



Crown Solicitor's Office

File Note

Matter: AIL & D B v State of NSW - Alleged Abuse While in Foster Care **Telephone:**
Matter No: 200801481 **Conference:**
CSO Officer: Helen Allison **Attendance:**
With: Robyn Young (DoCS), Pat Saidi and Paul Arblaster (Counsel), Peter Maxwell (Investigator) **Other:**
Date: 12 November 2009 **Time:** 9:45am

File Note - of Conference with Counsel, Dept Representative and Investigator - held on 12 November 2009

Attendees: Patrick Saidi (PS),
Robyn Young (RY),
Paul Arblaster (PA),
Peter Maxwell (PM),
Helen Allison (HA)

TRANSCRIPT

PS: (1) Costs:

PS called Catsanos – all the client wanted was vindication. He was going away - would get Helen Wall to call - each plaintiff worth \$400,000 to \$500,000 each. Victims Compensation Tribunal: \$50,000. She then said that its negotiable. Don't think they are in contact. The plaintiffs are unable to get Is. Not sure that they clients are interested in the proceedings.

Need to get Victims Compensation claims files

- Medical Evidence
- Limitation Issues

(Not all of the served material suggests that the plaintiff had a Victims Compensation claim).

Query whether plaintiff's have legal aid – what's the costs capping? Don't know if legal aid or contingency.

Should put on an offer of compromise and put pressure on the plaintiffs. Each is difference and will need to be assessed separately.

RY: Need more information from the plaintiffs to make an estimate.

PS: Should send them off for our own medicals.

Different limitation periods.

- Plaintiffs may also fail to attend medicals.
- That may have an affect on the consolidated proceedings.
- *RS: OK.
- PS: Offer of Compromise is critical.
- PM: Kids Committed to Gordon for a 5 year term: unusual.
- D.O. made the comments that if parents want kids back no-one can stop them.
- Dr Lopes: His opinion is that the parents should be charged.
- * Need to chase legal aid position. What was their involvement in the orders.
- PM: Legal Aid represented the parents.
- PS: Kids could also be represented by parents.
- PA: Doesn't matter how get there – the fact is that they are there is the issue.
- PS: Need to get proper particulars so as to understand their case.
- PM: Some of the kids placed by their parents. Only notified. Therefore DoCS gave funding.
- Have about 8 files.
- Up to 60 children gone through Bethcar system.
- Mrs Gordon made a statement to police.
- Son in Law convicted. Some convictions withdrawn – but don't know which withdrawn.
- May be some of these plaintiffs.
- Need letter of authority to search files at Kingswood Repository.
- PS: Are critical Departmental employees.
- T R Madden (Terry)
- PM: There is also Commonwealth Funding.
- PS: AIH – went through her documents, who is she?
- RY: Were these kids damaged before Bethcar?
- PS: Real issue as to that.
- PA: Real causation issue.
- PS: Reports suggest many problems were pre-Bethcar.
- PM: Must have had a situation for the Victims Compensation. Do we have police investigation?
- PA: Have Police Statement of AIH

PM: Don't have Police Brief.

Amy Gibson – born 69. Care at 76 / 77. 2 months **late** assaulted. Pre dates first memorandum of 80 & 83, which P is relying on.

Nothing to indicate that we know of abuse pre 1980.

She was also assaulted by other people.

RY: Should RY have to trawl files in relation to the children.

PM: RY to make records of her inquiries, so as to make an affidavit.

PS: Different solicitors did Victims Compensation application. 80 / 83 file notes.

PA: 1983: Leonie Knight complaint – in Police material.

PS: 1983 note very significant.

PA: Department queried why she was **separated**.

PS: Need to look at Department and Police materials. .. of prejudice.

PM: B Simpson: In charge of the Regional and I Robinson and Madden.

PS: Also funded the home so need to look at grants – although does not create an actual obligation to supervise.

No supervision order in relation to the children.

RY: Wants a **geneogram**.

PS: Interested in the 79 / 80 / 81 investigation.

PM: No protocol for briefs until Royal Commission.

RY: Give letter of instruction to PM for PM to go to DoCS and do the searching.

PS: How do we go further

RY: Need summary of today, therefore looks like won't settle.

PS: Early mediation

RY: Don't want to encourage further claims.

PS: Helen Wall makes it **difficult/different**

PS: Early mediation may force the plaintiffs to focus.

RY: Don't know the benefit of an early settlement.

PA: Some of them may drop out.

PS: If get a good mediator he will point out the difficulties.

RY: When will limitation motion be heard?

PS: Mid 2010. May want to put on an Offer of Compromise for, say \$50K. Need to protect ourselves on costs.

RY: Need to work out easier ways to investigate.

Not worried about costs.

Worried about additional claims.

PS: Why no records of assault – if no records, OK. If swept under carpet there are problems.

Look at Child Welfare Act s. 148? Check whether mandatory reporting?

DC v NSW: Department under no **application(obligation?)** to investigate.

TO DO:

1. Subpoena each Victims Compensation claim separately.
2. Send copy of Peter Maxwell's job sheet to Robyn Young.
3. Robyn Young to give Peter Maxwell a letter of Authority to search personal records at Kingswood Repository.
4. Robyn Young to provide relevant (historical) protocols. Peter Maxwell to provide date range and guidelines for substituted care and voluntary placement (query whether the same).
5. Query subpoena Corrections Health for those who have been incarcerated and Psychology Unit.
6. Disability Pension?
7. See if DPP have the Police Brief (will give the indictments).
8. Robyn Young needs name and date of birth of children or all plaintiffs who have children.
9. Peter Maxwell to send E Manollaras his notes which are paginated.
10. Arrange medical assessments.
11. Robyn Young to give letter of **instruction/introduction** to Peter Maxwell, for Peter Maxwell to search DoCS offices.
12. Give to Peter Maxwell a list of plaintiff's and dates of birth, and folder of particulars and the second Statement of Claim for plaintiff's 3 – 15.

Signed: