

FILE NO :	2022/214157
PARTIES :	Raya MEREDITH v State NSW

GARLING J MAKES THE FOLLOWING ORDERS:

Lay evidence

1. The time for compliance with paragraph 7 of the orders made on 13 December 2023 concerning the service of the Defendant's written statements of the oral evidence of each witness on which it intends to rely is extended from 4pm on 29 March 2024 to 1pm on 14 June 2024.

Defendant's discovery to date

2. On or before 10 May 2024, the Defendant is to:
 - (a) produce or reproduce its discovery to date in a format compliant with the DMP as set out in paragraph 8(a)-(b) of the plaintiff's letter of 26 April 2024, as follows:
 - (i) agree to adopt the bates numbering the plaintiff applied to discovered documents on 12 October 2023 (October Production) and use these bates numbers as document IDs;
 - (ii) reproduce the documents the defendant has produced after the October Production in a form compliant with the DMP (including bates numbering);
 - (iii) provide the required metadata for all the defendant's discovered documents in a DMP compliant form; and
 - (iv) agree to disregard the defendant's reproduction of discovery documents of February 2024;
 - (b) produce its amended verified list of discovered documents which refers to the correct bates numbers and is amended pursuant to r 19.5 of the UCPRs; and
 - (c) provide a response to the Plaintiff's correspondence concerning documents said to be missing from discovery and queries regarding discovery dated 19 April 2024.
3. On or before 31 May 2024, the Defendant is to file and serve an affidavit as to:
 - (a) the steps and processes undertaken to identify documentation responsive to the discovery categories;
 - (b) the number of documents reviewed as part of that process;
 - (c) the resources applied to carry out those steps and processes; and
 - (d) an explanation for their late discovery productions.

4. On or before 17 May 2024, the defendant identify to the plaintiff whether the text obstructed by paper on the following documents (referred to using the Document IDs allocated by the plaintiff) is an error or purported redaction, and if a redaction, the basis of that redaction:
 - (a) NSW.0001.0001.1324;
 - (b) NSW.0001.0001.1366;
 - (c) NSW.0001.0001.2695;
 - (d) NSW.0001.0001.3094;
 - (e) NSW.0001.0001.3113; and
 - (f) NSW.0001.0001.3142.

Further discovery

5. On or before 28 May 2024, the Defendant is to respond to the Plaintiff's proposed further categories of discovery served on 23 April 2024.
6. On or before 31 May 2024, the Plaintiff is to:
 - (a) provide the Court agreed orders concerning further discovery categories; or, alternatively
 - (b) file and serve any motion seeking further discovery.

Notices of motion

7. On or before 10 May 2024 the Defendant is file and serve written submissions in support of its Notice of Motion filed 12 December 2023.
- 7A. On or before 24 May 2024 the Plaintiff is file and serve written submissions in response to the defendant's Notice of Motion filed 12 December 2023.
- 7B. List the Defendant's Notice of Motion filed 12 December 2023 for hearing, on 31 May 2024 at 2pm with an estimate of half a day.
8. The Plaintiff's Notice of Motion filed 6 December 2023 be stood over for directions on 31 May 2024 at 2pm.
- 8A. The proceedings be listed for further directions and case management on 31 May 2024 at 2pm before Garling J.

Defendant production of contact details

9. On or before 25 October 2024, the Defendant is to produce contact details for persons searched (both general and strip searched) at relevant music festivals, as foreshadowed in its letter of 21 April 2024.

Opt out

10. Pursuant to section 162(1) of the *Civil Procedure Act 2005* (NSW) (**'the Act'**) 4pm on 22 November 2024 is fixed as the date and time by which a Group Member (as defined in the Further Amended Statement of Claim) may opt out of this Proceeding in accordance with these orders (**'Opt Out Deadline'**).
11. The form and content of the notice as set out in Schedule A to this Order (**'Opt Out Notice'**) be approved for the purposes of sections 175 and 176 of the Act.
12. Fix matter for hearing on 5 May 2025 with an estimate of 4 weeks.
13. List the matter for Motion/directions generally before Garling J on 31 May 2024.

