

## ANNEXURE A

### NOTICE OF PROPOSED SETTLEMENT

#### Lawrence Ridge v Hays Specialist Recruitment (Australia) Pty Limited (VID 1661/2018)

**You should read this Notice carefully as it concerns your legal rights.** You have been sent this Notice by order of the Federal Court of Australia because you may be a group member in the above proceedings. This notice is not legal advice. You should seek independent legal advice if you are unsure what to do, noting the time limits to register to participate or object to the proposed settlement.

### SECTION 1 – INFORMATION ABOUT THE PROPOSED SETTLEMENT

#### What does the Proposed Settlement involve?

1. The parties participated in mediation on 7 September 2023.
2. At mediation, the parties agreed an in-principle settlement of the Class Action, which means that the parties agreed to resolve the Class Action out of Court without going to trial.
3. Without admission of liability, Hays has agreed to pay:
  - 3.1 \$825,000; and
  - 3.2 an additional \$6,329.11 per additional Group Member who registers by the deadline up to a total further amount of \$500,000 (**Settlement Sum**),in full and final settlement of the claims of the Applicant and all Group Members and inclusive of all costs, including legal and administration costs, expenses, disbursements, interest, tax and penalties. The Settlement Sum is paid by Hays without any admission of liability or wrongdoing and on a commercial basis to resolve the proceedings without the parties incurring further legal fees.
4. Although Adero Law estimates its costs in the proceedings to be \$529,729.22, Adero Law has agreed to cap its costs at 30% of the Settlement Sum. Adero Law will only be entitled to deduct costs from the Settlement Sum in an amount recommended by an independent Court-appointed costs referee and approved by the Court.
5. **If the proposed settlement is approved by the Court, the Class Action will be dismissed, and Registered Group Members may receive a payment from the Settlement Sum.**

6. If the Court approves the proposed settlement, the Applicant and all Group Members (whether Registered or Unregistered) will release Hays and its related entities from:
- all claims that are made against Hays by all Group Members in the Class Action; and
  - to the extent permitted by law, all claims by Group Members that are in respect of, or arise out of, directly or indirectly, the same, similar or related circumstances to the claims made in the Class Action,
- including any claim for compensation, damages, interest, other losses, pecuniary penalties, or costs.
7. This release does not effect any Group Members' individual claims which do not give rise to a substantial common issue of fact or law with the claims made in the Class Action.

**As a Group Member, you will be bound by the proposed settlement if it is approved by the Court regardless of whether you have registered for the Class Action.**

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#### **What is a Settlement Distribution Scheme?**

8. The Settlement Distribution Scheme outlines the process by which the Settlement Sum is proposed to be paid to Registered Group Members on a fair and reasonable basis and must also be approved by the Court.
9. If the Court approves the proposed settlement, the Applicant will seek to have Adero Law appointed as the Administrator of the Settlement Distribution Scheme. If Adero Law is appointed as the Administrator, the Settlement Distribution Scheme will be available on its website.

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#### **Are Group Members liable for legal or other costs?**

10. If the Court approves the Proposed Settlement, the Settlement Sum will be in full and final satisfaction of all costs. The legal costs incurred by the Applicant in pursuing the Class Action, in an amount approved by the Court, will be paid from the Settlement Sum prior to the distribution of any Settlement Payments to Group Members. This ensures that all Group Members who benefit will contribute to the legal costs and are treated equally.
11. The Applicant's costs are capped at a maximum of 30% of the Settlement Sum, and subject to a costs assessment by an independent Court-appointed costs referee. The

Applicant's costs are exclusive of any costs of administering the settlement under the Settlement Distribution Scheme. The Applicant will seek the Court's approval to deduct the costs of administering the settlement from the Settlement Sum.

12. You will not otherwise be required to pay any legal costs for the Class Action, regardless of whether you receive a Settlement Payment.

