

BETWEEN

GLENN ALEXANDER THOMPSON and CHERYL MAREE THOMPSON

Plaintiffs

and

THE MACEDON RANGES SHIRE COUNCIL

Firstnamed Defendant

and

THE COLIBAN REGIONAL WATER AUTHORITY

Secondnamed Defendant

and

DAVID PARKINSON

Thirdnamed Defendant

and

GRAEME WILSON

Fourthnamed Defendant

DEFENCE OF THE SECONDNAMED DEFENDANT

Date of document: January 31, 1997

Filed on behalf of: The Secondnamed Defendant

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Ref: GJQ:CEBAD12.001

By way of Defence to the Statement of Claim dated 20th September, 1996, the Secondnamed Defendant says :

1. It does not admit paragraph 1.
2. It does not admit paragraph 2.
3. Save that it admits that the Third Defendant was employed as Manager of KWB from in or about September 1984 to the 30th June, 1992 it denies each and every allegation of paragraph 3.
4. It does not admit paragraph 4.
5. It does not admit paragraph 5.
6. It does not admit paragraph 6.
7. It does not admit paragraph 7.
8. Save that it admits that in respect of the Woodleigh Heights Estate there was a proposed privately owned and operated water supply and reticulation system, which proposal included provision for dams, tanks, pumps and pipes, it does

not admit paragraph 8.

9. It does not admit paragraph 9.
10. It does not admit paragraph 10.
11. It does not admit paragraph 11.
12. It does not admit paragraph 12.
13. It does not admit paragraph 13.
14. It does not admit paragraph 14.
15. It does not admit paragraph 15.
16. It does not admit paragraph 16.
17. It does not admit paragraph 17.
18. It does not admit paragraph 18.
19. It does not admit paragraph 19.
20. It does not admit paragraph 20.
21. It does not admit paragraph 21.
22. It does not admit paragraph 22.
23. It does not admit paragraph 23.
24. It does not admit paragraph 24.
25. It does not admit paragraph 25.
26. It does not admit paragraph 26.
27. It does not admit paragraph 27.
28. It does not admit paragraph 28.
29. It does not admit paragraph 29.
30. It does not admit paragraph 30.
31. It does not admit paragraph 31.
32. It does not admit paragraph 32.
33. It does not admit paragraph 33.
34. It does not admit paragraph 34.
35. It does not admit paragraph 35.

36. It does not admit paragraph 36
37. It does not admit paragraph 37
38. It does not admit paragraph 38
39. It does not admit paragraph 39
40. It does not admit paragraph 40
41. It does not admit paragraph 41
42. It does not admit paragraph 42
43. It does not admit paragraph 43
44. It does not admit paragraph 44
45. It does not admit paragraph 45
46. It does not admit paragraph 46
47. It does not admit paragraph 47
48. It does not admit paragraph 48
49. It does not admit paragraph 49
50. Save that it admits that L. J. Hooker was apparently involved in the Plaintiffs' attempt to sell their land, it does not admit paragraph 50.
51. It does not admit paragraph 51.
52. It does not admit paragraph 52.
53. It does not admit paragraph 53.
54. Save that it admits :
- (a) that around November 1985 the Third Defendant had telephone conversations with the first Plaintiff in relation to an auction sign which referred to the Plaintiffs' land and which also indicated that town water was available to the Plaintiffs' land ; and
 - (b) that the Third Defendant stated to the First Plaintiff around November 1985 that town water was not available to the Plaintiffs' land ;
- it does not admit paragraph 54.
55. It does not admit paragraph 55.

56. Save that it admits that during the period 1985 to 1988 the Plaintiffs made numerous telephone calls to the Third Defendant it does not admit paragraph 56.
57. It does not admit paragraph 57.
58. It denies each and every allegation in paragraph 58.
- 58A. Further, any representations made by the Second Defendant to the Plaintiffs or one of them or to any other person in relation to the subject matter of this proceeding, were made by officers of the Second Defendant who held a genuine belief that they were true.
59. It denies each and every allegation in paragraph 59.
60. It denies each and every allegation in paragraph 60.
61. It denies each and every allegation in paragraph 61.
62. It denies each and every allegation in paragraph 62.
63. It denies each and every allegation in paragraph 63.
64. It does not admit paragraph 64.
65. It does not admit paragraph 65.
66. It does not admit paragraph 66.
67. It denies each and every allegation in paragraph 67.
68. The causes of action upon which the plaintiffs rely arose more than six years prior to the date on which this proceeding was instituted, and accordingly by reason of the provisions of section 51(1) of the Limitation of Actions Act 1958, the Plaintiffs' claim is statute barred.

Beck Sheahan Quinn & Kirkham

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Solicitors for the Secondnamed Defendant