

**SUPREME COURT OF VICTORIA**

**TOWERS CLASS ACTION**

**IDRIS HASSAN**

**and**

**HAWA WARSAME**

**V**

**STATE OF VICTORIA**

**(S ECI 2021 00826)**

**NOTICE OF PROPOSED SETTLEMENT**

**Please read this notice carefully and consider whether your further action is required. This notice is an important document which contains information that may affect your legal rights.**

**1. Why are you receiving this notice?**

On 19 March 2021, Mr Idris Hassan and Ms Hawa Warsame (**Plaintiffs**), commenced a class action claim in the Supreme Court of Victoria (**Proceeding**) against the State of Victoria (**Defendant**) to challenge:

- the 'lockdown' of people in nine public housing towers located at 9 Pampas Street, 159 Melrose Street, 33 Alfred Street, 76 Canning Street and 12 Sutton Street, North Melbourne, and 120, 126 and 130 Racecourse Road and 12 Holland Court, Flemington (**Estate Towers**) between 4 and 9 July 2020; and
- the continued 'lockdown' of people in the 33 Alfred Street, North Melbourne tower between 10 and 18 July 2020.

The Proceeding is brought by the Plaintiffs on their own behalf, and also on behalf of other people who have similar claims (**Group Members**).

The Plaintiffs say that the Defendant:

- (a) wrongly detained the Plaintiffs and Group Members for up to 14 days in July 2020; and

- (b) wrongly threatened the Plaintiffs and Group Members with physical harm, if they tried to leave the Towers.

The Defendant denies these claims.

The Plaintiffs and the Defendant have reached an agreement to resolve the Proceeding through a settlement without a trial. The proposed settlement will only take effect if it is approved by the Court. If the proposed settlement is approved, it will affect the rights of Group Members.

The Court has ordered that this notice be published for the information of persons who may be Group Members. You are receiving this notice because you may be a Group Member.

## 2. What is this notice?

This notice contains important information about the proposed settlement including:

- (a) how to determine whether you are a Group Member and may be eligible to participate in the proposed settlement;
- (b) the terms of the proposed settlement and how it will apply to Group Members; and
- (c) what you need to do if you wish to:
  - i. **Register** to participate in the proposed settlement;
  - ii. **Opt out** from the proposed settlement and stop being a Group Member in the Proceeding; or
  - iii. **Object** to the proposed settlement.

***It is important that you read this notice carefully because it contains information about what you need to do and may affect your rights.***

If there is anything in this notice you do not understand, or if you want further information, you should contact the plaintiffs' legal representative, Clemens Haskin Legal, on (03) 9988 5035 or email [info@clemenshaskin.com](mailto:info@clemenshaskin.com), or seek your own legal advice.

If you require a copy of this notice in another language, copies are available in Amharic, Arabic, Cantonese, Dari, Dinka, Farsi, Mandarin, Oromo, Simplified Chinese, Somali, Tigrinya, Traditional Chinese, Turkish and Vietnamese at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers) from 10 May 2023.

If you are under 18 years of age as at 27 June 2023, or if you are incapable by reason of injury, disease, senility, illness or physical or mental infirmity of managing your affairs in

relation to the proceeding (**Person Under Disability**), please provide this notice to your guardian or personal representative (if you have one). If you are unsure whether you are a Person Under Disability, you may contact Clemens Haskin Legal, seek your own legal advice or have another person do so on your behalf.

### 3. Who is a Group Member?

You may be a Group Member if you resided or stayed at:

(a) any of the following addresses:

- i. 12 Holland Court, Flemington 3031;
- ii. 120 Racecourse Road, Flemington 3031;
- iii. 126 Racecourse Road, Flemington 3031;
- iv. 130 Racecourse Road, Flemington 3031;
- v. 9 Pampas Street, North Melbourne 3051;
- vi. 12 Sutton Street, North Melbourne 3051;
- vii. 33 Alfred Street, North Melbourne 3051;
- viii. 76 Canning Street, North Melbourne 3051;
- ix. 159 Melrose Street, North Melbourne 3051;

(together, the **Estate Towers**); and

(b) any time from:

- i. about 4.00pm or 4.30pm on 4 July 2020 (or shortly thereafter) until 5.00pm on 9 July 2020 (in the case of 9 Pampas Street, North Melbourne and 159 Melrose Street, North Melbourne) and about 4.00pm or 4.30pm on 4 July 2020 (or shortly thereafter) until 11:59pm on 9 July 2020 in the case of all other Estate Towers; or
- ii. 11.59 pm on 9 July 2020 until 11:59 pm on 18 July 2020 in the case of 33 Alfred Street, North Melbourne.

### 4. What is the proposed settlement?

The Plaintiffs and the Defendant have agreed to settle the Proceeding. If the proposed settlement is approved by the Court, the Proceeding will be resolved by agreement and a trial will not be held.

The key terms of the proposed settlement are:

- (a) The Defendant will pay the settlement sum of five million dollars (\$5,000,000.00) (**Settlement Sum**);
- (b) The Plaintiffs may apply to the Court for an amount to be deducted from the Settlement Sum in recognition of their position as lead Plaintiffs spent representing the Group Members in the Proceeding (**Reimbursement Amount**). Any amount to be paid to the Plaintiffs must be approved by the Court;
- (c) The balance of the Settlement Sum, after payment to the Plaintiffs, will then be distributed to the Group Members who register to participate in the settlement. Each participating Adult Group Member will receive an equal share of the Settlement Sum, with Child Group Members (those being younger than 16 as at 4 July 2020) receiving a 50% of the Adult share.
- (d) Other costs of the Proceeding, including legal costs and the costs of distributing settlement monies, **will not** be deducted from the Settlement Sum. These costs, including the Plaintiffs' legal costs (as approved by the Court) will be paid by the Defendant.

The process for allocation and distribution of the Settlement Sum is described below at 6.

In return for payment of the Settlement Sum, the Plaintiffs and Group Members release the Defendant from the claims as set out in their Amended Statement of Claim dated 24 September 2021, their Reply dated 27 January 2022, and all claims that are in connection with or arise out of or in relation to the subject matter of the Proceeding or the same or similar circumstances (**Claims**).

##### **5. What is the process for approval of the proposed settlement?**

As described above at 4, the proposed settlement will only take effect if it is approved by the Court. To decide whether it will approve the proposed settlement, the Court will consider whether the proposed settlement is fair and reasonable and in the interests of the Group Members as a whole, not just the Plaintiffs. This hearing for the approval of this settlement will be held on 24 July 2023 at the Supreme Court of Victoria. Group Members are entitled to attend this hearing.

If you consider that you may be a Group Member and you wish to participate in, opt out from or object to the proposed settlement, you must take action **before** certain dates as ordered by the Court. The actions you may take and the applicable deadlines are described below at 7.

