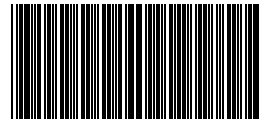




Filed: 1 October 2025 3:30 PM



D00028HMM0

SECOND CROSS-CLAIM DEFENCE TO CROSS CLAIM

COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General
Registry	Supreme Court Sydney
Case number	2024/00338021

TITLE OF PROCEEDINGS

First Plaintiff	Adam James Bray
First Defendant	TRANSPORT FOR NSW ABN 18804239602
Second Defendant	ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA PTY LTD
Number of Defendants	3

TITLE OF THIS CROSS-CLAIM

First Cross Claimant	ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA PTY LTD ACN 000201516
First Cross Defendant	Brett Andrew Button
Second Cross Defendant	Linq Buslines Pty Ltd
Number of Cross Defendants	6 Refer to Party Details at rear for full list of parties

FILING DETAILS

Filed for	Brett Andrew Button, Cross Defendant 1
Filed in relation to	Cross-Claim 2
Legal representative	Ian Jones
Legal representative reference	
Telephone	02 9260 2693
Your reference	IYJ: QBE943-00772

NOTICE OF LISTING

This matter has been listed at the same time as the cross claim.

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Defence to Cross Claim (e-Services), along with any other documents listed below, were filed by the Court.

Defence (UCPR 7A/7B) (DISP - HVBA - 2025.10.01 - Defence of first cross-de(104464465.2).pdf)

[attach.]

Form 7A (version 5)
UCPR 14.3

DEFENCE TO SECOND CROSS-CLAIM

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law Division
List	General List
Registry	Sydney
Case number	2024/00338021

TITLE OF PROCEEDINGS

Plaintiff	Adam James Bray
First defendant	Transport for New South Wales ABN 18 804 239 602
Second defendant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
Third defendant	Aecom Cost Consulting Pty Ltd ACN 000 201 516

TITLE OF SECOND CROSS-CLAIM

Cross-claimant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
First cross-defendant	Brett Andrew Button
Second cross-defendant	Linq Buslines Pty Ltd ACN 131 153 896
Third cross-defendant	Jacobs Group (Australia) Pty Ltd ACN 001 024 095
Fourth cross-defendant	SMEC Australia Pty Limited ACN 065 475 149
Fifth cross-defendant	Aecom Cost Consulting Pty Ltd ACN 000 201 516
Sixth cross-defendant	Transport for New South Wales ABN 18 804 239 602

FILING DETAILS

Filed for	Brett Andrew Button, first cross-defendant
Legal representative	Ian Jones, Sparke Helmore Lawyers
Legal representative reference	IYJ:QBE943-00772, PCN 26197
Contact name and telephone	Ian Jones, telephone +61 2 9260 2693
Contact email	ian.jones@sparke.com.au

PLEADINGS AND PARTICULARS

1. The First Cross-Defendant to the Second Cross-Claim admits paragraph 1 of the Second Cross-Claim.
2. The First Cross-Defendant admits paragraph 2 of the Second Cross-Claim, save that until the group members are identified, it is not possible to say whether the First Cross-Defendant owed them a duty of care not to cause mental harm. There are restrictions on those entitled to claim mental harm imposed by Section 30 of the *Civil Liability Act* 2002 and the First Cross-Defendant relies upon those provisions if there are class members who fall outside the statutory definition of those to whom a duty is owed.
3. In response to paragraph 3 of the Second Cross-Claim, the First Cross-Defendant admits his breach of duty of care to the Plaintiff and other group members, subject to the limitation set out above in relation to the application of Section 30 of the *Civil Liability Act* 2002.
4. The First Cross-Defendant admits paragraph 4 of the Second Cross-Claim.
5. As to paragraph 5 of the Second Cross-Claim, the First Cross-Defendant admits that if the Second Cross-Claimant is liable to the Plaintiff or any other group member for loss, then there may be an entitlement to contribution. The First Cross-Defendant says that any contribution is limited to those members of the class who would have an entitlement to damages as against the First Cross-Defendant directly, pursuant to the provisions of the *Motor Accident Injuries Act* 2017 ("the MAI Act").
6. Further, the First Cross-Defendant pleads that its obligation to contribute or indemnify the Second Cross-Claimant is limited to the statutory benefits and/or damages that the First Cross-Defendant would otherwise have to pay any class member under the provisions of the MAI Act.
7. For full and abundant caution and clarity, the First Cross-Defendant pleads that it is not liable to contribute towards or indemnify the Second Cross-Claimant for damages paid to class members who would not have entitlements under the MAI Act or for any damages agreed or awarded beyond the scope of the provisions of the MAI Act.
8. To the extent that the First Cross-Defendant has made payments to class members, (through his CTP insurer, QBE Insurance Australia Ltd) in accordance with the statutory benefits regime or damages regime under the MAI Act, the First Cross-Defendant relies upon the making of those payments as a defence to the claim for contribution and indemnity.

9. The First Cross-Defendant does not plead to the balance of the Second Cross-Claim, on the basis that these paragraphs involve pleadings as against other cross-defendants.

SIGNATURE OF LEGAL REPRESENTATIVE

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

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a horizontal line.

Signature

Capacity

Solicitor

Date of signature

1 October 2025

FURTHER DETAILS ABOUT FILING PARTY

Filing party

Legal representative for filing party

Name	Ian Jones
Practising certificate number	26097
Firm	Sparke Helmore Lawyers
Address	Level 29 25 Martin Place Sydney NSW 2000
Telephone	+61 2 9373 3555
Fax	+61 2 9373 3599
Email	ian.jones@sparke.com.au
Electronic service address	ian.jones@sparke.com.au