Distribution of the Approved Opt Out Notice

14. Pursuant to section 176(2) of the Act, notice is to be given to Group Members as follows:
 - (a) By 4pm, 14 June 2024, the Plaintiff is to cause the Opt Out Notice to be (and continue to be, until the Opt Out Deadline):
 - i. Displayed on the Plaintiff's solicitors website (<https://www.slatergordon.com.au/class-actions/current-class-actions/nsw-strip-search-class-action>); and
 - ii. Be available for inspection at each of the Plaintiff's solicitors' offices throughout Australia.
 - (b) By 4pm on 14 June 2024, the Plaintiff is to cause a copy of the Opt Out Notice to be distributed to:
 - i. All individuals registered with Slater and Gordon in connection with the proceeding;
 - ii. All individuals identified by the Defendant as being searched by New South Wales Police at a music festival in the relevant period; and
 - iii. All individuals identified in response to subpoenas issued by the Plaintiff to festival organisers (and/or ticketing organisers) for the purpose of identifying contact details of potential group members as at that date.
 - (c) For any individuals identified in response to subpoenas issued by the Plaintiff to festival organisers (and/or ticketing organisers) for the purpose of identifying contact details of potential group members, whom are identified after 14 June 2024, the Plaintiff is to cause a copy of the Opt Out Notice to be distributed to them within 14 days of receipt of their contact details, until the Opt Out Deadline.
 - (d) In distributing the Opt Out Notice in line with Order 3(b) and (c), the Plaintiff will use the following methods of distribution:
 - i. Email and/or SMS, where an email address and/or phone number is available in respect of a particular potential group member; and

- ii. Registered post, only in circumstances where a postal address is available, but an email address or phone number is not available in respect of a particular potential group member.
 - (e) The Plaintiff is to cause any Opt Out Notice distributed by registered post to be contained within a plain envelope marked 'Private and Confidential' and 'for the attention of the named recipient only' on its cover.
 - (f) In distributing the Opt Out Notice in accordance with Order 3(d), the Plaintiff will cause a copy of the Opt Out notice to be distributed under cover of the approved text set out at Schedule B to this Order.
15. By 4pm on 14 June 2024 the Plaintiff will commence a national social media advertising campaign for the purpose of distributing opt out notices to group members.
16. The social media advertising campaign will cause the text and graphic set out in Schedule C to this order to be displayed on Facebook and Instagram, through Slater and Gordon's profiles.
17. The social media advertising campaign will cease on the Opt Out Deadline.

Process for managing receipt of Opt Out Notices

18. For the purposes of rule 58.2(1) of the *Uniform Civil Procedure Rules 2005*, any Group Member who wishes to opt out of the proceeding must do so by filing in the Court and serving on the Plaintiff's solicitors the Opt Out Notice by the Opt Out Deadline.
19. If the solicitors for any party receive a notice purporting to be an Opt Out Notice in this proceeding, they shall file a copy of the Notice in the Registry of the New South Wales Supreme Court within seven days of receiving it, and the Notice shall be treated as an Opt Out Notice received by the Court at the time it was received by the solicitors.
20. The solicitors for any party have leave to inspect the Court file and copy any Opt Out Notice filed in the Registry of the Supreme Court of New South Wales.
21. Pursuant to section 176(3) of the Act, the disbursement costs of and incidental to distributing the Opt Out Notice to Group Members, as set out at Order 3 above, are initially to be borne by the Plaintiff, on the basis that those costs will subsequently fall to be dealt with by the Court as part of the costs of the proceeding.

SCHEDULE A

IMPORTANT NOTICE ABOUT THE FESTIVAL STRIP SEARCHES CLASS ACTION

1. What is this notice?

A representative proceeding has been started in the Supreme Court of New South Wales by Raya Meredith against the State of New South Wales.

The case is called *Raya Meredith v State of New South Wales*. It is called a “representative proceeding” because the plaintiff is bringing the case for herself and also for all people who were strip searched by Police Officers at any music festival held in New South Wales between 22 July 2016 and 22 July 2022. A representative proceeding is also known as a “class action”.

The plaintiff calls this case the **Festival Strip Searches Class Action**.

