



Federal Court of Australia

District Registry: New South Wales Registry

Division: Fair Work

No: NSD730/2023

**RITCHIE WHITE**

Applicant

**SYDNEY TRAINS ABN 38 284 779 682**

Respondent

## ORDER

**JUDGE:** Justice Perram

**DATE OF ORDER:** 12 January 2026

**WHERE MADE:** Sydney

### THE COURT NOTES THAT:

1. Subject to approval of the Court, and without any admission of liability on the part of the Respondent (which denies liability), the Applicant and Respondent have agreed that the proceedings will be settled for an amount between the total minimum sum of **\$6,074,523.86** and the total maximum sum of **\$7,582,927.79**, to be determined by reference to the number and composition of Further Registered Group Members (as defined in the orders) who come forward to register in accordance with order 3 below and the method of calculation specified in a confidential "Deed of Settlement" dated 19 December 2025 (**Proposed Settlement**). The Applicant and Respondent have also agreed that in the event the Proposed Settlement is approved by the Court, the proceedings will be dismissed following administration of the Proposed Settlement.
2. The Applicant will file an application for approval of the Proposed Settlement of the proceedings pursuant to s 33V of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) (**Approval Application**), supported by a confidential affidavit annexing the Deed of Settlement.
3. The Respondent consents to the release of the records produced pursuant to order 24 of the orders made on 21 August 2024 to Adero Law for the limited purpose of preparing settlement approval application material.



4. On 2 December 2025, the Applicant filed a Second Further Amended Statement of Claim (**SFASOC**) and Further Amended Originating Application (**FAOA**) which extend the group member coverage and claims to 26 November 2025. All persons who meet the description of 'Group Members' in the SFASOC and have not opted out of these proceedings are considered "**Group Members**".
5. In these orders, individuals who qualify as Group Members as a result of the expanded Group Member definition in the SFASOC are considered "**New Group Members**", while those who were already included prior to the amendment are referred to as "**Original Group Members**".

**BY CONSENT, THE COURT ORDERS THAT:**

**Registration to participate in the Proposed Settlement**

1. Pursuant to s 33ZF and further to the Orders dated 21 August 2024 (the **Opt-Out Orders**), any Group Member who completed a group member registration form in the form set out at Schedule 1 of the Notice to Group Members (being Annexure A to the Opt-Out Orders) online at <https://www.aderolaw.com.au/class-action/sydney-trains/> by 7 October 2024, is considered an "**Original Registered Group Member**".
2. Pursuant to s 33ZF of the FCA Act, any Group Member who is not an Original Registered Group Member, but who registers to participate in the Proposed Settlement in accordance with order 3 of these orders is a "**Further Registered Group Member**".
3. Any Group Member who wishes to register as a Further Registered Group Member to participate in the Proposed Settlement must, by no later than 11:59pm by **27 February 2026 (Final Registration Deadline)**, register by:
  - a. completing a group member registration form in the form set out at Schedule 1 of the Notice of Proposed Settlement to Group Members (being **Annexure A** to these orders), or Schedule 1 of the Notice of Proposed Settlement to New Group Members (being **Annexure B** to these orders) (**Group Member Registration Form**), either online at <https://www.aderolaw.com.au/class-action/sydney-trains/> or by emailing or posting a hard copy to the Applicant's solicitors (**Adero Law**) at the address shown on the Group Member Registration Form; and



- b. providing, by completing the Group Member Registration Form, the Further Registered Group Member's full name, date of birth, postal address, email address, employing entity, and employee identification number(s) during their employment with the Respondent (as set out in the payslips issued to them) **(Additional Registration Data)**.
4. One business day from the Final Registration Deadline, Adero Law will provide the Respondent's solicitors with a list of the Further Registered Group Members, which includes the Additional Registration Data **(List of Further Registered Group Members)**.
5. Pursuant to s 33ZF of the FCA Act, all Original Registered Group Members and Further Registered Group Members are **"Registered Group Members"** for the purposes of the proceedings and will be a participant in the Proposed Settlement in the event it receives approval by the Court.
6. Within two weeks from the Final Registration Deadline, for each person who is a Further Registered Group Member, the Respondent's solicitors will provide to Adero Law the following documents and information in Excel Format:
  - a. Employee ID;
  - b. Contract of Employment or Letter of Offer for any positions held during the Relevant Period (as specified by the SFASOC);
  - c. Pay data;
  - d. Rosters;
  - e. Record of actual hours worked, including any work start and end date/time, break start and end date/time, and break duration, being the Kronos data; and
  - f. Record of any leave taken,(collectively referred to as the **Further Registered GM Data**).
7. Pursuant to s 33ZF of the FCA Act, and subject to any further order of the Court, any Group Member who:
  - a. has not opted out of these proceedings by the Final Registration Deadline; and



b. after the Final Registration Deadline, is not a Registered Group Member, is a **“Final Unregistered Group Member”** for the purposes of the proceedings and will remain a Group Member for all purposes of this proceeding and shall not, without the leave of the Court, be entitled to receive any payment as part of the Proposed Settlement in the event that it receives approval by the Court.

