

**SUPREME COURT OF NEW SOUTH WALES**  
**Giles & Anor v Commonwealth of Australia & Ors**  
(proceeding 2009/329777)

**IMPORTANT NOTICE**

**CLASS ACTION REGARDING ABUSE AT  
FAIRBRIDGE FARM SCHOOL, MOLONG**

**1. What is this notice about?**

On 18 December 2009, a representative proceeding was commenced in the Supreme Court of New South Wales against the Commonwealth of Australia (“**the Commonwealth**”), the State of New South Wales (“**NSW**”) and the Fairbridge Foundation (“**Fairbridge**”). On 21 February 2014, the Supreme Court ordered that the proceeding continues as a representative proceeding.

The representative proceeding is brought by Geraldine Dorothy Giles and Vivian Catherine Drady (“**the Plaintiffs**”) for themselves and on behalf of all individuals who are members of the group. The Plaintiffs allege that the Commonwealth, NSW and Fairbridge (“**the Defendants**”) each breached their duties of care to the Plaintiffs and by reason of those breaches of duty the Plaintiffs suffered injury and damage. These allegations arise from the Plaintiffs’ residence and education at Fairbridge Farm School in Molong. The allegations are made in the Second Amended Statement of Claim filed on 6 June 2012 (“**the Statement of Claim**”). The Defendants reject the allegations and defend the representative proceeding on various grounds.

The Supreme Court has ordered that this notice be published for the information of persons who might be members of the group on whose behalf the representative proceeding is brought and may be affected by it. If you think you may be a group member you should read this notice carefully. **Any questions you have concerning the matters contained in this notice should not be directed to the Court.** If there is anything in it that you do not understand, you should seek legal advice.

**2. What is a representative proceeding?**

A representative proceeding is commonly known as a class action. It is an action that is brought by the Plaintiffs on their own behalf and on behalf of a group of people (“**group members**”) against the Defendants, where the Plaintiffs and the group members have similar claims against the Defendants.

Group members are bound by any judgment or settlement entered into in the representative proceeding unless they have opted out of the proceeding. This means that:

- (a) If the representative proceeding is successful, group members may be eligible for a share of any settlement monies or Court-awarded damages;
- (b) If the representative proceeding is unsuccessful, group members are bound by that result; and
- (c) Regardless of the outcome of the representative proceeding, group members will not be able to pursue their claims against the Defendants in separate legal proceedings unless they have opted out.

**3. Are you a group member?**

You are a group member in the representative proceeding if:

- (a) As a child, you were a resident of the Fairbridge Farm School at Molong at some time between 1937 and 1974;
- (b) You were physically assaulted and/or sexually assaulted whilst resident at Fairbridge Farm School; and
- (c) As a consequence of the physical and/or sexual assaults, you have suffered injury and disability.

**4. What is this representative proceeding?**

This representative proceeding is brought by Geraldine Dorothy Giles and Vivian Catherine Drady on their own behalf and on behalf of all individuals who are group members as defined in the proceeding (and described above).

The Plaintiffs allege in the Statement of Claim in Supreme Court proceeding 329777 of 2009 that the Commonwealth, NSW and Fairbridge each breached their duties of care to the Plaintiffs and the group members. The Plaintiffs allege that they suffered from systemic physical and sexual abuse perpetrated by staff members and others while they were resident at the Fairbridge Farm School in Molong. By reason of these breaches of duty and physical and sexual abuse, the Plaintiffs claim damages for physical and psychological injury.

The Plaintiffs' claims are made on their own behalf and on behalf of group members (defined above). The Defendants to the representative proceeding are the Commonwealth, NSW and Fairbridge. None of the Defendants admit the allegations and each is defending the representative proceeding.

## 5. What is Opt Out?

The Plaintiffs in a representative proceeding do not need to seek the consent of group members to commence a representative proceeding on their behalf. However, group members can cease to be group members by opting out of the representative proceeding. An explanation of how group members are able to opt out is found below.

## 6. What Group Members Should Do

If you fit the definition of a "group member" in the representative proceeding you must choose one of the following.

