

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: BS8659/09

Plaintiff: **CLASUL PTY LTD**
ACN 010 173 029

AND

Defendant: **COMMONWEALTH OF AUSTRALIA**

**PLAINTIFF'S REQUEST FOR FURTHER AND BETTER
PARTICULARS OF DEFENCE**

The plaintiff requests that the defendant provide the following Further and Better Particulars of the Defence as set out below. In this document, a request for the "Usual Particulars" of a communication or representation is a request that the plaintiff, in respect of the relevant communication or representation, identify:

- (a) Whether it was wholly or partly in writing, oral or to be implied;
- (b) Insofar as it was in writing, each document constituting the same (and provide a copy of such document pursuant to Rule 222 of the *Uniform Civil Procedure Rules 1999* (UCPR));
- (c) Insofar as it was oral, the substance of each conversation constituting the same and say when, where and between which actual persons each such conversation took place; and
- (d) Insofar as it was to be implied, the facts, matters and circumstances giving rise to such implication.

Particulars Requested

- 1. In relation to paragraph 1.3 of the Defence, identify the document or documents constituting the relevant appointments and administrative arrangements and pursuant to Rule 222 UCPR, provide a copy of those documents.
- 2. In relation to paragraph 1.4 of the Defence, identify the document or documents constituting the relevant instrument dated 10 February 2003 and pursuant to Rule 222 UCPR, provide a copy of that document.

**PLAINTIFF'S REQUEST FOR FURTHER AND
BETTER PARTICULARS OF DEFENCE**
Filed on behalf of the Plaintiff

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3. In relation to paragraph 1.6(b) of the Defence, identify the document or documents constituting the appointment of the Minister under section 64 of the Constitution to administer the Department and pursuant to Rule 222 UCPR, provide a copy of that document.
4. In relation to paragraph 1.8 of the Defence, identify the document or documents constituting the relevant Lease of the premises situated at Wallgrove Road, Eastern Creek, known as the Eastern Creek Quarantine Station and pursuant to Rule 222 UCPR, provide a copy of that document.
5. In relation to paragraph 13.2 of the Defence:
 - 5.1 give full particulars of the classroom based training and induction program, inter alia, identifying the persons by whom the training was provided, the place at which the training was provided and any documents used in the training and induction program (and provide a copy of any such document pursuant to Rule 222 UCPR) and provide details of the nature, extent and content of the training and induction program;
 - 5.2 give full particulars of the individual site specific training with quarantine officers, specifying the nature, extent and content of the training, identifying any documents used in the training (and provide a copy of such documents pursuant to Rule 222 UCPR) and identifying the place at which and the persons by whom the training was provided;
 - 5.3 having regard to the use of the word "included" in paragraph 13.2 of the Defence, give full particulars of any other training for quarantine officers relied upon by the defendant.
6. In relation to paragraph 13.4(b) of the Defence, having regard to the use of the word "including" in that paragraph, give full particulars of any other documents which set out procedures and operations for the quarantine of horses upon which the defendant relies.
7. In relation to paragraph 13.8 of the Defence:
 - 7.1 having regard to the use of the word "include" in paragraph 13.8(b)(i) of the Defence, give full particulars of any other documents relating to instructions provided to grooms upon which the defendant relies;
 - 7.2 give the usual particulars of the requirement referred to in paragraph 13.8(b)(ii) of the Defence;
 - 7.3 give the usual particulars of the requirement referred to in paragraph 13.8(b)(iii) of the Defence;
 - 7.4 give the usual particulars of the condition referred to in paragraph 13.8(b)(iv) of the Defence;
 - 7.5 give the usual particulars of the advices referred to in paragraph 13.8(b)(v) of the Defence.

8. In relation to paragraph 19(c) of the Defence:
 - 8.1 having regard to the use of the word "include" in the said paragraph, give full particulars of all other possible explanations for the escape of the virus into the equine population upon which the defendant relies;
 - 8.2 as to paragraph 19(c)(i) of the Defence, identify each other possible place from which the virus escaped and with respect to each such place, state the material facts and circumstances upon which the defendant relies to contend that the place was a possible place of escape of the virus;
 - 8.3 as to paragraph 19(c)(ii)(B) of the Defence, specify the vectors referred to therein and with respect to each such vector, state the material facts and circumstances relied upon by the defendant to contend that that vector was a possible means of transmission of the virus.

9. In relation to paragraph 31 of the Defence and the allegation that, if the matters pleaded in the Statement of Claim are made out, then:
 - 9.1 the plaintiff has suffered loss or damage by reason of the wrongful acts or omissions of one or more public officers;
 - 9.2 any such wrongful act or omission occurred in the course of that officer acting in the performance or purported performance of a duty or duties imposed on that office by the Act;

identify, by reference to each of the acts specified and pleaded in paragraphs 13, 20 and 21 of the Statement of Claim (including the sub-paragraphs thereof):
 - 9.2.1 the wrongful act or omission of one or more public officers and identify the relevant public officer who performed the wrongful act or made the omission; and
 - 9.2.2 in respect of each such wrongful act or omission the duty which the officer was performing or purportedly performing, specifying the provision or provisions of the Act which imposed the duty on the officer.

Signed:

Description: Attwood Marshall Lawyers
 Solicitors for the Plaintiff

Dated: 21 December 2009