

IMPORTANT PUBLIC NOTICE

DILLWYNIA CENTRE CLASS ACTION

GP1 v State of New South Wales
Proceedings No. 2023/209918

The Supreme Court of New South Wales has issued this notice regarding the Dillwynia Centre Class Action.

You have been identified as a potential group member whose rights might be affected.

Stay In or Opt Out

1. If you **do NOT wish to participate** in the class action, then you must “opt out” by 3 February 2025.
2. If you do not “opt out” by the deadline, you will remain a participant. Accordingly, if you wish to remain a group member in the class action then **you do not need to do anything** in response to this notice.
3. If you have any questions after reading this notice, please contact Georgia Davis of Mills Oakley (07 3010 8020 or gdavis@millsoakley.com.au) or seek independent legal advice.

WHAT IS A CLASS ACTION?

- 1.1 A class action, also referred to as a representative proceeding, is a Court proceeding brought by the Plaintiff on behalf of themselves and other people with similar claims (group members) against a Defendant.
- 1.2 The Plaintiff can commence a class action without the permission of group members. However, the Plaintiff is required to notify potential group members of their right to opt out of the class action. This opt out process is governed by legislation and closely supervised by the Court.

THE DILLWYNIA CENTRE CLASS ACTION

- 2.1 On 30 June 2023, the plaintiff, a woman known by the pseudonym “GP1”, commenced the Dillwynia Centre Class Action in the Supreme Court of New South Wales. The proceeding seeks to recover compensation for women who were subjected to inappropriate and unlawful sexual conduct by Wayne Astill (“Astill”) which amounted to trespass to the person and/or false imprisonment.

- 2.2 "Trespass to the person" means someone intentionally and directly interferes with another person's body without their consent. This includes actions like touching, hitting, pushing, or grabbing someone, including sexually.
- 2.3 "False imprisonment" happens when someone intentionally restricts another person's freedom of movement without legal justification. A person who is incarcerated can be falsely imprisoned. This means keeping someone in a place against their will, whether by physical barriers, threats, or other means.
- 2.4 The plaintiff claims that she was subject to trespass to the person and false imprisonment when Astill, on various occasions, sexually assaulted her and made threats to her that if sexual acts were not performed, or the sexual assault was disclosed, the circumstances of her incarceration would be made more difficult.
- 2.5 It is alleged in the class action that Astill subjected other inmates to trespass to the person and/or false imprisonment. The class action seeks to recover compensation for the benefit of the plaintiff and those other inmates.
- 2.6 The class action is brought against the State of New South Wales. The State of New South Wales does not admit the allegations made against it and is defending the class action.

IMPORTANT PUBLIC NOTICE

- 3.1 This Notice is being sent to you because you may be a group member in the Dillwynia Centre Class Action.
- 3.2 On 31 October 2024, the Supreme Court of NSW ordered that this Notice be published and sent to persons who may be group members in the proceeding and who may be affected by the outcome of the proceeding.
- 3.3 This Notice provides important information about:
- your potential status as a group member;
 - what you need to do if you do not wish to participate in the Dillwynia Centre Class Action and instead wish to remove yourself ("opt out") from being a group member; and
 - what will happen if you do nothing in response to this Notice before 3 February 2025.
- 3.4 If you think that you may be a group member you should read this Notice carefully as it may affect your rights. **If there is anything in this Notice that you do not understand, you should use the contact details at paragraph 6.1 below to make enquiries or seek independent legal advice.** Do not contact the Supreme Court of New South Wales with any questions about this

Notice.

- 3.5 If you consider that you have claims against the State of New South Wales which are additional to the claims described in this Notice, then **it is important that you seek independent legal advice about the potential binding effects of this class action before the deadline for opting out.**

GROUP MEMBERSHIP

- 4.1 You are a group member in the Dillwynia Centre Class Action if you meet **each** of the following criteria:
- a. you were an inmate at Dillwynia Correctional Centre between February 2009 and February 2019;
 - b. you were under the direction and/or supervision of Astill while an inmate at Dillwynia Correctional Centre;
 - c. you were subjected to trespass to the person and/or false imprisonment by Astill; and
 - d. you have not opted out of the proceedings.