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**What is the settlement approval process?**

13. The Court still needs to approve the Proposed Settlement. The Proposed Settlement does not come into effect unless it is approved by the Court.
14. The Court will determine whether it is fair and reasonable and in the interests of all Group Members. The Court will also determine whether the amount allocated for payment to Adero Law on account of legal costs and settlement administration costs is reasonable.
15. You may file a Notice of Objection to the Proposed Settlement and/or any aspect of the proposed distribution of the Settlement Sum to eligible Group Members. If you wish to file a Notice of Objection to the Proposed Settlement, you must do so by no later than 29 January 2024. The Court will take any objections into account in deciding whether or not to approve the Proposed Settlement.

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**How can I access confidential documents?**

16. Upon signing a confidentiality undertaking, Group members may obtain a copy of certain documents which are to be kept strictly confidential including:
  - the Deed of Settlement and Settlement Distribution Scheme;
  - certain evidence and documents filed by the Applicant in support of the proposed settlement.
17. If you wish to obtain a copy of these documents, you must complete and return the Request for Inspection Form at Schedule 3 of this Notice of Proposed Settlement.

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**Where can I get more information?**

18. If you have any questions or queries, you may contact the Applicant's solicitors, Adero Law, at [hayscoalaction@aderolaw.com.au](mailto:hayscoalaction@aderolaw.com.au) with the subject line: Proposed Settlement VID1661/2018.
19. If you are unsure of what to do, you should seek independent legal advice.

## SECTION 2 – INFORMATION ABOUT YOUR OPTIONS

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### **YOUR OPTIONS IF YOU ARE A REGISTERED GROUP MEMBER**

20. If you have previously registered for the Class Action, you are a Registered Group Member and you have two options.

#### **Option A: Do nothing (and you may participate in the proposed settlement)**

21. If you wish to remain a Registered Group Member and participate in the Proposed Settlement, you do not need to do anything in response to this notice. **If the proposed settlement is approved by the Court, you may be eligible to receive a payment. You will be bound by the settlement and may need to provide certain information to the administrator.**

#### **Option B: Object by 29 January 2024**

22. You may object to the Proposed Settlement or any part of it by completing the Notice of Objection to Proposed Settlement Form attached as Schedule 2 to this Notice and submitting it to the Court and the Applicant's solicitors at the emails or postal addresses on the form **by no later than 29 January 2024**. If you choose to do this, you may still participate in the Proposed Settlement if it is approved by the Court.

23. Any objections received by the Court will be considered by the Court, along with any evidence and submissions filed by the Applicant and Hays, in determining whether or not the Proposed Settlement should be approved. If after considering any objections, the Court does not approve the Proposed Settlement, then the Class Action will continue. At or following a trial of the common issues, the Court may give directions in relation to the determination of any remaining issues.

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### **YOUR OPTIONS IF YOU ARE AN UNREGISTERED GROUP MEMBER**

24. If you have not previously registered to participate in the Class Action and you have not opted out of the Class Action, you are an Unregistered Group Member. You have three options.

#### **Option A: Register to participate in the proposed settlement by 29 January 2024**

25. You may register your claim by completing and submitting the Group Member Registration Form either online at <https://www.aderolaw.com.au/class-actions/mining/hays/> or completing the hard copy form attached as Schedule 1 to this Notice and returning it to Adero Law at the email or postal address on the form **by no later than 29 January 2024**.

26. **If you register, you may be eligible to receive a payment from the proposed settlement.** The precise amount of the payment is presently unknown and will be determined using a model as part of the Settlement Distribution Scheme. There is no cost associated with registering your claim.

**Option B: Do nothing**

27. If you do nothing and the proposed settlement is approved by the Court, you will remain a Group Member for all purposes and be bound by the settlement but:
- **you will not, unless the Court determines otherwise, be entitled to receive a payment from the proposed settlement.**

**Option C: Object to the Proposed Settlement by 29 January 2024**

28. You may object to the Proposed Settlement by completing the **Notice of Objection to Proposed Settlement Form** attached as **Schedule 2** to this Notice and submitting it to the Court and the Applicant's solicitors at the emails or postal addresses on the form **by no later than 29 January 2024**. If you choose to do this, you may still register your claim and participate in the Proposed Settlement if it is approved by the Court.
29. Any objections received by the Court will be considered by the Court, along with any evidence and submissions filed by the Applicant and Hays, in determining whether or not the Proposed Settlement should be approved. If after considering any objections the Court does not approve the Proposed Settlement, then the Class Action will continue. At or following a trial of the common issues, the Court may give directions in relation to the determination of any remaining issues.

