



## Annexure A

# NOTICE OF OPT OUT, PROPOSED SETTLEMENT, AND REQUEST FOR SUBMISSION OF CLAIMS

Date of Notice: 24 March 2022

*Alois Jack v Corestaff NT Pty Ltd (Federal Court of Australia, NSD 2162/2018)*

Please read this notice carefully. It contains important information regarding the Corestaff Class Action in Australia.

The Corestaff Class Action is a legal proceeding in Australia against Corestaff NT Pty Ltd, commenced on behalf of Group Members who received an offer of employment from Corestaff NT Pty Ltd in 2011/2012, whose employment was terminated by Corestaff NT Pty Ltd on or after 23 November 2012 and who allege they suffered loss as a result.

It is proposed that the Corestaff Class Action be settled for AU\$6.4 million less funding commission and legal costs. If you are a Group Member, you may be eligible to participate in the proposed settlement and your legal rights will be affected by it. If you believe that you are (or may be) a Group Member, please contact Levitt Robinson Solicitors and provide verifying documents. You must register to benefit from the proposed settlement.

If you believe that you are (or may be) a Group Member and do not wish to participate in the proposed settlement, then you can opt out of the Corestaff Class Action. The deadline by which you must contact Levitt Robinson Solicitors to register in the class action, submit verifying documents or opt out of the Corestaff Class Action is 23 May 2022.

If you are unsure whether or not you are a Group Member, or if you have any other questions, you should contact Levitt Robinson Solicitors by telephone on +61 2 9286 3133, by email on [NSD2162administration@levittrobinson.com](mailto:NSD2162administration@levittrobinson.com); or seek your own independent legal advice without delay.

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## A. WHY IS THIS NOTICE IMPORTANT?

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A class action has been commenced in the Federal Court of Australia (**Court**) by Alois Jack (**Lead Applicant**). The action arises out of offers of employment made by Corestaff NT Pty Ltd (**Corestaff**) in or about 2011/2012 and Corestaff's subsequent conduct as alleged.

The Court has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action. **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 do not understand, you should seek legal advice.

This notice contains important information regarding the proposed settlement of the class action.

As explained in Part I below, you may do one of four things in response to this notice by **23 May 2022**:

1. **opt out** of the class action and lose a right to getting any compensation from the class action (but retain the right to try and seek compensation under any claim that you commence yourself);
2. **register in** the class action so that you may be considered for compensation;
3. **do nothing**; or
4. **object to the proposed settlement.**

## B. WHAT IS A CLASS ACTION?

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A class action is an action that is brought by one person (the applicant) on his or her own behalf and on behalf of a class or group of people known here as the "Group Members" against another person (the respondent) where the applicant and the Group Members have similar claims against the respondent. The respondent in the present case is Corestaff.

Group Members in a class action are not individually responsible for the legal costs associated with bringing the class action. In a class action, only the applicant is responsible for the costs.

Group Members are "bound" by the outcome in the class action unless they have opted out of the proceeding. A binding result can happen in two ways, being either a judgment following a trial or a settlement at any time. If there is a judgment or a settlement of a class action, Group Members will not be able to pursue the same claims and may not be able to pursue similar or related claims against the respondent in other legal proceedings. Group Members should note that:

1. in a judgment following trial, the Court will decide various factual and legal issues in respect of the claims made by the applicant and Group Members. Unless those decisions are successfully appealed, they bind the applicant, Group Members and the respondent. Importantly, if there are other proceedings between a Group Member and the respondent, it is likely that neither of them



will be permitted to raise arguments in that proceeding which are inconsistent with a factual or legal issue decided in the class action; and

2. in a settlement of a class action, where the settlement provides for compensation to Group Members it is likely to extinguish all rights to compensation which a class member might have against the respondent which arise in any way out of the events or transactions which are the subject-matter of the class action.

If you consider that you have claims against Corestaff which are based on your individual circumstances or otherwise additional to the claims described in the Corestaff Class Action (as defined below), then it is important that you seek independent legal advice about the potential binding effects of the Corestaff Class Action.