## 6. What is the process for payment of the Settlement Sum?

If the proposed settlement is approved by the Court, the Settlement Sum will be distributed to the Plaintiffs and Group Members in accordance with terms agreed between the Plaintiffs and the Defendant and approved by the Court (**Settlement Distribution Scheme**). The Court will appoint an administrator to:

- (a) Assess claims made by Group Members in accordance with the Settlement Distribution Scheme; and
- (b) Make payments to Group Members from the Settlement Sum where a claim is established.

The Plaintiffs and the Defendant have agreed to seek the Court's approval for the Secretary of the Department of Health, Professor Euan Wallace AM to be appointed as the **Administrator**. The Administrator will distribute the Settlement Sum in good faith, with due care and skill and in the interests of Group Members as a whole and not as the representative for any individual Group Member.

The Settlement Distribution Scheme sets out the formulae for distribution at clause 8.

A copy of the Settlement Distribution Scheme, which will govern the distribution of the Settlement Sum, is at Annexure A below and online at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers).

## 7. What actions may Group Members take?

There are three actions you may take in response to this notice. These actions are set out in detail below. If you require translated copies of the below documents, they will be available from 10 May 2023 at:

*Online:* [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers); and  
[www.clemenshaskin.com](http://www.clemenshaskin.com);

*Hardcopies:* the Plaintiffs' legal representatives; and  
the administrative offices at Estate Towers:

North Melbourne Housing Office  
33 Alfred Street North Melbourne,  
**Tel:** (03) 9326 6377

Ascot Vale Housing Office  
12 Churchill Avenue, Ascot Vale  
**Tel:** (03) 9371 6200

**Option 1: Register to participate in the proposed settlement**

You **must** register to participate in the proposed settlement if you want to receive financial compensation in relation to the Proceeding.

To register to participate in the proposed settlement, you must complete and submit a “**Notice of Claim**” form by **27 June 2023**.

You may complete the Notice of Claim form by:

- (a) Submitting the online form available at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers); or
- (b) Completing the Notice of Claim form at Annexure B of this notice and returning it to the Administrator by:
  - i. Email to: COVID-19-Towers@health.vic.gov.au;
  - ii. Post to:  
COVID-19 Towers  
50 Lonsdale St  
Melbourne Victoria 3000; or
  - iii. Delivery to:  
COVID-19 Towers  
50 Lonsdale St  
Melbourne Victoria 3000

The Administrator will consider the claims of persons who register to participate in the proposed settlement. If the proposed settlement is approved and the Administrator determines that a registered person is a Group Member, payment from the Settlement Sum will be made to that person in accordance with the Settlement Distribution Scheme.

By providing a Notice of Claim form to the Administrator, you agree that the Administrator will apply the Settlement Distribution Scheme to determine whether you are eligible to compensation from the Settlement Sum. You will be able to seek independent review of the Administrator’s assessment of your eligibility or age, but you will not be able to commence legal proceedings in relation to the Claims or the Administrator’s assessment of your Notice of Claim form.

**Option 2: Opt out from the proposed settlement and stop being a Group Member in the Proceeding**

You may stop being a Group Member in the Proceeding by choosing to “opt out”. If you opt out from the Proceeding you will not be bound by the

proposed settlement and you will **not** be eligible to receive a distribution from the Settlement Sum. Group Members who opt out can still commence their own independent legal proceedings in relation to the Claims.

The deadline previously set by the Court to opt out of the Proceeding was 1 July 2022. Any person who submitted an “Opt Out Notice” before that date has already opted out.

***If you wish to opt out of the Proceeding:*** The Court has power to allow you to opt out even though the opt out deadline has passed. If you would like the Court to consider allowing you to opt out, you must complete the form titled “Notice of Application to Extend Time to Opt Out by a Group Member”.

You may complete the above Notice by completing the form at Annexure C of this notice or online at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers) and returning it to the Supreme Court of Victoria by post or email at the address on the notice by 29 May 2023.

***If you have already opted out and you wish to be reinstated as a Group Member:*** The Court has power to reinstate you as a Group Member. If you would like the Court to consider reinstating you as a Group Member, you must complete a “Notice of Reinstatement of Group Member” by 29 May 2023. You may complete the Reinstatement Notice by completing the form at Annexure D of this notice or online at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers) and returning it to the Supreme Court of Victoria by post or email at the address on the form.

***If you are unsure whether you have already opted out:*** You may confirm whether you have opted out by contacting the plaintiffs’ legal representative Clemens Haskin Legal.

### **Option 3: Object to the proposed settlement**

If you are a Group Member you are entitled to make a submission to the Court to say that you agree or disagree that the Court should approve the proposed settlement.

If you think the Court should not approve the proposed settlement, you may submit an objection by completing a “Notice of Objection to Proposed Settlement”. You may complete the Notice of Objection by completing the form at Annexure E of this notice or online at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers) and returning it to the Supreme Court of Victoria at the address on the notice.

Any Notice of Objection must be submitted to the Court by 29 May 2023. If you wish to provide evidence or written submissions to support your objection, you must deliver that material to the Court by 13 June 2023.

The Court will consider all Notices of Objection completed on time by Group Members when it considers approval of the proposed settlement at the hearing on 24 July 2023.

You may object to the proposed settlement *even if* you also take Option 1 and register to participate in the proposed settlement.

You may not object to the proposed settlement if you take Option 2 and opt out from the proposed settlement.

IF YOU TAKE NONE OF THE ACTIONS DESCRIBED ABOVE AND TAKE NO ACTION IN RESPONSE TO THIS NOTICE, YOU WILL NOT BE ENTITLED TO PARTICIPATE IN THE PROPOSED SETTLEMENT, UNLESS THE COURT DETERMINES OTHERWISE. Accordingly, if you do nothing and the proposed settlement is approved, the Administrator will not be able to assess your claim and you will not be eligible to receive a distribution from the Settlement Sum. You will also be bound by the proposed settlement and you will not be able to bring a claim against the Defendant regarding the Claims.

#### **8. Completing forms for children, the Person Under Disability and other people who can't look after themselves.**

If you have any children who are under 18 years of age as at 27 June 2023 who may be Group Members and who you want to register (Option 1), you will need to include their details in the Notice of Claim form. You do not complete separate Notice of Claim forms for them.

If you want them to apply to opt out of the proceeding (Option 2), you will need to complete a separate Application to Extend Time to Opt Out by a Group Member form for each of them. Any objection (Option 3) may be made on a child's behalf by their parent or guardian.

If you have a guardian or personal representative appointed to look after you, or if you are a Person Under Disability, you will need to pass these documents to them so they can help you decide how to proceed.

