



QUEENSLAND
YOUNG
LAWYERS

LEVEL
TWENTY
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CHAMBERS

QUAY 11 CHAMBERS

L11, 95 North Quay, Brisbane

Introduction to Pleadings

Nola Pearce
&
Salwa Marsh

Barristers

Specific matters: UCPR

- ▶ Rule 150(1): matters which must be specifically pleaded:
 - ▶ Claim: breach of contract or trust, fraud, misrepresentation, negligence, etc
 - ▶ Defence: limitation, duress, estoppel, undue influence, voluntary assumption of risk, waiver, etc
 - ▶ **Note:** pleading a state of mind (r.150(1)(k) and (m):
“ ... *motive, intention or other condition of mind, including knowledge or notice*” + “*malice or ill will*”
- ▶ Rule 150(2): any fact from which any of the matters at 150(1) is alleged to be an inference.

10. *In January 2018, the plaintiff spoke and understood little English.*
11. *The defendant was aware of the matters at 10 above, as may be inferred from the following:*
 - a. *At the first meeting, the plaintiff was accompanied by her daughter;*
 - b. *At the commencement of that meeting, the plaintiff's daughter said to the defendant words to the effect that she was attending to assist her mother, who spoke and understood very little English; and*
 - c. *During the meeting, the plaintiff provided the vast majority of her communications in Greek to her daughter, who then spoke in English to the defendant.*



Specific matters: FCR

- ▶ Rules 16.42 and 16.43: a party who pleads:

- ▶ Fraud, misrepresentation, unconscionable conduct, breach of trust, wilful default or undue influence; or
- ▶ A “*condition of mind*” or “*that another party ought to have known something*”,

must plead:

- ▶ “*particulars of the facts on which the party relies ...*”
- ▶ “*particulars of the facts and circumstances from which the other party ought to have acquired the knowledge ...*”.



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