

Annexure A

NOTICE TO GROUP MEMBERS – OPT OUT AND CLAIM REGISTRATION

WILSON SECURITY CLASS ACTION:

Awatere Te Tau O Te Rangi v Wilson Security Pty Ltd

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

- (a) **opt out** of this class action; or
- (b) **register** your claim as part of this class action.

SECTION 1 – INFORMATION ABOUT THE CLASS ACTION

Why have you received this Notice?

1. A class action has been commenced in the Federal Court of Australia by the Applicant (Mr Pita Awatere Te Tau O Te Rangi) (previously, Mr Paul Hamilton) on behalf of certain persons who were employed by the respondent.
2. The class action covers those persons who were engaged on a full-time and part-time basis, working at sites operated by Woodside Petroleum being the Karratha Gas Plant, Pluto LNG Park, King Bay Supply Base and Burrup Material Facility (collectively, **Sites**) between 31 March 2015 and 27 October 2022 (the **Wilson Security Class Action**).
3. The Federal Court of Australia 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 class 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 don't understand then you should seek legal advice.

What is a Class Action?

4. A class action is also called a 'representative proceeding'. It is a case brought by one party (**Applicant(s)**) on their own behalf and on behalf of a class of people (**Group Members**) against another person or entity (**Respondent(s)**) where the Applicant and the Group Members have similar claims against the Respondent.

5. 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.
6. Group Members are 'bound' by the outcome in the class action, unless they have opted out of the proceeding. A binding outcome can happen in one of two ways: a *judgment* following a trial, or a *settlement* at any time that is approved by the Court. If there is a judgment or a settlement of a class action, Group Members will not be able to separately pursue the same claims and may not be able to separately pursue similar or related claims against the Respondent in other legal proceedings. Group Members should note that:
 - (a) in a *settlement* of a class action, where the settlement provides for compensation to Group Members, the settlement is likely to extinguish all rights to compensation which a Group 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. Any settlement in the Wilson Security Class Action may include releases that are commonly sought in relation to the settlements of class actions, which include releases of the Respondent, their related entities, and their current and former directors, officers, employees, contractors and agents, in respect of:
 - (i) all claims made by Group Members against Wilson Security in the class action; and
 - (ii) any claims Group Members may have against Wilson Security:
 - (A) which are raised in the Wilson Security Class Action;
 - (B) which were at any time the subject of the Wilson Security Class Action or any part of the class action; or
 - (C) which relate to the matters or issues the subject of the Wilson Security Class Action or any part of the class action, whether arising at common law, equity or under statute; and
 - (b) in a *judgment* following trial, the Court will decide various common factual and legal issues in respect of the claims made by the Applicant and Group Members. Group Members are bound by those findings, whether or not they

are favourable to them (unless they are successfully appealed). Importantly, if there are other proceedings between a Group Member and Wilson Security, neither of them will be permitted to raise arguments in that proceeding which are inconsistent with a factual or legal issue decided in the trial of common issues in the class action. This means that if the issues are decided against the Applicant, Group Members will be unable to pursue claims they have which are the same as the Applicant's claims, and will not be able to pursue other claims which are dependent upon common issues which have been decided against the Applicant.

7. If you consider you have claims against Wilson Security which are based on your individual circumstances or are otherwise additional to the claims described in the class action, then it is important that you seek independent legal advice about the potential binding effects of the class action before the deadline for opting out (see below).

What is the Wilson Security Class Action?

8. Previously, Adero Law (**Adero**) filed the Wilson Security Class Action against the Respondent on behalf of former employee, Mr Paul Hamilton. The current proceedings are now being pursued by the Applicant, Mr Pita Awatere Te Tau O Te Rangi.
9. Mr Awatere Te Tau O Te Rangi brings the claim on his own behalf and on behalf of all other persons who were:
 - (a) employed by Wilson Security at any time between 31 March 2015 and 27 October 2022 (the **Relevant Period**);
 - (b) in a position that was covered by the *Security Services Industry Award 2020* (the **Award**) (this award was titled, prior to 18 June 2020, the *Security Services Industry Award 2010*);
 - (c) were undertaken on a 'full time' or 'part time' basis as those terms are defined in the Award; and
 - (d) working at sites operated by Woodside Petroleum being the Karratha Gas Plant, Pluto LNG Park, King Bay Supply Base and Burrup Material Facility (collectively, **Sites**).
10. If you meet all these criteria, you may be a Group Member.

