

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 9/12/2020 3:09:22 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Defence - Form 33 - Rule 16.32
File Number:	VID488/2020
File Title:	PAUL BRADSHAW & ANOR v BSA LIMITED
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 9/12/2020 3:09:28 PM AEDT

A handwritten signature in blue ink that reads "Sia Lagos".

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Third Cross-Respondent's Defence to Second Cross-Claim

No. VID488 of 2020

Federal Court of Australia
District Registry: Victoria
Division: Fair Work Division

Paul Bradshaw and another

Applicants

BSA Limited (ACN 088 412 748)

Respondent

AND BETWEEN

BSA Limited (ACN 088 412 748)

Cross-Claimant (Second Cross-claim)

Scott Uren

First Cross-Respondent (Second Cross-claim)

Escom Communications Pty Ltd (ACN 618 520 433)

Second Cross-Respondent (Second Cross-claim)

Marcomm Communications Pty Ltd (ACN 099 642 118)

Third Cross-Respondent (Second Cross-claim)

Except as otherwise indicated, the Third Cross-Respondent adopts the defined terms in the Statement of Cross-claim filed 30 October 2020 (**Second Cross-claim**).

The Third Cross-Respondent to the Second Cross-claim (**Marcomm**) pleads as follows to the Second Cross-claim.

1. Marcomm admits the allegations made in paragraph 1.
2. Marcomm admits the allegations made in paragraph 2.

Filed on behalf of (name & role of party) Third Cross-Respondent
Prepared by (name of person/lawyer) Daniel James Mackay
Law firm (if applicable) Mackay Lawyers & Advisors
Tel (03) 8596 8916 Fax (03) 8582 9709
Email dan.mackay@mackayla.com.au
Address for service Level 2 Bank House, 11-19 Bank Place, Melbourne VIC 3000
(include state and postcode)

3. Marcomm admits the allegations made in paragraph 3.
4. Marcomm admits the allegations made in paragraph 4.
5. Marcomm admits the allegations made in paragraph 5.
6. Marcomm admits the allegations made in paragraph 6.
7. Marcomm admits the allegations made in paragraph 7.
8. Marcomm admits the allegations made in paragraph 8.
9. Save to say that it relies upon the full terms and effect of the Marcomm Agreement, Marcomm otherwise admits the allegations made in paragraph 9.
10. Marcomm admits the allegations made in paragraph 10.
11. Marcomm admits the allegations made in paragraph 11.
12. Save to say that it relies upon the full terms and effect of the Escom Agreement, Marcomm otherwise admits the allegations made in paragraph 12.
13. Marcomm admits the allegations made in paragraph 13.
14. Marcomm admits the allegations made in paragraph 14.
15. Marcomm admits the allegations made in paragraph 15.
16. Save to say that that Marcomm made the Escom Payments on the basis of allegations made in sub-paragraphs (a) – (c), it otherwise does not know, and therefore, cannot admit the allegations made in paragraph 16.
17. As to paragraph 17, Marcomm:
 - (a) Says that:
 - (i) if Uren succeeds in the claims he makes against BSA, Marcomm was under a mistake of a material fact; and
 - (ii) the allegations in sub-paragraphs (c) and (d) are conclusions of law.
 - (b) Otherwise, does not know, and therefore, cannot admit the allegations made in paragraph 17.
18. Save that it refers to and repeats paragraph 17 above, Marcomm otherwise does not know, and therefore, cannot admit the allegations made in paragraph 18.
19. Save that it refers to and repeats paragraph 18 above, Marcomm otherwise does not know, and therefore, cannot admit the allegations made in paragraph 19.
20. Marcomm admits the allegations made in paragraph 20.
21. Marcomm admits the allegations made in paragraph 21.

- 22. Marcomm admits the allegations made in paragraph 22.
- 23. Marcomm admits the allegations made in paragraph 23.
- 24. Marcomm admits the allegations made in paragraph 24.
- 25. Marcomm admits the allegations made in paragraph 25.
- 26. Marcomm admits the allegations made in paragraph 26.
- 27. Marcomm admits the allegations made in paragraph 27.
- 28. Marcomm does not know, and therefore, cannot admit the allegations made in paragraph 28.
- 29. Marcomm does not know, and therefore, cannot admit the allegations made in paragraph 29.

Date: 9 December 2020



Signed by Daniel James Mackay
Lawyer for the Third Cross-Respondent

This pleading was prepared by Daniel James Mackay, lawyer and Keagan O'Dwyer, lawyer

Certificate of lawyer

I Daniel James Mackay certify to the Court that, in relation to the defence filed on behalf of the Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 9 December 2020

A handwritten signature in black ink, appearing to read 'Daniel James Mackay', written over a horizontal dotted line.

Signed by Daniel James Mackay
Lawyer for the Third Cross-Respondent