

**WOMEN'S LEGAL SERVICES NSW**

**Incorporating
Domestic Violence Legal Service
Indigenous Women's Legal Program**

6 February 2012

Our ref: JL:AM:B410/07

Your ref: 200801481

Evangelos G Manollaras
Solicitor

Crown Solicitor's Office
60 – 70 Elizabeth Street
Sydney NSW 2000

By hand

Dear Mr Manollaras

Re: Biles & Ors v State of NSW

We enclose by way of service the plaintiff's filed statement of the propositions of law upon which the plaintiff intends to rely at the hearing of the limitation application, listed for 20 February 2012.

Yours sincerely,

WOMEN'S LEGAL SERVICES NSW

Angie McClung

Solicitor



408

RE: KATHLEEN MONICA BILES v STATE OF NEW SOUTH WALES

Matter No. 3199 / 08

PLAINTIFF'S PROPOSITIONS OF LAW

2008/316976

Statutory Provisions

1. The provisions of the Limitations Act 1969 ("the Act") relevant to this application are as follows:

- (a) s.11(3)
- (b) s.14
- (c) s.52
- (d) s.60F
- (e) s.60G
- (f) s.60I
- (g) s.60E
- (h) Schedule 5

DISTRICT COURT OF NSW
FILED
AT SYDNEY
on 06 FEB 2012

General

2. The limitations period is prescribed under s.14 of the Act.

Disability

- 3. At all relevant times the plaintiff has been under a disability within the meaning of ss.11 and 52 of the Act.
- 4. The determination of whether the plaintiff suffered or suffers a disability is a question of fact to be determined on the evidence.
- 5. Alternatively proceedings were commenced within time, subsequent to any cessation of the plaintiff's disability.

Extension

- 6. Alternatively this is an appropriate case to extend the limitation period pursuant to s.60G of the Act.
- 7. Pursuant to Schedule 5 of the Act, s.60G applies to the cause of action alleged by the plaintiff.

8. It is just and reasonable to extend to limitation period under s.60G of the Act in all the circumstances.
9. The plaintiff was unaware of (either all or alternatively some of) the matters referred to in paragraphs 60I(1)(a)(i)(ii) and (iii) of the Act, until a time less than 3 years prior to the application being made in these proceedings.
10. The court is to have regard to the matters referred to under s.60E of the Act, which on balance favour the extension of time sought by the plaintiff.

Dated: 6 February 2012