



**IDRIS HASSAN & ANOTHER v ~~DR ANNALIESE VAN DIEMEN & OTHERS~~
OF VICTORIA**

DETENTION TOWERS CLASS ACTION

AMENDED SUMMARY STATEMENT

Case: S ECI 2021 00826

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1. What is the ‘Detention Towers Class Action’?

This is a class action arising from the Victorian Government’s COVID-19 response lockdowns of over 3,000 residents across nine public housing towers in inner suburban Melbourne between 4 and 18 July 2020. The towers are located at 9 Pampas St, 159 Melrose St, 33 Alfred St, 76 Canning St and 12 Sutton St, North Melbourne, and 120, 126 and 130 Racecourse Rd and 12 Holland Court, Flemington (the **Estate Towers**).

The plaintiffs are seeking ~~declarations and~~ compensation on behalf of themselves and other affected residents and visitors, claiming that the defendants subjected them to false imprisonment for up to 14 days. The plaintiffs also claim assault due to (the threat of physical harm by armed police officers, if they attempted to leave the public housing towers.), ~~battery (through administration of the COVID-19 tests), negligence (primarily relating to the poor conditions in detention) and breach of their human rights during the lockdown.~~

The plaintiffs are also seeking aggravated and exemplary damages due to the conditions of their detention, claiming they had inadequate access to food, medicine, information and assistance, and were subjected to a prolonged state of fear under threat of force from the many armed police guarding the Estate Towers throughout the lockdown period.

2. Who is a group member?

You are a group member if you were a resident of, or a visitor to, the Estate Towers when the lockdowns took place, and you were detained against your will at one of the Estate Towers at any time between 4 and 18 July 2020.

3. What role and responsibilities do the plaintiffs have?

The plaintiffs are the representatives of the group members, and they will provide instructions to the lawyers and may give evidence during the proceedings.

4. Who ~~are~~ is the defendants?

The State of Victoria is t~~The four~~ defendants in the proceedings. It may be held liable for any proven wrongs of its employees and agents (including Ministers and Departmental workers) and Victoria Police officers. are:

- ~~• Dr Annaliese van Diemen, who was a Deputy Chief Health Officer at relevant times within the Department of Health and Human Services. She made the directions used to detain residents of the Estate Towers between 4 and 9 July 2020 and the direction used to continue to detain the residents of 33 Alfred St, North Melbourne in their homes from 10 to 15 July 2020;~~
- ~~• Dr Finn Romanes, who was the Deputy Public Health Commander, at relevant times. He made the direction which the State of Victoria relied upon to detain the residents of 33 Alfred St, North Melbourne in their homes from 16 to 18 July 2020;~~

- ~~The Chief Commissioner of Police, Victoria, who was the decision maker responsible for deploying Victoria Police officers to the Estate Towers; and~~
- ~~The State of Victoria, which is liable for the wrongs of its employees (including Ministers and, Departmental officers), its agents and Victoria Police officers.~~

5. How is the Detention Class Action funded?

The plaintiffs' lawyers are currently acting on a "no win no fee" basis. This means that neither the plaintiffs nor the group members will be obliged to fund the plaintiffs' costs of the class action, unless and until there is a favourable court judgment or settlement, which includes a monetary settlement. The plaintiffs, but not the group members, may be liable for the defendant's² costs if the action is unsuccessful. Presently there is no litigation funding arrangement in place with respect to the action.

6. How are legal fees and disbursements charged?

The legal fees of Clemens Haskin Legal are calculated using the scale of costs set out in the Practitioner Remuneration Order as at 1 January 2021 and any scales of fees and charges applicable to matters in the Supreme Court, with the addition of an uplift fee of 20 percent of the charges, should there be a successful outcome. Barristers' fees are also subject to a 20% uplift fee. Other disbursements are charged at cost. These legal costs and disbursements are "conditional" and are only recoverable in the event of a successful outcome. If the action is successful, the plaintiffs may request the Court to make a group costs order to cover the plaintiffs' legal fees and disbursements to be deducted prior to any compensation payouts. If the class action is unsuccessful, group members will not be liable for any costs claimed by the defendants. The *Supreme Court Act 1986* prohibits the making of costs orders against group members.

7. Are there any other class actions that relate to the Detention Towers Class Action?

The Detention Towers Class Action is the only class action known to the plaintiffs' lawyers commenced against the named defendants in respect of the detention of individuals at the Estate Towers. It is not likely that further group proceedings will be filed on behalf of the plaintiffs.

8. Where can group members obtain further information about the case?

Further information about the Detention Towers Class Action may be obtained by contacting Ben Clemens of Clemens Haskin Legal at the address below, providing the name and contact information of the group member and the nature of the enquiry. Group members will not be charged for any such enquiries.

9. What law firm is acting for the plaintiffs?

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