

**NOTICE TO GROUP MEMBERS**

***Plaintiff M83A/2019 & Anor v Morrison & Ors (VID816/2019)***

**ATTENTION:**

A CLAIM IS BEING BROUGHT ON YOUR BEHALF ABOUT YOUR TIME IN NAURU IF YOU WERE TAKEN TO THE REPUBLIC OF NAURU FROM AUSTRALIA AFTER 3 AUGUST 2013.

If you do not read English, this Notice is available in other languages on the following website under “Nauru Class Action”: [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/). You can also request a copy of the Notice in your language by emailing Phi Finney McDonald at [GMNauru@pfm.law](mailto:GMNauru@pfm.law) or by post at Level 4, 325 Flinders Lane, Melbourne, Victoria 3000.

إذا كنت لا تقرأ اللغة الإنجليزية، فإن هذا الإشعار متوفر بلغات أخرى على الموقع الإلكتروني التالي تحت عنوان

“Nauru Class Action”: [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/)

يمكنك أيضًا طلب نسخة من الإشعار بلغتك عن طريق إرسال بريد إلكتروني إلى Phi Finney McDonald على العنوان

[GMNauru@pfm.law](mailto:GMNauru@pfm.law) أو عن طريق البريد على العنوان

Level 4, 325 Flinders Lane, Melbourne, Victoria 3000

আপনি যদি ইংরেজী পড়তে না পারেন তবে এই বিজ্ঞপ্তি নিম্নলিখিত ওয়েবসাইট “Nauru Class Action”:

[phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/). অধীনে অন্য ভাষায় পাওয়া যাবে। Phi Finney McDonald কে

[GMNauru@pfm.law](mailto:GMNauru@pfm.law) - তে, ই-মেইল করে অথবা Level 4, 325 Flinders Lane, Melbourne, Victoria

3000 এই ঠিকানায় ডাকের মাধ্যমে আপনার ভাষায় বিজ্ঞপ্তির একটি অনুলিপি জন্য অনুরোধ করতে পারেন।

အကယုၣ်သၣ် အၣ်လိၣ်ပွာမဖထွၣ်တဲၣ် ဤအေဖုကၢၣ်းဖုကၢၣ်းစၢၣ်ကို [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/) ဝၣ်တဲၣ်ကြၢၣ် “Nauru Class Action” ဝေခါၣ်းစဉ္ဇေအာကုၣ်ၣ် အျခားဘာသာစကားမ်းပျဖၣ်း ဖတုၣ်းးးိၣ်ငါ့သည။ သည့် ဤအေဖုကၢၣ်းဖုကၢၣ်းစၢၣ် မိတီၣ်ကို သၣ်ဘာသာစကားပျဖၣ်း ရယူရန် Phi Finney McDonald သိုၣ် [GMNauru@pfm.law](mailto:GMNauru@pfm.law) ၣ် အီးမေးလိၣ်ၣ်ၣ်သော့လညးးကောၣ်း သိုၣ်မဟုတု Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 သိုၣ် တပိၣ်ၣ်ၣ်သော့လညးးကောၣ်း တောၣ်းခံးိၣ်ငါ့သည။

اگر انگلیسی را خوانده نمی توانید، این اطلاعیه به لسان های دیگر در وب سایت ذیل ما تحت عنوان "Nauru Class Action" موجود است. همچنین می توانید یک کاپی این اطلاعیه را به لسان خودتان با فرستادن ایمیل برای Phi Finney McDonald به آدرس [GMNauru@pfm.law](mailto:GMNauru@pfm.law) یا به آدرس پستی Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 بدست آورید.

مگر نیهتمنین وه زوان ئنگلیسی بخومنین، ئی ئاگاداریه له مآلپهر خوار له بهش "نقدام ومکومهل نائورو" ("Nauru Class Action") وه زوانهیل ترهک دائریاس: [phifinneycdonald.com/projects/](http://phifinneycdonald.com/projects/). ئرای داواکردن دهقیگ لهی ئاگاداریه وه زوان خوهدان، ئیمهیلینگ بیهنه فی فینی مهکدونالد (Phi Finney McDonald) وه ناودیشان خواروه: [GMNauru@pfm.law](mailto:GMNauru@pfm.law) یا نامهیلگ ئرای ئی ئادرسه کل بکهن: Level 4, 325 Flinders Lane, Melbourne, Victoria 3000.