### **C. WHAT IS THIS CLASS ACTION AND WHO ARE GROUP MEMBERS?**

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On 22 November 2018, the Lead Applicant instituted a representative proceeding against Corestaff pursuant to Part IVA of the *Federal Court of Australia Act 1976* (Cth) in the Court, being part of proceeding no. NSD 2162/2018 (**Corestaff Class Action**).

The Corestaff Class Action relates to offers of employment made by Corestaff in or about 2011/2012 and Corestaff's subsequent conduct.

You are a Group Member in the Corestaff Class Action if you:

1. received a standard form letter with the subject line "Re: Offer of Employment" from Corestaff in or about 2011 or 2012 (**Offer Letter**);
2. received a letter from Corestaff on or after 23 November 2012 advising you that your services were no longer required (**Termination Letter**); and
3. suffered loss and damage as a result of Corestaff's termination of your employment.

If you are unsure whether or not you are a Group Member, you should contact Levitt Robinson Solicitors using the details listed in Part J below of this Notice or seek your own independent legal advice without delay.

The Lead Applicant alleges in his statement of claim that Corestaff breached contractual obligations it owed to the Lead Applicant and Group Members and/or engaged in conduct which contravened sections 18 and 31 of the *Australian Consumer Law*.

Corestaff denies these allegations and is defending the Corestaff Class Action.

### **D. WHAT IS 'OPT OUT' AND CLASS CLOSURE?**

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#### **Opt-Out**

The applicant in a class action does not need to seek the consent of Group Members to commence a class action on their behalf or to identify a specific Group Member.



However, Group Members can cease to be Group Members by opting out of the class action. An explanation of how class members are able to opt out is provided in Section I below.

If you opt out:

1. you may be able to bring your own claim against Corestaff, if you issue Court proceedings within the time limit applicable to your claim, and
2. you will not be bound by or entitled to any share or benefit of any order, judgment, or settlement in the class action, including in the proposed settlement contained in this notice.

**You should seek legal advice before opting out. Opting out is a serious step and you should not do it unless you understand what it means.**

If you opt out, then if you want to claim compensation from Corestaff, you will need to bring your own action, if there is time for you to do so. As the allegations against Corestaff date back to November 2012, and the limitation period for those who opt out will start to run again from when you opt out, you may have only a short period to bring your own action or may be required to immediately file your action.

If you wish to opt out, you need to complete the form titled “Opt Out Notice” included in this notice as Form 3. The Form should be sent directly to the Federal Court of Australia, New South Wales District Registry (see Part J below). The deadline to do this is by **23 May 2022**.

### **Class Closure**

The Applicants in the Corestaff Class Action are seeking a Class Closure Order for the purposes of settlement approval and distribution of the settlement monies.

If the order is made, this will mean that if you do not register in the class action:

1. you will remain a Group Member unless you have opted out; and
2. you will be bound by but not entitled to any share or benefit of any order, judgement, or settlement in the class action, including in the proposed settlement contained in this notice.

If you have already signed a funding agreement with the funder, Omni Bridgeway Limited (**Funder**), you do not need to register again, but you will be contacted to provide additional information if needed.

**If you have not already signed a funding agreement with the Funder, and you wish to receive compensation from the settlement, you must register in the class action by 23 May 2022 by completing and returning the Claim Submission Form included in this notice as Form 1.**

### **E. WILL YOU BE LIABLE FOR LEGAL COSTS IF YOU REMAIN A GROUP MEMBER?**

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No. You will not become liable for any legal costs simply by remaining as a Group Member. However:

1. 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 Levitt Robinson Solicitors or other lawyers to do that work for you. A copy of the terms on which Levitt Robinson Solicitors are acting in the



Corestaff Class Action may be obtained from them by contacting Levitt Robinson Solicitors at the details set out in Part J below;

2. if any compensation becomes payable to you as a result of any order, judgment or settlement in the Corestaff Class Action, 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 Lead Applicant in running the Corestaff Class Action, but which are not able to be recovered from Corestaff; and
3. class actions are often settled out of court. If this occurs in the Corestaff Class Action, you may be able to claim from the settlement amount without retaining a lawyer.

## **F. THE PROPOSED SETTLEMENT**

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The Lead Applicant (on behalf of all Group Members) and Corestaff have agreed (subject to Court approval) to settle the Corestaff Class Action.

