

**From:** "Joanna.Mitchell" <joanna.mitchell@facs.nsw.gov.au>  
**To:** Helen\_Allison <helen\_allison@agd.nsw.gov.au>  
**Cc:** "Derek.Smith" <derek.smith@facs.nsw.gov.au>  
**Sent:** Monday, 15/07/2013 05:47 PM  
**Subject:** RE: Biles

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CSO REFERENCE: 200801481 - D2013/334151

Dear Helen,

You are instructed to prepare this advice. Could you please provide an estimate of when it might be available?

Thanks and kind regards

Joanna Mitchell | A/Senior Legal Officer, Child Law and General Litigation |  
Legal Services

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From: Helen\_Allison@agd.nsw.gov.au [mailto:Helen\_Allison@agd.nsw.gov.au]  
Sent: Monday, 15 July 2013 4:29 PM  
To: Joanna Mitchell  
Subject: Biles

Dear Joanna

I refer to the telephone conference today with you, Derek Smith, Fiona Read and myself.

I confirm that you now have approval to explore mediation and to resolve this matter as expeditiously and cheaply as possible, particularly given the court of appeal hearing in November.

To this end you require a quantum/settlement advice.

Fiona recommended that part of the settlement strategy would include creating settlement parameters such as no admission of liability.

I note your preference to settle each claim separately rather than offering a global figure to the plaintiffs.

There are obstacles to settlement including:

1. Plaintiff's expectations,
2. Difficulty ascertaining the facts
3. The plaintiffs having received Victims Compensation, which will need to be repaid. Query whether there is any mechanism to have these payments waived.
4. Potentially if the plaintiffs claim economic loss and have social security benefits this may need to be repaid
5. The plaintiffs' costs are likely to be large.

It would assist you to have a quantum advice detailing a settlement range. Please confirm that I am instructed to prepare this advice.

Regards

Helen Allison  
Senior Solicitor  
for Crown Solicitor

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