emotional well-being, and the financial and emotional well-being of his family;
 - e. was under a practical compulsion to receive the ~~first~~ second dose of COVID-19 vaccine against his wishes.

52. As a consequence of the aforesaid:
 - a. coercion;
 - b. duress;
 - c. undue influence;
 - d. fear for his own financial and emotional well-being, and the financial and emotional well-being of his family;
 - e. practical compulsion,

on or about 3 December 2021, the Second Plaintiff attended general practice at Amtan Medical Pacific Pines and, under protest duress and/or coercion and/or undue influence and/or a practical compulsion, and without full and free consent, received a second dose of COVID-19 Vaccine (**Second Plaintiff's Second Dose**).

53. On or about 3 December 2021, and thereafter the Second Plaintiff experienced adverse side effects of the Second Plaintiff's Second Dose.

Particulars

- i. Pain in his left arm;
 - ii. Intermittent heart palpitations and shortness of breath, which became progressively worse;
 - iii. Chronic arrhythmia;
 - iv. Myocarditis;
 - v. Nausea;
 - vi. Fatigue.
54. On or about 15 March 2022, the Second Plaintiff received notification from a delegate of the Second Respondent via email that he was required to receive a third mandatory COVID-19 Vaccine Booster dose (**15 March 2022 Booster Dose Email**).
55. As at 22 March 2022, the Second Plaintiff was aware of the existence of and contents of Direction No 12 and Direction No 14 and, in particular, was aware of:
- a. the Direction No 12 Vaccination Requirements;
 - b. the contents of the 2 September 2021 Email;
 - c. the contents of the 7 September 2021 Email;
 - d. the contents of the 21 September 2021 Email;
 - e. the September/October 2021 telephone communications by the Administration Sergeant from Surfers Paradise Police Station;
 - f. the contents of the 31 December 2021 Booster Email;
 - g. the Direction No 14 Vaccination Requirements;
 - h. the contents of the 15 March 2022 Booster Dose Email;

- i. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA 4.9(1) exposed the Second Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
- j. that the Second Respondent's stated intention was to take disciplinary action against police officers who, unless exempt, did not receive vaccinations in accordance with Direction No 12 and Direction No 14, including suspension without pay and up to termination of employment.

56. By reason of the matters described in paragraph 55 above, the Second Plaintiff:

- a. was coerced;
- b. was under duress;
- c. experienced undue influence;
- d. feared for his own financial and emotional well-being, and the financial and emotional well-being of his family;
- e. was under a practical compulsion to receive the third dose of COVID-19 vaccine against his wishes.

57. As a consequence of the aforesaid:

- a. coercion;
- b. duress;
- c. undue influence;
- d. fear for his own financial and emotional well-being, and the financial and emotional well-being of his family;
- e. practical compulsion,

on or about 22 March 2022, the Second Plaintiff attended a general practitioner at Amtan Medical Pacific Pines and, under ~~protest~~ duress and/or coercion and/or undue influence and/or a practical compulsion, and without full and free consent, was administered with a third (booster) dose of COVID-19 Vaccine (**Second Plaintiff's Third Dose**).

58. On or about 22 March 2022, and thereafter, the Second Plaintiff experienced adverse side effects of the Second Plaintiff's Third Dose.

Particulars

- i. Pain in his left arm;
 - ii. Intermittent heart palpitations and shortness of breath, which became progressively worse;
 - iii. Chronic arrhythmia;
 - iv. Myocarditis;
 - v. Nausea;
 - vi. Fatigue.
59. On or about 9 August 2022, the Second Plaintiff received a notification from the Respondents that he was required to receive a 'Winter Booster' as he was in the over 50-year-old age bracket (**9 August 2022 Winter Booster Email**).
60. On or about 7 September 2022, the Second Plaintiff sent an email to QPS Workcover and Injury Management stating inter alia that the Second Plaintiff:
- a. was very worried about the risks to his health and wellbeing from being forced to receive a fourth booster dose of the COVID vaccine;
 - b. could not take the risk of receiving a further COVID vaccine and that he was genuinely fearful he might die.

- c. with the ongoing symptoms of the COVID Vaccination Injury he was experiencing and his health not improving, and being worried about it getting worse, he needed to focus on improving his health.

61. As at 7 September 2022, the Second Plaintiff was aware of the existence of and contents of Direction No 12 and Direction No 14 and, in particular, was aware of:

- a. the Direction No 12 Vaccination Requirements;
- b. the contents of the 2 September 2021 Email;
- c. the contents of the 7 September 2021 Email;
- d. the contents of the 21 September 2021 Email;
- e. the September/October 2021 telephone communications by the Administration Sergeant from Surfers Paradise Police Station;
- f. the contents of the 31 December 2021 Booster Email;
- g. the Direction No 14 Vaccination Requirements;
- h. the contents of the 15 March 2022 Booster Dose Email;
- i. the contents of the 21 July 2022 Winter Booster Email;
- j. the contents of the 25 July 2022 Winter Booster Email;
- k. the contents of the 9 August 2022 Winter Booster Email;
- l. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA 4.9(1) exposed the Second Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
- m. that the Second Respondent's stated intention was to take disciplinary action against police officers who, unless exempt, did not receive vaccinations in accordance with Direction No 12 and Direction No 14,

including suspension without pay and up to termination of employment;

62. By reason of the matters described in paragraph 61 above, the Second Plaintiff:
- a. was coerced;
 - b. was under duress;
 - c. experienced undue influence;
 - d. feared for his own financial and emotional well-being, and the financial and emotional well-being of his family;
 - e. was under a practical compulsion to receive the fourth booster dose of COVID-19 vaccine against his wishes.
63. As a consequence of the aforesaid:
- a. coercion;
 - b. duress;
 - c. undue influence;
 - d. fear for his own financial and emotional well-being, and the financial and emotional well-being of his family;
 - e. practical compulsion,

on 14 October 2022, feeling that he had no other choice, the Second Plaintiff tendered his resignation to the Respondents, and ended his career with the QPS.

