



ANNEXURE A

THE STELLAR CLASS ACTION

Tania Kelehear v Stellar Personnel Brisbane Pty Limited and Stellar Recruitment Pty Ltd (VID 1662/2018)

OPT OUT AND REGISTRATION NOTICE

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**.

SECTION 1 – INFORMATION ABOUT THE CLASS ACTION

1. According to the records of Stellar Personnel Brisbane Pty Limited or Stellar Recruitment Pty Limited (both referred to as **Stellar** in this notice) you are or were an employee of Stellar.
2. As an employee or former employee of Stellar your legal rights may be affected by a class action brought against Stellar in the Federal Court of Australia (the **Court**), by Ms Tania Kelehear, a former Stellar production employee, brought on her own behalf and on behalf of all other persons (**Group Members**) who:
 - (a) were employed by Stellar at any time between 25 December 2012 and 24 December 2018;
 - (b) were employed as a production and engineering employee within the meaning of Schedule A of the *Black Coal Mining Industry Award 2010*; and
 - (c) who were treated as a “casual” employee by Stellar.

The class action seeks orders from the Court awarding compensation and imposing penalties upon Stellar for asserted underpayments of annual leave to Ms Kelehear and the Group Members. The law firm, Adero Law, acts on behalf of Ms Kelehear in the class action.

3. The allegations made by Ms Kelehear against Stellar are set out in the Amended Statement of Claim, a copy of which is available at: <https://www.aderolaw.com.au/class-actions/mining/stellar>. Stellar is defending the class action and a copy of its Defence is also available at that link.



4. On 2 October 2023, the Court made orders referring the class action to a mediation to be conducted by a Registrar of the Court (**Mediation**). On 5 December 2023 the Court also made orders:
 - (a) requiring that any Group Member that wishes to opt out of the class action must do so by 4:00 pm on 29 February 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 4:00 pm on 29 February 2024 (**the Registration Deadline**).
5. The Court directed that this Notice be sent to all Group Members in the class action so that they are aware of their options.

SECTION 2 – YOUR OPTIONS

6. **You have three options:**

Option 1: Opt Out of the Stellar Class Action by the Opt Out Deadline

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

Option 3: Do nothing

Each option has different consequences, which are explained below. **You should carefully read the information about your options.**

OPTION 1: OPT OUT

7. 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 4:00 pm on 29 February 2024**, either by:
 - (a) **email to:** vicreg@fedcourt.gov.au, with the email subject line: “Opt Out Notice VID1662/2018”; or
 - (b) **post to:** Federal Court of Australia, Victoria Registry, 305 William Street, Melbourne, VIC, 3000.



8. 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 Stellar 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.

OPTION 2: REGISTER YOUR INTEREST IN MAKING A CLAIM THROUGH THE STELLAR CLASS ACTION

9. If you wish to register your interest in making a claim through the Stellar Class Action you must complete the **Registration Form** attached at **Schedule B** to this notice and send it to Adero Law by the **Registration Deadline at 4:00 pm on 29 February 2024**, either by:
- (a) **email to:** stellaraction@aderolaw.com.au; or
 - (b) **post to:** Adero Law, 3 Hobart Place, Canberra ACT 2601
10. Registering for the Stellar Class Action involves providing details about you and your claim to Adero Law. This allows Adero Law to better take your claim into account at the pending Court ordered 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).
11. You do not have to register to remain a Group Member, and subject to any further order, as a Group Member 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. However, Adero Law has told the Court that if Group Members register their claims the firm will be in a better position to take those claims into account at the pending mediation, and that registration will facilitate settlement by allowing the parties to reach a more informed view about the overall value of Group Members' claims.
12. It is likely that at some point you will need to register your interest to participate anyway – either to get money in any settlement or, if there is no settlement, to take further steps to bring your claim forward following the initial trial of the issues that are common as between Ms Kelehear's claim and any claim you may have (**common issues**).



13. Further, and importantly, if a settlement is reached in the mediation, or at any point before the trial commences, Adero Law has informed the Court that Ms Kelehear intends to apply for an order that any Group Member who did not register prior to the Registration Deadline will remain a Group Member and be bound by any settlement of the proceeding, but will not be entitled to any share of any monetary compensation that is gained from the settlement. It will be a matter for the Court hearing the settlement approval application to decide whether making such an order would be fair and just.
14. You can register for the Stellar Class Action by completing the Stellar Class Action registration form at <https://www.aderolaw.com.au/class-actions/mining/stellar/> by **4:00 pm on 29 February 2024** or by completing the hard copy registration form attached at **Schedule B** to this Notice and returning that hard copy form to Adero Law before **4:00 pm on 29 February 2024** at the addresses noted at paragraph 9 above.

