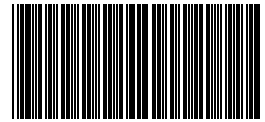




Filed: 10 April 2026 9:20 PM



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FOURTH 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	LINQ BUSLINES PTY. LTD. ACN 131153896
First Cross Defendant	Brett Andrew Button (MIN: 708188)
Second Cross Defendant	ACCIONA INFRASTRUCTURE PROJECTS AUSTRALIA 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 4
Legal representative	Alexander McKellar
Legal representative reference	
Telephone	03 8601 4504

AFFIDAVIT

Deponent Name
Sworn/Affirmed on

Alex McKellar
10 April 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) (Defence to 4XC (DJV) 2026 04 10(17406920.1).pdf)

[attach.]

Form 7A (version 5)
UCPR 14.3

DEFENCE TO FOURTH 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 FOURTH CROSS-CLAIM

Cross-claimant	Linq Buslines Pty Ltd ACN 131 153 896
First cross-defendant	Brett Andrew Button
Second cross-defendant	Acciona Infrastructure Projects Australia Pty Ltd ACN 000 201 516
Third cross-defendant	Aecom Cost Consulting Pty Ltd ACN 000 201 516
Fourth cross-defendant	Transport for New South Wales ABN 18 804 239 602
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 Fourth Cross-Claim
Legal representative	Alex McKellar, HFW Australia for the Third cross-defendant Matthew Smith, Clyde & Co for the Fourth 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 Fourth Cross Claim) and the sixth cross-defendant, SMEC Australia Pty Limited (**SMEC**) to the fourth cross-claim statement of cross-claim (**Fourth Cross-Claim**) filed 16 January 2026.

The headings of the Fourth Cross-Claim and terms defined within the Fourth 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 Fourth Cross-Claim.

Introduction

1 Jacobs and SMEC note paragraph 1.

Brett Andrew Button

2 Jacobs and SMEC admit paragraph 2.

3 In answer to paragraph 3, Jacobs and SMEC:

- a. admit paragraph 3(a);
- b. do not admit paragraph 3(b) and say:
 - i. in so far as the paragraph relates to “group members who are not passengers”, that until the “group members who are not passengers” are identified, it is not possible to say whether the driver owed them a duty of care to avoid causing them harm; and
 - ii. 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; and

- b. do not admit the balance of the paragraph and rely upon and repeat paragraph 3 above.

6 Jacobs and SMEC admit paragraph 6.

Acciona Infrastructure Projects Australia Pty Ltd

7 Jacobs and SMEC admit paragraph 7.

8 Jacobs and SMEC do not admit paragraphs 8, 9, and 10.

Aecom Cost Consulting Pty Ltd

9 Jacobs and SMEC admit paragraph 11.

10 Jacobs and SMEC do not admit paragraphs 12, 13, and 14.

Transport for NSW

11 Jacobs and SMEC admit paragraphs 15 and 16.

12 Jacobs and SMEC do not admit paragraphs 17 to 19.

Jacobs Group (Australia) Pty

13 Jacobs and SMEC admit paragraph 20.

14 In answer to paragraph 21, Jacobs and SMEC:

- a. in answer to subparagraph (a), refer to and rely upon paragraphs 7 to 9 of Jacobs' and SMEC's Defence to the First Cross-Claim;
- b. in answer to subparagraph (b), refer to and rely upon paragraphs 6 to 11 of Jacobs' and SMEC's Defence to the Second Cross-Claim;
- c. in answer to subparagraph (c), refer to and rely upon paragraphs 12 to 33 and 36 to 38 of Jacobs' and SMEC's Defence to the Second Cross-Claim;
- d. in answer to subparagraph (d), refer to and rely upon paragraphs 7 to 9 of Jacobs' and SMEC's Defence to the Third Cross-Claim; and
- e. in answer to subparagraph (e), refer to and rely upon paragraphs 14 to 16 of Jacobs' and SMEC's Defence to the Third Cross-Claim.

15 Jacobs and SMEC deny paragraphs 22 and 23.

SMEC Australia Pty Ltd

16 Jacobs and SMEC admit paragraph 24.

17 In answer to paragraph 25, Jacobs and SMEC:

- a. in answer to subparagraph (a), refer to and rely upon paragraphs 7 to 9 of Jacobs' and SMEC's Defence to the First Cross-Claim;

- b. in answer to subparagraph (b), refer to and rely upon paragraphs 6 to 11 of Jacobs' and SMEC's Defence to the Second Cross-Claim;
- c. in answer to subparagraph (c), refer to and rely upon paragraphs 12 to 33 and 36 to 38 of Jacobs' and SMEC's Defence to the Second Cross-Claim;
- d. in answer to subparagraph (d), refer to and rely upon paragraphs 7 to 9 of Jacobs' and SMEC's Defence to the Third Cross-Claim; and
- e. in answer to subparagraph (e), refer to and rely upon paragraphs 17 to 19 of Jacobs' and SMEC's Defence to the Third Cross-Claim.

18 Jacobs and SMEC deny paragraphs 26 and 27.

GHD Pty Ltd

19 Jacobs and SMEC admit paragraphs 28 and 29.

20 Jacobs and SMEC do not admit paragraphs 30 and 31.

Limitation under the EPA Act

21 In further answer to the whole of the Fourth Cross-Claim, Jacobs and SMEC say that:

- a. the works which are the subject of the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim, were building work:
 - i. within the meaning of section 109ZK(1) of the *Environmental Planning and Assessment Act 1979* (NSW) applicable prior to 1 March 2018 (**Former EPA Act**); and
 - ii. from 1 March 2018 onwards, within the meaning of sections 6.19 and 6.20(1) of the *Environmental Planning and Assessment Act 1979* (NSW) (**EPA Act**).
- b. the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim is:
 - i. a building action within the meaning of sections 109ZI and 109ZK of the Former EPA Act; and
 - ii. a civil action for loss or damage arising out of or in connection with defective building work within the meaning of section 6.20(1) of the EPA Act;
- c. the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim is not a claim for recovery of damages for death or personal injury

arising out of or concerning defective building work within the meaning of section 109ZL of the Former EPA Act or section 6.21 of the EPA Act;

- d. with respect to section 109ZK of the Former EPA Act:
 - i. the building work the subject of the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim was first used on 22 March 2014;
 - ii. by reason of (i), the latest date for bringing a building action in relation to that building work was 22 March 2024;
 - iii. the Fourth Cross Claim was filed on 16 January 2026;
 - iv. in the premises pleaded at (a)-(d)(iii), the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim is barred by operation of section 109ZK of the Former EPA Act;
- e. further and in the alternative, with respect to section 6.20 of the EPA Act:
 - i. the building work the subject of the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim was completed by 7 November 2014;
 - ii. by reason of (i), the latest date for bringing a building action in relation to that building work was 7 November 2024;
 - iii. the Fourth Cross Claim was filed on 16 January 2026;
 - iv. in the premises pleaded at (a)-(c) and (e)(i)-(iii), the claim brought by Linq against Jacobs and SMEC in the Fourth Cross-Claim is barred by operation of section 6.20 of the EPA Act.

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

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

Date of signature

10 April 2026

Signature



Capacity

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

Date of signature

10 April 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
Fax	(02) 8273 8050
Email	matthew.smith@clydeco.com
Electronic service address	matthew.smith@clydeco.com