The proposed settlement involves Corestaff paying AU\$6.4 million (**Settlement Sum**) on the terms and conditions contained in a Deed of Settlement and Release, without any admission of liability by Corestaff.

The proposed settlement relates not only to the Corestaff Class Action, but also other claims, being:

1. proceedings commenced in the Court by 19 applicants, excluding the Lead Applicant and being the remainder of NSD2162/2018 (**Alternative Contract Proceedings**); and
2. proceedings commenced in the Court by Mr Tami Kunjil and numbered NSD2024/2018 (**Kunjil Proceeding**).

The settlement, if approved by the Court, will discharge Corestaff from any claim or cause of action arising out of the matters or circumstances in the Corestaff Class Action, the Alternative Contract Proceedings, and the Kunjil Proceeding.

As this litigation has been funded by a litigation funder, the Funder is entitled to charge litigation funding expenses, which are the benefits conferred on the Funder for its involvement in the Corestaff Class Action, the Alternative Contract Proceedings and the Kunjil Proceeding. Under the funding agreement, the Funder is entitled to recover the legal costs and disbursements that it paid during the course of these proceedings. The amount of these legal costs and disbursements is estimated at AU\$1,565,000 up to, and including, finalisation of the administration. The legal costs and disbursements will be deducted from the Settlement Sum, subject to Court approval.

The Funder will also be entitled to be paid its funding commission. At the date of this notice, and subject to Court approval, the funding commission that the funder is entitled to under the funding agreement is 35% of the amounts of money recovered by the persons who have signed the funding agreement with the Funder.

To obtain its funding commission from the Settlement Sum, either a Common Fund Order (**CFO**) by the Funder or a Funding Equalisation Order (**FEO**) by the Applicants will be sought from the Court.



A CFO is an order of the Court that provides for the Funder to receive a percentage of the Settlement Sum that the Court considers to be fair and reasonable, which is deducted from the Settlement Sum before distribution to Group Members. This means that if a CFO is made, all Group Members will contribute to the Funder's funding commission, regardless of whether they have signed the funding agreement with the Funder.

If the Funder does not seek a CFO, it will assert its contractual rights to its funding commission, and if so, the Applicants will seek a FEO. A FEO is an order of the Court that requires the 'unfunded group members' (being those Group Members who have not signed the funding agreement with the Funder) to contribute equally to the funding commission that 'funded group members' (being those Group Members who have signed the funding agreement with the Funder) have agreed to pay to the Funder under their funding agreements. This means that if a FEO is made, all Group Members, both funded and unfunded, will contribute equally to the commission that funded Group Members have agreed to pay to the Funder.

Approximately 63% of the Group Members identified by Levitt Robinson Solicitors are funded Group Members from whom the Funder is contractually entitled to receive its funding commission. The total percentage of funded Group Members as a whole of people who apply to participate in the Settlement Scheme will vary depending on how many people apply and whether those people are funded.

The total amount of the Settlement Sum that is available for distribution between Group Members will vary depending on whether the Funder seeks and obtains a CFO or if the Applicants seek and obtain a FEO. The Funder will make a decision as to whether it will seek a CFO and, if so, at what percentage up to 35% or in the alternative, a FEO at 35% after the period to apply to participate in the Settlement Scheme has expired.

If a CFO was made at the level of the Funder's contractual entitlement, the Funder would be entitled to a payment of funding commission in the amount of AU\$2,240,000 (being 35% of AU\$6.4 million). If a FEO at 35% was made, the Funder would be entitled to a payment of funding commission in the range AU\$1,400,000 to AU\$2,240,000, depending on how many presently unfunded Group Members apply to participate in the Settlement Scheme.

The proposed settlement also proposes that a benefit in the amount of AU\$20,000 be paid to the Lead Applicant in addition to any compensation that he is entitled to receive. This amount, if approved by the Court, is reimbursement for the significant time that the Lead Applicant has spent in the course of the Corestaff Class Action performing his role for the benefit of Group Members. The amount will be deducted from the Settlement Sum.

The remainder of the Settlement Sum will be distributed to the Group Members and the Applicants in the Alternative Contract Proceedings and the Kunjil Proceeding in accordance with the Settlement Scheme. The precise amount that each Group Member or Applicant will receive under the Settlement Scheme cannot be calculated at this time, as the number of individuals who intend to make a claim is not yet confirmed, nor are the details and value of their claims.