اگر خواندن انگلیسی بلد نیستید، این اطلاعیه با نام "دادخواهی دسته جمعی نارو" ("Nauru Class Action") به زبانهای دیگر در تارنمای زیر موجود است: [phifinneycdonald.com/projects/](http://phifinneycdonald.com/projects/). همچنین می توانید با ایمیل زدن به فای فینی مک دونالد (Phi Finney McDonald) به آدرس [GMNauru@pfm.law](mailto:GMNauru@pfm.law) یا تماس از راه پست به آدرس Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 نسبت به دریافت یک نسخه از این اطلاعیه به زبان خودتان اقدام کنید.

Si vous ne lisez pas l'anglais, cet avis est disponible dans d'autres langues sur le site web suivant sous la rubrique « Nauru Recours Collectif » ("Nauru Class Action"): [phifinneycdonald.com/projects/](http://phifinneycdonald.com/projects/). Vous pouvez également demander une copie de l'avis dans votre langue en envoyant un courriel à Phi Finney McDonald à [GMNauru@pfm.law](mailto:GMNauru@pfm.law) ou par courrier à Level 4, 325 Flinders Lane, Melbourne, Victoria 3000.

यदि आप अंग्रेज़ी पढ़ पाते हैं, तो यह नोटिस इस वेबसाइट [phifinneycdonald.com/projects/](http://phifinneycdonald.com/projects/) पर "Nauru Class Action": के अधीन अन्य भाषाओं में उपलब्ध है। आप Phi Finney McDonald को

[GMNauru@pfm.law](mailto:GMNauru@pfm.law) पर ई-मेल करके या Level 4, 325 Flinders Lane, Melbourne, Victoria 3000

पते पर डाक से पत्र भेजकर भी अपनी भाषा में नोटिस की प्रति दिए जाने का निवेदन कर सकते/सकती हैं।

Jika Anda tidak dapat membaca dalam bahasa Inggris, Pemberitahuan ini tersedia dalam bahasa-bahasa lain di situs web berikut ini di bawah judul "Nauru Class Action":

[phifinneycdonald.com/projects/](http://phifinneycdonald.com/projects/). Anda juga dapat meminta salinan Pemberitahuan ini dalam bahasa Anda dengan cara mengirim email ke Phi Finney McDonald di

[GMNauru@pfm.law](mailto:GMNauru@pfm.law) atay dengan mengirim surat lewat pos di alamat Level 4, 325 Flinders Lane, Melbourne, Victoria 3000

Sekiranya anda tidak fasih dalam Bahasa Inggeris, Notis ini telah pun diterjemahkan dalam Bahasa asing di laman web dibawah tajuk "Nauru Class Action":

phifinneymcdonald.com/projects/. Anda juga boleh meminta sesalinan Notis ini dalam

Bahasa anda dengan menghantar email kepada Phi Finney McDonald di

[GMNauru@pfm.law](mailto:GMNauru@pfm.law) atau melalui pos ke Level 4, 325 Flinders Lane, Melbourne, Victoria 3000

यदि तपाईं अंग्रेजी पढ्न सक्नु हुन्न भने phifinneymcdonald.com/projects/ वेबसाइटमा "नउरु क्लास एक्शन" ("Nauru Class Action") अन्तर्गत यो सूचना अन्य भाषाहरुमा उपलब्ध छन्। तपाईंले फि फिन्नी म्याकडोनाल्ड (Phi Finney McDonald) लाई [GMNauru@pfm.law](mailto:GMNauru@pfm.law) मा ईमेल गरेर वा Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 मा पत्राचार गरेर तपाईंको भाषामा यो सूचनाको एक प्रति अनुरोध गर्न सक्नुहुन्छ।

کي د نارو اکشن /phifinneymcdonald.com/projects/ تاسي انگلیسي نشی لوستي، دا خبرتیا په نورو ژبو پدی وپیپانه

Phi Finney تر نامه لاندې شتون لري. تاسو کولي شي يوه کاپي يی پی فینی مکدونالد "Nauru Class Action" پلان

McDonald استولو وغواري او يا د پوست له لاری [GMNauru@pfm.law](mailto:GMNauru@pfm.law) ته په ایمیل

Lane, Melbourne, Victoria 3000 غوښتنه وکړی.