63A. In the premises of paragraphs [45]-[48], [50]-[52], [55]-[57] and [61]-[63] above, but for the COVID-19 Directions, the Second Plaintiff would not have:

- a. received the Second Plaintiff's First Dose;

- b. received the Second Plaintiff's Second Dose;
- c. received the Second Plaintiff's Third Dose;
- d. resigned from his employment with the OPS.

E. THE THIRD PLAINTIFF – REFUSED MEDICAL EXEMPTION

64. At all material times the Third Plaintiff:
- a. was a police officer and a member of the QPS;
 - b. was subject to lawful directions given by the Second Respondent pursuant to PSAA s 4.9(1).
65. As at 4 October 2021, the Third Plaintiff was aware of the existence of and contents of Direction No 12 and, in particular, was aware of:
- a. the Direction No 12 Vaccination Requirements;
 - b. the contents of the 2 September 2021 Email;
 - c. the contents of the 7 September 2021 Email;
 - d. the contents of the 21 September 2021 Email;
 - e. the contents of the Direction No 12 Vaccination Exemption Guidelines;
 - f. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA s 4.9(1) exposed the ~~Second~~ Third Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
 - g. that the Second Respondent's stated intention was to take disciplinary action against police officers who did not receive at least one dose of COVID-19 Vaccine by 4 October 2021, including suspension without pay and up to termination of employment.
66. By reason of the matters described in paragraph 65 above, the Third Plaintiff:

- a. was coerced;
- b. was under duress;
- c. experienced undue influence;
- d. feared for her own financial and emotional well-being, and the financial and emotional well-being of her family;
- e. was under a practical compulsion to receive the first dose of COVID-19 vaccine against her wishes.

67. As a consequence of the aforesaid:

- a. coercion;
- b. duress;
- c. undue influence;
- d. fear for her own financial and emotional well-being, and the financial and emotional well-being of her family;
- e. the practical compulsion,

on or about 4 October 2021, the Third Plaintiff attended the Broadbeach Vaccination Hub and, under ~~protest~~ duress and/or coercion and/or undue influence and/or a practical compulsion, and without full and free consent, was administered with a first dose of COVID-19 Vaccine (**Third Plaintiff's First Dose**).

68. On or about 5 October 2021, and thereafter, the Third Plaintiff experienced adverse side effects of the Third Plaintiff's First Dose.

Particulars

- i. Unusually prolonged and heavy vaginal bleeding irregular with her normal menstrual cycle;
- ii. Migraines;

- iii. Nausea;
- iv. Fatigue;
- v. Joint and body aches.

69. As of 22 November 2021, the Third Plaintiff was aware of the existence of and contents of Direction No 12 and, in particular, was aware of:

- a. the Direction No 12 Vaccination Requirements;
- b. the contents of the 2 September 2021 Email;
- c. the contents of the 7 September 2021 Email;
- d. the contents of the 21 September 2021 Email;
- e. the contents of the Direction No 12 Vaccination Exemption Guidelines;
- f. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA 4.9(1) exposed the Third Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
- g. that the Second Respondent's stated intention was to take disciplinary action against police officers who did not receive at least one dose of COVID-19 Vaccine by 4 October 2021, including suspension without pay and up to termination of employment.

70. By reason of the matters described in paragraphs 69 above, the Third Plaintiff:

- a. was coerced;
- b. was under duress;
- c. experienced undue influence;
- d. feared for her own financial and emotional well-being, and the financial and emotional well-being of her family;

- e. was under a practical compulsion to receive the first dose of COVID-19 vaccine against her wishes.

71. As a consequence of the aforesaid:

- a. coercion;
- b. duress;
- c. undue influence;
- d. fear for her own financial and emotional well-being, and the financial and emotional well-being of her family;
- e. practical compulsion.

on or about 22 November 2021, the Third Plaintiff attended a chemist at Broadbeach in the State of Queensland and, under ~~protest~~ duress and/or coercion and/or undue influence and/or a practical compulsion, and without full and free consent, was administered with a second dose of COVID-19 Vaccine (**Third Plaintiff's Second Dose**).

72. On or about 23 November 2021, and thereafter, the Third Plaintiff experienced adverse side effects of the Third Plaintiff's Second Dose.

Particulars

- i. Unusually prolonged and heavy vaginal bleeding irregular with her normal menstrual cycle;
- ii. Migraines;
- iii. Nausea;
- iv. Fatigue;
- v. Joint and body aches.

