

HENRY DAVIS YORK

10 November 2014

Our Ref MBG/MWP/3136527

BY EMAIL

Rachel Deane

Counsel - Case Studies

Royal Commission into Institutional Responses to Child Sexual Abuse

Level 17, Governor Macquarie Tower

1 Farrer Place

SYDNEY NSW 2000

Dear Ms Deane

**Representation of State of New South Wales re Child Sexual Abuse Royal
Commission
Case Study 19 - (Bethcar)**

We refer to your email to Mr Ian Fraser of the Crown Solicitor's Office dated 31 October 2014, your email to Henry Davis York dated 5 November 2014 and your letter dated 7 November 2014.

The requests are addressed separately below.

1 Mr Arblaster's Brief

We understand from your emails that Mr Arblaster's representatives have asked for a copy of his brief:

Mr Arblaster returned his brief to the Crown Solicitor's Office on two occasions: April 2013 and March 2014 and we are instructed by the Crown Solicitor's Office that it has not retained a full copy of it.

As to that portion of Mr Arblaster's brief that was returned by him in April 2013, the Crown Solicitor's Office has retained a number of folders forming this part of his brief. As to the documents returned in March 2014, the matter had settled, there were a large volume of duplicate documents, and those documents were destroyed.

If the Royal Commission issues a summons for the production of Mr Arblaster's brief, those parts of the brief still retained will be made available for inspection, at the Crown Solicitor's Office, or can be produced to the Royal Commission. The Crown Solicitor's Office will provide copies of any of the documents as Mr Arblaster's solicitors require upon inspection.

Alternatively, enclosed is a list of documents from Mr Arblaster's brief that were returned by him in April 2013. The Crown Solicitor's Office can provide those parts of the brief that are

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relevant to the Royal Commission's inquiries on receipt of an appropriate summons for production.

2 Crown Solicitor's Office's District Court file

We are instructed that the Crown Solicitor's Office's file is voluminous. Given its size and the stage of the Royal Commission's hearings, it would be surprising if any documents that have not already been caught by the Royal Commission's summonses to date will assist Mr Arblaster's legal representatives. Further, it would be very unusual to provide Counsel with access to an instructing solicitor's file.

The Crown Solicitor's Office has no objection to the Royal Commission providing Mr Arblaster with copies of the documents produced by the Crown Solicitor's Office in relation to the Bethcar litigation but, unless compelled, it will not provide inspection or copies of its file. This is particularly so where officers of the Crown Solicitor's Office have already given detailed evidence on the conduct of the litigation.

If Mr Arblaster's representatives require specific documents that are beyond those already produced to the Royal Commission, and they identify any such documents, they will be produced upon issue of a summons, provided always that the Commission is satisfied that the production is reasonably necessary for it to properly undertake its inquiry.

3 Mr Cashion SC and Mr Wood's Briefs

We are instructed that large portions of the briefs to Mr Cashion and Mr Woods are no longer retained as those briefs also included a large number of documents that were duplicated across the Crown Solicitor's Office's files.

Correspondence with Mr Cashion and Mr Woods as well as advices from them have been produced to the Royal Commission in response to summons S-NSW-231. The Crown Solicitor's Office does not object to the Royal Commission providing Mr Arblaster and his representatives with copies of those documents.

If Mr Arblaster or his representatives require access to those parts of the briefs that remain, they will be produced to the Royal Commission if summonsed.

4 Letter dated 7 November 2014

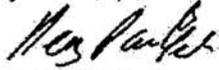
The State of NSW has no objection to:

- (a) The Royal Commission providing the legal representatives for Mr Arblaster with an index to the materials that were produced by the CSO to the Royal Commission in response to summonses S-NSW-231 and S-NSW-280;
- (b) The Royal Commission providing the legal representatives for Mr Arblaster with a copy of any documents produced by the CSO to the Royal Commission in response to summonses S-NSW-231 and S-NSW-280 but not tendered to date.

HENRY DAVIS YORK

Please do not hesitate to contact Michael Sullivan or Maria Panos if you require any further assistance.

Yours faithfully
Henry Davis York



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