



Summary of Ruling

AS v Minister for Immigration and Border Protection and the Commonwealth of Australia [2017] VSC 137: J Forrest J

- 1 The Court ruled that the representative claim of AS, a minor asylum seeker, not proceed as a class action but rather as an individual claim to be tried on 26 April 2017.
- 2 The Court granted an application by the Minister and the Commonwealth that the claim no longer proceed under Part 4A of the *Supreme Court Act*. It held that there was a lack of commonality between the claim of AS and those of other group members (adults and minors numbering over 35,000 who were held on the island for four years) and the claim of AS (who was five-years-old at the time of her detention and was held on the island for 10 months) and that AS's claim did not provide an efficient or effective means of dealing with the claims of group members.
- 3 The Court stated that it was not in the interests of justice to allow AS's claim to proceed as a representative proceeding as there was little, if any, prospect that the findings that might be made in her claim would have relevance to those of the other group members.
- 4 The claim of AS will now proceed to trial on 26 April 2017 with an estimated duration of six to eight weeks.

NOTE: This summary is necessarily incomplete. It is not intended as a substitute for the Court's reasons or to be used in any later consideration of the Court's reasons. The only authoritative pronouncement of the Court's reasons and conclusions is that contained in the published reasons for judgment.