### **Notice to Group Members and Distribution Notice**

8. Pursuant to s 33X of the FCA Act, Group Members be given notice of:
  - a. the Proposed Settlement;
  - b. the right for Group Members who are not Original Registered Group Members to register to participate in the Proposed Settlement and become a Further Registered Group Member.
  - c. the right for New Group Members to opt out of the proceeding;
  - d. the fact that Group Members may oppose the Proposed Settlement and/or any aspect of the distribution of the settlement sum in accordance with these orders; and
  - e. in respect of Final Unregistered Group Members, that they will be bound by the Proposed Settlement if it receives approval by the Court but may not share in the distribution of the Proposed Settlement.
9. Pursuant to s 33X and s 33Y(2) of the FCA Act, the form and content of:
  - a. the notice at **Annexure A** to these orders (**Notice of Proposed Settlement to Group Members**), which includes the Group Member Registration Form, the Notice of Objection to Proposed Settlement Form (**Notice of Objection to Proposed Settlement**) and the request for inspection form (**Request for Inspection Form**);
  - b. the notice at **Annexure B** to these orders (**Notice of Proposed Settlement to New Group Members**), which includes the Group Member Registration Form, the Opt Out Notice Form (the **Opt Out Notice**), the Notice of Objection to Proposed Settlement and Request for Inspection Form;



- c. the cover letter at **Annexure C** to these orders (**Registered Group Member Cover Letter**);
- d. the cover letter at **Annexure D** to these orders (**Unregistered Group Member Cover Letter**);
- e. the cover letter at **Annexure E** to these orders (**New Group Member Cover Letter**);
- f. the SMS cover at **Annexure F** to these orders (**SMS Cover**); and
- g. the SMS reminder at **Annexure G** to these orders (**SMS Reminder**),

is approved (collectively, the **Notifications**).

10. The Notifications may be amended by the parties before they are posted, emailed or published in order to correct any postal, website, email address or telephone number or any typesetting, typographical or other non-substantive errors.
11. Pursuant to s 33Y(3) of the FCA Act, **Annexure A** is to be given to Original Group Members, and **Annexure B** is to be given to New Group Members according to the procedure set out in orders 12 to 20 below.

*Online Publication*

12. On or before 19 January 2026 until up to and including the final determination of the Approval Application the Applicant is, by his solicitors Adero Law, to publish the Notice of Proposed Settlement to Group Members and Notice of Proposed Settlement to New Group Members on their website at the address <https://www.aderolaw.com.au/class-action/sydney-trains/>.
13. Adero Law shall cause a copy of:
  - a. the SFASOC dated 2 December 2025;
  - b. the FAOA dated 2 December 2025;
  - c. the Defence dated 12 June 2024;
  - d. the Reply dated 4 July 2024;
  - e. these orders; and



f. the Microsoft Teams link and accompanying details to enable observation at the Approval Application hearing, once it has been listed and made available to the Court,

to be displayed on, or otherwise made available for download from, their website at the address <https://www.aderolaw.com.au/class-action/sydney-trains/> and to remain continuously displayed or available up to and including the final determination of the Approval Application.

*Original Registered Group Members*

14. In the case of Original Registered Group Members, Adero Law will cause the notices and forms at **Annexure A** and Registered Group Member Cover Letter in the form at **Annexure C** to these orders to be sent on or before 19 January 2026 to them at the email addresses previously provided to Adero Law, or by ordinary post in the event that they have not specified an email address. If Adero Law receives an electronic notice that an email to any Registered Group Member has not been delivered to the addressee, Adero Law shall within 72 hours send the Notice of Proposed Settlement under the cover of the Registered Group Member Cover Letter by ordinary post to the last recorded postal address of that person.