#### **9. Where can you get more information about the proposed settlement?**

If you want more information about the proposed settlement, you can obtain copies of relevant documents, including the statement of claim, defences and the settlement deed from the Administrator's website [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers) or from the website of the legal representatives for the Plaintiffs, Clemens Haskin Legal, [www.clemenshaskin.com](https://www.clemenshaskin.com).



Please consider the above matters carefully. If you are not sure whether you are a Group Member or want further information about the action you may take, you should contact Clemens Haskin Legal on (03) 9988 5035 or email [info@clemenshaskin.com](mailto:info@clemenshaskin.com), or seek your own legal advice.

This notice is published pursuant to Orders made by the Supreme Court of Victoria on 20 April 2023.

---

# SETTLEMENT DISTRIBUTION SCHEME

---

## Contents

<b>1</b>	<b>Definitions and interpretation</b>	<b>1</b>
1.1	Definitions	1
<b>2</b>	<b>Distribution of the Settlement Sum</b>	<b>4</b>
2.1	Administration of the Settlement Distribution Scheme	4
2.2	Commencement of the Settlement Distribution Scheme	5
2.3	Duties, Obligations and Role of the Administrator	5
2.4	Corrections	5
2.5	Administrator's Costs	5
<b>3</b>	<b>Verification and Register of Group Members</b>	<b>5</b>
3.1	Verification	5
3.2	Register of Group Members	6
3.3	Minors and Persons Under Disability	7
<b>4</b>	<b>Group Members' Obligations</b>	<b>8</b>
<b>5</b>	<b>Initial Notice to Group Members</b>	<b>8</b>
<b>6</b>	<b>Review</b>	<b>9</b>
6.1	Right to seek a review	9
6.2	Process for seeking a review	9
6.3	Failure to seek a review	9
6.4	Process for reviews	9
6.5	Independent Reviewer Determination is final and binding	10
<b>7</b>	<b>Bar to Claims</b>	<b>10</b>
<b>8</b>	<b>Calculation of each Eligible Group Member Payments</b>	<b>11</b>
<b>9</b>	<b>Notice of Assessment</b>	<b>11</b>
<b>10</b>	<b>Payments from the Settlement Sum</b>	<b>11</b>
10.1	Plaintiffs' Reimbursement	11
10.2	Group Member Payments	11

<b>11</b>	<b>Notice of Settlement Payment</b>	<b>11</b>
<b>12</b>	<b>Notices</b>	<b>12</b>
<b>13</b>	<b>Timing</b>	<b>12</b>
<b>14</b>	<b>Finalising of Administration</b>	<b>12</b>
	14.1 Distribution Report	12
	14.2 End of Administration	13
<b>15</b>	<b>Interpretation</b>	<b>13</b>

---

# Background

- A The Plaintiffs and the Defendant have executed the Settlement Deed.
- B This Settlement Distribution Scheme establishes the procedure for allocating and distributing the Settlement Sum to be paid pursuant to the Settlement Deed and as approved by the Court.
- C This Settlement Distribution Scheme does not become operative until the Court has made the Approval Orders.
- D This Settlement Distribution Scheme provides, among other things, for the following steps to occur:

The Secretary of the Department of Health, Professor Euan Wallace AM is appointed as Administrator of the Settlement Distribution Scheme.

The Administrator creates the Register of Group Members, listing the Eligible Group Members.

The Administrator issues the Initial Notice to the Group Members, requesting they register to participate in the distribution of the Settlement Sum.

The Administrator pays the Reimbursement Amounts from the Settlement Sum to the Plaintiffs.

The Administrator calculates the Settlement Payments for each Eligible Group Member.

The Administrator sends a Notice of Assessment to each Eligible Group Member in respect of their claims.

The Administrator distributes the Settlement Payments to each Eligible Group Member from the Settlement Sum after making the deductions for the Reimbursement Amounts.

---

## Operative part

### 1 Definitions and interpretation

#### 1.1 Definitions

The following definitions apply unless the context requires otherwise:

<b>Act</b>	Means the <i>Supreme Court Act 1986</i> (Vic).
<b>Administrator</b>	Means the Secretary of the Department of Health, Professor Euan Wallace AM.
<b>Adult</b>	Means a person over the age of 16 as at 4 July 2020.
<b>ASOC</b>	Means the Amended Statement of Claim dated 24 September 2021.

<b>Approval Orders Date</b>	Means the latter of the date on which: <ul style="list-style-type: none"> <li>(a) the appeal period with respect to the Approval Orders made by the Court has expired without any appeal or application for leave to appeal being filed; and</li> <li>(b) if the Court makes the Approval Orders and an appeal or application for leave to appeal from the Approval Orders is commenced, then three Business Days after the date the ultimate determination of the matters the subject of the appeal (including any subsequent appeal or application to appeal) is made</li> </ul>
<b>Approval Orders</b>	Means orders of the Court under s 33V of the Act approving the settlement of the Claims, and on the terms set out in the Settlement Deed, and approving this Settlement Distribution Scheme (or this Settlement Distribution Scheme incorporating any amendments made by the Court).
<b>Business Day</b>	Means a day on which banks are open for business in the city of Melbourne and excluding a Saturday, Sunday or public holiday.
<b>Child</b>	Means a person under the age of 16 at as 4 July 2020.
<b>Claims</b>	Means the Plaintiffs' and Group Members' claims, as set out in their ASOC and Reply dated 27 January 2022, and all claims that are in connection with or arise out of or in relation to the subject matter of the Proceeding or the same or similar circumstances.
<b>Court</b>	Means the Supreme Court of Victoria.
<b>Defendant</b>	Means the State of Victoria.
<b>Eligible Group Member</b>	Means a Group Member who is eligible to receive a distribution from the Settlement Sum as calculated by the Administrator pursuant to this Settlement Distribution Scheme.
<b>Estate Towers</b>	Means the following addresses: <ul style="list-style-type: none"> <li>• 12 Holland Court, Flemington 3031;</li> <li>• 120 Racecourse Road, Flemington 3031;</li> <li>• 126 Racecourse Road, Flemington 3031;</li> <li>• 130 Racecourse Road, Flemington 3031;</li> <li>• 9 Pampas Street, North Melbourne 3051;</li> <li>• 12 Sutton Street, North Melbourne 3051;</li> <li>• 33 Alfred Street, North Melbourne 3051;</li> </ul>

- 76 Canning Street, North Melbourne 3051; and
- 159 Melrose Street, North Melbourne 3051.