**SCHEDULE 1 – GROUP MEMBER REGISTRATION FORM**  
**LAWRENCE RIDGE v HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LIMITED**  
**(VID1661/2018)**

**Please return this form to:**

**By post:** Adero Law, 3 Hobart Place, CANBERRA ACT 2601

**OR**

**By email:** [hayscoalaction@aderolaw.com.au](mailto:hayscoalaction@aderolaw.com.au) with subject line: Registration Form VID1661/2018

**YOU MAY ALSO COMPLETE THIS FORM ONLINE**

at <https://www.aderolaw.com.au/class-actions/mining/hays/>

The person named below gives notice that the person wishes to **REGISTER** for the Proposed Settlement of this proceeding.

**Details of Group Member**

Name of Group Member	
Date of Birth	
Telephone	
Email Address	
Postal Address	

**SCHEDULE 2 – OBJECTION TO PROPOSED SETTLEMENT**  
**LAWRENCE RIDGE v HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LIMITED**  
**(VID1661/2018)**

**Please return this form to:**

**By post:** Federal Court of Australia (VIC Registry), 305 William Street, Melbourne VIC 3000

**and**

Adero Law, 3 Hobart Place, CANBERRA ACT 2601

**OR**

**By email:** [vicreg@fedcourt.gov.au](mailto:vicreg@fedcourt.gov.au) with subject line: Notice of Objection VID1661/2018

**and**

[hayscoalaction@aderolaw.com.au](mailto:hayscoalaction@aderolaw.com.au) with subject line: Notice of Objection VID1661/2018

The person named below gives notice that the person **OBJECTS** to the proposed settlement of this proceeding.

**Details of Objector**

Name of Individual	
Telephone	
Email Address	
Postal Address	

**Ground(s) of Objection**

I am a Group Member in the above proceedings and I object to the Proposed Settlement of because *[set out below any submissions, attaching additional pages if necessary]*:

Signed	
Name of Person Signing	
Date	



**SCHEDULE 3 – REQUEST FOR INSPECTION FORM**  
**LAWRENCE RIDGE v HAYS SPECIALIST RECRUITMENT (AUSTRALIA) PTY LIMITED**  
**(VID1661/2018)**

Name of Individual	
Email Address	

**Please sign below and send the completed Request for Inspection Form to:**

**By post:** Adero Law, 3 Hobart Place, CANBERRA ACT 2601

**OR**

**By email:** [hayscoalaction@aderolaw.com.au](mailto:hayscoalaction@aderolaw.com.au) with subject: Inspection Request  
VID1661/2018

I, \_\_\_\_\_ [*print full name*] undertake to the Federal Court of Australia to keep confidential, and not publish, disclose, or discuss the contents of the documents made available to me by Adero Law in connection with the proposed settlement of the Class Action, to any person or entity other than:

- a) any solicitor of Adero Law acting in the Class Action; or
- b) an Australian Legal Practitioner, for the purposes of seeking and receiving independent legal advice; or
- c) an accountant or financial adviser, for the purposes of seeking taxation advice.

I will not use the documents provided to me by Adero Law for any other purpose other than for considering my rights in the Class Action. I understand that this undertaking shall not apply in circumstances where I disclose the contents of the documents provided to me:

- a) after I have received written consent of Adero Law; or
- b) as required by law, or as ordered by the Court.

Signed \_\_\_\_\_

Witness \_\_\_\_\_

Date \_\_\_\_\_

Witness Name \_\_\_\_\_

Witness Date \_\_\_\_\_