

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/12/2021 4:48:04 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:	Reply - Form 34 - Rule 16.33
File Number:	NSD917/2020
File Title:	COMPUMOD INVESTMENTS PTY LIMITED AS TRUSTEE FOR THE COMPUMOD PTY LIMITED STAFF SUPERANNUATION FUND v UNIVERSAL EQUIVALENT TECHNOLOGY LIMITED (FORMERLY A.C.N. 603 323 182 LIMITED AND FORMERLY AXSESSTODAY LIMITED & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 13/12/2021 4:48:09 PM AEDT

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.



Reply to Defence of First Respondent

No. NSD917 of 2020

Federal Court of Australia
District Registry: New South Wales
Division: General

Compumod Investments Pty Limited as trustee for the Compumod Pty Limited Staff Superannuation Fund

Applicant

Universal Equivalent Technology Limited (formerly A.C.N. 603 323 182 Limited and formerly Axsesstoday Limited)

First Respondent

PricewaterhouseCoopers Securities Limited

Second Respondent

Except insofar as it consists of admissions, the Applicant joins issue with the matters pleaded in the Defence filed herein on 23 November 2021 by the First Respondent (**Defence**) and further say as follows:

1. The Applicant admits the allegations set out in paragraph 92 of the Defence.
2. The Applicant admits the allegations set out in paragraph 93 of the Defence.
3. The Applicant admits the allegations set out in paragraph 94 of the Defence.
4. The Applicant admits the allegations set out in paragraph 95 of the Defence.

Filed on behalf of (name & role of party)	The Applicant		
Prepared by (name of person/lawyer)	Chris Moore & Chloe Ellis		
Law firm (if applicable)	Hicksons Lawyers		
Tel	(02) 9293 5311	Fax	(02) 9264 4790
Email	chris.moore@hicksons.com.au & chloe.ellis@hicksons.com.au		
Hicksons Lawyers			
Level 24, 100 Barangaroo Avenue			
BARANGAROO NSW 2000			

Address for service

(include state and postcode)

5. In relation to paragraph 96 of the Defence, the Applicant:
 - (a) admits that there are provisions in the DOCA (as defined) to the effect of those set out;
 - (b) refers to the terms of the DOCA for their full force or effect;
 - (c) otherwise admits paragraph 96.
6. In relation to paragraph 97 of the Defence, the Applicant:
 - (a) refers to paragraph 11.1 of the DOCA for its full force or effect;
 - (b) says that the Applicant's and Group Members' claims the subject of this action are Excluded Claims as defined in the DOCA; and
 - (c) otherwise does not admit paragraph 97.
7. The Applicant admits the allegations set out in paragraph 98 of the Defence.
8. The Applicant admits the allegations set out in paragraph 99 of the Defence.
9. The Applicant admits the allegations set out in paragraph 100 of the Defence.
10. In relation to paragraph 101 of the Defence, the Applicant:
 - (a) admits that there are provisions in the DOCA to the effect of those set out;
 - (b) refers to the terms of the DOCA for their full force or effect;
 - (c) says that insofar as the terms set out in paragraph 101 effect or restrict the Applicant's and Group Members' rights (or claims those persons would have had but for the DOCA) against anyone other than the first respondent those terms are of no force or effect;
 - (d) otherwise admits paragraph 101.

11. In relation to paragraph 102 of the Defence, the Applicant:

- (a) says that insofar as the terms pleaded in paragraph 102 effect or restrict the Applicant's and Group Members' rights (or claims those persons would have had but for the DOCA) against anyone other than the first respondent those terms are of no force or effect;
- (b) otherwise admits paragraph 102.

12. In relation to paragraphs 103 to 107 of the Defence the Applicant:

- (a) does not know and does not admit the allegations contained in those paragraphs;
- (b) further, does not know and does not admit the contention (insofar as advanced) that only the 17/18 Policy responds to the Applicant's and Group Members' claims.

13. In relation to paragraph 108 of the Defence, the Applicant:

- (a) admits the matters set out in (a), (c) and (d) inclusive of paragraph 108;
- (b) says that the subject matter of the Applicant's claim in these proceedings is defined as a "Claim" (or each of the Applicant's and the Group Members' claims are defined as a "Claim") by the DOCA and otherwise denies paragraph 108(b) of the Defence;
- (c) as to paragraphs 108(e) and (f), the Applicant:
 - (i) says that insofar as the terms pleaded in paragraphs 108(e) and (f) effect or restrict the Applicant's and Group Members' rights (or claims those persons would have had but for the DOCA) against anyone other than the first respondent those terms are of no force or effect;
 - (ii) repeats paragraph 8 of this reply; and
 - (iii) otherwise does not know and does not admit paragraphs 108(e) and (f) of the Defence.

14. The Applicant admits the allegations set out in paragraph 109 of the Defence.

15. As to paragraphs 110 and 111 of the Defence the Applicant:

- (a) says that insofar as the terms pleaded in paragraphs 110 and 111 effect or restrict the Applicant's and Group Members' rights (or claims those persons would have had but for the DOCA) against anyone other than the first respondent those terms are of no force or effect;
- (b) otherwise admits paragraphs 110 and 111 of the Defence.

16. In relation to paragraphs 112-117 of the Defence, the Applicant:

- (a) admits that it did not provide the Creditor Indemnity (as defined) prior to commencing this Proceeding;
- (b) denies that it is obliged to provide the Creditor Indemnity in respect of this Proceeding;
- (c) says that the provisions of cl. 12(d) of the DOCA are not a condition to exercise of the Applicant's and Group Members' rights (or rights to bring these proceedings or to judgment) and do not prevent the Applicant and Group Members from obtaining such judgment to which they are otherwise entitled;
- (d) denies that the provisions of cl.12(d) of the DOCA are valid and binding upon it in respect of this Proceeding;
- (e) says that the provisions of cl. 12(d) of the DOCA are beyond power and void, or unenforceable, as they seek to impose a restriction on the Applicant's rights to make a claim against the First Respondent's insurer, contrary to s. 444D(1) of the Corporations Act 2001.

Date: 13 December 2021



Signed by Christopher Edward Moore
Lawyer for the Applicant

This pleading was settled by Jeremy Giles SC

Certificate of lawyer

I, Christopher Edward Moore, certify to the Court that, in relation to the reply filed on behalf of the Applicant, 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: 13 December 2021



Signed by Christopher Edward Moore
Lawyer for the Applicant