



Matter: AIL & D B v State of NSW - Alleged Abuse While in Foster Care **Telephone:**

Matter No: 200801481 **Conference:**

CSO Officer: Jodie Vella **Attendance:**

With: Telephone call from Steven Woods **Other:**

Date: 7 February 2012 **Time:** 1:42pm

File Note - Telephone conversation with Steven Woods

Steven Woods telephoned me at 1:42pm on the afternoon of 7 February 2012 and told me some minor changes to make to Evangelos Manollaras' draft letter to Women's Legal Services.

He also made some general comments about the application re *Batistatos*.

The following was typed *during* my telephone conversation with Steven Woods and are his words roughly transcribed (although parts are missing):

Would have thought that what is happening at hearing is that we're only looking at Ms Biles.

This application only becomes relevant if Biles is held to be under a disability. Therefore, no limitation defence. Would have thought that not seeking to run application independently in relation to all fifteen at the next hearing. Provided that's ...should state.

This application only works if there is a need for it. It is a back up to the Limitation Act. It is a method of avoiding the consequence of a finding of a disability. We say – we seek that proceedings be stayed. Therefore, run application with Biles. This is purely a legal argument. If held to be not under a disability, but entitled to extension of time. If under disability, make determination to prejudice (would have to go on to consider that anyway).

If find prejudice, but that because under disability under.

Can only see this working on a case-by-case basis.

Not general overarching proposition that means.

Principle – can we have a fair trial.

Letter drafted still can go fwd. can't see w/out being all evidence about prejudice.

If not prejudice in one of the matters for any reason, why would be entitled. Only have if evidence is blah blah

Signed:

Jodie Vella
Paralegal for Crown Solicitor