

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 10830/15

First Plaintiff: **DENIS WAGNER**

AND

Second Plaintiff: **JOHN WAGNER**

AND

Third Plaintiff: **NEILL WAGNER**

AND

Fourth Plaintiff: **JOE WAGNER**

AND

First Defendant: **HARBOUR RADIO PTY LTD (ACN 010 853 317)**

AND

Second Defendant: **ALAN BELFORD JONES**

AND

Third Defendant: **RADIO 4BC BRISBANE PTY LTD (ACN 009 662 784)**

AND

Fourth Defendant: **NICHOLAS CHARLES CATER**

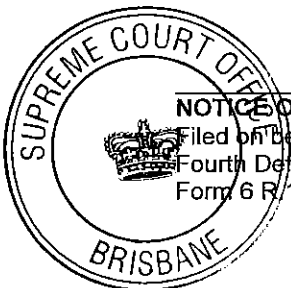
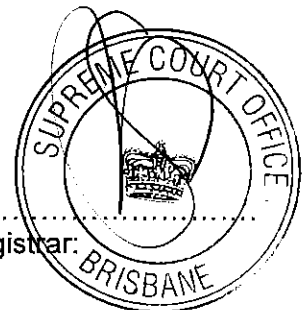
NOTICE OF INTENTION TO DEFEND

TAKE NOTICE that the First, Second, Third and Fourth Defendants intend to defend this proceeding.

The facts relied on by the First, Second, Third and Fourth Defendants are set out in the attached Defence.

Filed in the Brisbane Registry on**2 FEB 2016**.....

Registrar:



NOTICE OF INTENTION TO DEFEND
Filed on Behalf of the First, Second, Third and
Fourth Defendants
Form 6 R/139

Bennett & Philp Lawyers
Level 13, 15 Adelaide Street
Brisbane Qld 4000
Phone: 07 3001 2999 Fax: 07 3001 2989
Ref: MJ:jmh:151616

PARTICULARS OF THE FIRST, SECOND, THIRD AND FOURTH DEFENDANTS:

First Defendant's Name: Harbour Radio Pty Ltd (ACN 010 853 317)
Second Defendant's Name: Alan Belford Jones
Third Defendant's Name: Radio 4BC Brisbane Pty Ltd (ACN 009 662 784)
Fourth Defendant's Name: Nicholas Charles Cater

First, Second, Third and Fourth Defendant's C/- Bennett & Philp Lawyers
residential or business address: Level 13, 15 Adelaide Street
BRISBANE QLD 4000
As Town Agents for Banki Haddock Fiora
Lawyers
Level 10, 179 Elizabeth Street
SYDNEY NSW 2000

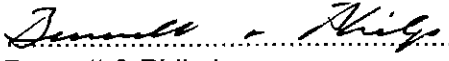
First, Second, Third and Fourth Defendants' Mr Mark Jones
solicitor's name:

and firm name: Bennett & Philp Lawyers as Town Agents for
Banki Haddock Fiora

Solicitor's business address: Level 13, 15 Adelaide Street
BRISBANE QLD 4000

Address for service: Bennett & Philp Lawyers
Level 13, 15 Adelaide Street
BRISBANE QLD 4000

Dx (if any):
Telephone: (07) 3001 2999
Fax: (07) 3001 2989
E-mail address (if any): mjones@bennettphilp.com.au

Signed: 
Bennett & Philp Lawyers

Description: Solicitors as Town Agents for the solicitors for
First, Second, Third and Fourth Defendants
Banki Haddock Fiora Lawyers

Dated: 2 February 2016

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 10830/15

First Plaintiff: **DENIS WAGNER**

AND

Second Plaintiff: **JOHN WAGNER**

AND

Third Plaintiff: **NEILL WAGNER**

AND

Fourth Plaintiff: **JOE WAGNER**

AND

First Defendant: **HARBOUR RADIO PTY LTD (ACN 010 853 317)**

AND

Second Defendant: **ALAN BELFORD JONES**

AND

Third Defendant: **RADIO 4BC BRISBANE PTY LTD (ACN 009 662 784)**

AND

Fourth Defendant: **NICHOLAS CHARLES CATER**

DEFENCE OF THE DEFENDANTS

The Defendants rely on the following facts in defence of the claim:

1. As to paragraphs 1, 2, 3, 4 and 5 of the Statement of Claim filed 28 October 2015 (**Statement of Claim**) the Defendants:
 - (a) deny, to the extent pleaded therein, the existence of a business or legal entity known as Wagners, as that allegation is untrue;
 - (b) otherwise do not admit the matters set out therein as they do not have sufficient information to plead to their or falsity.

DEFENCE

Filed on behalf of the First, Second,
Third and Fourth Defendants
Form 17 Version 2
Uniform Civil Procedure Rules 1999
Rule 146

Bennett & Philp Lawyers

Level 13, 15 Adelaide Street
Brisbane Qld 4000
Phone: 07 3001 2999 Fax: 07 3001 2989
Ref: MJ:jmh:151616

2. As to paragraph 6 of the Statement of Claim the First and Second Defendants:
 - (a) admit paragraphs 6(a) and 6(b);
 - (b) say with respect to paragraph 6(c) that:
 - (i) they admit the Jones Program was broadcast and published by the First Defendant via radio and the internet;
 - (ii) otherwise do not admit the matters set out therein as they do not have sufficient information to enable them to plead to the truth or falsity of the allegation that the broadcasts occurred throughout Australia;
 - (c) admit the paragraph 6(d)(i);
 - (d) admit generally paragraph 6(d)(ii), but say specifically in respect of the broadcasts complained of, that they believe none are presently available for download from the 2GB website;
 - (e) admit as to paragraphs 6(e) and 6(f) that an audio of the Richo & Jones broadcast was generally available for download on the 2GB website for a period and that the broadcast at paragraph 66 of the Statement of Claim was available for download for a period but say that that period of time in this case is presently unknown;
 - (f) admit paragraph 6(g);
 - (g) admit as to paragraph 6(h) that the broadcasts were uploaded to the 2GB website but otherwise do not admit the matters set out therein as they do not have sufficient information to plead to the truth or falsity of the allegations.
3. The Third and Fourth Defendants do not plead to paragraph 6 of the Statement of Claim as it contains no allegations relevant to their involvement in the matters complained of.
4. As to paragraph 7 of the Statement of Claim the Defendants:
 - (a) admit paragraphs 7(a), 7(b) and 7(d);
 - (b) say as to paragraph 7(c) as follows:
 - (i) the First Defendant:

