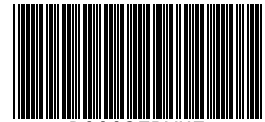




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D0002ERVUE

Defence to Amended Statement of 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	Jacobs Group (Australia) Pty Ltd
Second Cross Claimant	ACN 001024095 SMEC Australia Pty Limited
First Cross Defendant	BRETT ANDREW BUTTON
Second Cross Defendant	Linq Buslines Pty Ltd
Number of Cross Defendants	6

FILING DETAILS

Filed for	BRETT ANDREW BUTTON,Cross Defendant 1
Filed in relation to	Cross-Claim 5
Legal representative	Ian Jones
Legal representative reference Telephone	02 9260 2693

ATTACHMENT DETAILS

In accordance with Part 3 of the UCPR, this coversheet confirms that both the Lodge Document, along with any other documents listed below, were filed by the Court.

Defence to Amended Statement of Cross Claim (Button's Defence to Jacobs and SMEC's Amended Fifth Cross Claim.pdf)

[attach.]

Form 7A (version 5)

UCPR 14.3

DEFENCE TO AMENDED FIFTH 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 FIFTH CROSS-CLAIM

First Cross-claimant	Jacobs Group (Australia) Pty Ltd ACN 001 024 095
Second Cross-claimant	SMEC Australia Pty Limited ACN 065 475 149
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	Aecom Cost Consulting Pty Ltd ACN 000 201 516
Sixth cross-defendant	GHD Pty Ltd ACN 008 488 373

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. Mr Button admits paragraph 1 of the Amended Fifth Cross-Claim.
2. As to paragraph 2 of the Amended Fifth Cross-Claim, and so far as it relates to him, Mr Button repeats paragraphs 1 to 5 of his defence to the Further Amended First Cross Claim, paragraphs 1 to 4 of his defence to the Second Cross-claim and paragraphs 1 to 5 of his defence to the Third Cross-claim, namely;
 - a. Mr Button admits that he owed the plaintiff and group members a duty to exercise reasonable care save that until the "*other group members*" are identified, it is not possible to say whether Mr. Button owed them a duty of care not to cause mental harm.
 - b. There are restrictions on those entitled to claim mental harm imposed by Section 30 of the *Civil Liability Act 2002* and Mr Button relies upon those provisions if there are class members who fall outside the statutory definition of those to whom a duty is owed.
 - c. Mr Button admits that he was driving in a manner dangerous to other persons, without conceding the particulars identified.
 - d. Mr Button 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*.
3. As to paragraph 3 of the Fifth Cross-Claim, Mr Button admits that if Jacobs and/or SMEC are liable to TfNSW, Linq Buslines, Acciona and/or ACC in respect of any damage claimed by the plaintiff and the group members against TfNSW, Linq Buslines, Acciona and/or ACC, then there may be an entitlement to contribution. Mr Button does not admit the specific grounds of contribution relied upon by Jacobs and/or SMEC. Mr Button says that any contribution is limited to those members of the class who would have an entitlement to damages as against Mr Button directly pursuant to the provisions of the *Motor Accident Injuries Act 2017* ("the MAI Act").

4. Further, Mr Button pleads that his obligation to contribute or indemnify Jacobs and/or SMEC is limited to the damages that Mr Button would otherwise have to pay any class member under the provisions of the MAI Act.
5. For full and abundant caution and clarity, Mr Button pleads that he is not liable to contribute towards or indemnify Jacobs and/or SMEC 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.
6. To the extent that Mr Button 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, Mr Button relies upon the making of those payments as a defence to the claim for contribution and indemnity.
7. Mr Button does not plead to paragraphs 4-47 of the Amended Fifth Cross-Claim on the basis that these paragraphs make pleadings 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.



Signature

Capacity

Solicitor

Date of signature

17 July 2026

FURTHER DETAILS ABOUT FILING PARTY

Filing party

Brett Andrew Button First Cross-defendant

Legal representative for filing party

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