

Schedule A

IMPORTANT NOTICE

“FAIRBRIDGE FARM SCHOOL ” CLASS ACTION NOTICE OF PROPOSED SETTLEMENT

Any person who was a student at the Fairbridge Farm School at Molong in New South Wales at any time during the period from 1937 to 1974 should take notice of the matters set out below.

This notice relates to a class action that has been commenced in the Supreme Court of New South Wales. The Supreme Court has ordered that this notice be published to inform people about a proposed settlement of the class action.

If you are a former student of Fairbridge Farm School you should read this notice carefully, as the matters set out below may affect your legal rights. Any questions you have concerning the matters contained in this notice should not be directed to the Court.

What is the Fairbridge Farm School class action?

The class action was commenced in 2009. It has the Court title *Giles & Anor v Commonwealth of Australia & Ors* (2009/32977).

The plaintiffs in the class action are two former students at the School, Ms Geraldine Giles and Mrs Vivian Drady. They are suing each of the Commonwealth of Australia, the State of New South Wales, and the Fairbridge Foundation.

The plaintiffs bring their claims on their own behalf, and on behalf of all other persons who fit the definition of "**group members**" in the class action. This definition is set out below.

The plaintiffs allege that the three defendants breached various legal duties which they owed to some or all of the group members. The plaintiffs claim compensation, for themselves and on behalf of the group members.

The claims made by the plaintiffs are set out in a "Second Amended Statement of Claim" which has been filed in the Court. Each of the defendants denies that it is liable to the plaintiffs or to the group members. The defendants have filed "defences" which set out the grounds on which they dispute the plaintiffs' claims.

Copies of the Second Amended Statement of Claim, and each defendant's Defence, may be inspected on the website of the plaintiffs' solicitors, Slater and Gordon. The website address is <http://www.slatergordon.com.au/class-actions/current-class-actions/fairbridge-farm-school>.

Who are the "group members"?

The group members who are represented in the class action are defined as all persons who:

- (a) as children were residents of the Fairbridge Farm School ("**Fairbridge**") between 1937 and 1974; and
- (b) were physically or sexually assaulted while residents at Fairbridge; and
- (c) suffered an injury (including psychological or psychiatric injury) or disability as a result of that physical or sexual abuse.

*If you fit that definition then you are **automatically** a group member in the class action.* If so, then it is essential that you read the rest of this notice very carefully. This notice explains ways in which the class action is likely to affect your legal rights, especially your rights to claim compensation from the defendants.

If you are not sure whether you are a group member in the class action, you should contact Slater and Gordon (address below) or seek independent legal advice. You should do this immediately because there are deadlines for you to take steps to protect your rights.

Proposed settlement of the class action

Following mediation in May 2015, the plaintiffs and the defendants agreed upon terms for the settlement of the class action.

In summary, the defendants have agreed to pay an amount of \$24,000,000 (twenty-four million dollars) to be shared among eligible group members, according to a claims-compensation scheme.

Because of the Supreme Court's rules for class actions, the settlement agreement between the plaintiffs and the defendants cannot take effect unless and until it is approved by the Court.

The Supreme Court has examined the proposed settlement agreement (called a "Deed") and the arrangements which the plaintiffs' solicitors have proposed for assessing group members' individual claims and sharing the compensation sum between them (called a "Settlement Distribution Scheme" or "Scheme").

The Court has made a *preliminary* assessment that the Deed and the Scheme appear to be reasonable, such that they should be approved by the Court and permitted to take effect. But before making a *final* determination about those matters, the Court has ordered that this notice be published to inform the group members about the settlement and give them an opportunity to make an **objection** to the settlement, if they wish.

Also, the Court and the parties need to know which persons who fit the definition of "group members" (above) actually want to claim compensation from the defendants. For that reason, the Court has ordered that group members who wish to claim compensation must **register** their claims by a deadline, explained below.

What group members must do

If you fit the definition of a group member (above) then there are three (3) options which you must consider.

Option A ***If you want to claim compensation*** then you must "register" as a group member, by completing the "Fairbridge Group Member Registration Form" which is Annexure A to this Notice. You must return the Form to Slater and Gordon before 4pm on 24 July 2015, otherwise you will be deemed to have chosen Option C below.

Option B ***If you want to object*** to the proposed settlement then you must complete the "Notice of Objection to Proposed Settlement" which is Annexure B to this Notice. You must return the Notice to Slater and Gordon before 4pm on 24 July 2015 and be ready to come to Court to argue your objection. Please note: even if you take this Option B, you should still also take Option A to ensure that you are treated as a registered group member even if your objection to the settlement is overruled by the Court.

