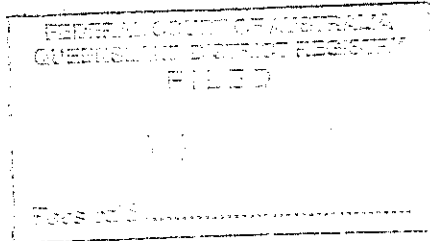


IN THE FEDERAL COURT OF AUSTRALIA  
QUEENSLAND DISTRICT REGISTRY

No. Q163 of 2000



**CAROL JEANETTE BOOTH**

Applicant

**ROHAN BRIEN BOSWORTH**

First Respondent

**FRANCES BRIEN BOSWORTH**

Second Respondent

**REPLY**

(Order 11, rule 22)

1. The Applicant adopts the admissions contained in the Defence to the extent they are consistent with the Statement of Claim.
2. The Applicant joins issue with paragraph 4 of the Defence.
3. The Applicant admits the allegation of fact contained in paragraph 5 of the Defence that the horizontal wires comprising the electric grids are spaced 25cm apart and, to that extent, withdraws the allegation in paragraph 5 of the Statement of Claim that the wires are spaced 20cm apart.
4. The Applicant joins issue with paragraphs 7, 8, 9, 10, 13 and 16 of the Defence and maintains and relies upon the matters set out in paragraphs 7, 8 and 11 of the Statement of Claim.
5. As to paragraphs 14 and 15 of the Defence:
  - (a) the matters alleged therein are irrelevant to the issues herein in that a Damage Mitigation Permit issued under section 112 of the *Nature Conservation Regulation 1994 (Qld)* is not a defence to the civil penalty provision of section 12 of the *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*;

REPLY  
Filed on behalf of the Applicant  
Form 17, O.11 R.22

Environmental Defenders' Office (Qld) Inc  
Level 4, 243 Edward Street  
Brisbane Qld 4000  
Ph. (07) 3210 0275  
Fax. (07) 3210 0523

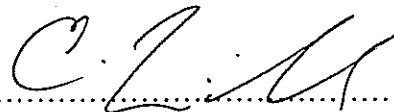
(b) further, the Applicant does not admit that the Damage Mitigation Permit relied upon was valid;

(c) further, the Applicant does not admit that any injuring or killing of Spectacled Flying Foxes was authorised by or in accord with any such permit.

6. Save as otherwise pleaded to herein, the Applicant joins issue with the denials and allegations in the Defence.

This pleading was prepared by Stephen Keim of Counsel.

Dated: 2 March 2001



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Elisa Nichols (Solicitor)