<b>First Period</b>	Means from about 4.00PM or 4.30PM on 4 July 2020 until 5.00PM on 9 July 2020 (in the case of 9 Pampas Street, North Melbourne and 159 Melrose Street, North Melbourne) and about 4.00 PM or 4.30PM on 4 July 2020 (or shortly thereafter) until 11:59PM on 9 July 2020 in the case of all other Estate Towers
<b>Group Member</b>	Means a person falling within the definition of a group member in the ASOC, who has not opted-out of the Proceeding and has not opted back in to the Proceeding, in accordance with section 33J of the Act, and includes the Plaintiffs.
<b>Group Member Payment</b>	Means the amount calculated by the Administrator pursuant to 8 and to be distributed to Eligible Group Members.
<b>Initial Notice</b>	Means a notice described in clause 5.
<b>Minor</b>	Means a Group Member who is a minor within the meaning of order 15 of the Rules
<b>Notice of Assessment</b>	Means a notice described in clause 11.
<b>Notice of Settlement Payment</b>	Means a notice as described in clause 11.
<b>Person Under Disability</b>	Means a person who is a “person under disability” within the meaning of section 33A of the Act and order 15 of the Rules.
<b>Plaintiffs’ Legal Costs</b>	Means the Plaintiffs’ reasonable legal costs and disbursements incurred on their own behalf and/or on behalf of all Group Members and includes the Plaintiffs’ costs incurred in respect of the Settlement Approval Application as approved by the Court
<b>Proceeding</b>	Means Hassan v State of Victoria S ECI 2021 00826.
<b>Reimbursement Amount</b>	Means any amount the Plaintiffs may seek to be awarded and approved by the Court in recognition of their position as lead Plaintiffs to be paid from the Settlement Sum.
<b>Register of Group Members</b>	Means the register prepared by the Administrator comprising of those Group Members who have registered to participate in the settlement distribution by the Registration Date.

<b>Registration Date</b>	Means 27 June 2023 by which the Group Members are required to register their intention to participate in the settlement distribution.
<b>Relevant Period</b>	Means the First and Second Periods.
<b>Rules</b>	Means <i>Supreme Court (General Civil Procedure) Rules 2015</i> (Vic)
<b>Scheme Objective</b>	Means the objective of administering this Settlement Distribution Scheme having regard to the best interests of the Group Members as a whole and, in particular, with a view to striking a balance between: <ul style="list-style-type: none"> <li>(a) providing a reasonable time and opportunity for as many Eligible Group Members as possible to receive a Settlement Payment under this Settlement Distribution Scheme;</li> <li>(b) ensuring that the Administration Costs incurred in implementing this Settlement Distribution Scheme are reasonable and the methods employed in implementing this Settlement Distribution Scheme are practical, proportionate and cost effective having regard to the interests of the Group Members as a whole; and</li> <li>(c) providing for the payment of Settlement Payments to the Eligible Group Members within a reasonable period of time.</li> </ul>
<b>Settlement Distribution Scheme</b>	Means the terms of this Settlement Distribution Scheme as approved by the Court, including any Schedules and Annexures.
<b>Second Period</b>	Means from 11.59 pm on 9 July 2020 until 11:59 pm on 18 July 2020.
<b>Settlement Deed</b>	Means the Settlement Deed executed by the Parties dated 3 March 2023.
<b>Settlement Sum</b>	Means AUD \$5,000,000.00, including any amounts for interest and Reimbursement Amount and excluding legal costs and disbursements.
<b>Unit</b>	The portion of the Settlement Sum an Eligible Group Member is entitled to receive in accordance with clause 8.

## 2 Distribution of the Settlement Sum

### 2.1 Administration of the Settlement Distribution Scheme

The Secretary of the Department of Health, Professor Euan Wallace. AM is the Administrator of the distribution of the Settlement Sum.

## **2.2 Commencement of the Settlement Distribution Scheme**

The Settlement Distribution Scheme commences on the date when the Court makes the Approval Orders.

## **2.3 Duties, Obligations and Role of the Administrator**

- (a) Without limiting the duties, obligations and role of the Administrator otherwise specified in this Settlement Distribution Scheme, the Administrator:
  - (i) must administer and distribute the Settlement Sum in accordance with this Settlement Distribution Scheme and the Scheme Objective;
  - (ii) must act as expeditiously as possible in accordance with this Settlement Distribution Scheme, the Scheme Objective and any orders made by the Court;
  - (iii) must perform its obligations conscientiously, in good faith, with due care and skill, and fairly in the best interests of Group Members as a whole and not as the representative for any individual Group Member;
  - (iv) may engage third party service providers including, lawyers, tax advisors, registry service providers and mailing houses;

## **2.4 Corrections**

The Administrator may at any time in their discretion correct any error, slip or omission occurring in the course of its administration of the Settlement Distribution Scheme.

## **2.5 Administrator's Costs**

The Administrator's costs are not to be deducted from the Settlement Sum and will be paid by the Defendant.

# **3 Verification and Register of Group Members**

## **3.1 Verification**

- (a) The Administrator must take all reasonable steps to verify the identity and eligibility and age of each Group Member to participate in the distribution of the Settlement Sum, by;
  - (i) confirming the identity of each Group Member who has registered to participate in the distribution of the Settlement Sum (such as name, gender, date of birth and address) matches the information otherwise available to the Administrator;
  - (ii) contacting Group Members by telephone, email, social media or otherwise to verify their identity;
  - (iii) requiring Group Members to provide a declaration to verify their identity and that they resided or stayed at the Estate Towers during the Relevant Period (or, in the case of a Person Under Disability, asking their legal guardians or personal representatives to provide such verification), and/or any other information or documents to verify their identity and their eligibility to participate in the distribution of the Settlement Sum; and
  - (iv) making any other reasonable enquiries to verify the identity and eligibility to participate in the distribution of the Settlement Sum of a Group Member including inviting Group Members or other persons to attend an interview for the purpose of obtaining relevant information.



- (b) The Administrator may in their discretion decide what steps are appropriate to verify the identity and eligibility of a Group Member.
- (c) If the Administrator considers that the Group Member's identity or eligibility to participate in the distribution of the Settlement Sum cannot be verified, the Administrator may decide that a Group Member's registration to participate in the distribution of the Settlement Sum is void and of no effect.