73. On or about 2 March 2022:

- a. the Third Plaintiff attended upon a general practitioner for the purposes of discussing with her the adverse effects experienced by the Third Plaintiff subsequent to the Third Plaintiff's First Dose and the Third Plaintiff's Second Dose;
 - b. the Third Plaintiff's general practitioner provided the Third Plaintiff with a medical certificate which certified that, in accordance with ATAGI guidelines, the Third Plaintiff was eligible for exemption from COVID-19 vaccination until 25 May 2022.
- 74. On or about 4 March 2022, the Third Plaintiff submitted an application for medical exemption from receiving a third dose of COVID-19 vaccine, supported by the medical certificate from the general practitioner (**Third Plaintiff's First Exemption Application**).
- 75. On or about 14 March 2022, the Vaccine Exemption Committee decided by a majority not to support the Third Plaintiff's First Exemption Application.
- 76. On or about 16 March 2022, the Deputy Commissioner decided not to approve the Third Plaintiff's First Exemption Application (**First Exemption Refusal**).
- 77. By way of email dated 17 March 2022, the First Exemption Refusal was communicated by Colin McVay, Principal Executive Officer of the First Respondent, to Assistant Commissioner Brian Wilkins
- 78. On or about 18 March 2022, the Third Plaintiff received an email from a delegate of the Second Respondent, Assistant Commissioner Brian Wilkins in which the Third Plaintiff was informed that if the Third Respondent did not receive a COVID-19 vaccine booster that would constitute a breach of Direction No 14 and the Third Plaintiff would face disciplinary action (**18 March 2022 Booster Dose Email**).
- 79. As at 20 March 2022, the Third Plaintiff was aware of the existence of and contents of Direction No 12 and Direction No 14 and, in particular, was aware of:
 - a. the Direction No 12 Vaccination Requirements;

- b. the contents of the 2 September 2021 Email;
- c. the contents of the 7 September 2021 Email;
- d. the contents of the 21 September 2021 Email;
- e. the contents of the 31 December 2021 Booster Email;
- f. the contents of the Direction No 12 Vaccination Exemption Guidelines;
- g. the Direction No 14 Vaccination Requirements;
- h. the contents of the Direction No 14 Vaccination Exemption Guidelines;
- i. the First Exemption Refusal;
- j. the contents of the 18 March 2022 Booster Dose Email;
- k. that a failure to comply with a lawful direction given by the Second Respondent pursuant to PSAA 4.9(1) exposed the Third Plaintiff to disciplinary action under PSAA Parts 7, 7A and 8, including suspension without pay and up to termination of employment;
- l. that the Second Respondent's stated intention was to take disciplinary action against police officers who, unless exempt, did not received vaccinations in accordance with Direction No 12 and Direction No 14, including suspension without pay and up to termination of employment;

80. By reason of the matters described in paragraph 79 above, the Third Plaintiff:

- a. was coerced;
- b. was under duress;
- c. experienced undue influence;
- d. feared for her own financial and emotional well-being, and the financial and emotional well-being of her family;

- e. was under a practical compulsion to receive the third dose of COVID-19 vaccine against her wishes.

81. As a consequence of the aforesaid:

- a. coercion;
- b. duress;
- c. undue influence;
- d. fear for her own financial and emotional well-being, and the financial and emotional well-being of her family;
- e. practical compulsion,

on or about 23 March 2022, the Third Plaintiff attended the Pacific Pines Medical Centre and, under ~~protest~~ duress and/or coercion and/or undue influence and/or a practical compulsion, and without full and free consent, was administered with a third (booster) dose of COVID-19 Vaccine (**Third Plaintiff's Third Dose**).

82. On or about 23 March 2022, and thereafter, the Third Plaintiff experienced adverse side effects of the Third Plaintiff's Third Dose.

Particulars

- i. unusually prolonged and heavy vaginal bleeding irregular with her normal cycle;
- ii. Migraines;
- iii. Nausea;
- iv. Fatigue;
- v. Joint and body aches.

83. On or about 21 July 2022, the Third Plaintiff received the 21 July 2022 Winter Booster Email.

84. On or about 25 July 2022, the Third Plaintiff received the 25 July 2022 Winter Booster Email.
85. On or about 26 September 2022:
- a. the Third Plaintiff attended upon a general practitioner for the purposes of discussing with her the adverse effects experienced by the Third Plaintiff subsequent to the Third Plaintiff's First Dose, the Third Plaintiff's Second Dose and the Third Plaintiff's Third Dose.
 - b. the Third Plaintiff's general practitioner provided the Third Plaintiff with a medical certificate which certified that the Third Plaintiff had been advised not to receive a fourth (booster) dose of COVID-19 vaccine due to the severe side effects experienced following the Third Plaintiff's First Dose, the Third Plaintiff's Second Dose and the Third Plaintiff's Third Dose.
86. On or about 14 October 2022, the Third Plaintiff submitted an application for medical exemption from receiving a fourth (booster) dose of COVID-19 vaccine, supported by the medical certificate from the general practitioner (**Third Plaintiff's Second Exemption Application**).
87. In or about late October 2022, the Third Applicant received notification of a temporary medical exemption from receiving the fourth (booster) dose of COVID-19 vaccine, which temporary medical exemption would expire in January 2023.
88. On or about 12 December 2022, Direction No. 14 was revoked thereby relieving the Third Plaintiff from complying with the fourth vaccine mandate required of officers over 50 years of age.