On an indicative basis only and subject to Court approval, the deductions from and distribution of the Settlement Sum may be as set out in the Table below.



<b>Item</b>	<b>CFO at 35%</b>	<b>FEO at 35%</b>
Settlement Sum	AU\$6,400,000	AU\$6,400,000
<i>Less</i> legal costs and disbursements	(AU\$1,565,000)	(AU\$1,565,000)
<i>Less</i> funding commission	(AU\$2,240,000)	(AU\$1,400,000 to AU\$2,240,000)
<i>Less</i> additional payment to the Lead Applicant	(AU\$20,000)	(AU\$20,000)
<b>Net Settlement Sum for distribution to Applicants and Group Members</b>	<b>AU\$2,575,000</b>	<b>AU\$2,575,000 to AU\$3,415,000</b>

## **G. PAYMENT OF CLAIMS**

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If the proposed settlement is approved, your eligibility to receive a share of the settlement is conditional on being able to verify that you are an eligible Group Member or a named Applicant in the Alternative Contract Proceedings or the Kunjil Proceeding.

In considering whether your claim is eligible, the following documents will be assessed:

1. your Claim Submission Form (Form 1);
2. your Offer Letter from Corestaff;
3. your Termination Letter from Corestaff; and
4. any additional materials required to be attached to your Claim Submission Form, such as:
  - a. your individual tax returns provided to the Australian Taxation Office;
  - b. your Statement of Earnings as prepared for the Internal Revenue Service in relation to any employment you have held in Papua New Guinea; and/or
  - c. copies of any documents demonstrating steps that you took to obtain work after you were terminated by Corestaff.

## **H. WHERE CAN YOU GET COPIES OF RELEVANT DOCUMENTS?**

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If you want to read copies of any of the relevant documents to do with the proposed settlement, such as the Proposed Settlement Scheme document, you can contact Levitt Robinson Solicitors with the contact details set out in Part J.



Separately, you can also view the Court documents such as the parties' pleadings on the Levitt Robinson Solicitors website at <https://www.levittrobinson.com/corestaff-class-action>.

## **I. WHAT SHOULD YOU DO NOW?**

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If there is anything you do not understand in this notice, please ask your lawyer and/or contact Levitt Robinson Solicitors at the details listed in Part J below.

If you are a Group Member and/or an applicant in the Kunjil Proceeding or the Alternative Contract Proceedings, you can:

1. Register your claim (if you have not done so already). Please do this by 23 May 2022. To register your claim, you need to fill out the **Claim Submission Form** included in this notice as **Form 1** and either post or email it back to the address at the top of the form or, if you are unable to post it back, call +61 2 9286 3133 and Levitt Robinson Solicitors can fill out the form on your behalf. Please contact Levitt Robinson Solicitors if you have previously registered your claim to confirm that your claim is registered and whether you have provided adequate documents.
2. Object to the proposed settlement, including if you object to the class closure orders being made as part of the settlement. You can do this in the first instance by contacting Levitt Robinson Solicitors and recording the basis of your objection on the form included in this notice as **Form 2**. Should you wish to do so, you may also tell the Judge and parties why you object to the proposed settlement by sending written material to the Court to consider well before the settlement approval hearing on 22 June 2022.
3. Opt out of the Corestaff Class Action. You can do this by completing and sending the Form included in this notice as **Form 3** to the Federal Court of Australia, New South Wales District Registry (see Part J below), in the form attached. The deadline to do this is by 23 May 2022.
4. Do nothing. If you have already registered your claim, then you do not need to do anything. If you are a Group Member and/or an applicant in the Alternative Contract Proceedings or the Kunjil Proceeding and have not registered your claim and you do nothing, then by not providing any information verifying your claim it cannot be processed.

## **J. QUESTIONS AND CONTACT INFORMATION**

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Please consider this notice carefully. If you have any other questions regarding this notice, or do not understand any aspect of it, you can contact Levitt Robinson Solicitors with the below contact details or seek independent legal advice.