- (a) admits publishing the First to Thirty-fourth Matters Complained Of except the fifth and sixth matters; and
 - (b) admits publication only to the extent admitted for each of those above matters complained of to the extent set out below because it does not have sufficient information to allow it to plead to the truth or falsity that the matters were published in each State and Territory of Australia;
 - (ii) the Second Defendant admits publication of each matter complained of but only to the extent set out below because he does not have sufficient information to allow him to plead to the truth or falsity of the allegations otherwise;
 - (iii) the Third Defendant admits publishing the Fifth and Sixth Matters Complained Of but only to the extent set out below because it does not have sufficient information to allow it to plead to the truth or falsity that the matters were published in each State and Territory of Australia;
 - (iv) the Fourth Defendant admits only publication of the words attributed to him in the Eleventh Matter Complained Of, subject to typographical errors but otherwise does not know and cannot admit the allegation.
5. The Defendants, in relation to paragraph 8 of the Statement of Claim, admit that the Third Defendant is a body corporate and the licensee of 4BC.
6. As to paragraph 8 of the Statement of Claim the First and Second Defendants:
- (a) admit paragraphs 8(a) and 8(b);
 - (b) say with respect to paragraph 8(c) that:
 - (i) they admit the Alan Jones Hour was broadcast and published by the Third Defendant via radio in Brisbane;
 - (ii) otherwise do not admit the matters set out therein as they do not have sufficient information to enable them to plead to the truth or falsity of the allegation that the broadcasts occurred throughout Australia via radio and the internet;
 - (c) admit the paragraph 8(d)(i);

- (d) admit generally paragraph 8(d)(ii), but say specifically in respect of the broadcasts complained of, that they are unable to plead to the truth or falsity of, and thereby do not admit any allegation that any matter complained of was uploaded to the 4BC Website or was accessed or downloaded from the 4BC Website;
 - (e) admit paragraph 8(e);
 - (f) admit as to paragraph 8(f) that the broadcasts were uploaded to the 2GB website but otherwise do not admit the matters set out therein as they do not have sufficient information to plead to the truth or falsity of the allegations.
7. The Defendants admit paragraph 9 of the Statement of Claim.
8. The Third Defendant does not plead to paragraphs 2-7, 9-21 and 29-111 which make no allegations against it except as hereinbefore specifically stated and the Fourth Defendant does not plead to paragraphs 2-8, 10-40 and 44-111 except as hereinbefore specifically stated, which make no allegations against him.

First Matter Complained Of

9. As to the allegations contained in paragraph 10 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 1 during the course of the broadcast;
 - (b) admit the First Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 10 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the First Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the First Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.

10. The First and Second Defendants do not admit paragraph 11 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
11. The First and Second Defendants deny paragraph 12 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
12. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Second Matter Complained Of

13. As to the allegations contained in paragraph 13 of the Statement of Claim, the First and Second Defendants:
 - (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 2 during the course of the broadcast;
 - (b) admit the Second Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 13 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Second Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Second Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
14. The First and Second Defendants do not admit paragraph 14 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
15. The First and Second Defendants deny paragraph 15 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.

16. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Third Matter Complained Of

17. As to the allegations contained in paragraph 16 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 3 during the course of the broadcast;
 - (b) admit the Third Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 16 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Third Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Third Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
18. The First and Second Defendants do not admit paragraph 17 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
19. The First and Second Defendants deny paragraph 18 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
20. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Fourth Matter Complained Of

21. As to the allegations contained in paragraph 19 of the Statement of Claim, the First and Second Defendants:

- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 4 during the course of the broadcast;
 - (b) admit the Fourth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 19 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Fourth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Fourth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
22. The First and Second Defendants do not admit paragraph 20 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
23. The First and Second Defendants deny paragraph 21 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
24. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Fifth Matter Complained Of

25. As to the allegations contained in paragraph 22 of the Statement of Claim, the Second and Third Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 5 during the course of the broadcast;
 - (b) admit the Fifth Matter Complained Of was broadcast on Radio 4BC, but otherwise do not admit paragraph 22 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the

truth or falsity of the assertion that it was published in each and every State and Territory of Australia;

- (c) admit that a live stream of the Fifth Matter Complained Of was uploaded to the webpage at www.4bc.com.au;
 - (d) do not admit that a recording of the Fifth Matter Complained Of was uploaded to the webpage at www.4bc.com.au because the records available to the Second and Third Defendants do not permit them to ascertain the truth or falsity of the assertion that the recording was uploaded;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
26. The Second and Third Defendants do not admit paragraphs 23 and 25 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
27. The Second and Third Defendants deny paragraph 24 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
28. Further and in any event, the Second and Third Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) are incapable of being, and is not in fact defamatory of the Plaintiffs.

Sixth Matter Complained Of

29. As to the allegations contained in paragraph 26 of the Statement of Claim, the Second and Third Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 6 during the course of the broadcast;
 - (b) admit the Sixth Matter Complained Of was broadcast on Radio 4BC, but otherwise do not admit paragraph 26 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Sixth Matter Complained Of was uploaded to the webpage at www.4bc.com.au;

- (d) do not admit that a recording of the Sixth Matter Complained Of was uploaded to the webpage at www.4bc.com.au because the records available to the Second and Third Defendants do not permit them to ascertain the truth or falsity of the assertion that the recording was uploaded;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
- 30. The Second and Third Defendants do not admit paragraph 27 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
- 31. The Second and Third Defendants deny paragraph 28 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
- 32. Further and in any event, the Second and Third Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Seventh Matter Complained Of

- 33. As to the allegations contained in paragraph 29 of the Statement of Claim, the First and Second Defendants:
 - (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 7 during the course of the broadcast;
 - (b) admit the Seventh Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 29 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Seventh Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Seventh Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.