Zedice tuñi Inglic ót fori nozanilé,ei websaíth ót zaí yara notis yan óinno zuban ót faíba "Nauru Class Action": phifinneymcdonald.com/projects/.Tuñi Notis ór kopí ekan ólla aros gori fariba tuáñar zuban ót Phi Finney McDonald or hasé email defeçai yore [GMNauru@pfm.law](mailto:GMNauru@pfm.law) ya fúus gori fariba thikana yan ót Level 4, 325 Flinders Lane, Melbourne, Victoria 3000.

ඔබට ඉංග්‍රීසි භාෂාව කියවීමට නොහැකි නම්, phifinneymcdonald.com/projects/ වෙබ් අඩවියේ

“නවුරු සාමූහික ක්‍රියාමාර්ගය” (“Nauru Class Action”) යටතේ මෙම දැනුම්දීම ඔබට වෙනත් භාෂාවකින් ලබාගත හැකිය. මෙම දැනුම්දීමේ පිටපතක් ඔබගේ භාෂාවෙන් ලබා දෙන ලෙස [GMNauru@pfm.law](mailto:GMNauru@pfm.law) වෙත යොමු කළ විද්‍යුත් තැපැල් ලිපියක් මගින් හෝ Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 ලිපිනය වෙත තැපැල් මගින් පි තිනී මැක්ඩොනල්ඩ් (Phi Finney McDonald) ආයතනයෙන් ඉල්ලීමක් කිරීමට ද ඔබට පුළුවන.

Haddii aadan akhriyi karin Ingiriis, ogeysiisnaan waxaa laga helli karaa luqada kale websaytka soo socda "Nauru Class Action". [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/). Waxaad kaloo codsan kartaa koobiga ogeysiiska isaga oo ku qoran afkaaga adigoo email u diraya Phi Finney McDonald @ [GMNauru@pfm.law](mailto:GMNauru@pfm.law) ama adiga oo boostada ku diraya: Level 4, 325 Flinders Lane, Melbourne, Victoria 3000.

நீங்கள் ஆங்கிலம் பேசாதவர் என்றால், [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/) எனும் வலைத்தளப்பக்கத்தில் "நவரு ஒட்டுமொத்த வழக்கு" ("Nauru Class Action") என்ற தலைப்பின் கீழ் இந்த 'அறிவிப்பு' பிணை நீங்கள் இதர மொழிகளில் பெறலாம். 'ஃபி ஃபினி மெக்டானல்டு' (Phi Finney McDonald)-விற்கு [GMNauru@pfm.law](mailto:GMNauru@pfm.law) எனும் முகவரி மூலம் மின்னஞ்சல் அனுப்பியும், Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 எனும் முகவரியில் தபால் மூலமாகவும் உங்கள் மொழியில் உள்ள பிரதி ஒன்றை நீங்கள் வேண்டலாம்.

اگر آپ انگریزی نہیں پڑھ سکتے تو یہ نوٹس دوسری زبانوں میں درج ذیل ویب سائٹ پر "Nauru Class Action" سیکشن میں دستیاب ہے: [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/). آپ اپنی زبان میں نوٹس کی ایک نقل طلب کرنے کے لئے Phi Finney McDonald کو [GMNauru@pfm.law](mailto:GMNauru@pfm.law) پر ای میل کر سکتے ہیں یا Level 4, 325 Flinders Lane, Melbourne, Victoria 3000 پر خط بھیج سکتے ہیں۔

***Plaintiff M83A/2019 & Anor v Morrison & Ors (VID816/2019)***

**Why am I getting this?**

1. Two people have brought a case in the Federal Court of Australia against the current and former Ministers and Secretaries of government departments responsible for immigration into Australia, being Hon. Scott Morrison MP, Hon. Peter Dutton MP, Hon. Tony Burke MP, Mr Martin Bowles and Mr Michael Pezzullo. The case alleges that those individual Ministers (at the time very senior members of the Australian Government) and Secretaries (at the time very senior officers of the Australian Public Service) each acted unlawfully in their roles as public officials, and at the time of so acting they decided to ignore whether their actions were unlawful (known in Australian law as “reckless indifference”). This is known as “misfeasance in public office”.
2. The Commonwealth of Australia (**Australia**) is also a party. The individual Ministers and Secretaries, and the Australian Government, are defending the case.
3. The case is a “class action”. This means that it is brought by a person or persons on behalf of a group of other people, called “group members”. The group members on behalf of whom this class action is brought are people who were taken to the Republic of Nauru from Australia after 3 August 2013.
4. You are getting this Notice because you might have been taken to Nauru from Australia after 3 August 2013, and you might therefore be a group member.
5. Being involved in the class action will not impact your visa status. If you have questions about your visa status you should contact a migration agent.
6. You do not have to pay to remain part of the class action. You will only pay something at the end of the case if you receive compensation or if you need personal legal advice to finalise your own claim. Any legal costs you may have to pay in relation to the class action will not be greater than the compensation you may receive. In other words, you will not be out of pocket for any legal expenses in the class action.
7. The lawyers running the case are Phi Finney McDonald (**PFM**). If you do not know if you are a group member, you can contact PFM by emailing [GMNauru@pfm.law](mailto:GMNauru@pfm.law) or

speak to a lawyer of your choice. Please do not contact the Federal Court if you have questions.

### **The Australian legal system**

8. Australia's legal system allows a person (called an applicant) to make a claim for financial compensation against another person, or company or government (called a respondent) if the applicant believes he or she has suffered an injury or loss because of the respondent's conduct and if there is a proper basis for the claim(s).
9. All courts in Australia are independent of the government. The courts have clear rules for the procedures they follow. These include rules for preparing evidence and for applying legal principles to that evidence in order to decide the case according to law.

### **What is the class action about?**

10. The class action alleges that each of the current and former Ministers responsible for immigration, and Secretaries of the government department responsible for Immigration, broke the law in their roles as public officials. To be successful in the class action, the two people who brought the case will need to show that:
  - (a) the Ministers and Secretaries each acted unlawfully when performing their roles; and
  - (b) the Ministers and Secretaries decided to ignore whether their actions were unlawful (known in Australian law as "reckless indifference").
11. The class action alleges that the unlawful actions were taken when applying for or requesting any extensions of the Regional Processing Centre visa (**RPC visa**) in Nauru, in four (4) ways:
  - (a) Australian officers did not have the power under Australian law to apply for or request any extensions of the RPC visa given to group members;
  - (b) Australian officers were obliged to, but did not, give procedural fairness to group members in the process of applying for or requesting extensions of the RPC visas;

- (c) Australian officers could only lawfully apply for, or request extensions of, the RPC visas if group members would be treated in accordance with human rights standards, but this was not the case;
  - (d) For group members who were children, Australian officers could only lawfully apply for, or request extensions of, the RPC visas if such group members would be treated in accordance with human rights standards relating to children, but this was not the case.
12. The class action alleges that the Ministers and Secretaries who have been sued are responsible for the actions of the Australian officers applying for and requesting extensions of RPC visas because when the Ministers and Secretaries performed their roles they decided to ignore their powers to prevent the unlawful conduct of the officers.
  13. The class action alleges that the Ministers and Secretaries who have been sued in the class action, and the Commonwealth which they represented, should pay compensation to group members because group members were taken to Nauru unlawfully and suffered harm and loss as a consequence of being taken to Nauru.
  14. The detailed allegations against the Respondents are set out in the Applicants' Further Amended Statement of Claim. A copy of the Further Amended Statement of Claim and the Respondents' Defence are available to view on PFM's website: [phifinney-mcdonald.com/projects/](http://phifinney-mcdonald.com/projects/).
  15. The class action seeks damages for the unlawful actions by Ministers and Secretaries, to compensate people who were taken to Nauru after 3 August 2013 for their personal injury, loss of income and false imprisonment.

