

Form 40 (Version 1)
UCPR 35.1

AFFIDAVIT OF PETER MAXWELL - 20 SEPTEMBER 2012

COURT DETAILS

| | |
|-------------|-----------------------------------|
| Court | District Court of New South Wales |
| Division | Civil |
| Registry | Sydney |
| Case number | 2008/316976 |

TITLE OF PROCEEDINGS

| | |
|----------------------|--------------------------|
| Plaintiff | AIL |
| Number of plaintiffs | 14 |
| Defendant | State of New South Wales |

FILING DETAILS

| | |
|--------------------------------|------------------------------------|
| Filed for | State of New South Wales Defendant |
| Legal Representative | I V Knight, Crown Solicitor |
| Legal Representative Reference | 200801481 T3 Jodie Vella |
| Contact name and telephone | Jodie Vella (02) 9224 5000 |
| Frequent User ID | AG4NSW |


AFFIDAVIT

| | |
|------------|---|
| Name | Peter Maxwell |
| Address | c/- Crown Solicitor's Office 60-70 Elizabeth Street SYDNEY NSW 2000 |
| Occupation | Investigator |
| Date | 20 September 2012 |

I say on oath:

1. I refer to my affidavits sworn in these proceedings on 17 May 2011 and 3 August 2011.
2. This affidavit is in reply to the affidavits and exhibits served by the plaintiff, Kathleen Biles, in relation to the defendant's application to permanently stay or dismiss the proceedings and the plaintiff's application for an extension of the limitation period. It also sets out the results of investigations I have conducted since swearing my 3 August 2011 affidavit.

J. Vella


200801481 D2012/435297

3. I have adopted the defined terms in my previous affidavits.

Additional witnesses identified by the plaintiff

4. The affidavit of Janet Loughman affirmed 23 May 2012 identifies a number of witnesses (additional to those referred to in my earlier affidavits) said to be "available to give evidence" (paragraph 14) or who "may know information" (paragraph 15) in relation to the issue identified in my earlier affidavits as Part D: Alleged assaults.
5. Since receiving Ms Loughman's affidavit, I have conducted investigations in relation to these witnesses as set out below.
6. **REDACTED** : I have been unable to speak with Ms **REDACTE**.
7. **REDACTED** (nee **REDACTED**): I spoke with Ms **REDACTED** (nee **REDACTED**) on 31.8.2012.
8. **REDACTED** : I spoke with Mr **REDACTED** on 20.8.12.
9. **Peter FREER**: I spoke with Mr FREER on 10.8.12.
10. **REDACTED** (aka **REDACTED**): I spoke with Ms **REDACTED** on 16.8.2012.
11. **REDACTED** : I spoke with Mr **REDACTED** on 15.8.2012.

Witnesses I previously identified and have spoken with

12. The affidavit of Janet Loughman affirmed 23 May 2012 identifies a number of witnesses (additional to those referred to in my earlier affidavits) who are persons I have spoken with, the details of which are set out below.
13. **Terrence MADDEN**: I spoke with Mr MADDEN on 29.3.2010.
14. **Graeme EGGINS**: I spoke with Mr EGGINS on 22.2.2011.
15. **Wayne TRUDGEN**: I spoke with Mr TRUDGEN on 23.9.2010.
16. **Bruce FOAT**: I spoke with Mr FOAT on 9.7.2012.
17. **Morri YOUNG**: I spoke with Mr YOUNG on 25.8.2010.
18. **Ian ROBINSON**: I spoke with Mr ROBINSON on 1.4.2010.
19. **Kathryn FISHBURN**: I spoke with Ms FISHBURN on 30.6.2012.
20. **Anne DIMECH**: I spoke with Ms DIMECH on 5.7.2012.
21. **Colin WILSON**: I spoke with Mr WILSON on 26.7.2010.

J. vena

22. **Colin GIBSON:** I spoke with Mr GIBSON on 26.7.2010.

Witnesses identified by the defendant but not the plaintiff

23. I have previously spoken with a number of witnesses who are not identified in the plaintiff's evidence. The details of my communication with them are set out below.