The Supreme Court of New South Wales has ordered that this notice be sent to people who might be affected by the case. If you were strip searched at a music festival in New South Wales between 22 July 2016 and 22 July 2022, please read this notice carefully as it may affect your rights.

Any questions you have about this notice should not be directed to the Court. If there is anything that you do not understand, you should seek legal advice or contact Slater and Gordon Lawyers.

2. What is a representative proceeding?

A representative proceeding is a type of legal case where one person (who is called the “plaintiff”) is allowed to sue not just on their own behalf but also on behalf of a wider group of people (called the “group members”). The person they sue is called the “defendant”.

The plaintiff in this representative proceeding is Raya Meredith. The defendant is the State of New South Wales. We explain below who the group members are.

The plaintiff in a representative proceeding does not need to seek the permission of group members to commence the case on their behalf. Anyone who falls within the definition of “group member” in the case is automatically included. However, group members can choose to “opt out” of the representative proceeding. This is done by filling out a form.

Group members will be “bound” by any outcome from the representative proceeding unless they have opted out. If you are a group member, being “bound” means that the claims you share with the plaintiff will be determined by whether the case wins, loses, or is settled. It also means you will not be able to raise the same claims in any other proceedings against the State of New South Wales.

What this means for group members is:

- a. if the case is settled, group members may be eligible for a share of any settlement payment approved by the Court;
- b. if the case is unsuccessful, group members are bound by that result; and
- c. whatever the outcome of the case, group members will not be able to pursue their claims against the State of New South Wales in separate legal proceedings.

If you think that you might have claims against the State of New South Wales which are about a strip search at a festival and are outside the claims made in this case, then it is important that you seek independent legal advice before the deadline for opting out.

3. What is the Festival Strip Searches Class Action about?

There are laws in New South Wales about how and when police officers can conduct strip searches. These are in a piece of legislation called the *Law Enforcement (Powers and Responsibilities) Act 2002* or “LEPRA”. The plaintiff alleges some strip searches at music festivals in New South Wales were not

legal under LEPR. The case says people who were strip searched unlawfully were assaulted and falsely imprisoned as a result and seeks compensation for their hurt and damage.

The allegations are set out in detail in the plaintiff's legal pleading, which is called a Further Amended Statement of Claim. This notice tells you where to find documents about the case if you want to look at the pleading for yourself.

The State of New South Wales denies those allegations and is defending the claim.

4. Am I a group member?

You are a group member in this representative proceeding if:

- a. you attended a music festival in New South Wales anytime between 22 July 2016 to 22 July 2022; and
- b. while on the music festival grounds or surrounds, you were stopped and directed by police officers to an area to be searched; and
- c. you were then strip searched by police officers; and
- d. you were told or you believed the strip search was conducted because police officers suspected you were in possession of a prohibited plant (e.g. marijuana) or drug.

A music festival is a ticketed event with musical performance(s) on a stage in the area of the festival. Big events like Splendour in the Grass, Stereosonic and Big Day Out are music festivals. But smaller events can be music festivals as well.

The law says what a strip search is. A strip search means one or more of the following:

- a. you were asked to remove some or all of your items of clothing (other than a coat, jacket or similar article of outer clothing or any gloves, shoes, socks or hat);
- b. police officers looked under your clothing at your body; and/or
- c. police officers placed their hand/s or finger/s under your clothing.

If a police officer found a prohibited substance on you, that does not mean you are excluded from being a group member.

You might be unsure whether any event you were strip searched at was a "music festival" or whether what happened to you was a "strip search". If you are unsure whether or not you are a group member, you should contact the plaintiff's lawyers, Slater and Gordon Lawyers on 1800 071 827 or via email at stripsearch@slatergordon.com.au. You can also get your own legal advice if you want.

5. What should group members do in response to this notice?

Option 1: Remain a group member

If you wish to remain a group member and make a claim for damages arising from an alleged unlawful strip search, there is nothing you need to do.

If you wish to do so, you can register your details with the plaintiff's lawyers, Slater and Gordon Lawyers, so that future notices and updates about the case can be sent directly to your preferred email address. You can register your details at <https://www.slatergordon.com.au/class-actions/current-class-actions/nsw-strip-search-class-action/tell-us-your-story>

You can also contact the plaintiff's lawyers at 1800 071 827 or stripsearch@slatergordon.com.au

If you meet the group member criteria, you will be bound by the outcome of the representative proceeding whether you register your details with Slater and Gordon or not.