STAY IN – AUTOMATIC

- 4.2 If you are a group member and **wish to participate** in the Dillwynia Centre Class Action, then **you do not need to do anything in response to this Notice**. This Notice informs you of the steps you must take if you **DO NOT** wish to participate.
- 4.3 If you remain a group member by staying in the class action:
- a. you will be bound by any outcome (such as a settlement or judgment following trial);
 - b. you will be entitled to share in any compensation that is agreed by or ordered against the Defendant, subject to satisfying any requirements designed to prove your eligibility;
 - c. you will not be able to pursue any individual claim against the Defendant relating to the same or similar event or subject matter; even if any settlement or judgment is not to your satisfaction;
 - d. you will not be required to make any out-of-pocket contribution towards the costs of running the class action. However, your pro rata share of those costs may be deducted from your compensation (if any) prior to distribution. All legal costs will be scrutinised and approved by the Court;

- e. you will not be responsible for paying the defendant's legal costs in the event that the class action is unsuccessful.
- 4.4 The Court may require you to take further steps in the future to confirm your participation in the class action or to claim damages. Please carefully review any further notices you receive about the class action.
- 4.5 If you are unsure whether or not you are a group member, please contact Georgia Davis, a female lawyer at Mills Oakley at gdavis@millsoakley.com.au or 07 3010 8020 or seek independent legal advice, as soon as possible, but by no later than 25 January 2025.
- 4.6 You may, but do not need to, contact the plaintiff's lawyers even if you do not wish to retain them in order to "register" as a Group Member to ensure that future notices about the representative proceeding can be sent to you, or your legal representative, directly.

OPT OUT – OPTIONAL

- 4.7 If you are a group member but **do not want to participate in or have your rights determined in this class action, you MUST opt out** by completing the Opt Out Notice located at Schedule 1 to this Notice and submitting it to the Supreme Court of New South Wales by no later than 3 February 2025.
- 4.8 If you opt out, and therefore do not participate in this class action:
 - a. you will not be bound by any outcome in the class action;
 - b. you will not be entitled to share in any compensation that is agreed by or ordered against the Defendant in the class action;
 - c. you are free to pursue any individual claim against the Defendant relating to the same or similar event or subject matter;
 - d. the running of any limitation period suspended by the commencement of this class action will recommence.
- 4.9 If you opt out, it is unlikely that you will be able to change your mind, and seek to become a group member in the class action again at a later stage.

HOW TO OPT OUT

- 4.10 Each group member who wishes to opt out of the Dillwynia Centre Class Action should fill out a separate Opt Out Notice located at Schedule 1 to this notice.
- 4.11 Opt Out Notices must be submitted directly to the Court and also to the Plaintiff

solicitor:

- a) by post to Mills Oakley, PO BOX H316 Australia Square, NSW 1215; or
- b) by email at gdavis@millsoakley.com.au ;
- c) before 3 February 2025.

4.12 Opt Out Notices received by the Court and Plaintiff's solicitor after 3 February 2025 will not be accepted without leave of the Court and you will be treated as having not responded to this notice (in other words you will remain a group member in the Dillwynia Centre Class Action).

SUBSTITUTION OF THE LEAD PLAINTIFF

5.1 The Plaintiff (who is known by the pseudonym "GP1") brings these proceedings on her own behalf and on behalf of group members. GP1 intends to seek the Court's leave (permission) to withdraw as the lead plaintiff. She intends to do so in circumstances where she has reached a settlement of her individual claim. This is because she came forward with her case as early as 2020 so her case is more progressed. It is not expected that the withdrawal of GP1 as the lead plaintiff will prejudice the rights or entitlements of group members. That is so in circumstances where Mills Oakley are currently identifying a substitute lead plaintiff. Nevertheless, it is a matter about which group members must be given notice.

FURTHER INFORMATION

6 Please consider the above matters carefully.

6.1 **If there is anything about which you are unsure, you should seek legal advice. You may seek independent legal advice from a lawyer of your choosing, or you may contact the law firm running the class action on behalf of the plaintiff: Mills Oakley.** If you contact Mills Oakley, you may ask to speak to a female lawyer. The contact details of Georgia Davis, a female lawyer at Mills Oakley with conduct of this case for the plaintiff, are:

Email: gdavis@millsoakley.com.au

Telephone: 07 3010 8020

6.2 Copies of the Amended Statement of Claim and other relevant documents (including the Defence to the Statement of Claim, the orders of the Court regarding this notice and directions for the ongoing conduct of the proceedings) may be obtained as follows:

- a) inspecting them, by appointment, between 9.00am and 5.00pm at an office of Mills Oakley, details for which are available by calling Georgia Davis on 07 3010 8020; or

b) Inspecting them on the Supreme Court of New South Wales website at <https://supremecourt.nsw.gov.au/cases/class-actions/current-class-actions/dillwynia-centre-class-action.html>.

6.3 You should not delay in making any decision to opt out or seek independent legal advice.