

SHORT MINUTES OF ORDER

COURT DETAILS

Court	Supreme Court of New South Wales
Division	Common Law
Registry	Sydney
Case number	2011/187125

TITLE OF PROCEEDINGS

Plaintiff	EINPWY AMOM
Defendant	STATE OF NEW SOUTH WALES

DATE OF ORDER

Date made or given	2 March 2016
Date entered	

TERMS OF ORDER MADE BY THE COURT

THE COURT ORDERS THAT:

Settlement Approval

1. Pursuant to sections 173 and 183 of the *Civil Procedure Act 2005 (NSW)* ("Act"), the settlement of the proceeding between the plaintiff and defendant be finally approved on the terms set out in the:
 - a. Deed of Settlement Executed by the parties that is exhibit BS7-1 to the affidavit of Ben Slade affirmed on 5 February 2016 ("**Deed**");
 - b. Settlement Distribution Scheme that is exhibit BS6-1 to the affidavit of Ben Slade affirmed on 30 July 2015 ("**Scheme**").
2. Pursuant to section 183 of the Act, Ben Slade be appointed as the Administrator of the Scheme.

Late Registrants & further monies into the Reserve Fund

3. Order 11 made on 31 July 2015 be varied so that the individuals described as "Late Registrants" in the affidavit of Ben Slade affirmed 5 February 2016 ("**Late**

Registrants") are entitled to receive funds from the proposed settlement of this proceeding.

4. Pursuant to section 183 of the Act, the Late Registrants be deemed to have complied with clause 5.2(a) of the Scheme.

Late determination that a 'known group member' was relevantly an adult

5. Order that paragraph 1 of the Third Further Amended Statement of Claim be amended as underlined below so as to read:

"The plaintiff brings this proceeding on his own behalf and on behalf of represented persons pursuant to Part 10 of the Civil Procedure Act 2005 (NSW) being:

(a) Mr Tyson Kostic; and

(b) persons (~~Group Members~~) who prior to 20 May 2014:

(i) _____ were detained by a member of the New South Wales Police Force (**NSW Police Force**) for only a breach of a bail condition or bail conditions; and

(ii) _____ the alleged breach of the bail condition or bail conditions related to an alleged offence or offences which were being or had been prosecuted in the Children's Court of New South Wales; and

(iii) _____ at the time of the detention, were not then subject to the bail condition or bail conditions which were alleged to have been breached.

(Collectively '**Group Members**').

Group members under a legal incapacity

6. Pursuant to section 77(3) of the Act, orders that:

a. the monies to be paid to _____:

- i. be paid into Court until she reaches the age of 18 years _____
_____ ; and

- ii. on 13 April 2016, be paid with any interest earned on those monies to [REDACTED] to her nominated bank account, being in the name of [REDACTED];
 - b. the monies to be paid to [REDACTED]:
 - i. be paid into Court until she reaches the age of 18 years [REDACTED]; and
 - ii. on 22 December 2016, be paid with any interest earned on those monies to [REDACTED] to her nominated bank account, [REDACTED];
 - c. the monies to be paid to [REDACTED]:
 - i. be paid into Court until she reaches the age of 18 years [REDACTED]; and
 - ii. on 1 April 2016, be paid with any interest earned on those monies to [REDACTED] to her nominated bank account, being in the name of [REDACTED];
 - d. the monies to be paid to [REDACTED]:
 - i. be paid into Court until he reaches the age of 18 years [REDACTED]; and
 - ii. on 20 August 2017, be paid with any interest earned on those monies to [REDACTED] to his bank account notified in writing to the Registrar by the Public Interest Advocacy Centre [REDACTED];
 - e. the monies to be paid to [REDACTED] be paid to the NSW Trustee and Guardian on her behalf;
 - f. the monies to be paid to [REDACTED] be paid to the NSW Trustee and Guardian on her behalf.
- 7. The names, dates of birth and account details of the group members in Order 6 are not to be published and are to be redacted in any publicly available version of these orders.