### **Levitt Robinson Solicitors Contact Details**

Telephone

+61 2 9286 3133

Email

NSD2162administration@levittrobinson.com

slevitt@levittrobinson.com



**Federal Court of Australia New South Wales  
District Registry Contact Details**

Telephone

+61 1300 720 980

Email Address

nswreg@fedcourt.gov.au

Postal Address

Locked Bag A6000  
Sydney South NSW 1235  
AUSTRALIA



## Annexure B

# Form 1 – Claim Submission Form GROUP MEMBER REGISTRATION

**Alois Jack v Corestaff NT Pty Ltd (Federal Court of Australia, NSD 2162/2018)**

Please complete this form yourself or on behalf of another if you are authorised as the claimant's representative to register as a group member to participate in the proposed settlement.

You are an eligible claimant and may be a group member if you:

1. received an offer letter from Corestaff NT Pty Ltd (Corestaff) in 2011 or 2012, and
2. received a termination letter from Corestaff on or after 23 November 2012 advising you that your services were no longer required.

### A. GROUP MEMBER DETAILS

Full name:			
Date of birth:	/ /	Phone number:	
Email (if any):			
Address:			
Australian Tax File Number (if known):		Date that you signed the offer letter with Corestaff:	/ /

### Banking and superannuation details for payment of compensation

Bank Name: \_\_\_\_\_ Branch: \_\_\_\_\_

Account Name: \_\_\_\_\_

BSB: 

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Bank Acct Number: \_\_\_\_\_

Any other relevant banking details: \_\_\_\_\_



**If you are still in Australia**

Name of superannuation fund: \_\_\_\_\_

Member number: \_\_\_\_\_



## **B. ELIGIBILITY AND CALCULATED ENTITLEMENT QUESTIONS**

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**Please circle or handwrite your answer below.**

Did you receive an offer letter from Corestaff between 2011 and 2012?

**Yes / No**

Have you included a copy of your offer letter with this form?

**Yes / No**

Did you come to Australia from Papua New Guinea to work for Corestaff between 2011 and 2013?

**Yes / No**

Did you receive a termination letter from Corestaff on or after 23 November 2012?

**Yes / No**

Have you included a copy of your termination letter with this form?

**Yes / No**

Did you resign from your employment with Corestaff?

**Yes / No**

Have you included a copy of your resignation letter with this form?

**Yes / No**

Were you terminated from your employment with Corestaff for performance reasons?

**Yes / No**

Did you commence new work immediately after finishing with Corestaff?

**Yes / No**

Did you find a job after you finished work with Corestaff?

**Yes / No**



Did you look for work after you finished working for Corestaff?

**Yes / No**

What was the start date for the first employer who hired you after your employment with Corestaff ended?

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**C. EMPLOYMENT AFTER YOU FINISHED WITH CORESTAFF**

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Please identify your employer(s) and their location(s) for each financial year below.

1. Please include each and all of your employers during this period.
2. Please indicate if you were unemployed at any point during this period, including:
  - a. whether you were actively looking for work at the time; and
  - b. what period you were unemployed for.

For example, if you were unable to find work in Australia after being terminated by Corestaff, please indicate what date you finished with Corestaff, what you did to try and find work, whether you found work, and when you found that work.

Financial Year	Employer(s) / Employment seeking actions	Location(s)
2012		
2013		
2014		
2015		





**D. DOCUMENTS RELATING TO YOUR INCOME WHILE YOU WERE  
EMPLOYED WITH CORESTAFF AND FOR THE NEXT 3 YEARS  
(SUPPORTING DOCUMENTS)**

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**You must provide all the following documents for your claim to be considered. Please tick next to each document that you have included with your claim.**

- 1 Both of the following documents to authorise the Administrator to obtain your full set of Australian Tax Returns for 2011 to 2016:
  - a. Fully completed Nomination of Legal Representative to act on behalf of an individual from the Australian Government Australian Taxation Office; and
  - b. Fully completed Copies of Tax Documents request form.
- 2 Your Internal Revenue Service Statement of Earning, provided by your employer at the time, for each position of employment that you held between 2011 and 2016 that you have listed in the table under heading 3, "Employment after you finished with Corestaff".
- 3 A copy of your offer letter from Corestaff.
- 4 A copy of your termination letter from Corestaff.
- 5 Copies of any job applications, emails, interview invitations or otherwise, demonstrating the steps that you took to obtain work for any period of unemployment that followed your termination with Corestaff.



