



CROWN SOLICITOR'S OFFICE
NEW SOUTH WALES

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15 July 2009

Ms Natalie Neumann
Solicitor
Women's Legal Services NSW
PO Box 206
LIDCOMBE NSW 1825

By facsimile (02) 9749-4433

Dear Ms Neumann

State of New South Wales ats [REDACTED] & Anor
Proceedings in the District Court at Sydney No. 2218/08

I refer to the following:

1. The undated document described as particulars provided pursuant to the orders made by Judge BJ Knox SC on 11 May 2009.
2. Your letter dated 15 June 2009 which purports to provide the particulars requested in my 13 letters of 2 June 2008.

Order 4 made by Judge Knox on 11 May 2009 required the provision of particulars "*in relation to each Plaintiff*".

When the matter came before Judicial Registrar McDonald on 1 June 2009, her Honour indicated that the Plaintiffs were expected to provide 15 separate documents with detailed particulars for each of the Plaintiffs.

The particulars provided to date are deficient as to both form and substance.

The "common" form of the particulars is inconsistent with Judge Knox's order and the Judicial Registrar's requirement. Please provide a separate document for each Plaintiff setting out the particulars ordered by Judge Knox and those requested in my letters of 2 June 2009.

The particulars are also deficient and incomplete in a number of respects, some of which are set out below.

One example is the date and circumstances of the assaults. Judge Knox ordered the Plaintiffs to particularise – in order 4(a)(ii) – the date, place and circumstances of the alleged assaults. A similar request was made in my letters dated 2 June 2009. The dates of the alleged assaults have not yet been identified. Your letter of 15 June 2009 simply refers to the particulars provided in accordance with the orders of Knox DCJ. However, the dates of the alleged assaults are not provided in those particulars either and the place and circumstances of each assault are not identified with sufficient particularity or at all.

Further, the particulars identify the perpetrators collectively and do not specify who was responsible for each of the assaults.

Yet another example is your response to question 18 of my letters dated 2 June 2009 wherein I requested particulars of the material times during which it is alleged the Defendant was responsible for the care of the Plaintiff. Your response that the Defendant was responsible once the Plaintiffs were committed to care or placed voluntarily at Bethcar makes no reference to the relevant dates and is no more than a generalisation that does not identify the material times.

Your letter of 15 June 2009 frequently refers to the particulars provided in accordance with the Orders of Knox DCJ, documentation produced under subpoena, matters “particularised herein” and things that “you know”. It is not a matter for the Defendant to review voluminous documents in the hope of attempting to identify or locate the allegations made against it.

Other responses simply reformulate the request for particulars. See, for example, your reply to the request in question 38.

Unless and until the Defendant receives full and proper particulars of the allegations, it will not be in a position to prepare its defence and will continue to be prejudiced by being deprived of the opportunity to properly identify and investigate the claims.

Yours faithfully

Evangelos G Manollaras
Solicitor
for Crown Solicitor

Encl.

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