34. The First and Second Defendants do not admit paragraph 30 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
35. The First and Second Defendants deny paragraph 31 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
36. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Eighth Matter Complained Of

37. As to the allegations contained in paragraph 32 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 8 during the course of the broadcast;
 - (b) admit the Eighth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 32 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Eighth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Eighth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
38. The First and Second Defendants do not admit paragraph 33 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
39. The First and Second Defendants deny paragraph 34 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.

40. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Ninth Matter Complained Of

41. As to the allegations contained in paragraph 35 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 9 during the course of the broadcast;
 - (b) admit the Ninth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 35 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Ninth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Ninth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
42. The First and Second Defendants do not admit paragraph 36 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
43. The First and Second Defendants deny paragraph 37 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
44. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Tenth Matter Complained Of

45. As to the allegations contained in paragraph 38 of the Statement of Claim, the First and Second Defendants:

- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 10 during the course of the broadcast;
 - (b) admit the Tenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 38 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Tenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Tenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
46. The First and Second Defendants do not admit paragraph 39 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
47. The First and Second Defendants deny paragraph 40 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
48. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Eleventh Matter Complained Of

49. As to the allegations contained in paragraph 41 of the Statement of Claim, the First, Second and Fourth Defendants:
- (a) admit that subject to typographical errors, the Second and Fourth Defendants spoke the words attributed to each of them in Attachment 11 during the course of the broadcast;
 - (b) admit the Eleventh Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 41 of the Statement of Claim because they do not have sufficient information to allow them to plead as

to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;

- (c) admit that a live stream of the Eleventh Matter Complained Of was uploaded to the webpage at www.2gb.com;
- (d) admit that a recording of the Eleventh Matter Complained Of was uploaded to the webpage at www.2gb.com;
- (e) otherwise deny the matters set out therein, on the basis they are untrue.

- 50. The First, Second and Fourth Defendants do not admit paragraph 42 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
- 51. The First, Second and Fourth Defendants deny paragraph 43 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
- 52. Further and in any event, the First, Second and Fourth Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twelfth Matter Complained Of

- 53. As to the allegations contained in paragraph 44 of the Statement of Claim, the First and Second Defendants:
 - (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 12 during the course of the broadcast;
 - (b) admit the Twelfth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 44 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twelfth Matter Complained Of was uploaded to the webpage at www.2gb.com;

- (d) admit that a recording of the Twelfth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
54. The First and Second Defendants do not admit paragraph 45 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
55. The First and Second Defendants deny paragraph 46 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
56. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Thirteenth Matter Complained Of

57. As to the allegations contained in paragraph 47 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 13 during the course of the broadcast;
 - (b) admit the Thirteenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 47 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Thirteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Thirteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
58. The First and Second Defendants do not admit paragraph 48 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.

59. The First and Second Defendants deny paragraph 49 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
60. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Fourteenth Matter Complained Of

61. As to the allegations contained in paragraph 50 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 14 during the course of the broadcast;
 - (b) admit the Fourteenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 50 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Fourteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Fourteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
62. The First and Second Defendants do not admit paragraph 51 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
63. The First and Second Defendants deny paragraph 52 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
64. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Fifteenth Matter Complained Of

65. As to the allegations contained in paragraph 53 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 15 during the course of the broadcast;
 - (b) admit the Fifteenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 53 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Fifteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Fifteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
66. The First and Second Defendants do not admit paragraph 54 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
67. The First and Second Defendants deny paragraph 55 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
68. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Sixteenth Matter Complained Of

69. As to the allegations contained in paragraph 56 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 16 during the course of the broadcast;

- (b) admit the Sixteenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 56 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Sixteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Sixteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
70. The First and Second Defendants do not admit paragraph 57 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
71. The First and Second Defendants deny paragraph 57 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
72. Further and in any event, the First and Second Defendants deny liability to the Second Plaintiff for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Second Plaintiff.

Seventeenth Matter Complained Of

73. As to the allegations contained in paragraph 58 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 17 during the course of the broadcast;
 - (b) admit the Seventeenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 58 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;

- (c) admit that a live stream of the Seventeenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Seventeenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
74. The First and Second Defendants do not admit paragraph 59 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
75. The First and Second Defendants deny paragraph 60 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
76. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Eighteenth Matter Complained Of

77. As to the allegations contained in paragraph 61 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 18 during the course of the broadcast;
 - (b) admit the Eighteenth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 62 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Eighteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Eighteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.

78. The First and Second Defendants do not admit paragraphs 62 and 65 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
79. The First and Second Defendants deny paragraph 63 and 64 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
80. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Nineteenth Matter Complained Of

81. As to the allegations contained in paragraph 66 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 19 during the course of the broadcast;
 - (b) admit the Nineteenth Matter Complained Of was broadcast on Sky News, but otherwise do not admit paragraph 66 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that an audio recording of the Nineteenth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) otherwise deny the matters set out therein, on the basis they are untrue.
82. The First and Second Defendants do not admit paragraph 67 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
83. The First and Second Defendants deny paragraph 68 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
84. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Twentieth Matter Complained Of

85. As to the allegations contained in paragraph 69 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 20 during the course of the broadcast;
 - (b) admit the Twentieth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 69 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twentieth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twentieth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
86. The First and Second Defendants do not admit paragraph 70 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
87. The First and Second Defendants deny paragraph 71 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
88. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twenty-first Matter Complained Of

89. As to the allegations contained in paragraph 72 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 21 during the course of the broadcast;

- (b) admit the Twenty-first Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 72 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-first Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-first Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
90. The First and Second Defendants deny paragraph 73 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
91. Further and in any event, the First and Second Defendants deny liability to the Second Plaintiff for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twenty-second Matter Complained Of

92. As to the allegations contained in paragraph 74 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 22 during the course of the broadcast;
 - (b) admit the Twenty-second Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 74 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-second Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-second Matter Complained Of was uploaded to the webpage at www.2gb.com;

- (e) otherwise deny the matters set out therein, on the basis they are untrue.
- 93. The First and Second Defendants do not admit paragraphs 75 and 77 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
- 94. The First and Second Defendants deny paragraph 76 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
- 95. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Twenty-third Matter Complained Of

- 96. As to the allegations contained in paragraph 78 of the Statement of Claim, the First and Second Defendants:
 - (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 23 during the course of the broadcast;
 - (b) admit the Twenty-third Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 78 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-third Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-third Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
- 97. The First and Second Defendants do not admit paragraph 79 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.

