

From: Stuart Wells <wells@selbornechambers.com.au>
Date: Thursday, 13 November 2014 12:11 pm
To: Rachel Deane <Rachel.Deane@childabuseroyalcommission.gov.au>
Cc: 'Maria Panos' <Maria.Panos@hdy.com.au>, Michael Sullivan <michael.sullivan@hdy.com.au>, Tony Giugni <Tony.Giugni@childabuseroyalcommission.gov.au>
Subject: Re: Royal Commission - Request from Mr Arblaster [HDY-SYD.FID522811]
[SEC=UNCLASSIFIED]

Dear Ms Deane and Mr Sullivan,

I refer to the letter dated 10 November 2014 from Henry Davis York addressed to Ms Deane and also the Summons to Produce Documents dated 11 November 2014 issued by the Commission to the NSW Crown Solicitor's Office.

I attended the Crown Solicitor's Office this morning to inspect documents produced in answer to the Summons dated 11 November 2014. No documents were produced in answer to par 1.2 of the Schedule to the Summons (Mr Woods' brief) or par 1.3 (Mr Cashion's brief) and there was only partial production in answer to par 1.1 (Mr Arblaster's brief).

I was informed by Ms Jane Graham of the Crown Solicitor's Office that the reasons for this are as follows:

1. Mr Arblaster returned part of his brief on 11 April 2013. As the proceeding in the District Court was still on foot at this stage, these documents returned by Mr Arblaster were retained. It is these documents that I had access to at the Crown Solicitor's Office this morning;
2. Mr Woods and Mr Cashion SC returned their briefs in March 2014. Mr Arblaster also returned the balance of his brief at this time (March 2014). These documents (the entirety of Messrs Woods' and Cashion's briefs and the balance of Mr Arblaster's brief) were then destroyed because the file had closed by this stage and the proceedings had settled on a costs inclusive basis (which I understand to mean that it was considered to be unnecessary to retain any files for cost assessment purposes).

In relation to the documents returned by Mr Arblaster in March 2014, I am instructed by Mr Arblaster that the documents returned included a correspondence file and handwritten file notes of matters discussed with his instructing solicitors and other barristers in the proceedings, which are relevant to the issues raised in Case Study 19.

In the letter from Henry Davis York dated 10 November 2014 it is stated on page 1: "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."

It appears from my inspection this morning that not only were duplicate documents destroyed, the entirety of the briefs returned by the barristers in March 2014 were destroyed.

Can you please urgently confirm that not only were duplicate documents from the briefs returned in March 2014 destroyed, but that the entirety of the barristers' briefs returned at this time have been destroyed and that there are no documents available for production in answer to pars 1.2 and 1.3 of the Schedule to the Summons dated 11 November 2014.

To the extent that any documents in answers to pars 1.2 and/or 1.3 of the Schedule to the Summons do exist and are in the possession, custody or power of the Crown Solicitor's Office, I request that they be made available for inspection as a matter of urgency.

Regards

Stuart Wells
Ninth Floor Selborne Chambers
174 Phillip Street
SYDNEY NSW 2000
DX 376 SYDNEY
Ph (02) 9233 5188
Fax (02) 9233 1137
Mobile 0410 566 208

Liability limited by a scheme approved under Professional Standards Legislation