



Issued: 30 April 2014 2:59 PM

JUDGMENT/ORDER

COURT DETAILS

Court	Supreme Court of NSW
Division	Common Law
List	Common Law General (default)
Registry	Supreme Court Sydney
Case number	2009/00329777

TITLE OF PROCEEDINGS

First Plaintiff	Geraldine Dorothy Giles
Second Plaintiff	Vivian Catherine Drady
First Defendant	Commonwealth of Australia
Second	
Number of Defendants	3

Refer to Party Details at rear for full list of parties

DATE OF JUDGMENT/ORDER

Date made or given	11 April 2014
Date entered	11 April 2014

TERMS OF JUDGMENT/ORDER

GARLING J MAKES THE FOLLOWING ORDERS:

1. Pursuant to s 162 of the Civil Procedure Act 2005, the time and date before which a group member may opt out of this proceeding be fixed as 4pm on 30/5/14 ("the Class Deadline").
2. Pursuant to ss175 and 176 of the Act, the terms of the Notice set out in Schedule A to these orders are approved ("the Notice").
3. The Notice be given to group members according to the following procedure:
 - (a) by no later than 17/4/14, the 3rd defendant to provide to the plaintiff name and address details by Excel spreadsheet of former residents of the Fairbridge Farm School at Molong, to the extent that the 3rd defendant, after searching each file it holds in relation to former residents, identifies names and addresses of any former residents that it has corresponded with in the last 10 years;
 - (b) by no later than 1/5/14, the plaintiffs to cause a letter in terms of the Notice to be sent to each name and address provided by the 3rd defendant;
 - (c) provided the Old Fairbridgians Association ("the Association") consents, the plaintiffs to cause by no later than 1/5/14, a letter in terms of the Notice to be sent to each person nominated by the Association as being a former resident of the Fairbridge Farm School at Molong;
 - (d) by no later than 1/5/14, the plaintiffs cause advertisements in the terms of the Notice to be published in the legal notices or equivalent section in two weekday editions of each of the:
 - (i) Central West Daily;
 - (ii) Daily Telegraph;
 - (iii) Courier Mail;
 - (iv) Herald Sun;
 - (v) Adelaide Advertiser;
 - (vi) West Australian;
 - (vii) Northern Territory News;
 - (viii) Canberra Times; and
 - (ix) Hobart Mercury.

(e) by no later than 1/5/14, the Notice, the Second Further Amended Statement of Claim and Defences of each defendant to be displayed on the website of the plaintiffs' solicitors, www.slatergordon.com.au.

4. the costs of and incidental to the procedure set out in paragraph 3 above shall be costs in the cause.

5. If, on or before the Class Deadline, the solicitors for any party receive a notice purporting to be an opt out form referable to this proceeding, the solicitors must file the notice in the Registry within 14 days after receipt, and the notice shall be treated as an opt out notice received by the Court at the time it was received by the solicitors.

6. By 4pm 2/5/14, the plaintiffs file and serve a Notice of Motion, and serve any evidence upon which they rely regarding any application for further discovery.

7. By 4pm 16/5/14, the defendants serve any evidence upon which they rely regarding further discovery.

8. By 4pm 23/5/14, the plaintiffs file and serve any evidence in reply regarding further discovery.

9. The matter is listed for further directions at 2pm on 30/5/14 before Garling J.

10. Liberty to apply on 3 days' notice.

11. The Defendants are to write to request the provision of any remaining or outstanding particulars from the plaintiffs on or before 17 April 2014.

12. The Plaintiffs are to provide further and better particulars in response to the Defendants' requests, on or before 27 June 2014.

13. The Plaintiffs to serve all medical or other expert reports upon which they intend to rely on or before 10 October 2014.

14. The Plaintiffs to file all statements in accordance with r 31.4 of the UCPR to be relied upon in their applications for an extension of the limitation period on or before 10 October 2014.

15. The Plaintiffs to serve a Statement of Particulars which complies with r 15.12 of the UCPR on or before 11 July 2014.

16. The Plaintiffs to serve all statements in accordance with r 31.4 of the UCPR upon which they intend to rely in support of the cause of action on or before 10 October 2014.

17. The Plaintiffs to serve on the Defendants a List of Documents following within the categories identified in Annexure A, on or before 11 July 2014, except that the plaintiffs are not required to include any document in that list which has been provided by the defendants in the course of their discovery in these proceedings.

18. The Plaintiffs to serve a Tender Bundle of all documents to be relied upon in support of both the application to extend the limitation period and the cause of action ("Tender Bundle") on or before 10 October 2014.

19. The Defendants to file all statements in accordance with r 31.4 of the UCPR upon which they intend to rely on or before 19 March 2015.

20. The Defendants to serve all medical or other expert reports upon which they intend to rely on or before 19 March 2015.

21. Each Defendant to serve a Tender Bundle on or before 19 March 2015.

ANNEXURE A

Schedule

Categories for Discovery by First and Second Plaintiffs

1. All documents, including but not limited to, correspondence, minutes, statements, memoranda and reports created during the period 1 January 1934 to 31 December 1975 concerning the operations of Fairbridge Farm School in Australia prepared by or on behalf of:

- (a) United Kingdom Government;
- (b) United Kingdom public authorities and councils;
- (c) United Kingdom academic and non-government organisations;
- (d) United Kingdom Fairbridge Society;
- (e) United Kingdom Child Migrant Trust;
- (f) Commonwealth Government of Australia;
- (g) New South Wales Government;
- (h) New South Wales public authorities and local councils;
- (i) Fairbridge Society of New South Wales;
- (j) Australian academic and non-government organisation.

2. All documents, including but not limited to, those referred to in paragraphs 15(m), 16(b)(xii), and 16(b)(xv) of the Second Amended Statement of Claim, being contemporaneous medical,

scientific, and/or educational literature available during the operation of Fairbridge Farm School, and documents coming into existence after 1975 but concerning events during the operation of Fairbridge Farm School, Molong NSW, regarding:

- (a) institutional care of children, including their education;
- (b) institutional abuse of children;
- (c) care of children separated from parents, including child migration from UK;
- (d) behaviour of abused children.

3. During the period from 1 January 1934 to 30 June 1975 all documents concerning the Plaintiffs and Group Members in connection with:

- (a) Immigration to Australia and placement at Fairbridge Farm School, Molong NSW;
- (b) experiences while at Fairbridge Farm School, Molong NSW;
- (c) records of family background.

4. During the period from 1 January 1934 to 31 December 2012 all documents concerning the Plaintiffs and Group Members relating to their respective:

- (a) education and vocational training records;
- (b) employment records;
- (c) medical and health related treatment relevant to any injuries and disabilities claimed in these proceedings.

SEAL AND SIGNATURE



Signature	Mark Lacey
Capacity	Chief Clerk
Date	30 April 2014

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document has taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

PARTY DETAILS

PARTIES TO THE PROCEEDINGS

First Claim

Plaintiff(s)

First Plaintiff	Geraldine Dorothy Giles
Second Plaintiff	Vivian Catherine Drady

Defendant(s)

First Defendant	Commonwealth of Australia
Third Defendant	State of New South Wales
Fourth Defendant	The Fairbridge Foundation ACN 000038353