



**IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
GROUP PROCEEDINGS LIST**

No. S ECI 2023 00969  
Case: S ECI 2023 00969

Filed on: 17/03/2026 10:44 AM

BETWEEN

**JARED MAXWELL ROOKE**

Plaintiff

- and -

**AUSTRALIAN FOOTBALL LEAGUE**

-and-

First Defendant

**GEELONG FOOTBALL CLUB (ACN 005 150 818)**

Second Defendant

-and-

**HUGH SEWARD & Ors According to the Schedule**

First Third Party

**DEFENCE OF FIRST THIRD PARTY**

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Date of document: 16 March 2026  
Filed on behalf of the First Third Party  
Prepared by:  
**Perry Maddocks Trollope**  
Suite 802, 9 Yarra Street  
South Yarra VIC 3141

Solicitors Code: CR 101 397  
Telephone: (03) 9663 0500  
Ref: DLM  
Email: [davidm@pmtl.com.au](mailto:davidm@pmtl.com.au)

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To the Third Party Notice dated 18 September 2025 (TPN), the First Third Party (**Dr Seward**) says as follows.

He adopts defined terms from the TPN without making any admission.

**Parties and the Proceeding**

1. He admits paragraph 1.
2. He admits paragraph 2.
3. As to paragraph 3:
  - (a) He admits the allegations in subparagraph 3(a)(i);

- (b) He admits the allegations in subparagraph 3(a)(ii);
- (c) He says that he was engaged as a Club Medical Officer (CMO) for the Geelong Football Club (**GFC**) for the Seward Period and that in that role he provided medical advice, treatment, care and management to some Geelong Players that presented to him with injury or suspected injury from time to time;
- (d) He otherwise denies the allegations in subparagraph 3(a)(iii);
- (e) He does not admit paragraphs 3(b)-(l) as they make no allegation against him.

**Claims by the plaintiff and Geelong sub-group members**

4. As to paragraph 4 he:

- (a) admits the plaintiff has made the allegations referred to therein;
- (b) adopts and relies on each denial and positive defence contained in:
  - (i) the defence of the first defendant (AFL) dated 17 December 2024 (**AFL Defence**);
  - (ii) the defense of GFC dated 20 December 2024 (**GFC Defence**);

save for any allegations made against him (direct or indirect) in those defences.

5. As to paragraph 5 he:

- (a) admits the plaintiff has made the allegations referred to therein;
- (b) says further that the Seward Period of his engagement by GFC concluded in 2005 and that any allegations by the plaintiff outside of that period are not relevant to him;
- (c) adopts and relies on each denial and positive defence contained in:
  - (i) the AFL Defence;
  - (ii) the GFC Defence;

save for any allegations made against him (direct or indirect) in those defences.

6. As to paragraph 6 he:

- (a) Admits that GFC advance the allegations in paragraph 6 in the circumstances described in paragraph 6;
- (b) Denies that GFC (or the AFL) is entitled to any contribution or other remedy from him.

**Dr Seward**

- 7. As to paragraph 7 he:
  - (a) Denies paragraph 7(a);
  - (b) Admits that on each occasion that he provided medical advice, treatment or management (**Medical Care**) to a Geelong Player in his capacity as CMO he owed that player a duty to exercise reasonable care and skill in accordance with reasonable medical practice at the relevant time and otherwise denies subparagraph 7(b).
- 8. As to paragraph 8 he:
  - (a) Refers to and repeats paragraph 7 above;
  - (b) Otherwise does not admit paragraph 8.
- 9. As to paragraph 9 he:
  - (a) Admits that during the Seward Period, GFC relied on his medical expertise at those times that he was providing Medical Care to individual Geelong Players in his capacity as CMO and otherwise denies subparagraph 9(a);
  - (b) Admits that during the Seward Period, individual Geelong Players relied on his medical expertise at those times that he was providing Medical Care to them in his capacity as CMO and otherwise denies subparagraph 9(b).
- 10. As to paragraph 10 he:
  - (a) Does not admit subparagraph 10(a);
  - (b) Denies subparagraph 10(b);
- 11. As to paragraph 11 he:
  - (a) Refers to and repeats his denial in subparagraph 7(a);

