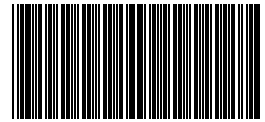




Filed: 19 January 2026 9:17 PM



D0002ANKNS

THIRD 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	AECOM COST CONSULTING PTY LTD ACN 008657289
First Cross Defendant	BRETT ANDREW BUTTON
Second Cross Defendant	LINQ BUSLINES PTY. LTD.
Number of Cross Defendants	7 Refer to Party Details at rear for full list of parties

FILING DETAILS

Filed for	Jacobs Group (Australia) Pty Ltd, Cross Defendant 5
Filed in relation to	Cross-Claim 3
Legal representative	Alexander McKellar
Legal representative reference	
Telephone	03 8601 4504

AFFIDAVIT

Deponent Name	Alex McKellar
Sworn/Affirmed on	19 January 2026

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) (Jacobs and SMEC - Defence to the Third Cross Claim (Executed).pdf)

[attach.]

Form 7A (version 5)
UCPR 14.3

DEFENCE TO THIRD 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 008 657 289

TITLE OF THIRD CROSS-CLAIM

Cross-claimant	Aecom Cost Consulting 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	Transport for New South Wales ABN 18 804 239 602
Fourth cross-defendant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
Fifth cross-defendant	Jacobs Group (Australia) Pty Ltd ACN 001 024 095
Sixth cross-defendant	SMEC Australia Pty Limited ACN 065 475 149
Seventh cross-defendant	GHD Pty Ltd ACN 008 488 373

FILING DETAILS

Filed for	Jacobs Group (Australia) Pty Ltd ACN 001 024 095, Fifth cross-defendant SMEC Australia Pty Limited ACN 065 475 149 Sixth cross-defendant
Filed in relation to	Cross-claimant's third cross-claim
Legal representative	Alex McKellar, HFW Australia for the Fifth cross-defendant Matthew Smith, Clyde & Co for the Sixth cross-defendant

Legal representative reference	HFW reference: 92929/11 Clyde & Co reference: 10762844
Contact name and telephone	Alex McKellar (03) 8601 4504 Steven Lurie (02) 9210 4404
Contact email	alex.mckellar@hfw.com steven.lurie@clydeco.com

PLEADINGS AND PARTICULARS

This is the joint defence of the fifth cross-defendant, Jacobs Group (Australia) Pty Ltd (**Jacobs**, defined as "SKM" in the Third Cross Claim) and the sixth cross-defendant, SMEC Australia Pty Limited (**SMEC**) to the third cross-claim statement of cross-claim (**Third Cross-Claim**) filed 27 October 2025.

The headings of the Third Cross-Claim and terms defined within the Third Cross-Claim are adopted herein unless otherwise defined. This approach has been adopted solely to assist the Court and the parties to the dispute and is not in any way an admission by Jacobs or SMEC to any part of the Third Cross-Claim.

To the extent allegations are made in the pleadings concerning "group members" such group members have not yet been identified. It is not possible to plead to allegations concerning group members until the group members have been identified.

1 Jacobs and SMEC do not plead to paragraph 1.

Brett Andrew Button

2 Jacobs and SMEC admit paragraph 2.

3 In answer to paragraph 3, Jacobs and SMEC:

- a. admit the paragraph insofar as it relates to the plaintiff;
- b. say, in so far as the paragraph relates to "group members", that until the "group members" are identified, it is not possible to say whether the driver owed them a duty of care to avoid causing them harm;
- c. say that, in so far as the "group members" allege they have suffered compensable mental harm, the limitation on recovery in section 30 of the *Civil Liability Act 2002* (NSW) (**CLA**) applies.

4 Jacobs and SMEC admit paragraph 4.

5 In answer to paragraph 5, Jacobs and SMEC:

- a. admit the paragraph in so far as it relates to the plaintiff;
- b. do not admit the balance of the paragraph and rely upon and repeat paragraph 3b above.

6 Jacobs and SMEC admit paragraph 6.

Linq Buslines

7 Jacobs and SMEC admit paragraphs 7 to 10.

8 In answer to paragraph 11, Jacobs and SMEC:

- a. admit the paragraph in so far as it relates to the plaintiff;
- b. do not admit the balance of the paragraph and rely upon and repeat paragraph 3b above.