98. The First and Second Defendants deny paragraph 80 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
99. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twenty-fourth Matter Complained Of

100. As to the allegations contained in paragraph 81 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 24 during the course of the broadcast;
 - (b) admit the Twenty-fourth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 80 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-fourth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-fourth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
101. The First and Second Defendants do not admit paragraph 82 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
102. The First and Second Defendants deny paragraph 83 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
103. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Twenty-fifth Matter Complained Of

104. As to the allegations contained in paragraph 84 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 25 during the course of the broadcast;
 - (b) admit the Twenty-fifth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 84 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-fifth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-fifth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
105. The First and Second Defendants do not admit paragraph 85 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
106. The First and Second Defendants deny paragraph 86 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
107. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twenty-sixth Matter Complained Of

108. As to the allegations contained in paragraph 87 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 26 during the course of the broadcast;

- (b) admit the Twenty-sixth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 87 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-sixth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-sixth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
109. The First and Second Defendants do not admit paragraph 88 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
110. The First and Second Defendants deny paragraph 89 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
111. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twenty-seventh Matter Complained Of

112. As to the allegations contained in paragraph 90 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 27 during the course of the broadcast;
 - (b) admit the Twenty-seventh Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 90 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-seventh Matter Complained Of was uploaded to the webpage at www.2gb.com;

- (d) admit that a recording of the Twenty-seventh Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
- 113. The First and Second Defendants do not admit paragraph 90 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
- 114. The First and Second Defendants deny paragraph 91 and 92 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
- 115. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Twenty-eighth Matter Complained Of

- 116. As to the allegations contained in paragraph 93 of the Statement of Claim, the First and Second Defendants:
 - (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 28 during the course of the broadcast;
 - (b) admit the Twenty-eighth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 93 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-eighth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-eighth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
- 117. The First and Second Defendants deny paragraph 94 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.

118. Further and in any event, the First and Second Defendants deny liability to the Fourth Plaintiff for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Fourth Plaintiff.

Twenty-ninth Matter Complained Of

119. As to the allegations contained in paragraph 95 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 29 during the course of the broadcast;
 - (b) admit the Twenty-ninth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 95 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Twenty-ninth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Twenty-ninth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
120. The First and Second Defendants deny paragraph 96 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
121. Further and in any event, the First and Second Defendants deny liability to the First Plaintiff for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the First Plaintiff.

Thirtieth Matter Complained Of

122. As to the allegations contained in paragraph 97 of the Statement of Claim, the First and Second Defendants:

- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 30 during the course of the broadcast;
 - (b) admit the Thirtieth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 97 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Thirtieth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Thirtieth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
123. The First and Second Defendants do not admit paragraph 98 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
124. The First and Second Defendants deny paragraphs 99 and 100 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
125. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Thirty-first Matter Complained Of

126. As to the allegations contained in paragraph 101 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 31 during the course of the broadcast;
 - (b) admit the Thirty-first Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 101 of the Statement of Claim because they do not have sufficient information to allow them to plead as

to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;

- (c) admit that a live stream of the Thirty-first Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Thirty-first Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
127. The First and Second Defendants deny paragraph 102 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
128. Further and in any event, the First and Second Defendants deny liability to the First Plaintiff for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the First Plaintiff.

Thirty-second Matter Complained Of

129. As to the allegations contained in paragraph 103 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 32 during the course of the broadcast;
 - (b) admit the Thirty-second Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 103 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Thirty-second Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Thirty-second Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.

130. The First and Second Defendants do not admit paragraph 104 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
131. The First and Second Defendants deny paragraph 105 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.
132. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Thirty-third Matter Complained Of

133. As to the allegations contained in paragraph 106 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 33 during the course of the broadcast;
 - (b) admit the Thirty-third Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 106 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Thirty-third Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Thirty-third Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
134. The First and Second Defendants do not admit paragraph 107 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
135. The First and Second Defendants deny paragraph 108 of the Statement of Claim on the basis the meanings complained of are incapable of arising and do not in fact arise.

136. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meanings (even if they arise) are incapable of being, and are not in fact defamatory of the Plaintiffs.

Thirty-fourth Matter Complained Of

137. As to the allegations contained in paragraph 109 of the Statement of Claim, the First and Second Defendants:
- (a) admit that subject to typographical errors the Second Defendant spoke the words attributed to him in Attachment 34 during the course of the broadcast;
 - (b) admit the Thirty-fourth Matter Complained Of was broadcast on Radio 2GB, but otherwise do not admit paragraph 109 of the Statement of Claim because they do not have sufficient information to allow them to plead as to the truth or falsity of the assertion that it was published in each and every State and Territory of Australia;
 - (c) admit that a live stream of the Thirty-fourth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (d) admit that a recording of the Thirty-fourth Matter Complained Of was uploaded to the webpage at www.2gb.com;
 - (e) otherwise deny the matters set out therein, on the basis they are untrue.
138. The First and Second Defendants do not admit paragraph 110 of the Statement of Claim as they do not have sufficient information to enable them to plead to the truth or falsity of the matters set out therein.
139. The First and Second Defendants deny paragraph 111 of the Statement of Claim on the basis the meaning complained of is incapable of arising and does not in fact arise.
140. Further and in any event, the First and Second Defendants deny liability to the Plaintiffs for the reasons given herein, and on the basis the meaning (even if it arises) is incapable of being, and is not in fact defamatory of the Plaintiffs.

