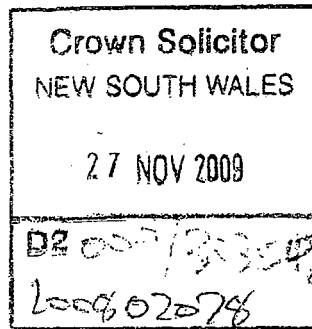



**WOMEN'S LEGAL SERVICES NSW**
**Indigenous Women's Program**

27 November 2009

**COPY**

 Crown Solicitors Office  
 New South Wales  
 GPO Box 25  
 SYDNEY NSW 2001

 Your Ref: 200802078  
 T3 Evangelos G. Manollaras

Dear Sirs,

**KATHLEEN BILES and ORS v THE STATE OF NEW SOUTH WALES**

In compliance with the orders of Judge Truss dated 16 October 2009 we now provide the following information:

4. Order that each Plaintiff identify the material facts and circumstances which support the allegations of vicarious liability on the basis that Mr and/or Mrs Gordon and/or Mr and/or Mrs Gibson were the Defendant's agents.

1. The facts and circumstances relied upon are:
  - (a) The Defendant had responsibility for the care of the Plaintiffs. It had the obligation to provide accommodation and ensure the health, safety and well-being of each of the Plaintiffs.
  - (b) The functions undertaken by the Gordons at Bethcar constituted the performance of the Defendant's responsibilities and obligations, effectively on behalf of the Defendant.
  - (c) The Defendant authorised, sanctioned, supervised and regulated the operations of the Gordons at BethCar.
  - (d) The Gordons were acting on behalf of the Defendant and were its agents. The Defendant is consequently liable for their acts and omissions.
  
2. At this point the Plaintiffs do not press an allegation that the Gibsons were the Defendant's agents.

However, the Gordons were the Defendant's agents and, as particularised above, the Defendant is consequently vicariously liable for their acts or omissions. These acts and omissions included a failure to take reasonable care to protect the Plaintiffs from the sexual assaults of Colin Gibson, previously particularised, and/or allowing Gibson access to the Plaintiffs in circumstances where the Gordons knew or ought reasonably have known that Gibson posed a threat to their safety.



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5. Order that a separate statement in compliance with Rule 15.12 be filed and served in respect of each of the 13 plaintiffs, such statement to be as comprehensive as the instructions of the plaintiffs' solicitor permit and to attach all available supporting documentation

Enclosed are the 13 separate statements filed today in compliance with this order.

Otherwise we advise that we have encountered some delay in providing particulars in relation to the statutory provisions relied upon as per Order 2 of Judge Truss.

Rather than provide fragmented information in this regard, we propose to provide full particulars in the near future.

We assume from what was said at court on the last occasion and subsequent discussions between counsel, that in the circumstances you will accommodate this variation of the timetable.

We will contact you further about this as soon as possible.

Yours faithfully,



WOMEN'S LEGAL SERVICES