Unless you identify yourself to Slater and Gordon as a group member, it is possible that no-one will know you are a group member. This means that it will be harder to contact you if there is a settlement of the case.

If you are a group member and the case is successful, you will be entitled to share in the benefit of any order, judgement or settlement in favour of the plaintiff and group members. You may have to satisfy certain conditions or establish elements of your claim that are relevant specifically to you.

If you are a group member and the case 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 proceeding.

Option 2: Opt out of the proceeding

If you do not wish to be a group member you should opt out by completing and submitting the 'Opt Out Notice' form contained at the end of this document. If you opt out then you will not be affected by any orders made in the case or the outcome.

However, it is important to note that if you choose to opt out:

- a. You will not be bound by or entitled to share in the benefit of any order, judgment or settlement in this representative proceeding (any right to compensation arising out of this representative proceeding will be extinguished); and
- b. You will be able to bring your own claim against the defendant, provided that you issue Court proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the defendant, you should seek your own legal advice about your claim and the time limits before opting out.

To opt out, you must send or provide a hard copy of your completed Opt Out Notice form to the Sydney Registry of the New South Wales Supreme Court before the deadline of **4pm on Friday 22 November 2024**.

You must also provide a copy to Slater and Gordon Lawyers via email (stripsearch@slatergordon.com.au) or post before the deadline of **4pm on Friday 22 November 2024**. Slater and Gordon's postal address is:

Slater and Gordon Lawyers
Level 14
55 Market Street
Sydney, New South Wales 2000

6. Will I be liable for legal costs?

Group members will not automatically become liable for any legal cost simply by remaining or registering as a group member.

This proceeding is being funded on a 'no-win, no-fee' basis by Slater and Gordon Lawyers. This means that group members only pay legal fees if they receive compensation.

Your legal costs will not exceed your share of any compensation.

Class actions are often settled out of court. If this happens in this case, you may be able to claim from any settlement amount without retaining a lawyer.

If any compensation becomes payable to you through this proceeding, the Court will be asked to share the group's legal costs among all group members who have benefitted from the class action. This would mean all group members who receive compensation equally share the costs. It would also mean those who are eligible for compensation but do not engage with or retain Slater and Gordon Lawyers will have to contribute to costs.

You can get a copy of the terms on which Slater and Gordon Lawyers are acting in the class action by using any of the contact details in this notice.

7. Where can I obtain copies of the relevant documents?

Copies of documents about the case may be obtained by:

- a. Downloading them from the Supreme Court of New South Wales website for this proceeding: <https://supremecourt.nsw.gov.au/cases/class-actions/current-class-actions/music-festival-searches.html>
- b. Downloading them from Slater and Gordon's website: <https://www.slatergordon.com.au/class-actions/current-class-actions/nsw-strip-search-class-action>
- c. Contacting Slater and Gordon using any of the contact details listed throughout this notice.

Please consider the above information carefully. If there is anything of which you are unsure, you should contact Slater and Gordon Lawyers by calling 1800 071 827 or by email at stripsearch@slatergordon.com.au or seek your own legal advice.

OPT OUT NOTICE

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
List	General
Registry	Sydney Registry
Case number	2022/00214157

TITLE OF PROCEEDINGS

Plaintiff	RAYA MEREDITH
Defendant	STATE OF NEW SOUTH WALES

FILING DETAILS

Filed for	Plaintiff
Legal representative	Rory Walsh, Slater and Gordon Lawyers
Legal representative reference	M616559
Contact name and telephone	Rory Walsh (03) 8539 8362
Contact email	rory.walsh@slatertgordon.com.au

OPT OUT NOTICE

Name of person opting out:

Address of person opting out:

I, a Group Member in these representative proceedings, opt out of the proceedings.
I understand that in opting out:

- 1 I forego the right to share in any relief obtained by the representative party in the representative proceedings;
- 2 I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
- 3 To the extent that I have a claim against the defendant(s), any limitation period suspended by the commencement of the representative proceedings has recommenced to run.