Truth – Section 25 of the *Defamation Act 2005 (QLD)* and at common law

141. (a) In further or alternative answer to the Statement of Claim the First and Second Defendants say that, to the extent that it may be found that the

matters complained of conveyed the Plaintiffs' imputations (which is denied), the following matters were substantially true for the reasons given below, in accordance with the particulars that appear in Attachment A hereto:

- (i) paragraphs 12(a), 15(a), 18(b), 31(b), 34, 37, 40(c), 43(c), 52(a), 55(b), 57, 60(a), 64, 71(a), 73(a), 76, 80(c), 86, 88, 91(c), 91(d), 94(b), 99, 102, 105(a) and 108(b) are substantially true because the plaintiffs attempted to cover up the role played by the quarry in the flood event that killed 12 people in Grantham on 10 January 2011;
- (ii) paragraphs 12 (b) and 12(c), are substantially true because there was a cover up of the role played by the quarry in the flood event that killed 12 people in Grantham on 10 January 2011;
- (iii) paragraphs 15(a), 21, 31(c), 34, 52(b), 60(b), 91(d), 94(a), 94(b) and 96(b) are substantially true because the plaintiffs attempted to intimidate witnesses who would speak about the role played by the quarry in the flood event that killed 12 people in Grantham on 10 January 2011;
- (iv) paragraphs 18(a), 31(a), 37, 40(b), 40(c), 43(b), 43(c), 46, 64, 68, 71(a), 71(b), 80(b), 80(c), 83, 86, 88, 91(b), 91(c), 94(b), 95(a), 105(a), 105(b), 108(a) and 111 are substantially true because an unauthorised, man made levee at the quarry played a role in the flood event that killed 12 people in Grantham on 10 January 2011;
- (v) paragraphs 40(a), 43(a) and 91(a) are substantially true because construction of the airport was only approved because of connections with state and local politicians;
- (vi) paragraphs 43(d), 73(b), 80(a) and 91(a) are substantially true because advantage was taken of state and local laws so as to ensure the airport was approved without it being impact assessable and without payment of compensation to neighbours or the Commonwealth;
- (vii) paragraphs 55(a) and 90(a) are substantially true because the construction of the dam upon the airport land was without authority;

- (viii) paragraph 63(a) is substantially true because the plaintiffs acted in self-interest, with greed and so as to bully and intimidate others for their personal gain;
 - (ix) paragraph 63(b) is substantially true because the consequence of the approval of the airport is the likely termination of the helicopter-training base at Oakey owing to a lack of usable airspace there.
- (b) In further or alternative answer to the Statement of Claim the Second and Third Defendants say that, to the extent that it may be found that the matters complained of conveyed the Plaintiffs' imputations (which is denied), the matters below were substantially true for the reasons given below, in accordance with the particulars that appear in Attachment A hereto:
- (i) paragraph 24 is substantially true because the plaintiffs attempted to cover up the role played by the quarry in the flood event that killed 12 people in Grantham on 10 January 2011;
 - (ii) paragraphs 24 and 28(c) are substantially true because there was, to the benefit of the plaintiffs, an attempt to cover up the role played by the quarry in the flood event that killed 12 people in Grantham on 10 January 2011;
 - (iii) paragraphs 24 and 28(c) are substantially true because an unauthorised, man made levee at the quarry played a role in the flood event that killed 12 people in Grantham on 10 January 2011;
 - (iv) paragraphs 28(a) and 28(b) are substantially true because a dam at the airport was built without authority;
 - (v) paragraph 28(a) is substantially true because construction of the airport was only approved because of connections with state and local politicians;
- (c) In further or alternative answer to the Statement of Claim the First, Second and Fourth Defendants say that, to the extent that it may be found that the matters complained of conveyed the Plaintiffs' imputations (which is denied), the matters below were substantially true for the reasons given below, in accordance with the particulars that appear in Attachment A hereto:

- (i) paragraph 43(a) is substantially true because construction of the airport was only approved because of connections with state and local politicians;
- (ii) paragraphs 43(b) and 43(c) are substantially true because an unauthorised, man made levee at the quarry played a role in the flood event that killed 12 people in Grantham on 10 January 2011;
- (iii) paragraph 43(d) is substantially true because advantage was taken of state and local laws so as to ensure the airport was approved without it being impact assessable and without payment of compensation to neighbours or the Commonwealth.

Honest Opinion - Section 31 of the *Defamation Act 2005* (Qld)

142. (a) In further or alternative answer to the Statement of Claim, the Defendants say that insofar and to the extent that it may be found that the matters complained of conveyed the Plaintiffs' imputations and that those imputations were defamatory of any Plaintiff (each of which is denied), the matters complained of, in accordance with the particulars of honest opinion and fair comment attached hereto as Attachment B:
- (i) were an expression of opinion by the Second or (as relevant in accordance with Attachment B) the Fourth Defendant;
 - (ii) the opinions related to a matter of public interest;
 - (iii) such opinions were based on proper material, being material that was substantially true or which had been published on an occasion of qualified privilege.

Fair Comment at Common Law

143. (a) In further or alternative answer to the Statement of Claim, the Defendants say that to the extent that it may be found that the matters complained of conveyed the Plaintiffs' imputations and that those imputations were defamatory of any Plaintiff (each of which is denied), then the matters complained of amounted to fair comment and:
- (i) the comment was based on true facts;
 - (ii) the material referred to in (i) above was proper material;

- (iii) such material was proper material because it was substantially true;
and
- (iv) the comment related to a matter of public interest.