8. Paragraphs 4 to 13 inclusive of the Affidavit of Camilla Pandolfini affirmed on 1 March 2016 are not to be published or made available for inspection.

Reasonable Legal Costs

9. An amount of \$2,000,000 be approved as the reasonable costs and disbursements of the plaintiff in this proceeding and paid to Maurice Blackburn from the Reserve Fund.
10. The Public Interest Advocacy Centre be paid the interest earned on the Reserve Fund as a contribution towards its costs of assisting group members in the course of the administration of the settlement of the proceeding.

Other

11. Order 5(b) made on 31 July 2015 be varied by changing the date to 4 September 2015.
12. Order 5(c) made on 31 July 2015 be varied by changing the date to 10 September 2015.
13. Order 5(d) made on 31 July 2015 be varied by removing "ix. National Indigenous Times".
14. Ben Slade has liberty to apply for directions in connection with the Settlement Distribution Scheme.
15. The following exhibits be received as confidential exhibits and placed on the Court file in a sealed envelope marked "Confidential: not to be opened without leave of a Judge of the Supreme Court of New South Wales":
 - a. BS7-14 to Affidavit of Ben Slade affirmed on 5 February 2016
 - b. BS7-15 to Affidavit of Ben Slade affirmed on 5 February 2016
 - c. BS7-16 to Affidavit of Ben Slade affirmed on 5 February 2016
 - d. BS7-17 to Affidavit of Ben Slade affirmed on 5 February 2016
 - e. BS7-18 to Affidavit of Ben Slade affirmed on 5 February 2016
 - f. BS7-19 to Affidavit of Ben Slade affirmed on 5 February 2016

- g. BS7-20 to Affidavit of Ben Slade affirmed on 5 February 2016
- h. BS7-21 to Affidavit of Ben Slade affirmed on 5 February 2016
- i. BS7-22 to Affidavit of Ben Slade affirmed on 5 February 2016
- j. BS7-23 to Affidavit of Ben Slade affirmed on 5 February 2016
- k. BS7-24 to Affidavit of Ben Slade affirmed on 5 February 2016
- l. BS7-25 to Affidavit of Ben Slade affirmed on 5 February 2016
- m. BS7-26 to Affidavit of Ben Slade affirmed on 5 February 2016
- n. BS7-28 to Affidavit of Ben Slade affirmed on 5 February 2016
- o. BS7-30 to Affidavit of Ben Slade affirmed on 5 February 2016
- p. BS7-33 to Affidavit of Ben Slade affirmed on 5 February 2016
- q. CP2-17 to Affidavit of Camilla Pandolfini affirmed on 5 February 2016
- r. CP2-18 to Affidavit of Camilla Pandolfini affirmed on 5 February 2016
- s. CP2-19 to Affidavit of Camilla Pandolfini affirmed on 5 February 2016
- t. CP2-21 to Affidavit of Camilla Pandolfini affirmed on 5 February 2016
- u. CP2-22 to Affidavit of Camilla Pandolfini affirmed on 5 February 2016
- v. CP2-23 to Affidavit of Camilla Pandolfini affirmed on 5 February 2016.
- w. CP3-1 to Affidavit of Camilla Pandolfini affirmed on 11 February 2016;
- x. BS8-1 to Affidavit of Ben Slade affirmed on 12 February 2016
- y. BS8-2 to Affidavit of Ben Slade affirmed on 12 February 2016
- z. BS8-3 to Affidavit of Ben Slade affirmed on 12 February 2016
- aa. CP4-1 to Affidavit of Camilla Pandolfini affirmed on 1 March 2016

16. The Confidential Affidavit of Zofia Weremczuk sworn 26 February 2016 be placed on the Court file in a sealed envelope marked "Confidential: not to be opened without leave of a Judge of the Supreme Court of New South Wales".