

**Statement of Cross-Claim**

No. VID 434 of 2015

Federal Court of Australia  
District Registry: Victoria  
Division: General

**CHERYL WHITTENBURY**  
Applicant

**VOCATION LIMITED (in liquidation) (ACN 166 631 330)**  
First Respondent / Cross-claimant by First Cross-claim and Cross-Respondent by Third Cross-Claim

**PRICEWATERHOUSECOOPERS (a firm) (ABN 52 780 433 757)**  
Second Respondent / Cross-claimant by Second and Third Cross-claims

**THE PARTNERS OF JOHNSON WINTER & SLATTERY**  
Cross-respondents by First and Second Cross-claims

**MARK EDWARD HUTCHINSON and others named in the schedule**  
Cross-respondents by Third Cross-claim

Capitalised terms used but not defined in this Cross-claim have the same meaning as in the Cross-claimant by Second and Third Cross-claim's (**PwC**) Statement of Cross-Claim (Third Cross-Claim) dated 20 July 2018 (**Third Cross-Claim**).

1. The Cross-Claimant (**JWS**) is a partnership which conducts, and has at all relevant times conducted, business within Australia as solicitors.
2. PwC has made claims against JWS in this proceeding by a Statement of Cross-Claim (Second Cross-Claim) dated 20 July 2018 (**Second Cross-Claim**), by which it alleges that:
  - (a) in November 2013, and in August to October 2014, JWS engaged in conduct in contravention of s 1041H of the Corporations Act, s 12DA of the ASIC Act and s 18 of the Australian Consumer Law;

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Filed on behalf of	The Partners of Johnson Winter & Slattery, Cross-respondent to Second Cross-claim		
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- (b) the contraventions constituted by that conduct caused and/or contributed to the Applicant's and Group Members' Loss and Damage, and JWS is liable to the Applicant and Group Members for that loss and damage pursuant to sections 1041I and/or 1325 of the Corporations Act, sections 12GF and/or 12GM of the ASIC Act and/or section 236 of the Australian Consumer Law;
  - (c) by reason of these matters, if PwC is liable to the Applicant and Group Members for the Applicant's and Group Members' Loss and Damage as alleged in the FACSOC, then PwC is entitled to contribution and/or an indemnity from JWS pursuant to Part IV of the *Wrongs Act 1958* (Vic), further or alternatively to equitable contribution from JWS.
3. JWS:
- (a) has filed a defence to the Second Cross-Claim dated 5 December 2018 (**Defence**), a copy of which is served with this cross-claim;
  - (b) in its Defence, denies that it is liable to PwC for any of the relief sought by PwC against JWS.
4. If JWS is liable to PwC as alleged in the Second Cross-Claim, then for the purposes of this Cross-Claim only, JWS refers to and repeats paragraphs 1 to 258 of PwC's Third Cross-Claim.
5. On the basis of the allegations made in the Third Cross-Claim, each of Hutchinson, Grewal, Dawkins, Tucker, Tredenick, Halley and Vocation is liable to the Applicant and Group Members for the Applicant's and Group Members' Loss and Damage.
6. By reason of the matters pleaded above, if, as a result of PwC's Second Cross-Claim against JWS, JWS is found liable to PwC (which is denied) to pay contribution pursuant to section 23B of the *Wrongs Act 1958* (Vic), alternatively equitable contribution, in respect of the Applicant's and Group Members' Loss and Damage, then:
- (a) Hutchinson, Grewal, Dawkins, Tucker, Tredenick, Halley and/or Vocation are also liable for that same loss and damage; and
  - (b) JWS, in respect of any non-apportionable claim made against it in the Second Cross-Claim:
    - (i) is entitled to contribution and/or indemnity from Hutchinson, Grewal, Dawkins, Tucker, Tredenick, Halley and/or Vocation pursuant to Part IV of the *Wrongs Act 1958* (Vic) on the basis that it is just and equitable that Hutchinson, Grewal, Dawkins, Tucker, Tredenick, Halley and/or Vocation make contribution and/or give such an indemnity;

- (ii) further or alternatively, is entitled to equitable contribution from Hutchinson Grewal, Dawkins, Tucker, Tredenick, Halley and/or Vocation.

Date: 6 December 2018



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Signed by Richard Murphy  
MinterEllison  
Lawyer for the Cross-respondent to the  
Second Cross-claim

This pleading was prepared by Richard Murphy and settled by Paul Liondas of counsel.