Option C Do nothing. ***If you do not register*** according to Option A by the deadline, you will remain a group member for all purposes of the proceeding, but if there is any settlement of the proceeding you will **not** be able to claim compensation in the settlement. This means you will **lose** all rights to compensation from the defendants, in return for nil compensation. (If there is not a settlement, and the class action goes to judgment, then you might be able to claim compensation under the judgment.)

To repeat, *even if you want to object* to the settlement under Option B, you should **still** register under Option A in case your objection is overruled and the settlement takes effect.

Please consider your options carefully. If you are not sure what to do, you must contact Slater and Gordon or seek independent legal advice. You must act quickly because the deadline for registrations (or objections) is 4pm on 24 July 2015.

Will group members be liable for legal costs under the settlement?

The costs which the plaintiffs have incurred in running the class action for the benefit of all of the eligible group members will be paid out of the overall compensation sum received from the defendants. There will not be any additional liability, in respect of those costs, for group members.

In relation to the costs associated with assessing each group member's entitlement to compensation, the Settlement Distribution Scheme proposes a procedure for assessing individual claims according to various guidelines. Those assessed values will then form the basis on which the overall compensation fund will be shared "proportionately" between eligible group members.

The assessment procedures are intended to minimise the overall costs of the process, and also minimise the need for group members to engage separate lawyers to represent them. It is expected that most group members will not need or want to engage separate lawyers. For those group members the costs of having their claims assessed will be paid as "administration costs" of the Scheme.

Group members will be entitled to engage separate lawyers to represent them in the claims assessment process, if they wish, but they will need to pay the costs charged by those lawyers.

What will happen in the coming weeks?

The Court has ordered that any objections to the proposed settlement (from group members who take Option B above) will be heard by the Court at Law Courts Building, 184 Phillip Street, Sydney NSW, at 10:00am on 21 August 2015.

If there are no objections, or the objections are overruled, then the proposed settlement will be given final approval by the Court. It will then take effect. When it takes effect, group members who have registered claims (Option A) above will have their claims assessed to determine their compensation entitlements. Group members who did not register will **lose** their rights to claim compensation from the defendants in respect of the matters covered by the class action.

Addresses for questions and forms

If you have any questions about the proposed settlement or this notice, you can contact Slater & Gordon at any time, or seek your own independent legal advice.

If you decide to register a claim for compensation, and/or submit an objection to the Court approving the proposed settlement, you should send your Annexure A form or Annexure B form to one of the following addresses:

Supreme Court Registry

Supreme Court of NSW
GPO Box 3
Sydney NSW 2001

Slater and Gordon

Mail: Attn: Fairbridge Farm Class Action
Slater & Gordon

GPO Box 1584
SYDNEY NSW 2001

Phone: (02)8267 0660

Email: newclientservices@slatertgordon.com.au

Annexure A

Giles & Anor v Commonwealth of Australia & Ors 2009/32977
(Fairbridge Farm Class Action)

Fairbridge Group Member Registration Form

The person identified below:

- (a) attended the Fairbridge Farm School in Molong, NSW, during a period between 1937 and 1974;
- (b) is a group member in this class action;
- (c) wishes to claim compensation in any settlement of the class action.

The group member's contact details are as follows:

Name: _____

Telephone number: _____

Postal address: _____

Email address (if any): _____

Medicare No (if any): _____

- Please tick this box if you have lived overseas since 1984

Signed: _____

(If not the named group member, state relationship to group member): _____))

Date: _____/_____/2015

Annexure B

Giles & Anor v Commonwealth of Australia & Ors 2009/32977
(Fairbridge Farm Class Action)

Notice of Objection to Proposed Settlement

The person identified below:

- (d) attended the Fairbridge Farm School in Molong, NSW, during a period between 1937 and 1974;
- (e) is a group member in this class action;
- (f) wishes to object to the proposed settlement of the class action.

The group member's contact details are as follows:

Name: _____

Telephone number: _____

Postal address: _____

Email address: _____

Medicare No: _____

Signed: _____

(If not the named group member, state relationship to group member): _____

The group member has also registered as a group member: Yes No (circle one)

The group member has read the "Notes for Objectors" below: Yes No (circle one)

Notes for Objectors: Order 13 of the Court's Orders made on 26 June 2015 require that Objectors deliver to Slater and Gordon, by 31 July 2015, any written submissions (not exceeding 2 pages in length) and any affidavit evidence the Objector wishes to rely on in support of their objection to the proposed settlement.