24. **Stanley HUCKEL:** I spoke with Mr HUCKEL on 30.4.2010.

25. **William LINTON:** I spoke with Mr LINTON on 29.4.2010.

26. **Harry YEWEN:** I spoke with Mr YEWEN on 24.8.2010.

27. **Peter LOGAN:** I spoke with Mr LOGAN on 2.9.2010.

28. **Brian BRAGG:** I spoke with Mr BRAGG on 2.9.2010.

Investigations since swearing my previous affidavits

29. Since swearing my 17 May 2011 and 3 August 2011 affidavits, I have conducted further investigations in relation to persons referred to in those affidavits or which resulted in identifying other persons of relevance to the issues identified in those affidavits. The results are set out below.

30. In relation to **Rex JACKSON** referred to in paragraph 28(k) of my 17 May 2011 affidavit, I received information that Mr JACKSON died on 31.12.2011. A copy of Mr JACKSON'S death certificate is annexed and marked with the letter "A".

31. In relation to **Arthur ROY** referred to in paragraph 31(b) of my 17 May 2011 affidavit and in paragraphs 11 and 12 of my 3 August 2011 affidavit, I have since located Mr ROY and I spoke with him on 15.5.2012.

32. In relation to **John WATKINS** referred to in paragraphs 39-41 of my 3 August 2011 affidavit, I have now received a copy of Mr WATKINS' death certificate, a copy of which is annexed and marked with the letter "B".

33. **Penny JOHNSON (nee BILES):** I spoke with Ms JOHNSON on 13.8.2012.

34. **Belinda EDMONDSON:** I spoke with Ms EDMONDSON on 14.8.2012.


35. **Kevin CRANDELL:** I spoke with Mr CRANDELL on 8.8.2012.

36. **Maureen ERVINE:** I spoke with Ms ERVINE on 1.8.2012.

37. **REDACTED** : I spoke with Mr **REDAC** on 15.8.2012.

38. **REDACTED** : I spoke with Mr **REDA** on 25.5.2012.

J. Vella


200801481 D2012/435297

- 39. **Anthony RENEKER:** I spoke with Mr RENEKER on 1.8.2012.
- 40. **REDACTED** : I spoke with Mr REDA on 20.8.2012.
- 41. **Bert (Blackie) GORDON:** I spoke with Mr GORDON on 16.8.2012.
- 42. **REDACTED** : I spoke with Mr REDACT on 30.5.2012.
- 43. **Kevin HARRIS:** I spoke with Mr HARRIS on 8.8.2012.
- 44. **Robert GRIMES:** I spoke with Mr GRIMES on 31.7.2012.
- 45. **Joan HART:** I spoke with Ms HART on 26.7.2012.
- 46. **Glen SPEARS:** I spoke with Mr SPEARS on 9.8.2012.
- 47. **John NOLAN:** I spoke with Mr NOLAN on 14.8.2012.

Other Issues

- 48. In relation to REDACTED referred to in paragraph 33(e) of my 17 May 2011 affidavit, Ms REDACT is referred to in documents within the Bethcar files at pages 14-15, rather than pages 4-15, of Exhibit PM1.
- 49. In relation to Evelyn CRAWFORD referred to in paragraph 33(c) of my 17 May 2011 affidavit, Ms CRAWFORD is referred to in documents in the Bethcar files at pages 190-198 (at 197) and 199-203 of Exhibit PM1.
- 50. In relation to REDACTED referred to in paragraph 50(g) of my 17 May 2011 affidavit, Mr REDACTE is also referred to in a document in the Bethcar files at page 328 of Exhibit PM1.

| | |
|-----------------------|--|
| SWORN at | SYDNEY |
| On | 20 September 2012 |
| Signature of deponent |  |
| Name of witness | Jodie Vella |
| Address of witness | Crown Solicitor's Office Level 5, 60-70 Elizabeth Street SYDNEY NSW 2000 |
| Capacity of witness | Solicitor |

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent):

- 1. I saw the face of the person, and
- 2. I have known the person for at least 12 months.

Signature of witness J. Vella.....