



**Crown
Solicitor's
Office**

Your Ref:

My Ref: 201100793

T05 Kiri Mattes

Tel: (02) 8093-5538

Fax: (02) 9224-5255

Email: crownsol@agd.nsw.gov.au

5 October 2011

Mr Richard Killalea
Solicitor
Eddy Neumann Lawyers
DX 11501 SYDNEY DOWNTOWN

By email

Without prejudice save as to costs

Dear Mr Killalea

Collins B v Justice Health: Supreme Court 2011/90868

I refer to my letters of 23 and 29 September 2011, and to your e-mail correspondence of 27 and 29 September, and 3 October 2011, seeking to resolve these proceedings.

I confirm that my client is willing to settle this matter on the basis of orders in the following terms:

THE COURT DECLARES THAT:

1. The decision of the Chief Executive Officer of the defendant dated 17 March 2011 not to distribute the Just Us March 2011, Vol 4 No 1, NSW State Election Special newsletter ("the newsletter") was not validly made insofar as it was made because the language and content of the newsletter was "political in nature".

THE COURT ORDERS THAT:

2. The defendant pays costs in the amount of \$5,000 to the defendant.
3. The further amended summons filed 14 June 2011 otherwise be dismissed.

In agreeing to settle on these terms, my client relies on the "Authority and Direction to Pay" signed by Mr Collins on 30 September 2011, which confirms that the payment of costs will be made directly to Legal Aid NSW.

Please find enclosed a proposed Consent Judgment, reflecting the terms on which we have agreed that this matter may be settled. If you are satisfied with the form of the orders, I would be grateful if you could sign the same and return them to me. I will arrange for the orders to be filed in the Supreme Court, and will forward you a sealed copy when it becomes available to me.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Kiri Mattes', written in a cursive style.

Kiri Mattes
Senior Solicitor
for Crown Solicitor

CONSENT JUDGMENT

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law Division
List	Administrative Law List
Registry	Sydney
Case number	2011/90868

TITLE OF PROCEEDINGS

Plaintiff	Brett Collins
Defendant	Justice Health
Intervenor	Attorney General for New South Wales

PREPARATION DETAILS

Prepared for	Defendant, Justice Health
Legal Representative	I V Knight, Crown Solicitor
Legal Representative Reference	PCN: 3321 201100793 T1
Contact name and telephone	K Mattes (02) 8093 5538
Frequent User ID	AG4NSW

TERMS OF JUDGMENT/ORDER MADE BY THE COURT

THE COURT DECLARES THAT:

1. The decision of the Chief Executive Officer of the defendant dated 17 March 2011 not to distribute the Just Us March 2011, Vol 4 No 1, NSW State Election Special newsletter ("the newsletter") was not validly made insofar as it was made because the language and content of the newsletter was "political in nature".

THE COURT ORDERS THAT:

2. The defendant pays costs in the amount of \$5,000 to the plaintiff.
3. The Further Amended Summons filed 14 June 2011 otherwise be dismissed.

SIGNATURE

Plaintiff

Brett Collins, plaintiff consents

Signature of legal representative

.....

Capacity

.....

Solicitor for the plaintiff

Date of signature

Defendant

Justice Health, defendant consents

Signature of legal representative

.....

Signature of or on behalf of party
if not legally represented

.....

I V Knight
Solicitor for the defendant

Capacity

.....

Signed in my capacity as a solicitor
employed in the office of the said
I V Knight

SEAL AND SIGNATURE

Court seal

Signature

Capacity

Date made or given

Date entered

NOTICE

Subject to limited exceptions, no variation of a judgment or order can occur except on application made within 14 days after entry of the judgment or order.