### **3.2 Register of Group Members**

- (a) As soon as practicable after the Court makes the Approval Orders, the Administrator must prepare the Register of Group Members.
- (b) The Administrator must:
  - (i) maintain the Register of Group Members;
  - (ii) cause notices to be sent to the Group Members;
  - (iii) evaluate each Group Member's claim to participate in the distribution of the Settlement Sum;
  - (iv) cause the Group Member Payments to be paid to the Eligible Group Members; and
  - (v) on completion of the distribution of the Settlement Sum, provide the Court with a report outlining the Group Member Payments made and confirming that the entire Settlement Sum has been exhausted.
- (c) The Parties, to the extent they hold the following information, must within 5 Business Days of the Court making the Approval Orders, provide to the Administrator:
  - (i) copies of the opt-out notices that have been filed in the Proceedings; and
  - (ii) the last known residential addresses for the potential Group Members.
- (d) The Administrator must not include those individuals who, as at the date of the Approval Orders, have filed an Opt-out Notice and who have not opted back in to the Proceedings in the Register of Group Members.
- (e) The Register of Group Members is to contain information in relation to each Eligible Group Member including:
  - (i) name;
  - (ii) contact details, including:
    - (A) current residential address;
    - (B) phone number; and
    - (C) email address.
  - (iii) date of birth;
  - (iv) address within the Estate Towers that the Group Member resided at, or was visitor to, during the Relevant Period;
  - (v) whether the Group Member was a resident of or visitor to the Estate Towers during the Relevant Period;
  - (vi) evidence provided to identify and substantiate the Group Member's claim to participate in the distribution of the Settlement Sum, which may include a copy of, but is not limited to:

- (A) residential lease(s) covering the Relevant Period;
- (B) telephone, electricity, internet, gas invoices or bank statements from the Relevant Period;
- (C) Medicare correspondence or documents dated during the Relevant Period;
- (D) Centrelink correspondence and notices;
- (E) driver's licences or copies of the driver's licence or learner's permits;
- (F) the records used to check the eligibility of the Group Member and verify their identity, age and address within the Estate Towers; and/or
- (G) a statutory declaration by the relevant Group Member attesting to being a resident of, or a visitor to, the Estate Towers during all or some of the Relevant Period.

### **3.3 Minors and Persons Under Disability**

- (a) Where the Administrator reasonably believes a Group Member is or may be a Person Under Disability (a term which includes a minor):
  - (i) the Administrator may give written notice to the Group Member confirming that belief;
  - (ii) the Group Member may nominate a person to be appointed their personal representative, and, subject to clause 3.3(b), the Administrator must appoint that person as the Group Member's personal representative in relation to the operation of the Settlement Distribution Scheme; and
  - (iii) in the absence of any nomination in accordance with subclause 3.1(a)(ii), the Administrator must appoint a personal representative for that Group Member in relation to the operation of the Settlement Distribution Scheme.
- (b) Where the interests of a Person Under Disability Group Member requires, the Administrator, may:
  - (i) appoint or remove a personal representative of that Group Member; or
  - (ii) substitute another person as personal representative of that Group Member.
- (c) At the request of a Group Member, the Administrator may appoint a personal representative for that Group Member, even though the Group Member is not, nor does the Administrator reasonably understand them to be, a Person Under Disability. The Administrator must inform the person in writing of their appointment as a personal representative of the Group Member under this clause.
- (d) Where a personal representative is appointed in accordance with clauses 3.3(a), 3.3(b) and 3.3(c), the operation of this Settlement Distribution Scheme will be modified as follows:
  - (i) except where otherwise provided by the Settlement Distribution Scheme or by the Administrator, anything that is required by the Settlement Distribution Scheme or the Administrator requires to be done by a Group

Member (including making any applying for a Review), will be done by the personal representative; and

- (ii) any notices, correspondence or information issued after the date of appointment must be given to the personal representative of that Group Member.
- (e) Where a personal representative is appointed in accordance with clauses 3.3(a) and 3.3(b), the operation of this Settlement Distribution Scheme must be modified such that, subject to any further order of the Court, any payment made to that Group Member will be paid to the personal representative on behalf of the Group Member.
- (f) A parent or guardian of a Person Under Disability who is a minor, or a personal representative of a Person Under Disability may complete and return the Notice of Claim and any other document required for the purposes of this Settlement Distribution Scheme on behalf of the Person Under Disability for whom they are a parent, guardian or personal representative.

## 4 Group Members' Obligations

- (a) Nothing in this Settlement Distribution Scheme prevents any Group Member from retaining legal representation, at their own cost, provided that no legal costs or like expenses may be claimed from the Administrator or the Settlement Sum.
- (b) Each Group Member must do all things stipulated in this Settlement Distribution Scheme or as reasonably requested or directed by the Administrator, including:
  - (i) providing instructions, information or documents, including bank details;
  - (ii) providing authorities or permissions considered reasonably necessary by the Administrator to give effect to the Settlement Distribution Scheme; and
  - (iii) complying with any deadline set by the Administrator or Court.
- (c) If a Group Member does not do the things stipulated in this Settlement Distribution Scheme or as reasonably requested or directed by the Administrator or the Court, including complying with any reasonable deadlines as set by the Administrator or Court, the Administrator may deem the Group Member as ineligible to participate in the distribution of the Settlement Sum.
- (d) Each Group Member must notify the Administrator of any change in their contact details or bank account details within five Business Days after any such change.

## 5 Initial Notice to Group Members

- (a) As soon as practicable, the Administrator must send an Initial Notice to Group Members with that Initial Notice to include, at a minimum, the following:
  - (i) the Administrator's determination as to whether an individual who has submitted a Notice of Claim is deemed as an Eligible Group Member; and;
  - (ii) If deemed an Eligible Group Member:

- (A) whether they are classified as an Adult or Child for the purposes of clause 8;
- (B) where not already provided in the Notice of Claim, a request to provide bank account details for the purposes of making the Eligible Group Member Payment; and
- (iii) if further information is required, a request to provide such proof, evidence or information as the Administrator considers necessary to assist with the verification of a Group Members' identity, age and eligibility to participate in the distribution of the Settlement Sum;
- (iv) an explanation regarding the Group Member's right to review the Administrator's determination in the Initial Notice pursuant to clause 6;
- (v) a means for the Group Member to exercise his or her right of review; and
- (vi) should a review of the Administrator's determination be made, a request for the Group Member's consent that the material relied on by the Administrator for its determination be provided to the Independent Reviewer.

## 6 Review

### 6.1 Right to seek a review

- (a) Subject to clause 6.2 a Group Member may seek a review of a decision by the Administrator as to whether that Group Member is:
  - (i) an Eligible Group Member entitled to participate in the distribution of the Settlement Sum; or
  - (ii) classified as an Adult or Child pursuant to clause 8(a)(ii).

**(Review).**
- (b) A Group Member is not entitled to seek a review of any other determination made by the Administrator pursuant to this Settlement Distribution Scheme.

### 6.2 Process for seeking a review

If a Group Member wishes to seek a Review, they must:

- (a) give written notice to the Administrator no later than 10 Business Days after the date of the Initial Notice sent to the Group Member;
- (b) state the reason(s) why the Group Member disputes the Administrator's decision and provide supporting documentation; and
- (c) consent to the Administrator providing the Independent Reviewer with the materials referred to in clause 6.4(c).