11. As part of the Wilson Security Class Action, Mr Awatere Te Tau O Te Rangi seeks orders from the Court, for the benefit of himself and Group Members, awarding compensation and imposing penalties upon Wilson Security for the alleged underpayments and other contraventions of the Award.
12. The allegations made by Mr Awatere Te Tau O Te Rangi against Wilson Security are set out in the Applicant's Second Further Amended Statement of Claim, copies of which are available at: <https://www.aderolaw.com.au/class-actions/services/wilson-security/>.
13. Wilson Security is defending the claims brought by Mr Awatere Te Tau O Te Rangi and has filed a defence in the proceeding. A copy of Wilson Security's defence is available at the link set out above at paragraph 12.
14. On 4 December 2023, the Court made orders referring the Wilson Security Class Action to a mediation to be conducted by **28 June 2024** (the **Mediation**). As part of this process, the Court also made orders which require any Group Member who wishes to opt out of the Class Action to do so by **11.59 pm on 29 January 2024 (AWST)** (the **Deadline**).
15. The Court also approved the sending of this notice to Group Members. It gives Group Members an opportunity to register their details (if you have not already registered your interest in the Wilson Security Class Action with Adero or signed an Authority to Act form with Adero) so that their specific claims can be considered at the Mediation and participate in any settlement if it is achieved by 30 August 2024. Any settlement agreed will be subject to Court approval.

Will Group Members be liable for legal costs?

16. In the event that the Wilson Security Class Action is successful (that is, if money compensation is recovered), the Court will be asked to distribute the legal costs incurred by the Applicant in pursuing that class action from the money recovered, fairly among all persons who have benefitted from the class action. The effect of any such order, if made, may be that all Group Members who benefit will contribute to the legal costs This ensures that all Group Members are treated equally.
17. In the event that the class action is unsuccessful, Group Members have no liability to pay any legal and/or funding costs.

18. You may seek to resolve any individual claim of underpayment directly (and informally) with Wilson Security at no cost to you. You may seek to do so without affecting your ability to participate in the Wilson Security Class Action. Any deeds of release offered by Wilson Security in exchange for resolving your underpayment directly with Wilson Security will likely limit your ability to obtain payment if the Wilson Security Class Action is successful.

What do Group Members need to do?

19. You have three options:
- (a) **Opt out** of the Wilson Security Class Action if you no longer want to remain a part of the Wilson Security Class Action;
 - (b) **Register** and provide details of your employment with Wilson Security so that your individual claim can be taken into account by the parties at the Mediation and any other settlement discussions with a view to settling your claim without having to go to trial (subject to court approval of any settlement agreement). If you have already registered your interest in the Wilson Security Class Action with Adero or signed an Authority to Act form with Adero you are already considered to be registered and you are not required to complete the Registration Form at Schedule B of this notice. It is important to note that if you **do not** register by the Deadline of **11.59 pm on 29 January 2024 (AWST)** and a settlement is reached by 30 August 2024, the parties propose to seek an order from the Court at the hearing of the settlement approval that you remain a Group Member (and be bound by the terms of the settlement) but you will not be entitled to participate in any settlement that is reached by 30 August 2024 without leave of the Court;
 - (c) **Do nothing.**
20. There are different consequences depending on which option you choose. Each of these options is explained in greater detail in Section 2 below.
21. For Group Members who **opt out** of the Wilson Security Class Action, you will no longer be a Group Member. If you want to bring your own claim, you will need to do that separately with your own legal representation should you choose and at your own cost. You will not receive any payment from any settlement or from any judgment in the Wilson Security Class Action if it succeeds.

22. For Group Members who **register**, account can be taken of your individual claim at the Mediation.
23. For Group Members who **do nothing** (i.e. have not already registered their interest in the Wilson Security Class Action with Adero or signed an Authority to Act form with Adero, and now neither register to participate in the Wilson Security Class Action nor opt out of the proceeding) you will remain a Group Member in the Wilson Security Class Action subject to the matters in paragraph 37 to 41 below.
24. If you wish to **opt out** of the Wilson Security Class Action, you **must** do so by the Deadline, being **11.59 pm on 29 January 2024 (AWST)**;
25. If you wish to ensure that account can be taken of your individual claim at the Mediation, and that you will be eligible to participate in any settlement that may be agreed by 30 August 2024 you should **register** by the Deadline.
26. Further information about each of the options set out above is contained in Section 2 below. **Please read the information about your options carefully.**

Where can I get more information?

27. For more information about the Wilson Security Class Action, you can visit the website of Adero at <https://www.aderolaw.com.au/class-actions/services/wilson-security/>.
28. If you are unsure of what to do, you should seek independent legal advice.