OPTION 3: DO NOTHING

15. If you do not opt out of or register for the Stellar Class Action (and you have not already registered with or signed a retainer agreement with Adero Law), you will remain a Group Member and, subject to any further order, 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.
16. However, as stated above, if a settlement is reached in the Mediation, or at any point before the trial commences, Adero Law has informed the Court that Ms Kelehear intends to apply for an order that any Group Member who did not register prior to the Registration Deadline will remain a Group Member and be bound by any settlement of the proceeding, but will not be entitled to any share of any monetary compensation that is gained from the settlement. It will be a matter for the Court hearing the settlement approval application to decide whether making such an order would be fair and just.
17. Further, as stated above, it is likely that at some point you will need to register your interest to participate anyway – either to get money in any settlement or, if there is no settlement, to take further steps to bring your claim forward following the trial of the common issues.



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

18. 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.
19. 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 proceeding 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?

20. For more information about the Stellar Class Action, you can visit the website of Adero Law at: <https://www.aderolaw.com.au/class-actions/mining/stellar/>.



Schedule A

OPT OUT NOTICE

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

Federal Court of Australia

VID 1662/2018

District Registry: Victoria

Division: Fair Work

TANIA KELEHEAR

Applicant

STELLAR PERSONNEL BRISBANE PTY LIMITED

First Respondent

STELLAR RECRUITMENT PTY LTD

Second Respondent

To: vicreg@fedcourt.gov.au

Subject: Opt Out Notice VID 1662/2018

OR

Federal Court of Australia, Victoria Registry

305 William Street, Melbourne, VIC, 3000

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 STELLAR CLASS ACTION

If you do not complete and return this form by 4:00pm on 29 February 2024, and a settlement is reached at the Mediation or before the commencement of the trial of common issues commences, Adero Law has informed the Court that Ms Kelehear intends to apply for an order that any Group Member who did not register prior to the Registration Deadline will remain a Group Member and be bound by any settlement of the proceeding, but will not be entitled to any share of any monetary compensation that is gained from the settlement. It will be a matter for the Court hearing the settlement approval application to decide whether making such an order would be fair and just.

VID 1662/2018

Federal Court of Australia

District Registry: Victoria

Division: Fair Work

TANIA KELEHEAR

Applicant

STELLAR PERSONNEL BRISBANE PTY LIMITED

First Respondent

STELLAR RECRUITMENT PTY LTD

Second Respondent

To: Adero Law

By email: stellaraction@aderolaw.com.au

OR

By post: Adero Law, 3 Hobart Place, Canberra ACT 2601



1. FORM COMPLETION	
The person completing this form is	<input type="checkbox"/> a group member – skip to 2. <input type="checkbox"/> someone else, completing on behalf of a group member – please complete below.
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	
Street address	
Suburb/Town	
Postcode/ZIP	
Country	
4. DOCUMENTARY EVIDENCE	
<p>You must take reasonable steps to provide the following information.</p> <p>Please attached further sheets of paper if you need more space.</p> <p>Please also attach any supporting documents you want the parties to the class action to take into account.</p>	



Date your employment commenced with the Respondent?	
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 attached 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	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. EXECUTION	
Dated	
Signed by, or on behalf of and with the authority of, the Group Member (as specified above)	
Print name	

You should keep a copy for your records.



ANNEXURE B

Dear Group Member

STELLAR CLASS ACTION (VID 1662/2018 – STELLAR PERSONNEL BRISBANE PTY LIMITED (ACN 158 542 191) AND STELLAR RECRUITMENT PTY LTD (ACN 157 737 150))

A class action has been commenced against Stellar Personnel Brisbane Pty Limited and Stellar Recruitment Pty Ltd (**Stellar**) seeking compensation and penalties for underpayments of annual leave alleged to be owing to production employees employed by Stellar during the period of 24 December 2012 to 24 December 2018 inclusive.

You are receiving this correspondence because, based on the information available, we have identified you as a potential group member in the Stellar Class Action.

The Court has referred this class action to mediation, which is to occur by no later than **31 March 2024**.

THE NOTICE ENCLOSED WITH THIS CORRESPONDENCE HAS BEEN APPROVED BY THE COURT AND PROVIDES YOU WITH IMPORTANT INFORMATION CONCERNING YOUR RIGHTS AND PARTICIPATION IN THE STELLAR CLASS ACTION AND MEDIATION.

It is therefore very important that you read the enclosed Notice carefully and make a decision before the deadline, being **4:00 pm on 29 February 2024**.

If you have any questions, please visit the Stellar Class Action website at <https://www.aderolaw.com.au/class-actions/mining/stellar/> or contact Adero Law directly at stellaraction@aderolaw.com.au.

If there is anything of which you remain unsure, you should seek independent legal advice.

Sincerely,

Adero Law



Schedule

No: VID1662/2018

Federal Court of Australia

District Registry: Victoria

Division: Fair Work

Second Respondent STELLAR RECRUITMENT PTY LIMITED (ACN 157 737 150)