### 6.3 Failure to seek a review

If a Group Member does not give written notice to the Administrator seeking a Review of their Group Member Payment within 10 Business Days of the Administrator sending an Initial Notice to the Group Member, the Administrator's determination in the Notice of Assessment is final and no Review can be sought.

### 6.4 Process for reviews

The Administrator will assess and determine Reviews according to the following procedure:

- (a) in the first instance the Administrator will consider the Review submitted pursuant to clauses 6.2 any may amend their determination in the Initial Notice.
- (b) if the Administrator does not amend their determination in the Initial Notice, the Administrator must refer any Review to a junior barrister of at least three years' experience at the Victorian Bar, who was not involved in the Administrator's original determination of that Group Member's eligibility to participate in the distribution of the Settlement Sum (**Independent Reviewer**). The appointment of the Independent Reviewer must be by agreement between the Parties and failing agreement, the Administrator will provide the Plaintiffs with a shortlist of three barristers of at least three years' experience at the Victorian Bar. The Plaintiffs will then select one of those shortlisted barristers to be appointed as the Independent Reviewer.
- (c) the Administrator must provide the following materials to the Independent Reviewer within 5 Business days referring the matter to the Independent Reviewer:
  - (i) the Group Member's Notice of Claim;
  - (ii) the Group Member's Initial Notice;
  - (iii) the Group Member's request for Review and any reasons and supporting documentation provided by the Group Member; and
  - (iv) documents provided by the Group Member to the Administrator;
  - (v) documents held by and/or relied upon by the Administrator in order to determine whether the Group Member is eligible to participate in the distribution of the Settlement Sum or the age of the Group Member.
- (d) within 10 Business Days of receiving the materials from the Administrator, the Independent Reviewer must decide whether to affirm or amend the Administrator's decision under Review (**Independent Reviewer Determination**) and provide to the Administrator a brief statement of reasons for the Independent Reviewer Determination;
- (e) after the Administrator either:
  - (i) amends the original determination in the Initial Notice; or
  - (ii) receives the Independent Reviewer Determination,
 the Administrator will within 10 Business Days send to the Group Member a "**Notice of Review**" in which the Administrator informs the Group Member of the result of the Review; and
- (f) the Administrator must update the Register of Group Members to reflect the outcome of the Review.

## 6.5 Independent Reviewer Determination is final and binding

The Independent Reviewer Determination is final and binding on the Administrator and the Group Member who sought the Review.

## 7 Bar to Claims

If a Group Member does not provide the required information to the Administrator in response to clause 5(a)(iii) the notices referred to in clause 6.2 and/or clause 6.4 above within the periods prescribed in those clauses a Group Member is barred from making any further claim in respect of the Claims.

## 8 Calculation of each Eligible Group Member Payments

As soon as practicable after the Review process at clause 6 has been completed, the Administrator must:

- (a) calculate each Eligible Group Member Payment using the following method:
  - (i) The Reimbursement Amounts will be deducted from the Settlement Sum;
  - (ii) The Administrator will allocate Units to each Eligible Group Member who has registered to participate in the distribution of the Settlement Sum in the following way:
    - (A) each Adult Eligible Group Member - 2 Units
    - (B) each Child Eligible Group Member - 1 Unit
  - (iii) The Administrator will calculate the total number of Group Member Units; and
  - (iv) The Administrator will calculate each Eligible Group Member Payment using the following formulas:

$$\text{Adult Eligible Group Member Payment} = 2x \frac{(\text{Settlement Sum} - \text{Reimbursement Amounts})}{\text{Total Number of Units}}$$
$$\text{Child Eligible Group Member Payment} = 1x \frac{(\text{Settlement Sum} - \text{Reimbursement Amounts})}{\text{Total Number of Units}}$$

## 9 Notice of Assessment

Once the Administrator has calculated all Eligible Group Member Payments pursuant to clause 8 above, the Administrator will promptly send to each Eligible Group Member a Notice of Assessment that provides their Group Member's Payment Payments from the Settlement Sum.

## 10 Payments from the Settlement Sum

### 10.1 Plaintiffs' Reimbursement

Within 20 Business Days of the Approval Orders Date, the Administrator must pay the Reimbursement Amounts to each Plaintiff from the Settlement Sum.

### 10.2 Group Member Payments

Within 60 Business Days of the date:

- (a) the final Independent Reviewer Determination has been issued; or
- (b) the last Initial Notice is issued, if no Group Member seeks a Review;

the Administrator must distribute the Group Member Payments.

## 11 Notice of Settlement Payment

Once the Review process is complete and the Administrator has calculated all Eligible Group Member Payments pursuant to clause 8 above, the Administrator will promptly send to each Eligible Group Member a Notice of Settlement Payment which must include, the following information:

- (a) the Group Member Payment amount;
- (b) details of the Administrator's calculation of the Eligible Group Member's Settlement Amount; and

- (c) the bank details of the Eligible Group Member's bank account into which the Settlement Payment was deposited.

## 12 Notices

- (a) Any notice or communication to be given pursuant to this Settlement Distribution Scheme, will be deemed given and received for all purposes associated with this Settlement Distribution Scheme if it is:
  - (i) addressed to the person to whom it is given;
  - (ii) either:
    - (A) sent by email to that person's email address as recorded on the Register of Group Members and no email "undelivered" reply is received by the sender; or
    - (B) sent by pre-paid mail, to that person's postal address where no email address is available on the Register of Group Members.
- (b) Any notice or communication that complies with this clause will be deemed to be given and received:
  - (i) if it was sent by email, at the time it was sent;
  - (ii) if it was sent by mail to an addressee in Australia, three clear business days after being sent; or
  - (iii) if it was sent by mail to an addressee overseas, five clear business days after being sent.
- (c) The Administrator's contact details are as follows unless and until the Administrator notifies the sender otherwise:

By mail: 50 Lonsdale St, Melbourne Victoria 3000

By email: COVID-19-Towers@health.vic.gov.au

## 13 Timing

- (a) The Administrator must endeavour to complete the administration of this Settlement Distribution Scheme within 180 days of the Approval Orders Date.
- (b) Except where otherwise provided, the Administrator may determine the time or time periods for taking the necessary steps under this Settlement Distribution Scheme, having regard to the Scheme Objective.
- (c) Subject to any order of the Court, the time for doing any act or thing under the Settlement Distribution Scheme may be extended by the Administrator in their absolute discretion.
- (d) The time for doing any act or thing under the Settlement Distribution Scheme may be extended or abridged by order of the Court.

## 14 Finalising of Administration

### 14.1 Distribution Report

- (a) Within 20 Business Days following the date on which the final Group Member Payment is distributed from the Settlement Sum, the Administrator must provide a brief report to the Court on:

- (i) the total amounts paid to each Eligible Group Members; and
  - (ii) the number of Group Members who have received a distribution from the Settlement Sum.
- (b) As soon as practicable after providing the report described in clause 14.1(a) to the Court, the Administrator must inform the Plaintiffs' and Defendant's legal representatives that all monies in the Distribution Account have been distributed in accordance with the Settlement Distribution Scheme, the Scheme Objective and any orders made by the Court.