88A. In the premises of paragraphs [65]-[67], [69]-[71], and [79]-[81] above, but for the COVID-19 Directions, the Third Plaintiff would not have:

- a. received the Third Plaintiff's First Dose;
- b. received the Third Plaintiff's Second Dose;

- c. received the Third Plaintiff's Third Dose.

F. MISFEASANCE IN PUBLIC OFFICE

General pleading

89. At the time of making the decision, and acting, to issue the COVID-19 Directions, the Second Respondent knew that the Directions Power was limited in that:
- a. she could not lawfully issue a direction that did not comply with the proper discharge of the Prescribed Responsibility under PSAA, s 4.8;
 - b. she could not lawfully issue a direction that was inconsistent with the PSAA;
 - c. she could not lawfully issue a direction if the direction was not compatible with human rights;
 - d. she could not lawfully issue a direction if, in making the decision to issue the direction, the Second Respondent failed to give consideration to a human right relevant to the decision.
90. The purported exercise of power by the Second Respondent in deciding to issue and issuing the COVID-19 Directions was unlawful by reason that:
- a. the COVID-19 Directions did not comply with the proper discharge of the Prescribed Responsibility under PSAA, s4.8;
 - b. the COVID-19 Directions were inconsistent with the PSAA;
 - c. the COVID-19 Directions were 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;

Particulars

HRA s58(1)(a) provides that it is unlawful for a public entity, which includes the Second Respondent, to act or make a decision in a way that is not compatible with human rights as defined by HRA s8.

The COVID-19 Directions were not compatible with the following human rights:

- i. right to recognition and equality before the law (HRA s15);
 - ii. right to life (HRA s16);
 - iii. right to freedom from being subjected to medical treatment without full, free and informed consent (HRA s17);
 - iv. right to freedom of thought, conscience, religion and belief (HRA s20);
 - v. right to take part in public life without discrimination (HRA s23);
 - vi. right to privacy and reputation (HRA s25);
 - vii. right to liberty and security (HRA s29).
- d. the Second Respondent failed to give proper consideration to human rights relevant to the making of the COVID-19 Directions.

Particulars

HRA s58(1)(b) provides that it is unlawful for a public entity, which includes the Second Respondent, in making a decision, to fail to give proper consideration to a human right relevant to the decision.

The Second Respondent failed to:

- i. understand the rights that may be affected and how those rights would be interfered with by the COVID-19 Directions;

- ii. seriously turn her mind to the impact of the COVID-19 Directions upon a person's human rights;
 - iii. identify the countervailing interests and obligations;
 - iv. balance competing public and private interests;
 - v. consider whether the COVID-19 Directions would be compatible with human rights.
 - e. the Second Respondent failed to ensure that the COVID-19 Directions were not inconsistent with the PSAA;
 - f. the Second Respondent failed to ensure that the COVID-19 Directions complied with the proper discharge of the Prescribed Responsibility under PSAA, s 4.8;
 - g. the Second Respondent otherwise failed to ensure that the COVID-19 Directions were lawful.
91. At the time of making the decision to issue, and acting to issue, the COVID-19 Directions, the Second Respondent:
- a. knew that the issuing of the COVID-19 Directions was unlawful by reason that:
 - i. they were not consistent with the PSAA;
 - ii. they did not comply with the proper discharge of the Prescribed Responsibility under PSAA, s 4.8;
 - iii. they were 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;
 - b. knew that she has failed to give proper consideration to the human rights relevant to the decision of, and act of, issuing of the COVID-19 Directions.

92. In the alternative, at the time of making the decision to issue, and acting to issue, the COVID-19 Directions, the Second Respondent:
- a. was recklessly indifferent as to whether or not the COVID-19 Directions:
 - i. were not consistent with the PSAA;
 - ii. did not comply with the proper discharge of the Prescribed Responsibility under PSAA, s4.8;
 - iii. were incompatible 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;
 - b. was recklessly indifferent as to whether or not she gave any, or any proper, consideration to the human rights relevant to the decision of, and act of, issuing the COVID-19 Directions.
93. Further, at the time of making the decision to issue, and acting to issue, the COVID-19 Directions, the Second Respondent:
- a. knew, or should reasonably have known, that the COVID-19 Directions were likely to cause loss and/or damage to the Plaintiffs and the Group Members;
 - b. in the alternative to (a), was recklessly indifferent to whether or not the COVID-19 Directions were likely to cause loss and/or damage to the Plaintiffs and the Group Members.
94. As a consequence of the making of the COVID-19 Directions, and in consequence of the Second Respondent's misfeasance in public office, the Plaintiffs and the Group Members have suffered loss and damage.

Particulars

Particulars of the loss and damage by each of the Group Members will be provided in due course.

Particulars of the loss and damage suffered by the individual Plaintiffs is provided below.

95. By reason of the foregoing, the Second Respondent has committed the tort of misfeasance in public office and:
 - a. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, to the Plaintiffs and the Group Members;
 - b. further, the First Respondent:
 - i. is vicariously liable for the tort of misfeasance in public office committed by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Plaintiffs and the Group Members for the tort of misfeasance in public office committed by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Misfeasance claim by the First Plaintiff

96. The First Plaintiff repeats:
 - a. paragraphs 25 to 43 (the allegations in relation to the First Plaintiff's refusal to comply with the COVID-19 Directions);
 - b. paragraphs 828 to 924 (the general allegations in relation to misfeasance in public office).
97. As a consequence of the making of the COVID-19 Directions, and in consequence of the Second Respondent's misfeasance in public office, the First Plaintiff suffered loss and damage.