SIGNATURE

Signature of legal representative

Signature of or on behalf of person
opting out if not legally represented

Capacity

[eg solicitor, authorised officer of
person opting out, person opting
out]

Date of signature

NOTICE TO PERSON OPTING OUT

You must, within the time specified in the notice to Group Members:

- 1 file this form in the registry of the court at the address below, or in the manner provided in the notice to Group Members; and

- 2 serve a copy of this form on the representative party at the address, or in the manner provided, in the notice to Group Members.

REGISTRY ADDRESS

Street address	Supreme Court of NSW Law Courts Building, Queen's Square 184 Phillip Street Sydney NSW 2000
Postal address	Supreme Court of NSW GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272

SCHEDULE B

Email and post

The subject line of the letter or email enclosing the Opt Out Notice is to read “Festival Strip Searches Class Action – Notice to Group Members,” with the content to read:

“Dear [FIRST NAME] [LAST NAME]

Please see **[attached]** [OR] **[enclosed]** an important notice from the Supreme Court of New South Wales, regarding the Festival Strip Searches Class Action.

The Supreme Court of New South Wales has ordered that this notice be sent to all persons who may be potential group members in this class action.

You are receiving this correspondence as [you have registered your details with Slater and Gordon in connection with this proceeding] [OR] [your contact details have been provided by the New South Wales Police in connection with this proceeding/your contact details have been provided by festival organisers in connection with this proceeding.]

If you are aware of any other persons who also attended a music festival in NSW from 22 July 2016 and 22 July 2022 and interacted with police there (for example, anyone you may have purchased tickets for), please forward them a copy of this notice, as they may be group members in this class action.

If you wish to register your details with Slater and Gordon in respect of this class action, you can do so via this link: [registration portal link]

If you have any questions, please contact Slater and Gordon Lawyers at stripsearch@slatergordon.com.au or 1800 071 827, or seek your own legal advice.”

SMS

“Dear [FIRST NAME],

You are receiving this text message as [you have registered your details with Slater and Gordon in relation to the Festival Strip Searches Class Action] [OR] [your contact details have been provided by the New South Wales Police in connection with this proceeding/festival organisers have provided your contact details in connection with this proceeding].

The Supreme Court of New South Wales has ordered that a notice be sent to all persons who may be potential group members in this class action. Please see this notice at the NSW Supreme Court Website: [link to Opt Out Notice at NSWSC website].


This is not a scam. If you do not wish to access the Opt Out Notice via the link to the NSW Supreme Court website in this SMS, you may also find the notice on Slater and Gordon’s website, which can be located by searching ‘Festival Strip Searches Class Action Slater and Gordon.’

If you are aware of any other persons who also attended a music festival in NSW from 22 July 2016 and 22 July 2022 and interacted with police there (for example, anyone you may have purchased tickets for), please forward them a copy of this notice as they may be group members in this class action.