9 In answer to paragraph 12, Jacobs and SMEC:

- a. admit the paragraph in so far as it relates to the plaintiff;
- b. do not admit the balance of the paragraph and rely upon and repeat paragraph 3b above.

Transport for NSW

10 Jacobs and SMEC admit paragraphs 13 and 14.

11 Jacobs and SMEC do not plead to and make no admission in respect of paragraphs 15, 16 and 17.

Acciona Infrastructure Projects Australia Pty Ltd

12 Jacobs and SMEC admit paragraph 18.

13 Jacobs and SMEC do not plead to and make no admission in respect of paragraphs 19, 20 and 21.

Jacobs Group (Australia) Pty Ltd

14 Jacobs and SMEC admit paragraph 22.

15 In answer to paragraph 23, Jacobs and SMEC:

- a. do not plead to and make no admission in respect of subparagraphs 23(a) and 23(b);
- b. in answer to subparagraph 23(c) refer to and rely upon paragraphs 47 to 50 of Jacobs' and SMEC's Defence to the Second Cross-Claim;
- c. in answer to subparagraph 23(d), refer to and rely upon paragraphs 12 to 33 and 37 to 38 of Jacobs' and SMEC's Defence to the Second Cross-Claim;

16 Jacobs and SMEC deny paragraphs 24 to 28.

SMEC Australia Pty Ltd

17 Jacobs and SMEC admit paragraph 29.

18 In answer to paragraph 30, Jacobs and SMEC:

- a. do not plead to and make no admission in respect of subparagraphs 30(a) and 30(b), as they contain no allegations against them;
- b. in answer to subparagraph 30(c) refer to and rely upon paragraphs 47 to 50 of Jacobs' and SMEC's Defence to the Second Cross-Claim;
- c. in answer to subparagraph (d), refer to and rely upon paragraphs 12 to 33 and 37 to 38 of Jacobs' and SMEC's Defence to the Second Cross-Claim;

19 Jacobs and SMEC deny paragraphs 31 to 35.

GHD Pty Ltd

20 Jacobs and SMEC admit paragraphs 36 to 45.

21 Jacobs and SMEC do not admit paragraph 46.

22 Jacobs and SMEC do not plead to and make no admission in respect of paragraphs 47 to 57.

SIGNATURE OF LEGAL REPRESENTATIVE

~~This defence does not require a certificate under clause 4 of Schedule 2 to the Legal Profession Uniform Law Application Act 2014.~~

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.

Signature

Capacity

Date of signature



Solicitor on record for the Fifth Cross-Defendant to the Third Cross-Claim

19/1/2026.

Signature

Capacity

Date of signature



Solicitor on record for the Sixth Cross-Defendant to the Third Cross-Claim, by his partner, S. Lurie

19/01/2026

FURTHER DETAILS ABOUT FILING PARTY

Filing party

Name	Jacobs Group (Australia) Pty Ltd ACN 001 024 095
Address	c/o HFW Australia, Level 10, 126 Phillip Street Sydney, NSW 2000
Frequent user identifier	[include if the filing party is a registered frequent user]

Legal representative for filing party

Name	Alex McKellar
Practising certificate number	P0021746
Firm	HFW Australia
Address	Level 10, 126 Phillip Street Sydney, NSW 2000
Telephone	(03) 8601 4504
Fax	(03) 8601 4555
Email	alex.mckellar@hfw.com
Electronic service address	alex.mckellar@hfw.com

Filing party

Name	SMEC Australia Pty Limited ACN 065 475 149
Address	c/o Clyde & Co Level 15, 333 George Street, Sydney, NSW 2000

Frequent user identifier	[include if the filing party is a registered frequent user]
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Legal representative for filing party

Name	Matthew Smith
Practising certificate number	52554
Firm	Clyde & Co
Address	Level 15, 333 George Street, Sydney, NSW 2000

Telephone	(02) 9210 4572
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Email	matthew.smith@clydeco.com
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