SECTION 2 – YOUR OPTIONS

Option 1: Opt out

29. If you opt out of the Wilson Security Class Action, you will no longer be a Group Member. This means you will:
 - (a) not be affected by any orders made in the Wilson Security Class Action;
 - (b) not be entitled to receive any distribution arising from any damages awarded or settlement sum paid in relation to any section of the Wilson Security Class Action;

- (c) not be bound by any settlement or judgment in the Wilson Security Class Action; and
 - (d) be able to commence separate proceedings against Wilson Security on your own behalf if you so wish. You will need to arrange your own legal representation and funding for your claim.
30. If you wish to opt out of the Wilson Security Class Action, you must complete the 'Opt Out Notice' attached at Schedule A below and submit it to the Court by the Deadline. As noted above, the Deadline is **11.59 pm on 29 January 2024 (AWST)**. The Opt Out Notice must be submitted to the Western Australia District Registry of the Federal Court of Australia by post or email at the following addresses:
- (a) Perth.registry@fedcourt.gov.au with the email subject line: 'Opt Out Notice WAD229/2022'; or
 - (b) Federal Court of Australia Registry, GPO Box A30, Perth WA 6001.

Option 2: Register for the Wilson Security Class Action (if you have not already registered your interest in the Wilson Security Class Action with Adero or signed an Authority to Act form with Adero)

- 31. You do not have to register to remain a Group Member.
- 32. Registering for the Wilson Security Class Action involves providing details about you and your claim to Adero. This allows Adero and Wilson Security to consider and take into account your claim at the Mediation and in any other settlement discussions. Provided you register by **11.59 pm on 29 January 2024 (AWST)**, you may be entitled to participate in any settlement that is agreed before 30 August 2024. Any settlement will still be subject to Court approval, but you will not need to do more to participate in any settlement sum negotiated on your behalf.
- 33. Registration is also a way of providing current contact details, which will facilitate the distribution of further notices to you in future with information about the progress of the Wilson Security Class Action (including after any settlement, or after any judgment following the trial of common issues).
- 34. If you have already registered your interest in the Wilson Security Class Action with Adero or signed an Authority to Act form with Adero, you do not need to register

again and no further action is required other than providing Adero with information about your employment with the Respondent if you have not already done so. If necessary, Adero may contact you requesting further information.

35. If you have NOT already registered your interest in the Wilson Security Class Action with Adero or signed an Authority to Act form with Adero, you can register for the Wilson Security Class Action by completing the Wilson Security Class Action 'Group Member Registration' form online at web address <https://www.aderolaw.com.au/class-actions/services/wilson-security/> (**Registration Form**) by the Deadline. As noted above, if you wish to ensure that your individual claim can be taken into account at the Mediation, and participate in any settlement that is agreed, before 30 August 2024 you should register prior to **11.59 pm on 29 January 2024 (AWST)**.
36. If you are considering becoming a **Registered Group Member**, you should read this Notice carefully and if you do not understand everything, you should get independent legal advice. If you want to register and ensure your individual claim is taken into account at the Mediation, you must provide (or take reasonable steps to provide) the information requested in the Registration Form by the Deadline of **11.59 pm on 29 January 2024 (AWST)**. Registrations received after the Deadline may not be accepted, with the result that you will be treated as having not responded to this Notice unless you have completed and submitted an Opt Out Notice. As noted above, if you do not register by the Deadline of **11.59 pm on 29 January 2024 (AWST)** and a settlement is reached by 30 August 2024, the parties propose to seek an order from the Court at the hearing of the settlement approval that you remain a Group Member (and be bound by the terms of the settlement) but you will not be entitled to participate in any settlement that is reached by 30 August 2024.

Option 3: Do nothing

37. If you do not opt out of the Wilson Security Class Action or register for the Wilson Security Class Action by the Deadline, you will be an **Unregistered Group Member**. You will remain a Group Member in the proceedings and await the outcome.

38. If the parties agree to settle the Wilson Security Class Action at the Mediation or prior to 30 August 2024, your individual claims may not have been taken into account at the Mediation and in any settlement agreement that may be reached prior to 30 August 2024. The parties will then seek the Court's approval of any settlement agreement. As noted above, if you do not register by the Deadline of **11.59 pm on 29 January 2024 (AWST)** and a settlement is reached by 30 August 2024, the parties propose to seek an order from the Court at the hearing of the settlement approval that you remain a Group Member (and be bound by the terms of the settlement) but you will not be entitled to participate in any settlement that is reached by 30 August 2024 without leave of the Court.
39. If you are permitted to receive any part of the settlement sum, you will have to register in any event in order to participate.
40. As a Group Member you will be bound by any settlement approved by the Court that affects you or by any judgment given in the Wilson Security Class Action after the trial of common issues.
41. If the parties do not agree to settle the Wilson Security Class Action at the Mediation or before the commencement of the trial on common issues, you will remain a Group Member and be bound by the Court's judgment in respect of them. You may have your claim considered at any further mediation or as part of any settlement that takes place at some later time.