## **14.2 End of Administration**

Unless the Court orders otherwise, the Administrator must cease to be Administrator upon the later of the following:

- (a) the distribution of all Settlement Payments to the Eligible Group Members has been made;
- (b) all amounts payable in accordance with clauses 10 0 are paid;
- (c) the Settlement Sum has been exhausted; or
- (d) the provision of a report under clause 14.1 above.

## **15 Interpretation**

The following rules apply unless the context requires otherwise:

- (a) headings and nomenclature are for convenience only and do not affect interpretation.
- (b) the singular includes the plural, and the converse also applies.
- (c) a gender includes all genders.
- (d) if a word or phrase is defined, its other grammatical forms have a corresponding meaning.
- (e) a reference to a person includes a corporation, trust, partnership, unincorporated body or other entity, whether or not it comprises a separate legal entity.
- (f) a reference to dollars and \$ is to Australian currency.
- (g) a reference to anything done by any person includes a reference to the thing as done by a director, officer, servant, agent, personal representative or legal representative is permitted to be so done by law or by any provision of the Settlement Deed or this Settlement Distribution Scheme.



**Annexure B**  
**NOTICE OF CLAIM**

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
GROUP PROCEEDINGS LIST

No S ECI 2021 00826

BETWEEN:

**IDRIS HASSAN**

First plaintiff

and

**HAWA WARSAME**

Second plaintiff

and

**STATE OF VICTORIA**

Defendant

**ANY PERSON WHO WISHES TO RECEIVE MONEY FROM ESTATE TOWERS CLASS ACTION MUST COMPLETE AND RETURN THIS NOTICE BY 27 JUNE 2023.**

**IF YOU DO NOT COMPLETE AND RETURN THIS NOTICE BY 27 JUNE 2023 AND THE PROPOSED SETTLEMENT IS APPROVED, YOU WILL NOT RECEIVE MONEY AND YOU WILL NOT BE ABLE TO SUE THE STATE OF VICTORIA FOR THE 'LOCKDOWN' OF ESTATE TOWERS DURING JULY 2020 BECAUSE YOU WILL BE BOUND BY THE TERMS OF THE SETTLEMENT.**

You can complete this notice online at [health.vic.gov.au/covid-19-towers](https://health.vic.gov.au/covid-19-towers). If you complete this notice online, you *don't* need to complete and return this paper copy.

If you are under 18 years of age as at 27 June 2023, or if you are incapable by reason of injury, disease, senility, illness or physical or mental infirmity of managing your affairs in relation to the proceeding (**Person Under Disability**) or can't fill in this notice, please give this notice to your guardian or personal representative (if you have one). If you don't know whether you are a Person Under Disability, need assistance filling out this notice or can't fill in the notice, you can contact the plaintiffs' lawyers Clemens Haskin Legal, or get your own legal advice.

1. Your full name:

---

---

2. Your date of birth:

---

3. Gender:

Male/Female/Other/Prefer not to say

4. Tenant Reference Number:

---

5. Your email address:

---

6. Your telephone number:

---

7. Your address:

---

---

---

---

---

8. Bank Account details:

Account name:

BSB:

Account number:

Note: Your bank account details will only be used if you or the person you look after as parent, guardian or personal representative are determined to be eligible to receive monies from the settlement sum. We will keep a record of those payments as required, and in accordance with, our legal obligations. If you or the person you look after as parent, guardian or personal representative are determined to be ineligible, or if you decide to opt out of the settlement, we will delete your bank account records from our systems.

9. Did you reside or stay at any of the following addresses:

- a. 12 Holland Court, Flemington 3031;
- b. 120 Racecourse Road, Flemington 3031;
- c. 126 Racecourse Road, Flemington 3031;
- d. 130 Racecourse Road, Flemington 3031;
- e. 9 Pampas Street, North Melbourne 3051;
- f. 12 Sutton Street, North Melbourne 3051;
- g. 33 Alfred Street, North Melbourne 3051;
- h. 76 Canning Street, North Melbourne 3051; or
- i. 159 Melrose Street, North Melbourne 3051;

(together, the **Estate Towers**);

at any time from 4:00PM on 4 July 2020 until 11:59PM on 9 July 2020, and/or

- j. at 33 Alfred Street, North Melbourne at any time from 11:59PM on 9 July 2020 until 11:59PM on 18 July 2020,

(together being the **Relevant Period**)?

(Yes / No)

10. If you answered 'yes' to question 9, what was the address you resided or stayed at during the Relevant Period?

Address you resided or stayed at during the Relevant Period:


11. If you answered 'yes' to question 9, do you consent to the Administrator reviewing the records formerly held by the Department of Health and Human Services (as it was known in July 2020) and now held by the Department of Health and/or the Department of Families, Fairness and Housing to check your eligibility to be a group member and verify your identity, age and address within the Estate Towers?

(Yes / No)

12. Are you the parent, guardian or personal representative of a person who was born before 4 July 2020 and is:

- a. under 18 years of age on 27 June 2023; and/or
- b. a Person Under Disability or can't look after themselves;

and who resided or stayed at the Estate Towers at any time during the Relevant Period?

(Yes / No)

13. If you answered 'yes' to question 12, please list the full names and dates of birth for any persons for whom you are the parent, guardian or personal representative:

Name	Relationship	Date of Birth	Address during the Relevant Period

14. If you answered 'yes' to question 12, do you consent to the Administrator reviewing the records of the persons listed in question 13, formerly held by the Department of Health and Human Services (as it was known in July 2020) and now held by the Department of Health and/or the Department of Families, Fairness and Housing to check their eligibility to be a group member and verify their identity, age and address within the Estate Towers?

(Yes / No)

**Please note:** The Administrator may contact you if you select "no" to questions 11 and/or 14, to obtain further information from you for verification purposes. Examples of this information may include:

- a statutory declaration declaring you or the person you look after as parent, guardian or personal representative resided or stayed at an Estate Tower during the Relevant Period;

- copies of your driver's licences or copies of the driver's licence or learner's permit of the person you look after as parent, guardian or personal representative; and/or
- Medicare or Centrelink correspondence or notices, telephone, internet, gas or electricity or bank statements from July 2020 that are addressed to you or the person you look after as parent, guardian or personal representative, and which show your / that person's residential address during the Relevant Period.

If you select yes to questions 11 and/or 14 the Administrator may contact you to obtain further information from you to verify your eligibility or the eligibility of the person that you look after as parent, guardian or personal representative. The types of information that may be required are set out above.

