

Supreme Court of New South Wales
Proceeding 2011/187125

FALSE IMPRISONMENT OF YOUNG PEOPLE CLASS ACTION

Why is this notice important?

In 2011, a class action was commenced in the Supreme Court of New South Wales by Mr Musa Konneh against the State of New South Wales that claims compensation for the unlawful arrest and detention of children and young people by police for breach of outdated or non-existent bail conditions. In 2014, Musa Konneh was replaced by Einpwy Amom as the representative party in the class action.

The Supreme Court has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action. You should read this notice carefully. Any questions you have concerning the matters contained in this notice should be directed to Mr Amom's lawyers, Maurice Blackburn on **1800 173 657** or the Public Interest Advocacy Centre (**PIAC**) (which is assisting Maurice Blackburn in relation to the class action) on **(02) 8898 6500**. If there is anything in it that you do not understand, you should seek legal advice.

What is a class action?

A class action is an action that is brought by one person (**the plaintiff**) on his or her own behalf and on behalf of a group of people (**class members**) against a defendant where the plaintiff and the class members have similar claims against the defendant.

Class members are bound by any judgment or settlement entered into in the class action unless they have opted out of the proceeding. This means that:

1. if the class action is successful, class members may be eligible for compensation;
2. if the class action is unsuccessful, class members are bound by that result; and
3. regardless of the outcome of the class action, class members will not be able to sue the defendant in separate legal proceedings unless they have opted out.

What is Opt Out?

The plaintiff in a class action does not need consent from class members to commence a class action on their behalf. However, class members can decide to stop being class members by opting out of the class action. An explanation of how class members are able to opt out is found below in the section headed "How can you opt out of the class action?".

What is this class action? Are you a class member?

This class action is brought by Mr Amom on his own behalf and on behalf of all persons who are "class members" as defined in the proceeding. You are a class member if, prior to 20 May 2014:

1. you had been detained by a police officer for breach of bail; and
2. the alleged breach of bail related to an alleged offence or offences being prosecuted in the Children's Court of New South Wales; and

3. at the time of your detention, you were not on the bail condition which police said you had breached, or were not on bail at all.

If you are unsure whether or not you are a class member, you should contact Maurice Blackburn on **1800 173 657**, L 20, 201 Elizabeth St. Sydney or via a Facebook page using the search term "*false imprisonment of young people*". You can also contact PIAC on **(02) 8898 6500** or seek your own legal advice.

The defendant to the class action is the State of New South Wales, which is legally responsible for the actions of police officers while they are on duty. The defendant does not admit the allegations and is defending the class action.

The plaintiff alleges that persons arrested in the circumstances described above are entitled to compensation.

Will you be liable for legal costs?

You will not need to pay any legal costs simply by remaining as a class member for the determination of the common questions. However:

1. if the preparation or finalisation of your personal claim requires work to be done in relation to issues that are specific to your claim, you can engage Maurice Blackburn or other lawyers to do that work for you;
2. if any compensation becomes payable to you as a result of any order, judgment or settlement in the class action, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the plaintiff in running the class action but which are not able to be recovered from the defendant.

What will happen if you choose to remain a class member?

Unless you opt out, you will be bound by the outcome of the class action. If the class action is successful, you may be entitled to share in the benefit of any order, judgment or settlement in favour of the plaintiff and class members. In some cases you may have to satisfy certain conditions before your entitlement arises. If the action is unsuccessful or is not as successful as you might have wished, you will not be able to sue on the same claim in any other proceedings.

How can you remain a class member?

if you want to remain a class member there is **nothing you need to do** at present.

You are invited to contact PIAC on **(02) 8898 6500** and register as a group member so that future notices about the class action can be sent to your preferred address.

How can you opt out of the class action?

If you do not wish to remain a class member you must opt out of the class action. If you opt out you will not be bound by or entitled to share in the benefit of any order, judgment or settlement in the class action, but you will be free to bring your own claim against the State of New South Wales, provided that you issue Court proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the State of New South Wales, you should seek your own legal advice about your claim and the applicable time limit prior to opting out.

If you wish to opt out of the class action you must do so by completing an "Opt Out Notice" (which can be downloaded from <http://www.mauriceblackburn.com.au/legal-services/general->

law/class-actions/current-class-actions/false-imprisonment-of-young-people-class-action/, or requested from Maurice Blackburn on **1800 173 657**, and returning it to the Registrar of the Supreme Court of New South Wales at the address on the form.

IMPORTANT: the Opt Out Notice must reach the Registrar by no later than 4.00pm on 13 November 2014; otherwise it will not be effective.

Where can you obtain copies of relevant documents?

Copies of the Statement of Claim and the Defence may be inspected by appointment at Maurice Blackburn at the address above or can be downloaded from the websites of the Public Interest Advocacy Centre or Maurice Blackburn at <http://www.piac.asn.au/> or <http://www.mauriceblackburn.com.au/legal-services/general-law/class-actions/current-class-actions/false-imprisonment-of-young-people-class-action/>.

Please consider this notice carefully. If there is anything of which you are unsure, you should contact Maurice Blackburn on **1800 173 657**, PIAC on **(02) 8898 6500** or seek your own legal advice.

This Notice is published pursuant to orders of the Supreme Court of New South Wales made on 12 September 2014.