Qualified privilege – Section 30 of the *Defamation Act 2005* (Qld) and at common law including as to governmental and political matters

144. In further or alternative answer to the Statement of Claim, the Defendants say that to the extent that it may be found that the matters complained of conveyed the Plaintiffs' imputations and that those imputations were defamatory of any Plaintiff (each of which is denied), then:

- (a) the matter complained of was of and concerning ("the subjects");
 - (i) the impact of the levee upon the flood event that occurred on 10 January 2011 at Grantham, in which 12 people died; and/or
 - (ii) evidence given by or on behalf of the Plaintiffs and the Wagner Business to the Grantham Flood Commission of Inquiry; and/or
 - (iii) media coverage of the Grantham flood and the Grantham Flood Commission of Inquiry; and/or
 - (iv) the circumstances in which the airport came to be approved; and/or
 - (v) the operations of the Wagner Business in relation to the Quarry and the airport;
- (b) the publication was made for the purpose of informing the public about the subjects;
- (c) the publication represented the honestly held opinion of the Second and/or Fourth Defendant'
- (d) in the circumstances:
 - (i) people who heard the matter complained of had an interest in, or apparent interest in receiving information on the subjects;
 - (ii) the Defendants believed on reasonable grounds that the recipients held that interest;

- (iii) the conduct of the Defendant, in publishing the matter complained of, was reasonable;
 - (e) as a consequence of the foregoing, the Defendant is entitled to rely upon the defence of qualified privilege pursuant to s 30 of the *Defamation Act*.
145. Further or alternatively, for the reasons set out herein, the publication of any imputation found to be defamatory of a Plaintiff was made on an occasion of qualified privilege in that it was made by the Defendant, who had a duty or interest in publishing it, to the members of the general public who had a corresponding interest or duty to receive it
146. Further or alternatively, the publication of any imputation found to be defamatory of a Plaintiff:
- (a) was a communication relating to governmental or political matters, being the Grantham Flood Commission of Inquiry; evidence given by or on behalf of the Plaintiffs and the Wagner Business to the Grantham Flood Commission of Inquiry; and the circumstances in which the airport came to be approved and operated;
 - (b) was thereby made on an occasion protected by qualified privilege, or otherwise, by the implied Constitutional freedom of communication of such matter.

Fair Report of Proceedings of Public Concern

147. In further or alternative answer to the Statement of Claim, the Defendants sat that insofar and to the extent that it may be found that the matters complained of conveyed the Plaintiffs' imputations and that those imputations were defamatory of any Plaintiff (each of which is denied), the matters complained of in paragraphs 83, 86, 91(b), 91(c), 91(d), 94, 96, 99, 105, 108 and 111 were a fair report of a proceeding of public concern in that:
- (a) on 20 July 2015, the Grantham Flood Commission of Inquiry commenced public hearings;
 - (b) the hearings were proceedings of public concern for the purpose of s29(4)(f) of the *Defamation Act*;
 - (c) each matter complained of was, or was contained within, a fair report of the hearings.

Offers to Make Amends

148. Further and alternatively in answer to the whole of the Statement of Claim the Defendants rely on:

- (a) As soon as practicable after becoming aware that the matter may be defamatory, the Defendants made an offer to make amends.
- (b) The Defendants have remained ready and willing, on acceptance of the offer by the Plaintiffs, to carry out the terms of the offer.
- (c) In all of the circumstances the offer was reasonable.
- (d) The Plaintiffs have failed to accept the offer.

Particulars of Offer to Make Amends

1. The Defendants made an Offer to Make Amends by letter from the Defendants' solicitors to Corrs Chambers Westgarth dated 27 November 2015.

Mitigation of Damages

149. Further and alternatively the Defendants rely in mitigation of damages on:

- (a) the substantial truth of such of the Plaintiff's imputations as are proved to be true;
- (b) the facts, matters and circumstances proven by the Defendants in evidence in support of the justification defence;
- (c) the circumstances in which it is proved that the publication of the matter complained of was made.

Signed:*Demetrius A. Phillips*.....

Description: Solicitor for the First, Second, Third and Fourth Defendants

Dated: 2 February 2016

The Defendants elect trial by jury.

This pleading was settled by RJ Anderson QC of Counsel.

NOTICE AS TO REPLY

You have fourteen days within which to file and serve a reply to this defence. If you do not do so, you may be prevented from adducing evidence in relation to allegations of fact made in this defence.

ATTACHMENT A – PARTICULARS OF TRUTH

1. THE PLAINTIFFS' RESPONSIBILITY FOR AND THE ROLE PLAYED BY THE QUARRY IN THE FLOOD EVENT THAT KILLED 12 PEOPLE IN GRANTHAM ON 12 JANUARY 2011, AND ITS COVER-UP:
 - (a) by their own pleading, each of the plaintiffs claims to be known within the community as an owner of, and responsible for the operation of the, generally described, Wagner Business;
 - (b) in about November 1998, Wagner Investments Pty Ltd purchased from CSR Readymix (Qld) Pty Ltd, the land upon which the Grantham Sandplant was operated ("the Quarry");
 - (c) thereafter, until its sale in November 2011 to Boral Resources Qld Pty Ltd, the Quarry was managed and operated by Wagner Quarries Operations Pty Ltd (now Wagner Australian Operations Pty Ltd);
 - (d) it may be inferred that the plaintiffs reference to the Wagner Business, is a reference to companies that include Wagner Investments and Wagner Quarries Operations;
 - (e) in any event, at all material times, the first, second and third plaintiffs have been directors of Wagner Investments and Wagner Quarries Operations;
 - (f) ownership and operation of the Quarry was subject to an approval issued by the Gatton Shire Council that prohibited the stockpiling of material extracted from the quarry (overburden) so as to form any levee;
 - (g) between November 1998 and 10 January 2011 Wagner Investments and/or Wagner Quarries Operations (and, thereby, for the purpose of this proceeding, the plaintiffs as persons 'responsible for the operation of the Wagner Business') caused or allowed material extracted from the Quarry to stockpile on the western side of the quarry pit, between the pit and Lockyer Creek, so as to form a levee;
 - (h) during the course of the major rain event that occurred on 10 January 2011 floodwater backed up behind the levee until such time as it was breached, releasing a torrent of water downstream towards the township of Grantham, contributing to the flood which caused the deaths of 12 residents;
 - (i) further, contrary to the matters set out in sub-paragraph (g) above, the plaintiffs caused or allowed public statements and submissions made on their behalf, or further or alternatively on behalf of the Wagner Business, to deny the stockpiling of overburden so as to create the levee, until such

time as that fact was conceded during the course of the Grantham Floods Commission of Inquiry ("GFCI"):

