



## ANNEXURE A

### SYDNEY TRAINS CLASS ACTION

**Ritchie White v Sydney Trains (ABN 38 284 779 682) (NSD730/2023)**

**This Notice is important. It relates to your right to:**

- (a) opt out** of this class action if you do not wish to be part of it; or
- (b) register** your claim as part of this class action to facilitate the prospect of a settlement being reached at the pending Court-ordered mediation; or
- (c) do nothing.**

**This notice is not legal advice. You should seek independent legal advice if you are unsure what to do, noting the time limit to opt out or register your claim.**

### SECTION 1 – INFORMATION ABOUT THE CLASS ACTION

#### **Why have you received this Notice?**

1. You are receiving this notice because it is likely that you are a class member in a class action that has been commenced in the Federal Court of Australia (the **Court**) against Sydney Trains. The class action is brought by Mr Ritchie White, a former Sydney Trains ‘Area Controller’ employee, on his own behalf and on behalf of all other persons (**Group Members**) who:
  - (a) were employed as an ‘Employee’ within the meaning of the *Sydney Trains Enterprise Agreement 2018* or the *Sydney Trains and NSW TrainLink Enterprise Agreement 2022* (the **Agreements**); AND
  - (b) were employed at any time from 1 May 2018 to 18 July 2023; AND
  - (c) were employed within an ‘Operations Position’ within the meaning of the **Agreements**; AND
  - (d) were employed in a position of any relevant grade classified as an ‘Area Controller’ or ‘Signaller’ within the meaning of the **Agreements**.
2. According to the records of Sydney Trains you are or were an employee of Sydney Trains. As an employee or former employee of Sydney Trains, your legal rights may be affected by the Sydney Trains Class Action.
3. If you are unsure whether you are a Group Member, you should contact Adero Law on (02) 6189 1022, email [enquiries@aderolaw.com.au](mailto:enquiries@aderolaw.com.au) or seek your own legal advice without delay.



### About the class action

4. The class action seeks orders from the Court awarding compensation and imposing penalties upon Sydney Trains for asserted underpayments of entitlements and loadings under the Agreements to Mr White and the Group Members. The firm, Adero Law, acts on behalf of Mr White and Group Members in the class action.
5. The allegations made by Mr White against Sydney Trains are set out in the Further Amended Statement of Claim, a copy of which is available at <https://www.aderolaw.com.au/class-actions/services/sydney-trains/>. Sydney Trains is defending the class action, and a copy of its Defence is also available at that link.
6. On 21 August 2024, the Court made orders referring the class action to a mediation (**Mediation**) by **13 December 2024**. The Court also made orders:
  - (a) requiring that any Group Member who wishes to opt out of the class action must do so by **11:59pm (AEDT) on 7 October 2024 (the Opt Out Deadline)**; and
  - (b) informing Group Members that they may register their interest in making a claim through the class action by **11:59pm (AEDT) on 7 October 2024 (the Registration Deadline)**.
7. The Court has ordered that this notice be sent to all Group Members so that they are aware of their options.



## **SECTION 2 – YOUR OPTIONS**

8. **You have three options:**

**Option 1: Opt Out of the Sydney Trains Class Action by the Opt Out Deadline**

**Option 2: Register your interest in making a claim through the Sydney Trains Class Action by the Registration Deadline**

**Option 3: Do nothing**

9. Each option has different consequences, which are explained below. **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 this notice that you don't understand then you should seek legal independent legal advice.

### **OPTION 1: OPT OUT**

10. If you wish to opt out of the class action, you must complete the **Opt Out Notice** attached at **Schedule A** to this notice and send it to the Court by the **Opt Out Deadline at 11:59pm (AEDT) on 7 October 2024**, either by:
- (a) Email to: [nswreg@fedcourt.gov.au](mailto:nswreg@fedcourt.gov.au), with the email subject line “Opt Out Notice NSD730/2023”; or
  - (b) Post to: Federal Court of Australia, NSW Registry, Locked Bag A6000, Sydney South NSW 1235.
11. If you opt out of the class action, you will no longer be a Group Member and will no longer be a part of the class action. This means you will not be affected by any orders made in the class action; you will not be bound by any settlement or judgment in the class action and you will be able to commence separate proceedings against Sydney Trains on your own behalf if you so wish. It also means that you will not be entitled to receive any benefit or compensation arising from any favourable judgment or settlement that may be obtained in the class action. **You should seek your own legal advice about your claim and the applicable time limit prior to opting out.**



