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Sent: Friday, 10/02/2012 08:50 AM
Attachments: Limitation propositions of law 10-02-12.docx
Subject: Biles update

CSO REFERENCE: 200801481 - D2012/42036

Michael

By way of update:

Propositions of law: a draft has been prepared and I met with Steven yesterday to discuss it. I am working through some submissions Steven prepared in other matters with a view to including any further relevant material. The current draft is attached.

Schedule of key witnesses (re stay application): Jodie is working on this and will send you a first draft by the close of business today.

Limitation chronology: I will try to have this to you by Monday.

List of authorities: you will see that the draft submissions refer to numerous authorities. A number of the authorities in relation to the discretionary extension under s.60G are taken from legal commentary and I am still working through these together with some others suggested by Steven. The core authorities include the following:

Section 52 - Suspension due to disability

Kotulski v Attard [1981] 1 NSWLR 115

Guthrie v Spence [2009] NSWCA 15

SW v State of New South Wales[2010] NSWSC 966

Section 60G - Discretion to extend time

Harris v Commercial Minerals Ltd(1996) 186 CLR 1

Brisbane South Regional Health Authority v Taylor(1996) 186 CLR 541

SD v Director-General of Community Welfare Services (Vic)(2001) 27 Fam LR 695

[Perhaps also Batistatos v Roads and Traffic Authority of New South Wales
(2006) 226 CLR
256]

Kind regards

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