### Choice A: Doing Something

**Option (1): If you wish to remain a group member** and make a claim for damage you claim to have suffered as a result of the events described in the Statement of Claim, you should contact Slater & Gordon as follows:

Roop Sandhu  
Slater & Gordon  
GPO Box 1584  
Sydney NSW 2001

Slater & Gordon  
Level 5, 44 Market Street  
Sydney NSW 2000

Email: [newclientservices@slatergordon.com.au](mailto:newclientservices@slatergordon.com.au)

Ph: (02) 8267 0618  
1800 555 777

Group members who register with the Plaintiffs' solicitors will be bound by the outcome of the representative proceeding. If the representative proceeding is successful, you will be entitled to share in the benefit of any order, judgment or settlement in favour of the Plaintiffs and group members. (You may have to satisfy certain conditions and establish elements of your claim that are relevant specifically to you, before your entitlement arises.)

If the representative proceeding is unsuccessful, or is not as successful as you might have wished, you will not be able to sue on the same claim in any other proceedings.

**Option (2): If you do not wish to be a group member** you should opt out of the proceeding by completing the "Opt Out Notice" below. If you opt out then you will not be affected by any orders made in the representative proceeding.

You will not be bound by or entitled to share in the benefit of any order, judgment or settlement in the representative proceeding, but you will be at liberty to bring your own claim against the Defendants (or any of them), provided that you issue Court proceedings within the time limit applicable to your claim.

If you wish to bring your own claim against the Defendants (or any of them), you should seek your own legal advice about your claim and the applicable time limit **before** opting out.

A MS Word version and PDF version of an opt out notice is available at <http://www.ucprforms.lawlink.nsw.gov.au/ucprforms/index.html>. It is form 115.

## Choice B: Doing Nothing

**If you do nothing**, (i.e. you do not complete an opt out notice and do not contact Slater & Gordon), you will remain a group member and remain bound by any order, judgment or settlement in the representative proceeding but unless you identify yourself as a “group member”, no-one may be aware of that fact such that you may not be able to share in any possible benefit flowing from the proceeding.

**You must decide what to do BEFORE 4:00pm on 30 May 2014.** If you want to opt out you must send your “Opt Out Notice” to the Supreme Court so that it arrives **before** that deadline. You must also provide a copy of your “Opt Out Notice” to the Plaintiffs’ solicitor:

Roop Sandhu  
Slater & Gordon  
GPO Box 1584  
Sydney NSW 2001

Slater & Gordon  
Level 5, 44 Market Street  
Sydney NSW 2000

Email: [newclientservices@slatergordon.com.au](mailto:newclientservices@slatergordon.com.au)

Fax (02) 8267 0650

### 7. Will you be liable for legal costs?

Please note, you will **not become liable** for any legal costs simply by contacting Slater & Gordon under Choice A, or by doing nothing under Choice B. However:

- (a) If the preparation or finalisation of your personal claim requires work to be done in relation to issues that are specific to your claim, you can engage Slater & Gordon or other solicitors to do that work for you. You may be liable for costs associated with the determination of issues concerned only with your claim;
- (b) If any compensation becomes payable to you as a result of any order, judgment or settlement in the representative proceeding, the Court may make an order that some of that compensation be used to help pay a share of the costs which are incurred by the Plaintiffs in running the representative proceeding but which are not able to be recovered from the Defendants; and
- (c) Representative proceedings are often settled out of court. If this occurs in this representative proceeding, you may be able to claim from the settlement amount without retaining a lawyer.

### 8. Where can you obtain copies of relevant documents?

Copies of relevant documents, including the Statement of Claim and Defences, may be obtained by:

- (a) Downloading them from <http://www.slatergordon.com.au/class-actions/fairbridge>;
- (b) Inspecting them between 9am and 5pm at one of the offices of Slater & Gordon, details of which are available from Slater & Gordon at Level 5, 44 Market Street, Sydney NSW, or by calling 1800 555 777 or by emailing [newclientservices@slatergordon.com.au](mailto:newclientservices@slatergordon.com.au);
- (c) Inspecting them by visiting the Registry of the Supreme Court in Sydney at Level 5, Law Courts Building, Queen’s Square, 184 Phillip Street, Sydney NSW.

Please consider the above matters carefully. If there is anything of which you are unsure, you should seek your own legal advice or contact Slater & Gordon on 1800 555 777. You should not delay in making your decision.

This Notice is published pursuant to Orders made by the Supreme Court on 11 April 2014.