- (b) As to subparagraph 11(b):
- (i) By operation of s 58 of the *Wrongs Act 1958* (Vic) or at common law, the relevant standard of care is to be assessed as at the date of the alleged negligence and not at a later date.
  - (ii) The Seward Period covers a lengthy period of time spanning 1985 to 2006;
  - (iii) The state of medical knowledge about the risk of permanent brain injury from concussion has changed significantly since the conclusion of the Seward Period;
  - (iv) He refers to and repeats paragraph 10 above;
  - (v) At all times during the Seward Period he provided Medical Care to Geelong Players in accordance with the rules and regulations made by the AFL from time to time;
  - (vi) At no time during the Seward Period did the rules and regulations made by the AFL from time to time require the reasonable precautions;
  - (vii) The reasonable precautions, as described in paragraphs 30(a), (h), (i) and (j) of the plaintiff's Amended Statement of Claim (**ASOC**) are not properly particularised;
  - (viii) What was reasonably required in the provision of Medical Care to individual Geelong Players, on each occasion, depended on the clinical presentation of the player at that time;
  - (ix) He otherwise denies subparagraph 11(b).
12. He denies paragraph 12 and refers to and repeats paragraph 11 above.
13. He denies paragraph 13 and refers to and repeats paragraph 11 above.
14. He denies paragraph 14 and refers to and repeats paragraph 11 above.
15. He denies paragraph 15 and refers to and repeats paragraph 11 above.
16. He denies paragraph 16 and refers to and repeats paragraph 11 above.
17. He denies paragraph 17 and refers to and repeats paragraph 11 above.

18. He denies paragraph 18 and refers to and repeats paragraph 11 above.

**Other Club Doctors**

19. He does not admit paragraph 19 as it makes no allegation against him.

20. He does not admit paragraph 20 as it makes no allegation against him.

21. He does not admit paragraph 21 as it makes no allegation against him.

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148. He does not admit paragraph 148 as it makes no allegation against him.
149. He does not admit paragraph 149 as it makes no allegation against him.
150. He does not admit paragraph 150 as it makes no allegation against him.

**Alleged Liability of the Club Doctors**

151. As to paragraph 151 he:
  - (a) Admits that GFC has and might continue to incur Costs in the circumstances alleged;

- (b) Denies that GFC has any entitlement to recover those Costs (or any part thereof) from him.

152. As to paragraph 152 he:

- (a) Admits that in the circumstances alleged GFC might suffer loss in the amount of any Judgment Sums;
- (b) Denies that GFC has any entitlement to recover the amount of any Judgment Sums (or any part thereof) from him.

153. As to paragraph 153 he:

- (a) Admits that in the circumstances alleged GFC might suffer loss in the amount that of any Settlement Sums;
- (b) Denies that GFC has any entitlement to recover the amount of any Settlement Sums (or any part thereof) from him.

154. Insofar as it makes any allegation against him, he denies paragraph 154.

155. Insofar as it makes any allegation against him, he denies paragraph 155.

156. Insofar as it makes any allegation against him, he denies paragraph 156.

157. Insofar as it makes any allegation against him, he denies paragraph 157.

158. He says further that at all relevant times, withing the meaning of s 59 of the *Wrongs Act 1958 (Vic)* he:

- (a) was a professional providing a professional service;
- (b) acted in a manner that was widely accepted in Australia by a significant number of respected practitioners in the field as competent professional practice in the circumstances.

159. He reserves the right to plead contributory negligence as against each of the plaintiff, registered Club players, and GFC following discovery by the plaintiff, and in respect of any group member's claims against GFC.

160. He says further that the plaintiff's alleged causes of action are barred by operation of s 27D of the *Limitation of Actions Act 1958 (Vic)*.

**Ben Jellis SC**

**Sebastian Reid**

Dated: March 2026



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Perry Maddocks Trollope  
Lawyers for the First Third Party

**SCHEDULE OF PARTIES**

Jarad Maxell Rooke	Plaintiff
Australian Football League (ACN 004 155 211)	First Defendant
Geelong Football Club (ACN 005 150 818)	Second Defendant
Hugh Seward	First Third Party
Peter Larkins	Second Third Party
Andrew Irwin	Third Third Party
Chris Bradshaw	Fourth Third Party
Geoff Allen	Fifth Third Party
Drew Slimmon	Sixth Third Party
David Long	Seventh Third Party
James McClaren	Eighth Third Party
Peter Ryan	Ninth Third Party
Gregory Lindquist	Tenth Third Party
Jeanne McGivern	Eleventh Third Party
Kendall Brookes	Twelfth Third Party