

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Interlocutory Application (Human Rights Div 2.4 Exemption) - Form 35 - Rule 17.01(1)(a)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 3/04/2024 4:52:34 PM AEDT  
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File Number: VID943/2023  
File Title: BRETT HAROLD GUNNING v STATE OF QUEENSLAND  
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: Case Management Hearing  
Time and date for hearing: 09/04/2024, 11:00 AM  
Place: Please check Daily Court List for details



*Sia Lagos*

Registrar

### Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.

Form 35  
Rule 17.01(1)



## Interlocutory application

No. VID943 of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: General

### State of Queensland (Department of Child Safety, Seniors and Disability Services)

Applicant

### Brett Harold Gunning

Respondent

To Respondents

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

**Time and date for hearing:**

**Place:**

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority  
of the District Registrar

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Filed on behalf of (name & role of party)	State of Queensland (Department of Child Safety, Seniors and Disability Services) (Applicant)		
Prepared by (name of person/lawyer)	Laura Brown, Senior Principal Lawyer		
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[Form approved 01/08/2011]



### Interlocutory orders sought

1. An order pursuant to rule 16.21 of the *Federal Court Rules 2011* (Cth) that paragraphs 1, and 37 to 44 of the Respondent's Statement of Claim, filed on 13 November 2023, be struck out on the basis that:
  - a. it is ambiguous as to whether the claims of the group members are in respect of, or arise out of, the same, similar, or related circumstances; further or in the alternative
  - b. it is ambiguous as to whether the claims of the group members give rise to a substantial common issue of law or fact; further or in the alternative
  - c. the description or identity of the group members to whom the proceedings relates is ambiguous.
2. An order pursuant to rule 16.21 of the *Federal Court Rules 2011* (Cth), that the following paragraphs of the Respondent's Statement of Claim, filed on 13 November 2023, be struck out:
  - a. Paragraphs 9, 10, 13, 15, 17, 18, 21, 23, 24, 25, 26, 27 and 37 as the pleadings are evasive or ambiguous; and/or are likely to cause prejudice, embarrassment and/or delay; and/or fail to disclose a reasonable cause of action under s 9 of the *Racial Discrimination Act 1975*;
  - b. Paragraphs 28 to 36 and 38 to 44 as the pleadings fail to disclose a reasonable cause of action.
3. Costs.
4. Such other further or other order as the Court may consider appropriate.

### Service on the Respondents

It is intended to serve this application on all Respondents.

Date: 3 April 2024

A handwritten signature in black ink, appearing to read 'C. McPherson', with a long horizontal flourish extending to the right.

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Signed by Catriona McPherson  
for G R Cooper, Crown Solicitor  
Lawyer for the Applicant