Particulars

- i. On the basis of non-compliance with the COVID-19 Directions, the First Plaintiff was suspended from duty with only normal remuneration, was suspended from duty without remuneration, and was terminated from her employment with the QPS.
- ii. In the period in which the First Plaintiff was suspended with only normal remuneration, the First Plaintiff suffered financial hardship in that the First Plaintiff was deprived of the opportunity to earn overtime and penalty rates.
- iii. In the period in which the First Plaintiff was suspended without remuneration, the First Plaintiff suffered financial hardship by reason of not receiving normal remuneration, and being deprived of the opportunity to earn remuneration by way of overtime and penalty rates.
- iv. As a result of the termination of the First Plaintiff's employment, the First Plaintiff suffered financial hardship including:
 - a. economic loss;
 - b. being forced to sell an investment property that was meant to fund her retirement.
 - c. being forced to reside in her caravan during the period she was suspended, volunteering as a caretaker in caravan parks in lieu of rent and without income.
 - d. by reason of having to re-enter the workforce and attempt to find gainful employment as an older woman approaching retirement who is thereby at a disadvantage in the open labour market.

- v. In addition to the financial hardship described above, the First Plaintiff has experienced hurt, humiliation, indignity, anxiety, distress and embarrassment, and injury to reputation.
- vi. The First Plaintiff has additionally lost the opportunity to progress her career with QPS after some 49 years of service and employment with the QPS.
- vii. Further particulars will be provided in due course.

98. By reason of the foregoing, the Second Respondent has committed the tort of misfeasance in public office and:

- a. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, to the First Plaintiff;
- b. further, the First Respondent:
 - iii. is vicariously liable for the tort of misfeasance in public office committed by the Second Respondent;
 - iv. is otherwise liable to pay damages, including aggravated and exemplary damages, to the First Plaintiff for the tort of misfeasance in public office committed by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Misfeasance claim by the Second Plaintiff

99. The Second Plaintiff repeats:

- a. paragraphs 44 to 63^Δ (the allegations in relation to the circumstances of the Second Plaintiff's compliance ~~under protest~~ with the COVID-19 Directions);
- b. paragraphs 828 to 954 (the general allegations in relation to misfeasance in public office).

100. As a consequence of the making of the COVID-19 Directions, and in consequence of the Second Respondent's misfeasance in public office, the Second Plaintiff suffered loss and damage.

Particulars

- i. The Second Plaintiff repeats the particulars of the adverse COVID vaccination side effects experienced by the Second Plaintiff at paragraphs 49, 53 and 58 hereof.
- ii. In addition, as a consequence of receiving the Second Plaintiff's First Dose, the Second Plaintiff's Second Dose, and the Second Plaintiff's Third Dose of the COVID-19 Vaccine as purportedly required by the unlawful COVID-19 Directions against the Second Plaintiff's will, the Second Plaintiff has suffered:
 - a. interference with bodily integrity, shame, embarrassment, humiliation, indignity.
 - b. financial damage including:
 - i. loss of income;
 - ii. loss of opportunity;
 - iii. loss of overtime and penalty rates;
 - iv. forced depletion of personal leave;
 - v. loss of superannuation contributions;
 - vi. interest incurred upon the mortgage as a result of a single income;
 - vii. expenses incurred in obtaining qualifications and retraining for new employment.

iii. The Second Plaintiff has additionally lost the opportunity to progress his career with QPS after over a decade of service and employment with the QPS.

iv. Further particulars will be provided in due course.

101. By reason of the foregoing, the Second Respondent has committed the tort of misfeasance in public office and:

a. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, to the Second Plaintiff;

b. further, the First Respondent:

v. is vicariously liable for the tort of misfeasance in public office committed by the Second Respondent;

vi. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Second Plaintiff for the tort of misfeasance in public office committed by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Misfeasance claim by the Third Plaintiff

102. The Third Plaintiff repeats:

a. paragraphs 64 to 88^A (the allegations in relation to the Third Plaintiff's compliance with the COVID-19 Directions and applications for Medical Exemption);

b. paragraphs 8²⁸ to 9⁵⁴ (the general allegations in relation to misfeasance in public office).

103. As a consequence of the making of the COVID-19 Directions, and in consequence of the Second Respondent's misfeasance in public office, the Third Plaintiff suffered loss and damage.

Particulars

- i. The Third Plaintiff repeats the particulars of the adverse COVID vaccination side effects experienced by the Third Plaintiff at paragraphs 68, 72 and 82 hereof.
- ii. In addition, as a consequence of receiving the Third Plaintiff's First Dose, the Third Plaintiff's Second Dose and the Third Plaintiff's Third Dose of the COVID-19 Vaccine as purportedly required by the unlawful COVID Directions against the Third Plaintiff's will, the Third Plaintiff has suffered:
 - a. interference with bodily integrity, shame, embarrassment, humiliation, indignity.
 - b. financial damage calculated from:
 - i. loss of income;
 - ii. loss of overtime and penalty rates;
 - iii. loss of superannuation contributions;
 - iv. forced depletion of personal leave and special responsibilities leave;
 - v. incurred out-of-pocket expenses associated with the caring of Second Plaintiff including:
 1. transportation expenses;
 2. parking fees;
 - vi. incapacitation of the Second Plaintiff and the undertaking of caring responsibilities, inclusive of, but not limited to:
 1. cooking for the Second Plaintiff;

2. household maintenance for the Second Plaintiff;
3. cleaning and laundry for the Second Plaintiff.

iii. Further particulars will be provided in due course.