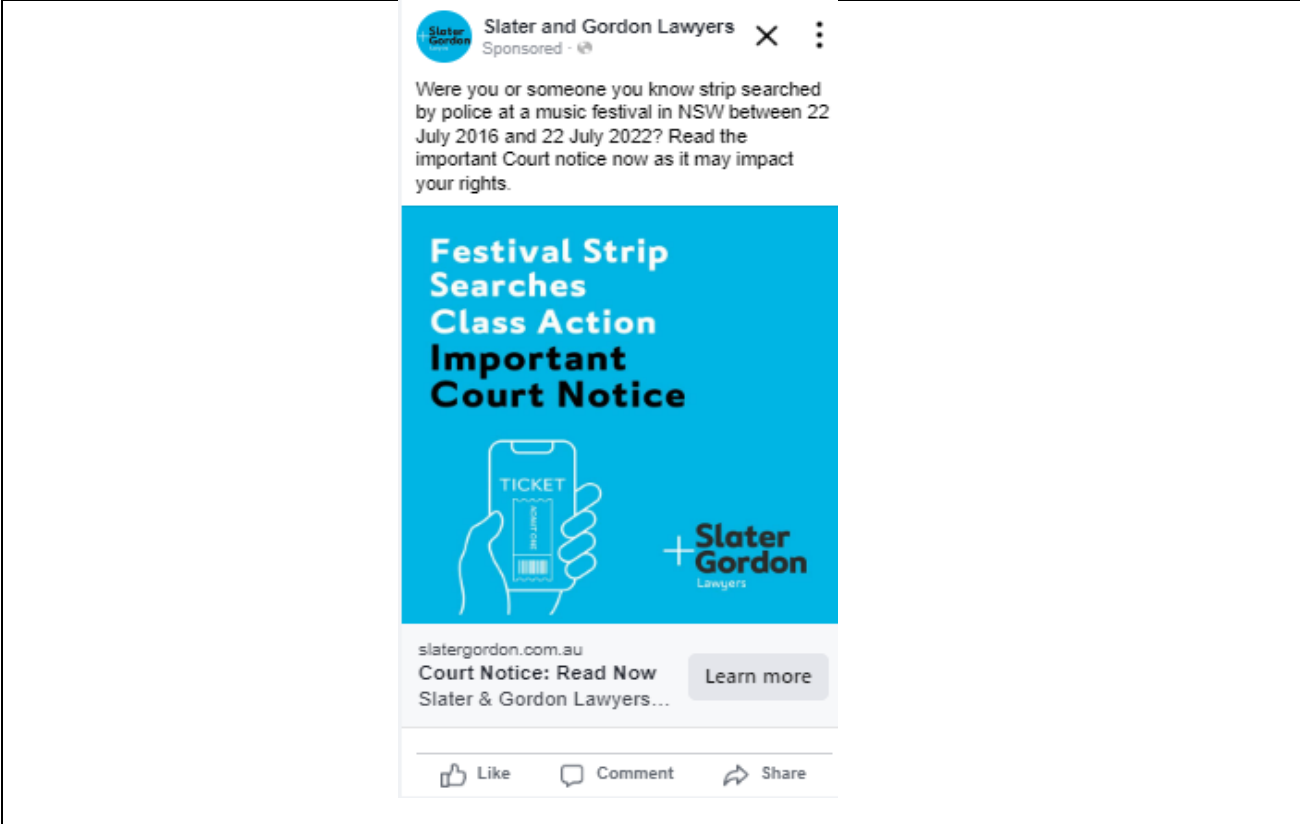
If you wish to register your details with Slater and Gordon in respect of this class action, you can do so via [registration portal link]

Please do not respond to this SMS. If you have any questions, please contact Slater and Gordon Lawyers at stripsearch@slatergordon.com.au or 1800 071 827, or seek your own legal advice.”

SCHEDULE C

Text	Graphic
<p>Header: Court Notice: Read Now Description: Festival Strip Searches Caption: Were you or someone you know strip searched by police at a music festival in NSW between 22 July 2016 and 22 July 2022? Read the important Court notice now as it may impact your rights. Button: Learn more Link: https://www.slatergordon.com.au/class-actions/current-class-actions/nsw-strip-search-class-action</p>	 <p>The graphic is a blue rectangular advertisement. It features the text 'Festival Strip Searches Class Action Important Court Notice' in white and black. Below the text is a white line-art illustration of a hand holding a smartphone displaying a ticket with 'TICKET' and 'ADMIT ONE' written on it. In the bottom right corner, the Slater Gordon Lawyers logo is displayed, consisting of a white plus sign followed by the text 'Slater Gordon Lawyers'.</p>

In situ preview



The image shows a social media post from Slater and Gordon Lawyers. The post includes the following elements:

- Profile:** Slater and Gordon Lawyers, Sponsored.
- Text:** "Were you or someone you know strip searched by police at a music festival in NSW between 22 July 2016 and 22 July 2022? Read the important Court notice now as it may impact your rights."
- Image:** The same blue graphic as described in the previous section, featuring the text 'Festival Strip Searches Class Action Important Court Notice' and the Slater Gordon Lawyers logo.
- Link:** slatergordon.com.au
- Text:** "Court Notice: Read Now" followed by a "Learn more" button.
- Interactions:** Like, Comment, and Share buttons.