**I want to remain part of the class action – what do I need to do?**

16. If you want to remain part of the class action you do not need to do anything right now. You are part of the class action unless you tell the Federal Court of Australia you do not want to remain part of it. The next section of this document tells you about what to do if that is the case.

17. Group members are "bound" by the outcome in the class action, unless they have opted out of the proceeding. This means you will be bound by the result whether the class action wins, loses or settles.
- (a) If the class action is successful, you may be entitled to a share of the judgment award or settlement amount.
  - (b) If the action is unsuccessful or less successful than was hoped, you may get no or little money and you will not be able to sue the individual Ministers or Secretaries in this case for the same allegations of unlawful conduct explained above. Also, you will not have to pay any money.
18. You do not have to pay to remain part of the class action when the issues common to all group members are decided. You will only pay something at the end of the case if you receive compensation or if you need personal legal advice to finalise your own claim. Any legal costs you may have to pay in relation to the class action will not be greater than the compensation you may receive. In other words, you will not be out of pocket for any legal expenses in the class action.
19. If you want to, you can contact PFM by emailing [GMNauru@pfm.law](mailto:GMNauru@pfm.law) so that future updates can be sent to your preferred address or email.

**I do not want to remain part of the class action – what do I need to do?**

20. If you do not want to remain part of the class action you need to tell the Federal Court. This is called "opting out". If you want to opt out, you must complete the form at the end of this Notice and email or post the form **before 4:00 pm (AEST) on Friday 31 July 2020**, to:

The Registrar  
Federal Court of Australia  
Victorian District Registry  
305 William Street  
Melbourne VIC 3000

or

[vicreg@fedcourt.gov.au](mailto:vicreg@fedcourt.gov.au)



21. If you opt out you will not receive any compensation from the class action.
22. Each Group Member that does not want to remain part of the class action must complete a separate opt out form. You cannot complete an opt out form as a family.

**Where can you obtain copies of relevant documents?**

23. Copies of relevant documents, including the application, the statement of claim, and the defence or defences, may be obtained by:
  - (a) downloading them from PFM's website: [phifinneymcdonald.com/projects/](http://phifinneymcdonald.com/projects/)
  - (b) inspecting them on the Federal Court website at [www.fedcourt.gov.au](http://www.fedcourt.gov.au).

**Where can I get more information?**

24. If you need further information, including if you need this Notice translated into another language, you can:
  - (a) go to the website at <http://phifinneymcdonald.com/projects/>; or
  - (b) contact PFM by emailing [GMNauru@pfm.law](mailto:GMNauru@pfm.law).

**Only use this form if you DO NOT want to remain part of the class action**

Form 21  
Rule 9.34

**OPT OUT NOTICE**

No. VID816 of 2019

Federal Court of Australia  
District Registry: Victoria  
Division: General

**Plaintiff M83A/2019**

First Applicant

**Plaintiff M83B/2019 (by his litigation representative, Plaintiff M83C/2019)**

Second Applicant

**Scott Morrison & Ors (in accordance with the attached schedule)**

Respondents

To:

The Registrar  
Federal Court of Australia  
Victoria District Registry  
305 William Street  
Melbourne VIC 3000

or

vicreg@fedcourt.gov.au

[*Your full name*], a group member in this representative proceeding, gives notice under section 33J of the *Federal Court of Australia Act 1976*, that [*your full name*] is opting out of the representative proceeding.

Date:

Your signature:

Your full name:

Date of birth:

Email address:

Phone number:

Circle one: Group Member OR legal guardian for the Group Member

English