104. By reason of the foregoing, the Second Respondent has committed the tort of misfeasance in public office and:

- a. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, to the Third Plaintiff;
- b. further, the First Respondent:
 - i. is vicariously liable for the tort of misfeasance in public office committed by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Third Plaintiff for the tort of misfeasance in public office committed by the Second Respondent pursuant to PSAA ss10.5(1), (2), and (3).

G. CLAIM IN NEGLIGENCE

General pleading

105. By reason of the employment relationship between the First Respondent and/or Second Respondent, each of the First Respondent and the Second Respondent owed a duty of care to the Plaintiffs and the Group Members at common law to:

- a. exercise reasonable care in the management and control of police officers and staff members;
- b. to provide a safe system of work;
- c. provide a safe workplace;

- d. provide a safe workforce;
- e. only issue lawful and reasonable directions;
- f. ensure that any directions of the Second Respondent complied with the PSAA and any and all other Acts and laws, including the HRA;
- g. provide genuine exemptions from compliance with the COVID-19 Directions to members who applied for an exemption on the grounds of medical contraindication;
- h. provide a fair process for applying for an exemption from the COVID-19 Directions;
- i. avoid the risk of foreseeable harm to the the Plaintiffs and the Group Members, including harm in the nature of:
 - i. economic loss;
 - ii. out-of-pocket expenses;
 - iii. hurt, humiliation, distress;
 - iv. injury to reputation;
 - v. injury to feelings including:
 - 1. outrage;
 - 2. humiliation;
 - 3. indignity;
 - 4. insult;
 - vi. anxiety and distress and emotional harm.

106. The First Respondent and/or Second Respondent breached their duties of care to the Plaintiffs and the Group Members at common law including by:

- a. failing to take all reasonable steps to provide a safe system of work;

- b. failing issue lawful and reasonable directions;
 - c. failing to ensure that any directions of the Second Respondent complied with the PSAA and any and all other Acts and laws;
 - d. failing to provide genuine exemptions from compliance with the COVID-19 Directions to members who applied for an exemption on the grounds of medical contraindication;
 - e. failing to provide genuine exemptions from compliance with the COVID-19 Directions to members who applied for an exemption on the grounds of religious exemption;
 - f. failing to provide genuine exemptions from compliance with the COVID-19 Directions to members who applied for an exemption on the grounds of extraordinary circumstances;
 - g. failing to provide genuine exemptions from compliance with the COVID-19 Directions to members who applied for an exemption on the grounds of conscientious objection;
 - h. failing to provide a fair process for applying for an exemption from the COVID-19 Directions.
107. By reason of the breach of duty of care by the First Respondent and/or the Second Respondent, the Plaintiffs and the Group Members suffered loss and damage.

Particulars

Particulars of the loss and damage by each of the Plaintiffs and the Group Members will be provided in due course.

108. By reason of the foregoing:
- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the Plaintiffs and the Group Members;

- b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the Plaintiffs and the Group Members;
- c. further, the First Respondent:
 - i. is vicariously liable for the breach of duty of care by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Group Members for the breach of duty of care by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Negligence claim by the First Plaintiff

109. The First Plaintiff repeats:

- a. paragraphs 25 to 43 (the allegations in relation to the First Plaintiff's refusal to comply with the COVID-19 Directions);
- b. paragraphs 105 to 108 (the general allegations in relation to breach of duty of care).

110. As a consequence of the making of the COVID-19 Directions, and in consequence of the First Respondent's and/or the Second Respondent's breach of duty of care, the First Plaintiff suffered loss and damage.

Particulars

The First Plaintiff repeats the particulars of loss and damage in paragraph 97 hereof.

111. By reason of the foregoing, the First Respondent and/or the Second Respondent were negligent and:

- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the First Plaintiff;
- b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the First Plaintiff;
- c. further, the First Respondent:
 - i. is vicariously liable for the breach of duty of care by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the First Plaintiff for the breach of duty of care by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Negligence claim by the Second Plaintiff

112. The Second Plaintiff repeats:

- a. paragraphs 44 to 63^Δ (the allegations in relation to the circumstances of the Second Plaintiff's ~~refusal to comply~~ compliance with the COVID-19 Directions);
- b. paragraphs 105 to 108 (the general allegations in relation to breach of duty of care).

113. As a consequence of the making of the COVID-19 Directions, and in consequence of the First Respondent's and/or the Second Respondent's breach of duty of care, the Second Plaintiff suffered loss and damage.

Particulars

The Second Plaintiff repeats the particulars of loss and damage in paragraph 100 hereof.

114. By reason of the foregoing, the First Respondent and/or the Second Respondent were negligent and:
- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the Second Plaintiff;
 - b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the Second Plaintiff;
 - c. further, the First Respondent:
 - i. is vicariously liable for the breach of duty of care by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Second Plaintiff for the breach of duty of care by the Second Respondent pursuant to PSAA ss10.5(1), (2), and (3).

