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17 July 2012

Crown Solicitor  
DX 19  
SYDNEY

Attention: Ms Vella

Dear Sir

RE: **AIL** & ORS v STATE OF NEW SOUTH WALES

In this matter I am asked to provide the reasoning behind my previous recommendation that offers of verdict for the defendant, no order as to costs be made to each remaining plaintiff.

I have been provided with a joint Memorandum of Advice on Settlement prepared by Mr Cashion SC and Mr Arblaster.

I do not disagree with any aspect of that advice.

Mr Cashion and Mr Arblaster have given consideration to all of the factors which I consider relevant to any attempt to resolve these matters.

The manner in which any particular individual gives weight to those factors, and determines an appropriate future course, is somewhat impressionistic.

For example, I would place less weight on the matter raised in the third sentence of paragraph 21 of the joint Memorandum of Advice on Settlement than perhaps Mr Cashion and Mr Arblaster have done. This is because the resolution of any further claim must advantage the State of New South Wales. This is particularly so once it is accepted that the State's prospect of recovering any costs from any of the remaining plaintiffs is likely to be nugatory.

The giving of instructions such that would enable the Crown Solicitor to make an offer of verdict for a particular defendant, with no order as to costs, would not inevitably lead to such an offer being made in all cases, simultaneously.

That is, the provision of blanket instructions would not detract from the tactical considerations identified by Mr Cashion and Mr Arblaster in support of the making of targeted offers.

For the reasons given by Mr Cashion and Mr Arblaster, the cases of Kathleen Biles, AIN [REDACTED] and Douglas Biles can, at least at this stage, be singled out as being meritorious for the making of such an offer in the relatively near future.

I therefore recommend that instructions be obtained, at least in those matters if not in all matters, that will enable the Crown Solicitor to make appropriate offers of settlement when considered tactically advantageous by the Crown Solicitor.

Please contact me if you require any further clarification of the matters raised herein.

Yours Faithfully,

**Steven Woods**