## **OPTION 2: REGISTER YOUR INTEREST IN MAKING A CLAIM THROUGH THE SYDNEY TRAINS CLASS ACTION**

12. If any in-principle settlement of the class action is reached before final judgment, Mr White intends to apply to the Court for an order for settlement approval which, if made, will mean that only Group Members who have registered by **11:59pm (AEDT) on 7 October 2024** in accordance with this Notice will be permitted to seek any benefit under the settlement. If made, such an order may preclude Group Members who are not registered from receiving compensation under the settlement, whilst at the same time extinguishing their rights, if any, in relation to the subject matter of the class action.
13. If you wish to be sure of having the opportunity to receive a share of any monies resulting from a settlement reached between the parties in the class action, before final judgment, you should register your interest in making a claim through the Sydney Trains Class Action by completing the **Registration Form** attached at **Schedule B** to this notice and sending it to Adero Law by the **Registration Deadline at 11:59pm (AEDT) on 7 October 2024**, either:
  - (a) Online: at <https://www.aderolaw.com.au/class-actions/services/sydney-trains/>;  
or
  - (b) By Email to: [sydneytrains@aderolaw.com.au](mailto:sydneytrains@aderolaw.com.au); or
  - (c) By Post to: Adero Law, 3 Hobart Place, Canberra ACT 2601
14. Registering for the Sydney Trains Class Action also has the benefit of allowing Adero Law to have the details of your claim at the pending Mediation and any subsequent settlement discussions. It will also mean that Adero Law has your contact details, which will facilitate the distribution of further notices to you in the future with information about the progress of the class action (including in relation to any settlement, or after any judgment following the trial of common issues).
15. The implications of registering for the class action are as follows:
  - (a) you may be eligible to receive (a) compensation as part of any settlement prior to judgment (provided that it is approved by the Court and you satisfy any eligibility requirements); and



- (b) you will be bound by any resolution of the class action (meaning that you will not be permitted to bring any future claims related to the subject matter litigated in the class action).

### **OPTION 3: DO NOTHING**

16. If you do not opt out of or register for the Sydney Trains Class Action (and you have not already registered your interest in the proceeding with or signed a retainer agreement with Adero Law), you will remain a Group Member and, subject to the below or any further order of the court, you will be entitled to share in the benefit of any settlement that is obtained at the pending mediation or in any subsequent settlement discussions.
17. However, as previously stated, if an in-principle settlement is reached before final judgment, Mr White intends to apply to the Court as part of the settlement approval application, for an order which, if made, may mean that Group Members who neither opted out nor registered (i.e. “do nothing”) will be bound by the settlement but may not be able to seek any benefit under the settlement.
18. In other words, if you do nothing following receipt of this Notice and have not already registered your claim (in accordance with the procedure set out above), you will remain a Group Member but, if the Court makes the order referred to at paragraph 17 above, you may not be able to receive a share of any settlement monies resulting from a settlement reached between the parties in the class action before final judgment, and your right to bring your own claim against Sydney Trains for matters canvassed in the class action will be extinguished.
19. However, if an in-principle settlement is not reached before final judgment, you will remain a Group Member and will be bound by the final judgment. If the Court finds for Mr White and Group Members and you satisfy the eligibility criteria set down by the Court, you may be entitled to obtain compensation or damages.
20. Consequently, if you do not want to risk missing out on the option to participate in any settlement of the class action reached before final judgment, you should register your claim as per Option 2 above.
21. Alternatively, if you do not want to participate in a settlement of the class action, but you wish to avoid the risk of your right to bring your own claim against Sydney



Trains being extinguished without receiving the benefit of a settlement, you should exercise your right to opt out of the class action using Option 1 above.

