

**CURFEW CLASS ACTION
ALISTAIR OGILVY V STATE OF VICTORIA
CLASS ACTION SUMMARY STATEMENT**



Case: S ECI 2026 05439

Filed on: 13/08/2026 04:22 PM

1. What is a class action?

A class action is a court proceeding commenced by a representative plaintiff on behalf of both themselves and other persons who have claims arising out of the same, similar or related circumstances. The representative plaintiff brings the proceeding on behalf of all group members. The Court is asked to determine issues of fact and law that are common to the claims of group members. Those issues are determined once and will generally apply to all group members.

2. What is the Curfew Class Action about?

This proceeding concerns the curfew imposed across Greater Melbourne between 8:00 pm and 5:00 am from 2 to 16 August 2020 inclusive, by clause 5(1AG) of the *Stay at Home Directions (Restricted Areas) (No 7)*.

The plaintiff alleges that the curfew was imposed without lawful authority because the statutory power under the *Public Health and Wellbeing Act 2008* (Vic) was not exercised in the manner required by that Act.

The plaintiff claims that persons subject to the curfew were falsely imprisoned and seeks damages on behalf of the plaintiff and group members. The allegations have not been determined by the Court.

3. Who is a group member?

You are a group member if, during the curfew period from 2 to 16 August 2020, you ordinarily resided in Greater Melbourne and were living at that place of residence.

4. Who is acting for the plaintiff?

Bevan-Rhys James, Barristers and Solicitors.

5. What is the role and responsibility of the plaintiff?

The representative plaintiff is Alistair Ogilvy.

The representative plaintiff gives instructions to the lawyers acting in the proceeding and represents the interests of group members in relation to the common issues raised by the case.

The representative plaintiff may be required to provide evidence and participate in the conduct of the proceeding.

6. How is the Curfew Class Action funded?

There is presently no commercial litigation funder involved in the proceeding.

The representative plaintiff has entered into a conditional costs arrangement with his solicitors. Disbursements and other litigation expenses may be funded through fundraising or other lawful funding arrangements.

7. How are legal fees and disbursements charged?

The representative plaintiff's legal costs are the subject of a conditional costs arrangement.

Issues concerning costs will be determined in accordance with any applicable costs agreements, the *Supreme Court Act 1986* (Vic) and any order of the Court.

8. Will group members be liable for legal fees and costs?

Group members who are not clients of the solicitors are not required to pay legal fees.

Group members are generally not liable for any costs order made against the representative plaintiff merely because they are group members. The representative plaintiff is responsible for the conduct of the proceeding and may be liable for costs in accordance with any order of the Court. No group costs order is presently sought.

9. Are there any other class actions relating to this subject matter?

The representative plaintiff is not presently aware of any competing class action concerning the validity of the curfew imposed between 2 August 2020 and 16 August 2020 or any claim for damages for false imprisonment arising from that curfew.

The representative plaintiff is aware of other group proceedings concerning COVID-19 restrictions and related events during 2020, but which are not related to these proceedings.

10. What are the main issues in dispute?

The principal issues include:

- whether the curfew was lawfully imposed;
- whether the statutory requirements for imposing the curfew were satisfied;
- whether the curfew provided lawful authority for the restriction of movement imposed on group members;
- whether group members were falsely imprisoned; and
- whether group members are entitled to damages.

11. Where can group members obtain further information?

Group members may obtain further information by contacting the plaintiff's solicitors.

Telephone: (03) 9458 1015

Email: curfewclassaction@brjames.com.au

Group members will not be charged for making enquiries about the proceeding.