Schedule A
OPT OUT NOTICE

**COMPLETE THIS FORM IF YOU DO NOT WISH TO PARTICIPATE IN THE
WILSON SECURITY CLASS ACTION**

**If you complete this form then you will not be affected by the Wilson Security Class
Action. You can pursue your own claim separately if you wish.**

Federal Court of Australia

District Registry: Western Australia

Division: Fair Work

No. WAD 229 of 2022

PITA AWATERE TE TAU O TE RANGI

Applicant

WILSON SECURITY PTY LTD (ABN 90 127 406 295)

Respondent

To: Perth.registry@fedcourt.gov.au

Subject Line: Opt Out Notice WAD229/2022

OR

Federal Court of Australia Registry

GPO Box A30, Perth WA 6001

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.

Choose either A or B below:

A. I am completing this Opt Out Form on my own behalf:

Name of Group Member (print):	
Postal address of Group Member:	
Wilson Security Employee ID (optional):	
Telephone:	
Email:	

B. I am signing as the solicitor or representative of a 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

GROUP MEMBER REGISTRATION FORM

**COMPLETE THIS FORM IF YOU WISH TO REGISTER TO PARTICIPATE IN
THE WILSON SECURITY CLASS ACTION**

If you have not opted out and you do not complete this form then:

- (1) You may not be entitled to participate in (or receive any benefit or monetary compensation from) any settlement approved by the Court agreed at the Mediation or prior to 30 August 2024.**
- (2) You may still be bound by the terms of any settlement, which may include releases of Wilson Security, its related entities and their current and former directors, officers, employees, contractors and agents.**

**THIS FORM SHOULD BE COMPLETED ONLINE BY 11.59 PM ON
29 JANUARY 2024 (AWST) at [https://www.aderolaw.com.au/class-
actions/services/wilson-security/](https://www.aderolaw.com.au/class-actions/services/wilson-security/)**

(Only persons without internet should submit this form manually).

**Failure to provide all information in the registration form will not invalidate the
registration.**

**If you have already registered your interest in the Wilson Security Class Action with
Adero or signed an Authority to Act form with Adero you are registered already and
are not required to complete this form.**

Federal Court of Australia
District Registry: Western Australia
Division: Fair Work

PITA AWATERE TE TAU O TE RANGI
Applicant

WILSON SECURITY PTY LTD (ABN 90 127 406 295)
Respondent

To: Adero Law
wilsonsecurity@aderolaw.com.au

OR

Adero Law
3 Hobart Place
Canberra ACT 2601

The Group Member named below *registers* to participate in the class action and to be bound by, and share in the benefit of any judgment or settlement of the class action.

1. FORM COMPLETION	
The person completing this form is	<input type="checkbox"/> An eligible group member – skip to 2. <input type="checkbox"/> Someone else, completing on behalf of an eligible group member – please complete below.
<i>Personal details of person completing this form</i>	
Title	
First name/s	
Last name	
Email address	
2. GROUP MEMBER DETAILS	
<i>Personal details of individual</i>	
Title	
First name/s	
Last name	
Email address	
Phone number	
Alternative phone number	
Street address	
Suburb/town	
State	
Postcode / ZIP	
Country	
3. DOCUMENTARY EVIDENCE	
<p><i>You are required to 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.</i></p> <p style="text-align: center;"><i>However, failure to do so will not invalidate your registration.</i></p>	
<i>What date did your employment commence with the Respondent?</i>	
<i>Please list the positions you held during the course of your employment with the Respondent.</i>	
<i>Were you employed on a 'fly in, fly out' (FIFO) basis at any time during your employment?</i>	

<i>What hours were you required to, and did work, during your employment with the Respondent? If you have documentary record of this information, please attach that material to this form.</i>	
<i>Were you regularly required to start work before your rostered start time?</i>	
<i>Were you regularly required to end work after your rostered end time?</i>	
<i>What date did your employment with the Respondent end (if applicable)?</i>	
I have attached documentary evidence in support of the information herein	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. EXECUTION	
Dated	
Signed by, or on behalf of and with the authority of, the Group Member (as specified above)	
Print name	

Please return this form to:

wilsonsecurity@aderolaw.com.au

OR Adero Law, 3 Hobart Place, Canberra ACT 2601

You should keep a copy for your records