I, *[print name]*, \_\_\_\_\_  
declare that the information in this notice is true and correct and that I wish to register the claim of each person named in this notice as having resided at the Estate Towers during the Relevant Period.

Signature:

---

---

Date:

---

---

**Please return this notice by 27 June 2023 to:**

The Administrator:

**By mail:**

50 Lonsdale St  
Melbourne Victoria 3000

**Or by email:**

COVID-19-Towers@health.vic.gov.au

**Annexure C**

**NOTICE OF APPLICATION TO EXTEND TIME TO OPT OUT BY A GROUP MEMBER**

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
GROUP PROCEEDINGS LIST

No S ECI 2021 00826

BETWEEN:

**IDRIS HASSAN**

First plaintiff

and

**HAWA WARSAME**

Second plaintiff

and

**STATE OF VICTORIA**

Defendant

I, [*print name*], .....  
a Group Member in the above group proceeding, apply under section 33J(3) of the *Supreme Court Act 1986* (Vic) for more time to opt out of the group proceeding.

1. Your date of birth:

\_\_\_\_\_

2. Your email address:

\_\_\_\_\_

3. Your telephone number:

\_\_\_\_\_

4. Your address (and postal address if it is different to your address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Order 13 of the Court's Orders made on 20 April 2023 allows any person who wants more time to opt out to ask for extra time by completing and delivering this form to the Supreme Court, by 4:00 pm on 29 May 2023.**

**This form can be provided to the Court:**

**By mail:**

Principal Registry  
Supreme Court of Victoria  
210 William Street  
Melbourne VIC 3000

**Or by email:**

cldgroupproceedings@supcourt.vic.gov.au

**Annexure D**

**NOTICE OF REINSTATEMENT OF GROUP MEMBER**

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
GROUP PROCEEDINGS LIST

No S ECI 2021 00826

BETWEEN:

**IDRIS HASSAN**

First plaintiff

and

**HAWA WARSAME**

Second plaintiff

and

**STATE OF VICTORIA**

Defendant

**ANY PERSON WHO HAS OPTED OUT OF THIS PROCEEDING AND HAS CHANGED THEIR MIND AND NOW WANTS TO GET BACK IN IT MUST COMPLETE AND RETURN THIS NOTICE BY 29 MAY 2023. YOU WILL ALSO NEED TO FILL IN A NOTICE OF CLAIM TO RECEIVE ANY MONEY FROM THE SETTLEMENT SUM.**

**IF YOU OPTED OUT FROM THE PROCEEDING AND YOU DON'T APPLY TO BE REINSTATED AS A GROUP MEMBER, YOU WILL NOT BE BOUND BY THE PROPOSED SETTLEMENT AND YOU WILL NOT RECEIVE ANY MONEY FROM THE SETTLEMENT SUM.**

I, *[print name]*, .....  
a person who has opted out of the above group proceeding, apply under section 33J(6) of the *Supreme Court Act 1986 (Vic)* to be reinstated as a group member.

1. Your date of birth:

\_\_\_\_\_

2. Your email address:

\_\_\_\_\_

3. Your telephone number:

\_\_\_\_\_

4. Your address (and postal address if it is different to your address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature:

\_\_\_\_\_

Date:

\_\_\_\_\_

**Order 10 of the Court's Orders made on 20 April 2023 requires any person who wishes to be reinstated as a Group Member to complete and deliver this notice to the Supreme**

**Court, by 4:00 pm on 29 May 2023.**

**This notice can be provided to the Court:**

**By mail:**

Principal Registry  
Supreme Court of Victoria  
210 William Street  
Melbourne VIC 3000

**Or by email:**

[cldgroupproceedings@supcourt.vic.gov.au](mailto:cldgroupproceedings@supcourt.vic.gov.au)

**Annexure E**

**NOTICE OF OBJECTION TO PROPOSED SETTLEMENT**

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION  
GROUP PROCEEDINGS LIST

No S ECI 2021 00826

BETWEEN:

**IDRIS HASSAN**

First plaintiff

and

**HAWA WARSAME**

Second plaintiff

And

**STATE OF VICTORIA**

Defendant

**YOU SHOULD COMPLETE THIS NOTICE IF YOU DON'T WANT THE COURT TO APPROVE THE PROPOSED SETTLEMENT. THE COURT WILL CONSIDER ALL NOTICES OF OBJECTION RETURNED BY 29 MAY 2023.**

**YOU CAN OBJECT TO THE PROPOSED SETTLEMENT EVEN IF YOU ALSO REGISTER TO PARTICIPATE.**

**YOU CAN'T OBJECT TO THE PROPOSED SETTLEMENT IF YOU OPT OUT, HAVE OPTED OUT AND DO NOT SEEK TO BE REINSTATED AS A GROUP MEMBER, OR IF YOU ARE NOT A GROUP MEMBER.**

I, *[print name]*, .....  
am a Group Member in the above proceeding and give notice that I object to the proposed settlement.

1. Your date of birth:

\_\_\_\_\_

2. Your email address:

\_\_\_\_\_

3. Your telephone number:

\_\_\_\_\_

4. Your address (and your postal address if it is different to your address):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



5. Did you reside or stay at any of the following addresses: (Yes / No)

- a. 12 Holland Court, Flemington 3031;
- b. 120 Racecourse Road, Flemington 3031;
- c. 126 Racecourse Road, Flemington 3031;
- d. 130 Racecourse Road, Flemington 3031;
- e. 9 Pampas Street, North Melbourne 3051;
- f. 12 Sutton Street, North Melbourne 3051;
- g. 33 Alfred Street, North Melbourne 3051;
- h. 76 Canning Street, North Melbourne 3051; or
- i. 159 Melrose Street, North Melbourne 3051;

(together, the **Estate Towers**);

at any time from 4:00PM on 4 July 2020 until 11:59PM on 9 July 2020, and/or

- j. at 33 Alfred Street, North Melbourne at any time from 11.59PM on 9 July 2020 until 11:59PM on 18 July 2020,

(together being the **Relevant Periods**)?

6. If you answered 'yes' to question 5, what was the address you resided at during the Relevant Periods

7. If you answered 'yes' to question 5, for which dates?

Signature:

Date:

**Order 16 the Court's Orders made on 20 April 2023 requires any Objector to complete and deliver a Notice of Objection to the Supreme Court, by 4:00 pm on 29 May 2023.**

**This Notice of Objection can be provided to the Court:**

**By mail:**

Principal Registry  
Supreme Court of Victoria  
210 William Street  
Melbourne VIC 3000

**Or by email:**

cldgroupproceedings@supcourt.vic.gov.au

**Reasons for Objection**

If you want to give reasons for your objection to the proposed settlement, please:

- a) state those reasons below; or