Negligence claim by the Third Plaintiff

115. The Third Plaintiff repeats:
- a. paragraphs 64 to 88~~A~~ (the allegations in relation to the Third Plaintiff's ~~refusal to comply~~ compliance with the COVID-19 Directions and applications for Medical Exemption);
 - b. paragraphs 105 to 108 (the general allegations in relation to breach of duty of care).
116. As a consequence of the making of the COVID-19 Directions, and in consequence of the First Respondent's and/or the Second Respondent's breach of duty of care, the Third Plaintiff suffered loss and damage.

Particulars

The Third Plaintiff repeats the particulars of loss and damage in paragraph 103 hereof.

117. By reason of the foregoing, the First Respondent and/or the Second Respondent were negligent and:
- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the Third Plaintiff;
 - b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of duty of care to the Third Plaintiff;
 - c. further, the First Respondent:
 - i. is vicariously liable for the breach of duty of care by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Third Plaintiff for the breach of duty of care by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

H. CLAIM FOR THE TORT OF BREACH OF STATUTORY DUTY***General pleading***

118. Further, the First Respondent and/or Second Respondent owed a duty to the Plaintiffs and the Group Members pursuant to the PSAA to:
- a. maintain, develop and administer the QPS in accordance with law;
 - b. exercise reasonable care in the management and control of police officers and staff members;

- c. provide a safe workplace;
 - d. provide a safe workforce;
 - e. discharge the Prescribed Responsibility pursuant to s 4.8(1)(a) PSAA lawfully;
 - f. do, or cause to be done, all such lawful acts and things as the Second Respondent considers to be necessary or convenient for the efficient and proper discharge of the Prescribed Responsibility in accordance with s 4.8(3) PSAA;
 - g. ensure compliance with the requirements of all Acts and laws binding on members of the police service, and directions of the Second Respondent in accordance with s 4.8(4)(b) PSAA;
 - h. only issue directions pursuant to which were consistent with the PSAA and/or otherwise lawful and in accordance with law pursuant to s 4.9(2) PSAA.
 - i. ensure that human, financial or other resources of the service were governed and administered according to law in accordance with reg. 7(a), PSA Regulations;
 - j. ensure all members of the service were treated justly, fairly and with compassion in accordance with reg 7(r) PSA Regulations;
 - k. ensure that members of the service were only disciplined in accordance with law pursuant to reg 7(k) PSA Regulations;
 - l. ensure that members of the service were only subjected to disciplinary sanction including suspension without pay and termination in accordance with law pursuant to reg 7(p) PSA Regulations.
119. The First Respondent and/or Second Respondent breached their statutory duties to the Plaintiffs and the Group Members pursuant to the PSAA including by:

- a. failing to maintain, develop and administer the QPS in accordance with law;
- b. failing to exercise reasonable care in the management and control of police officers and staff members;
- c. failing to provide a safe workplace;
- d. failing to provide a safe workforce;
- e. failing to discharge the Prescribed Responsibility pursuant to s 4.8(1)(a) PSAA lawfully;
- f. failing to ensure compliance with the requirements of all Acts and laws binding on members of the QPS, and directions of the Second Respondent in accordance with s 4.8(4)(b) PSAA, and in particular the requirements of the HRA;
- g. failing to only issue directions pursuant to which were consistent with the PSAA and/or otherwise lawful and in accordance with law pursuant to s 4.9(2) PSAA, and in particular the requirements of the HRA;
- h. failing to ensure that human, financial or other resources of the service were governed and administered according to law in accordance with reg. 7(a), PSA Regulations, and in particular the requirements of the HRA;
- i. failing to ensure all members of the service were treated justly, fairly and with compassion in accordance with reg 7(r) PSA Regulations, and in particular the requirements of the HRA;
- j. failing to ensure that members of the service were only disciplined in accordance with law pursuant to reg 7(k) PSA Regulations, and in particular the requirements of the HRA;
- k. failing to ensure that members of the service were only subjected to disciplinary sanction including suspension without pay and termination

in accordance with law pursuant to reg 7(p) PSA Regulations, and in particular the requirements of the HRA;

- l. failing to maintain, develop and administer the QPS in accordance with law, and in particular the requirements of the HRA;
 - m. failing to discharge the Prescribed Responsibility in accordance with law, and in particular the requirements of the HRA;
 - n. failing to ensure compliance with the requirements of all Acts and laws binding on members of the police service, and in particular the requirements of the HRA;
 - o. issuing the COVID-19 Directions which were inconsistent with the HRA and therefore inconsistent with the PSAA and/or were otherwise unlawful and/or not in accordance with law;
 - p. failing to ensure that human, financial or other resources of the service were governed and administered according to law, and in particular the requirements of the HRA;
 - q. failing to ensure all members of the service were treated justly, fairly and with compassion, and in particular the requirements of the HRA;
 - r. failing to ensure that members of the service were only disciplined in accordance with law, and in particular the requirements of the HRA;
 - s. failing to ensure that members of the QPS were only subjected to disciplinary sanction including suspension without pay and termination in accordance with law, and in particular the requirements of the HRA.
120. By reason of the breaches of Statutory Duty by the First Respondent and/or the Second Respondent, the Plaintiffs and the Group Members suffered loss and damage.

Particulars

Particulars of the loss and damage by each of the Group Members will be provided in due course.