*Unregistered Group Members and New Group Members*

15. By no later than 19 January 2026, the Applicant shall engage a third party mailing service provider (**Mailing Service Provider**) to:

- send the notices and form at **Annexure A** and Unregistered Group Member Cover Letter in the form at **Annexure D** to Original Group Members who are not Original Registered Group Members (**Original Unregistered Group Members**); and
- send the notices and form at **Annexure B** and New Group Member Cover Letter in the form at **Annexure E** to New Group Members.

16. On the same date, the Applicant shall provide to the Mailing Service Provider:

- a copy of these orders; and



- b. confirm in writing to the Respondent's solicitors that a Mailing Service Provider has been engaged.
17. On or before 23 January 2026, the Respondent will provide to the Mailing Service Provider, on a confidential basis which expressly precludes disclosure to the Applicant, his legal representatives, or any third party, the first and last name, title, email address, last known postal or residential address and mobile number of each Original Unregistered Group Member (**List of Original Unregistered Group Members**).
18. One business day after the Respondent complies with order 17, the Mailing Service Provider will cause the notices and forms in **Annexure A** and Unregistered Group Member Cover Letter in the form of **Annexure D** to these orders to be sent to each Group Member on the List of Original Unregistered Group Members in accordance with the procedures and requirements set out in the following paragraphs (**Unregistered Group Members Distribution Protocol**):
  - a. the Mailing Service Provider will keep the List of Original Unregistered Group Members confidential, and will not disclose any information in it to any other person including the Applicant or his legal advisors;
  - b. the Mailing Service Provider will send the notices and forms at **Annexure A** to the persons listed on the List of Original Unregistered Group Members, doing so under the cover of the Unregistered Group Member Cover Letter at **Annexure D** of these orders, by sending it by email to each person on the list for whom an email address is held, and by ordinary post to the last recorded postal address of that person in the event that the respondent does not have an email address for that person. The email is to be sent with read receipt;
  - c. if the Mailing Service Provider receives an electronic notice that an email to any person on the List of Original Unregistered Group Members has not been delivered to the addressee, the Mailing Service Provider shall within 72 hours send the notice at **Annexure A** under cover of the Unregistered Group Member Cover Letter at **Annexure D** by ordinary post to the last recorded postal address of that person;



- d. in relation to any individual for whom there is no read receipt, the Mailing Service Provider is to send the notice at **Annexure A** under cover of the Unregistered Group Member Cover Letter at **Annexure D** by ordinary post to the last recorded postal address of that person;
- e. the SMS Cover (**Annexure F** to these orders) will be sent by the Mailing Service Provider no later than **6 February 2026** to each Group Member on the List of Original Unregistered Group Members for whom the Respondent holds a mobile phone number, and who have not registered in accordance with the process at order 3 above. The Applicant is to provide the Mailing Service Provider with a list of the individuals who have registered in accordance with the process at order 3, one day prior to the Mailing Service Provider's deadline to send the SMS Cover;
- f. the SMS Reminder (**Annexure G** to these orders) will be sent by the Mailing Service Provider no later than **20 February 2026** to each Group Member on the List of Original Unregistered Group Members for whom the Respondent holds a mobile phone number, and who have not registered in accordance with the process at order 3 above. The Applicant is to provide the Mailing Service Provider with a list of the individuals who have registered in accordance with the process at order 3, one day prior to the Mailing Service Provider's deadline to send the SMS Reminder;
- g. the Mailing Service Provider shall within seven (7) days after completion of the preceding steps provide to the Respondent's solicitors a list of the persons whom the Notice of Proposed Settlement was sent, and which identifies in relation to each Group Member:
  - (i) the method(s) by which the notices and forms in **Annexure A** and **Annexure D** was sent;
  - (ii) the date(s) on which the notices and forms in **Annexure A** and **Annexure D** was sent;
  - (iii) the date(s) on which **Annexure F** was sent;
  - (iv) the date(s) on which **Annexure G** was sent;



- (v) whether and which distribution attempts failed; and
- (vi) the form of evidence by which any failed distribution attempt was identified, including, but not limited to, by way of receipt of an email delivery notification, or receipt of a prepaid ordinary post marked 'return to sender' (or similar);

h. the Mailing Service Provider is to retain records for the duration of this proceeding of all communications sent to and received from each person listed in the List of Original Unregistered Group Members in the course of carrying out this Distribution Protocol, including:

- (i) the emails sent in accordance with subparagraph (b) above;
- (ii) postal records or receipts or similar of the notices and forms at **Annexure A** sent by prepaid ordinary post in accordance with subsection (c) above; and
- (iii) evidence of any failed distribution of the kind referred to in subparagraph (g)(iv) above.