Particulars of the statements and submissions

- i. in or around July 2011, the first plaintiff – as managing director of the quarry – told a journalist preparing a story for publication in The Australian (and which was published on 9 July 2011), words to the effect that the wall of soil surrounding the quarry had been like that for a long, long time, and was not a levee bank in any way;
 - ii. in or around March 2015, the first plaintiff – as managing director of the quarry – told a journalist preparing a story for publication in The Australian (and which was published on 7 March 2015), words to the effect that the embankment of soil surrounding the quarry was not man-made, but natural;
 - iii. Statutory declaration of Denis Wagner dated 11 June 2015 and evidence given at the GFCI on 29 July 2015;
 - iv. Written submissions on behalf of Wagner Investments and Wagner Australian Operations to GFCI the dated 3 July 2015;
 - v. Statements by counsel for the Wagner Business to the GFCI on 20 July 2015.
- (j) commencing in about March 2011, following the flood and prior to any official inquiry into its cause and effects, the levee was excavated and the area around it levelled – including by commencing work in the early hours of the morning using earth moving equipment with silenced warning beepers - from which activity it may be inferred attempts were being undertaken to remove the evidence of it, or of its breach;
- (k) on or about 6 August 2013 the law firm Maddens wrote to Wagner Investments on behalf of seven land owners upstream and downstream of the Quarry accusing Wagner Investments of constructing the levee and thereby being responsible for the destruction caused by the build up of water behind it and the eventual rush of water downstream when it breached;
- (l) on or about 6 May 2015, at the Beef Week conference in Rockhampton, the second plaintiff had a conversation with the Deputy Prime Minister Warren Truss during which Mr Truss said to the second plaintiff, words to the effect, *'Be careful, the judge hearing the Grantham Commission has an axe to grind. We can't be certain of what he will do'*, to which the second plaintiff responded, *'Well, we will have to look after each other'*, to

which Mr Truss replied, '*Yes, we need to cover each other*', from which it may be inferred, if it is not admitted, that the second plaintiff (whether for himself, all plaintiffs, or the so-called Wagner Business) was intending to attempt to cover up the role played by the Quarry in the flood;

- (m) in consequence, the plaintiffs:
 - i. were responsible for the deaths of 12 people in Grantham because it was the breaching of the levee at the Wagner Business owned Quarry that caused the torrent of water;
 - ii. took part in attempts to cover up, by denying, the involvement of the levee in creating the torrent;
 - iii. took part in events presently unknown, to cover up the involvement of the levee in creating the torrent;
 - iv. benefitted from an attempt to cover up the involvement of the levee in creating the torrent.

2. PARTICULARS OF BULLYING AND INTIMIDATION, INCLUDING AGAINST PERSONS WHO WERE WITNESSES TO THE ROLE PLAYED BY THE QUARRY IN THE FLOOD EVENT

- (a) in about May 2011 journalists Amanda Gearing and Tony Koch and a photographer Lyndon Mechielson attended at the Quarry. Upon attempting to leave, their exit was blocked by a person driving a 4WD (whom it may be inferred, from his presence on the property and the actions taken by him, was acting for or on behalf of the plaintiffs) who demanded as a condition of their exit, the handing over of the memory card from the camera being held by Mr Mechielsen;
- (b) on about 20 and 21 January 2015, a helicopter owner or operated by the plaintiffs repeatedly and without cause flew low over property occupied by Heather Brown and David Pascoe, critics of the plaintiffs, in particular in relation to the construction and operation of the Airport;
- (c) on 23 July 2015, after Ian Pinkerton had given evidence at the GFCI critical of the first plaintiff's failure to accept any responsibility for the consequences of the flood, the first plaintiff drove to Mr Pinkerton's house, and stood outside it, staring, conduct that was (it may be inferred if not admitted) designed to intimidate Mr Pinkerton;
- (d) in consequence, the plaintiffs (whether by themselves, their servants or agents):
 - i. attempted to intimidate witnesses who had, would or could speak about the role played by the quarry in the creation of the torrent;

- ii. benefitted from the intimidation by others of those witnesses in that those persons felt intimidated and were, thereby, less inclined to speak adversely about the plaintiffs or the levee in the future.

3. PARTICULARS IN RELATION TO THE AIRPORT

- (a) on 29 June 2011, Wagner Investments Pty Ltd made an application to the Toowoomba Regional Council for a development permit and material change of use to develop land owned by it as an airport. By virtue of the operation of the Jondaryan Planning Scheme, the application was code assessable;
- (b) on 1 July 2011, the Toowoomba Regional Council Planning Scheme replaced the Jondaryan Planning Scheme, meaning that if the application had been lodged three days later it would have been impact rather than code assessable;
- (c) in order to operate the airport it was necessary to obtain access to airspace over or adjacent to the nearby Department of Defence facility at Oakey (the Oakey airspace);
- (d) in about November 2012 the Department of Defence made a submission to the Toowoomba Regional Council to the effect that the airport not be developed owing to its proximity to the base at Oakey;
- (e) on 12 December 2012 the Toowoomba Regional Council unanimously approved the application despite the opposition to it;
- (f) on about 15 December 2012, the Australian Defence Association, through its executive director Neil James criticised the Toowoomba Regional Council's approval of the airport;
- (g) on about 5 March 2013, the Minister for Defence wrote to Queensland's Deputy Premier and Minister for State Development, Infrastructure and Planning seeking support for a 'Ministerial call-in' of the development of the airport under the *Sustainable Planning Act* 2009. The airport was never called in by the State Government;
- (h) in about April and May 2013, then Prime Minister Gillard expressed a refusal to compromise the air training interests of Australia's defence forces by enabling access to the Oakey airspace;
- (i) in about May or June 2013, then Minister for Defence advised that access to the Oakey airspace would not be permitted;
- (j) despite this opposition, on or about 17 July 2013 an agreement was announced with the Commonwealth Government by which the airport took, without any requirement of payment, the benefit of an airspace agreement, enabling access to the Oakey airspace, thereby enabling the

operation of the airport. The agreement reduced the Department of Defence controlled restricted airspace around Oakey by approximately 40% and meant that the helicopter base at Oakey will likely no longer be able to operate;