**E. AUTHORISATION OF CLAIM (IF APPLICABLE)**

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*Do not fill out this section if you are making a claim in your own name*

If you are completing this form on behalf of a claimant, please indicate your details below:

**Personal Details of the Authorised Person**

Full name:

Date of birth:    Phone number:

Email (if any):

Address:

Relationship to the claimant: \_\_\_\_\_

**Type of authorisation held to make claim on behalf of the claimant:**

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I have attached with this form the following certified copies as proof of my authorisation to act on the claimant's behalf, for example, the Letters of Administration for a deceased person, or a Power of Attorney.

**Yes / No**



## F. DECLARATION

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1. The above details are true and correct, and I have enclosed all relevant documents including completed documents listed in Part D or any appropriate authorisation listed at Part E.
2. The above information may be used to contact me and pay the determined compensation should a determination that I am eligible for Calculated Entitlement be made.

Signature of claimant/authorised person: \_\_\_\_\_

Date: \_\_\_\_\_

Please send the signed and completed copy of this form, and your supporting documents, to:

[NSD2162Administration@levittrobinson.com](mailto:NSD2162Administration@levittrobinson.com)

LEVITT ROBINSON SOLICITORS  
Ground Floor, 162 Goulburn Street  
Surrey Hills NSW 2010  
AUSTRALIA



**Annexure C**

**Form 2**

**NOTICE OF OBJECTION TO PROPOSED SETTLEMENT**

**Alois Jack v Corestaff NT Pty Ltd (Federal Court of Australia, NSD 2162/2018)**

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*IMPORTANT:*

*Complete this form only if you intend to object to the proposed settlement of the Corestaff Class Action*

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To:  
The Registrar  
Federal Court of Australia  
New South Wales Registry  
Locked Bag A6000  
Sydney South NSW 1235  
AUSTRALIA

Levitt Robinson  
Ground Floor, 162 Goulburn Street  
Surry Hills NSW 2010  
AUSTRALIA

Or by email to [nswreg@fedcourt.gov.au](mailto:nswreg@fedcourt.gov.au)  
[NSD2162administration@levittrobinson.com](mailto:NSD2162administration@levittrobinson.com)

The person identified below gives notice that they object to the proposed settlement of the Corestaff Class Action

Name of Group Member:	
Contact name (if different from Group Member Name):	
Postal address of Group Member or their contact:	
Email address of Group Member or their contact:	
Contact telephone number:	



## **A. GROUNDS OF OBJECTION**

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The ground(s) for my objection to the proposed settlement are as follows (set out in the space below any submissions that you wish to make or matters that you wish to raise. You may attach additional pages if necessary, or any documents)



## **B. ATTENDANCE AT HEARING ON 22 JUNE 2022**

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Please tick one of the following options:

- I do not intend to appear at the settlement approval hearing but wish for my submission to be considered in my absence.
- I do intend to appear at the settlement approval hearing.

If you intend to appear at the settlement approval hearing, please complete the following:

- I will appear on my own behalf.
- I will be represented by a lawyer: \_\_\_\_\_

## **C. SIGNATURE**

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\_\_\_\_\_

Please sign here

Date:



Annexure D

Form 3

**NOTICE OF OPTING OUT BY GROUP MEMBER**

**Alois Jack v Corestaff NT Pty Ltd (Federal Court of Australia, NSD 2162/2018)**

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*IMPORTANT:*

*This form is for individuals who do NOT want to be bound by the outcome of the proceedings and if you complete this notice, you cannot receive compensation from any settlement or judgment. Complete this form ONLY if you do NOT want to be part of the class action*

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To:  
The Registrar  
Federal Court of Australia  
New South Wales Registry  
Locked Bag A6000  
Sydney South NSW 1235

Or by email to [nswreg@fedcourt.gov.au](mailto:nswreg@fedcourt.gov.au)

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

Name of Group Member:	
Address of Group Member:	
Date:	
Signed: Name of signatory and capacity, if not Group Member:	

Capacity (tick as appropriate)

Group Member

Legal representative of Group Member

Authorised representative of Group Member