121. By reason of the foregoing:

- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the Plaintiffs and the Group Members;
- b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the Plaintiffs and the Group Members;
- c. further, the First Respondent:
 - i. is vicariously liable for the breach of statutory duty by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Group Members for the breach of statutory duty by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Breach of Statutory Duty claim by the First Plaintiff

122. The First Plaintiff repeats:

- a. paragraphs 25 to 43 (the allegations in relation to the First Plaintiff's refusal to comply with the COVID-19 Directions);
- b. paragraphs 118 to 121 (the general allegations in relation to breach of statutory duty).

123. As a consequence of the making of the COVID-19 Directions, and in consequence of the First Respondent's and/or the Second Respondent's breach of statutory duty, the First Plaintiff suffered loss and damage.

Particulars

The First Plaintiff repeats the particulars of loss and damage in paragraph 97 hereof.

124. By reason of the foregoing, the First Respondent and/or the Second Respondent committed the tort of breach of statutory duty and:
- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the First Plaintiff;
 - b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the First Plaintiff;
 - c. further, the First Respondent:
 - i. is vicariously liable for the breach of statutory duty by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the First Plaintiff for the breach of statutory duty by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Breach of Statutory Duty claim by the Second Plaintiff

125. The Second Plaintiff repeats:
- a. paragraphs 44 to 63 ~~Δ~~ (the allegations in relation to the circumstances of the Second Plaintiff's refusal to comply with the COVID-19 Directions);

- b. paragraphs 118 to 121 (the general allegations in relation to breach of statutory duty).

126. As a consequence of the making of the COVID-19 Directions, and in consequence of the First Respondent's and/or the Second Respondent's breach of statutory duty, the Second Plaintiff suffered loss and damage.

Particulars

The Second Plaintiff repeats the particulars of loss and damage in paragraph 100 hereof.

127. By reason of the foregoing, the First Respondent and/or the Second Respondent committed the tort of breach of statutory duty and:
- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the Second Plaintiff;
 - b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the Second Plaintiff;
 - c. further, the First Respondent:
 - i. is vicariously liable for the breach of statutory duty by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Second Plaintiff for the breach of statutory duty by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

Breach of Statutory Duty claim by the Third Plaintiff

128. The Third Plaintiff repeats:

- a. paragraphs 64 to 88~~A~~ (the allegations in relation to the Third Plaintiff's ~~refusal to comply~~ compliance with the COVID-19 Directions and applications for Medical Exemption);
- b. paragraphs 118 to 121 (the general allegations in relation to breach of statutory duty).

129. As a consequence of the making of the COVID-19 Directions, and in consequence of the First Respondent's and/or the Second Respondent's breach of statutory duty, the Third Plaintiff suffered loss and damage.

Particulars

The Third Plaintiff repeats the particulars of loss and damage in paragraph 103 hereof.

130. By reason of the foregoing, the First Respondent and/or the Second Respondent committed the tort of breach of statutory duty and:
- a. the First Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the Third Plaintiff;
 - b. the Second Respondent is liable to pay damages, including aggravated and exemplary damages, for breach of statutory duty to the Third Plaintiff;
 - c. further, the First Respondent:
 - i. is vicariously liable for the breach of statutory duty by the Second Respondent;
 - ii. is otherwise liable to pay damages, including aggravated and exemplary damages, to the Third Plaintiff for the breach of statutory duty by the Second Respondent pursuant to PSAA ss10.5(1), (2) and (3).

1. COMMON QUESTIONS

Common questions in relation to all Group Members

131. 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).

132. 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).

133. 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?
134. 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?
135. 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?

136. 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?

137. 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?
138. 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?
139. 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?
140. 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?
141. 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?
142. 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?

143. Did the Second Respondent, in purporting to issue Direction No 12, commit the tort of misfeasance in public office?
144. 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?
145. 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?
146. Is the First Respondent vicariously liable for the Second Respondent's misfeasance in public office in purporting to issue Direction No 12?
147. 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?
148. 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?
149. Is the First Respondent vicariously liable for the Second Respondent's misfeasance in public office in purporting to issue Direction No 14?
150. 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?
151. 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?
152. 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?

153. 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?
154. 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?
155. 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?
156. 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?
157. 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?
158. 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?
159. 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

160. 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?

161. 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?
162. 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?
163. 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

164. 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

165. Did the Second Respondent breach a common law duty to the Vaccine Coercion Group Members in formulating the Vaccine Exemption Guidelines?

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

J. RELIEF SOUGHT

The Plaintiffs claim the following relief on behalf of the Group Members:

1. Damages in an amount to be determined 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;
3. Exemplary Damages in an amount to be determined;
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:

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 Second 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;
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 Third 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.

Signed:



Description: Solicitor, Justin Sibley

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

NOTICE AS TO DEFENCE

Your defence must be attached to your notice of intention to defend.

NOTICE UNDER RULE 150(3)¹

The plaintiff claims:

\$.....

\$..... for interest; and

\$..... for costs of issuing the claim and this statement of claim.

The proceeding ends if you pay those amounts before the time for filing your notice of intention to defend ends. If you are in default by not filing a notice of intention to defend within the time allowed, the plaintiff is entitled to claim additional costs of \$....., costs of entering judgment in default.

¹ This notice is to be included if the plaintiff's claim is for a debt or liquidated demand only.