- (k) in consequence, it may be inferred if not admitted, that the approval of the airport was secured only because of the plaintiffs connections with state and local government politicians or officials;
- (l) further, in about April 2012, during construction of the airport, a dam was built, without authorisation, at a location that is now adjacent to the eastern corner of the runway
- (m) on or about 30 March 2014, the dam breached during a rain event flooding the property and an adjacent road causing it (the road) to be closed for repairs;
- (n) further, no neighbour was entitled to compensation for the impact of the airport upon their property interests once constructed.

4. PARTICULARS OF SELF-INTEREST AND GREED

- (a) the defendants repeat and rely upon those particulars set out herein which demonstrate the plaintiffs to have acted so as to bully and intimidate others and to act otherwise so as to benefit themselves;
- (b) further, following the construction of the airport, the second plaintiff spoke in boasting terms during a session at the 2015 Sir Thomas Mcllwraith Lecture about the destruction of the environment during the course of construction of the airport. During a question and answer session, the second plaintiff was asked about the development of the airport and said, using words to the effect that when advised by the Commonwealth Government's Department of Environment that an environmental impact statement would be required, he told them that the wildlife was all gone, that everything on the property had been knocked down and that there was nothing left. In doing so, the second defendant evidenced his acts of self-interest and greed in a public demonstration of satisfaction in the destructive process adopted;
- (c) the building of the airport by the Plaintiffs in the Wellcamp location will interfere with the use of the Defence Aviation Training facility at Oakey which will almost inevitably lead to the need for that facility to be relocated at a cost to the public of approximately half a billion dollars.

ATTACHMENT B – OPINION PARTICULARS

1. THE FIRST MATTER COMPLAINED OF:
 - (a) was related to a matter of public interest, being calls by a Member of the Queensland Parliament for an inquiry into the circumstances of the Grantham flood, and the circumstances of the flood;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

2. THE SECOND MATTER COMPLAINED OF:
 - (a) was related to a matter of public interest, being calls by a Member of the Queensland Parliament for an inquiry into the circumstances of the Grantham flood, and the circumstances of the flood;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

3. THE THIRD MATTER COMPLAINED OF:
 - (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; calls by a Member of the Queensland Parliament for a further inquiry into the circumstances of the Grantham flood, and the circumstances of the flood;
 - (b) was based on proper material, being information uncovered by or provided to the Second and/or Fourth defendants and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

4. THE FOURTH MATTER COMPLAINED OF:
 - (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; calls by a Member of the Queensland Parliament for a further inquiry into the circumstances of the Grantham flood, and the circumstances of the flood;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

5. THE FIFTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; calls by a Member of the Queensland Parliament for a further inquiry into the circumstances of the Grantham flood, and the circumstances of the flood;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

6. THE SIXTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

7. THE SEVENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; and the circumstances of the flood;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

8. THE EIGHTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; and the circumstances of the flood;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

9. THE NINTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

10. THE TENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second and Fourth Defendants and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

11. THE ELEVENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

12. THE TWELFTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

13. THE THIRTEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the impact of coal seam gas exploration and mining on rural and regional Australia;

- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

14. THE FOURTEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; the Grantham Flood Commission of Inquiry and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

15. THE FIFTEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the Grantham Flood Commission of Inquiry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

16. THE SIXTEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the Grantham Flood Commission of Inquiry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

17. THE SEVENTEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; and the Grantham Flood Commission of Inquiry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public

interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

18. THE EIGHTEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

19. THE NINETEENTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

20. THE TWENTIETH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege

21. THE TWENTY-FIRST MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; and the Grantham Flood Commission of Inquiry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

22. THE TWENTY-SECOND MATTER COMPLAINED OF:

- (a) was related to a matter of public interest bring the Grantham Flood Commission of Inquiry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

23. THE TWENTY-THIRD MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; the Grantham Flood Commission of Inquiry; the approved use of the Quarry; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

24. THE TWENTY-FOURTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second and Fourth Defendants and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

25. THE TWENTY-FIFTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; the Grantham Flood Commission of Inquiry; the approved use of the Quarry; and the approval, construction and operation of the airport;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

26. THE TWENTY-SIXTH MATTER COMPLAINED OF:
- (a) was related to a matter of public interest, being the Grantham Flood Commission of Inquiry;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.
27. THE TWENTY-SEVENTH MATTER COMPLAINED OF:
- (a) was related to a matter of public interest, being the outcome of the Queensland Floods Commission of Inquiry; the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.
28. THE TWENTY-EIGHTH MATTER COMPLAINED OF:
- (a) was related to a matter of public interest, being the circumstances of the flood; and the Grantham Flood Commission of Inquiry;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.
29. THE TWENTY-NINTH MATTER COMPLAINED OF:
- (a) was related to a matter of public interest, being the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
 - (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.
30. THE THIRTIETH MATTER COMPLAINED OF:
- (a) was related to a matter of public interest, being the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;

- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

31. THE THIRTY-FIRST MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

32. THE THIRTY-SECOND MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

33. THE THIRTY-THIRD MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.

34. THE THIRTY-FOURTH MATTER COMPLAINED OF:

- (a) was related to a matter of public interest, being the circumstances of the flood; the Grantham Flood Commission of Inquiry; and the approved use of the Quarry;
- (b) was based on proper material, being information uncovered by or provided to the Second Defendant and relating to the matter of public

interest identified above which was substantially true or otherwise made on an occasion of qualified privilege.