

**IN THE FEDERAL COURT OF AUSTRALIA
SOUTH AUSTRALIA
DISTRICT REGISTRY**

No. SAD 182 of 2007

FEDERAL COURT OF AUSTRALIA S.A. DISTRICT REGISTRY RECEIVED / FILED 18 FEB 2003 Fees Paid Receipt No.
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**MINISTER FOR ENVIRONMENT, HERITAGE
AND THE ARTS**
Applicant

ROCKY LAMATTINA AND SONS PTY LTD
First Respondent

ROCCO LAMATTINA
Second Respondent

DEFENCE OF FIRST AND SECOND RESPONDENTS

As to the Statement of Claim of the Applicant the First and Second Respondent plead as follows:-

- 1 As to paragraph 1 the Respondents do not plead.
- 2 As to paragraph 2 the Respondents do not plead.
- 3 As to paragraph 3 the Respondents admit the allegations.
- 4 As to paragraph 4 the Respondents admit the allegations.
- 5 As to paragraph 5 the Respondents admit the allegations.
- 6 As to paragraph 6 the Respondents do not plead.
- 7 As to paragraph 7 the Respondents do not admit the allegations.
- 8 As to paragraph 8 the Respondents do not plead.

Filed on behalf of the First and Second Respondents by:

Contact: Chris Ryan

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39 Helen Street Mount Gambier S A 5290
DX 29006 Mount Gambier

File ref:
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- 9 As to paragraph 9 the Respondents admit the allegations save as to the number of trees alleged to be cut down and the species which the Respondents do not admit.
- 10 As to paragraph 10 the Respondents deny the allegation and plead that it is unlikely, given the small number of breeding pairs of the cockatoo in the wild population and given the large area over which the population ranges, that the actions of the second Respondent had any significant impact on the cockatoo.
- 10.1. As to paragraph 10.1 the Respondents deny the allegation.
- 10.2. As to paragraph 10.2 the Respondents do not plead.
- 10.3. As to paragraph 10.3 the Respondents deny the allegation.
- 10.4. As to paragraph 10.4 the Respondents deny the allegation.
- 10.5. As to paragraph 10.5 the Respondents deny the allegation.
- 10.6. As to paragraph 10.6 the Respondents deny the allegation.
- 11 As to paragraph 11 the Respondents deny that any action of the second Respondent had or is likely to have any significant impact on the cockatoo species.
- 12 As to paragraph 12 the Respondents do not plead.
- 13 As to paragraph 13 the Respondents deny that they or either of them have contravened section 484 of the Act.

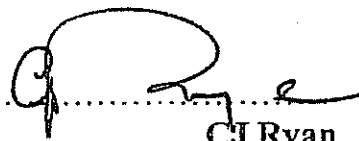
14 As to paragraph 14 the Respondents admit that the second Respondent was an Executive Officer of RLSPL and that he was in a position to influence the conduct of RLSPL but deny that they or either of them failed to take all reasonable steps to prevent a contravention of section 494 of the Act.

15 As to paragraph 15 the Respondents admit the allegation.

16 As to paragraph 16 the Respondents admit the allegation.

17 As to paragraph 17 the Respondents do not admit the allegation.

DATED 15th February 2008



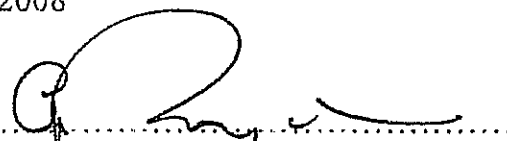
CJ Ryan
Ryans Lawyers
39 Helen Street
MOUNT GAMBIER SA 5290
Solicitor for the First and Second Respondents

CERTIFICATE OF LEGAL PRACTITIONER

I, Christopher James Ryan, certify to the Court that, in relation to the pleading dated the 15th February 2008 filed on behalf of the Respondents, the factual and legal material available to me at present provides a proper basis for:

- 1 each allegation in the pleading; and
- 2 each denial in the pleading; and
- 3 each non admission in the pleading.

Dated the 15th day of February 2008



Legal Practitioner representing the Respondents