**WILL GROUP MEMBERS BE LIABLE FOR LEGAL COSTS IF THEY REMAIN PART OF THE CLASS ACTION?**

22. Adero Law is conducting the class action on a “no win, no fee” basis, and in the event that the class action is unsuccessful, Group Members will have no liability to pay any legal costs or any litigation funding charges.
23. In the event that the class action is successful (that is, if money compensation is recovered) the Court will be asked to make orders for the legal costs to be deducted from the money recovered, so that the burden of the legal costs is shared fairly among the persons who stand to benefit from the class action. The effect of any such order, if made, would be that all Group Members who benefit from the proceedings will contribute to the legal costs on a pro rata basis, from their share of the settlement money. Before any legal costs can be deducted the Court must approve the costs as being fair, reasonable and proportionate and Group Members will be entitled to object in relation to that.

**WHERE CAN I GET MORE INFORMATION?**

24. For more information about the Sydney Trains Class Action, you can visit the website of Adero Law at <https://www.aderolaw.com.au/class-actions/services/sydney-trains/>.
25. If you are unsure of what to do, you should seek independent legal advice.



**SCHEDULE A**

**OPT OUT NOTICE**

**ONLY COMPLETE THIS FORM IF YOU DO NOT WISH TO BE PART OF THE SYDNEY TRAINS CLASS ACTION**

NSD 730 of 2023

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

**RITCHIE WHITE**

Applicant  
**SYDNEY TRAINS (ABN 38 284 779 682)**  
Respondent

To: [nswreg@fedcourt.gov.au](mailto:nswreg@fedcourt.gov.au)  
Subject: Opt Out Notice NSD 730/2023  
OR  
Federal Court of Australia, NSW Registry  
Locked Bag A6000, Sydney South NSW 1235

The person named below as a Group Member in this class action gives notice under s.33J of the *Federal Court of Australia Act 1976 (Cth)* that the Group Member is opting out of the class action.

NAME OF GROUP MEMBER (print):	
POSTAL ADDRESS OF GROUP MEMBER:	
TELEPHONE:	
EMAIL:	



**If you are signing as the solicitor or representative of the Group Member:**

NAME OF PERSON COMPLETING THIS FORM (print):	
AUTHORITY OF PERSON COMPLETING THIS FORM (e.g. power of attorney, lawyer):	
POSTAL ADDRESS OF PERSON COMPLETING THIS FORM:	
TELEPHONE OF PERSON COMPLETING THIS FORM:	
EMAIL OF PERSON COMPLETING THIS FORM:	

**DATE:**

\_\_\_\_\_

**SIGNATURE:**

\_\_\_\_\_

**PRINT NAME:**

\_\_\_\_\_





**SCHEDULE B**

**REGISTRATION FORM**

**COMPLETE THIS FORM IF YOU WISH TO REGISTER YOUR INTEREST IN  
MAKING A CLAIM THROUGH THE SYDNEY TRAINS CLASS ACTION**

NSD 730 of 2023

Federal Court of Australia  
District Registry: New South Wales  
Division: Fair Work

**RITCHIE WHITE**

Applicant  
**SYDNEY TRAINS (ABN 38 284 779 682)**  
Respondent

To: Adero Law  
[sydneytrains@aderolaw.com.au](mailto:sydneytrains@aderolaw.com.au)

OR

By post: Adero Law  
3 Hobart Place  
Canberra ACT 2601

**1. FORM COMPLETION**

The person completing this form is	A group member – skip to 3 someone else, completing on behalf of a group member – please complete below.
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**2. PERSONAL DETAILS OF PERSON COMPLETING THIS FORM**

Title	
First Name/s	
Last Name	
Email address	



### 3. GROUP MEMBER DETAILS

Title	
First Name/s	
Last Name	
Email address	
Phone number	
Alternative phone number	
Postal address	
Suburb/Town	
Postcode/ZIP	
Country	

### 4. DOCUMENTARY EVIDENCE

**You must take reasonable steps to provide the following information.**

**Please attach further sheets of paper if you need more space.**

**Please also attach any supporting documents you want the parties to the class action to take into account.**



Date your employment commenced with Sydney Trains?	
Sydney Trains Employee ID (if known)	
List of positions held during the course of your employment with the Respondent?	
What hours do you say that you were required to, and did, work, during your employment with the Respondent? If you have documentary records of this, please attach that material to this form.	
Date your employment with the Respondent ended (if applicable)?	
I have attached documentary evidence in support of the information herein	Yes No
<b>5. EXECUTION</b>	
Date	
Signed by, or on behalf of and with the authority of, the Group Member (as specified	



above)	
Print Name	

**You should keep a copy of this form for your records.**