19. On or before 23 January 2026, the Respondent will provide to the Mailing Service Provider, on a confidential basis which expressly precludes disclosure to the Applicant, his legal representatives, or any third party, the first and last name, title, email address, last known postal or residential address and mobile number of each New Group Member (**List of New Group Members**).

20. One business day after the Respondent complies with order 19, the Mailing Service Provider will cause the notices and forms in **Annexure B** and New Group Member Cover Letter in the form of **Annexure E** to these orders to be sent to each New Group Member on the List of New Group Members in accordance with the procedures and requirements set out in the following paragraphs (**New Group Members Distribution Protocol**):

- a. the Mailing Service Provider will keep the List of New Group Members confidential, and will not disclose any information in it to any other person including the Applicant or his legal advisors;
- b. the Mailing Service Provider will send the notices and forms at **Annexure B** to the persons listed on the List of New Group Members, doing so under the cover



of the New Group Member Cover Letter at **Annexure E** of these orders, by sending it by email to each person on the list for whom an email address is held, and by ordinary post to the last recorded postal address of that person in the event that the respondent does not have an email address for that person. The email is to be sent with read receipt;

- c. if the Mailing Service Provider receives an electronic notice that an email to any person on the List of New Group Members has not been delivered to the addressee, the Mailing Service Provider shall within 72 hours send the notice at **Annexure B** under cover of the New Group Member Cover Letter at **Annexure E** by ordinary post to the last recorded postal address of that person;
- d. in relation to any individual for whom there is no read receipt, the Mailing Service Provider is to send the notice at **Annexure B** under cover of the New Group Member Cover Letter at **Annexure E** by ordinary post to the last recorded postal address of that person;
- e. the SMS Cover (**Annexure F** to these orders) will be sent by the Mailing Service Provider no later than **6 February 2026** to each Group Member on the List of New Group Members for whom the Respondent holds a mobile phone number, and who have not registered in accordance with the process at order 3 above. The Applicant is to provide the Mailing Service Provider with a list of the individuals who have registered in accordance with the process at order 3, one day prior to the Mailing Service Provider's deadline to send the SMS Cover;
- f. the SMS Reminder (**Annexure G** to these orders) will be sent by the Mailing Service Provider no later than **20 February 2026** to each Group Member on the List of New Group Members for whom the Respondent holds a mobile phone number, and who have not registered in accordance with the process at order 3 above. The Applicant is to provide the Mailing Service Provider with a list of the individuals who have registered in accordance with the process at order 3, one day prior to the Mailing Service Provider's deadline to send the SMS Reminder;
- g. the Mailing Service Provider shall within seven (7) days after completion of the preceding steps provide to the Respondent's solicitors a list of the persons whom



the Notice of Proposed Settlement was sent, and which identifies in relation to each Group Member:

- (i) the method(s) by which the notices and forms in **Annexure B** and **Annexure E** was sent;
- (ii) the date(s) on which the notices and forms in **Annexure B** and **Annexure E** was sent;
- (iii) the date(s) on which **Annexure F** was sent;
- (iv) the date(s) on which **Annexure G** was sent;
- (v) whether and which distribution attempts failed; and
- (vi) the form of evidence by which any failed distribution attempt was identified, including, but not limited to, by way of receipt of an email delivery notification, or receipt of a prepaid ordinary post marked 'return to sender' (or similar);

h. the Mailing Service Provider is to retain records for the duration of this proceeding of all communications sent to and received from each person listed in the List of New Group Members in the course of carrying out this New Group Members Distribution Protocol, including:

- (i) the emails sent in accordance with subparagraph (b) above; and
- (ii) postal records or receipts or similar of the notices and forms at **Annexure B** sent by prepaid ordinary post in accordance with subsection (c) above; and
- (iii) evidence of any failed distribution of the kind referred to in subparagraph (g)(iv) above.

21. Should either party become aware of any actual or potential non-compliance with the Unregistered Group Member Distribution Protocol and/or the New Group Member Distribution Protocol, they are to notify the other party within two (2) business days of becoming aware.

22. The Applicant and the Respondent are directed to advise the Court of any such non-compliance via email to Associate to Justice Perram (or another Justice of the Court presiding over the Proceeding).



23. The cost of the Mailing Service Provider engaged to undertake the distribution of the notices and forms at **Annexure A** and Unregistered Group Member Cover Letter at **Annexure D** in accordance with the Unregistered Group Member Distribution Protocol and distribution of the notices and forms at **Annexure B** and New Group Member Cover Letter at **Annexure E** in accordance with the New Group Member Distribution Protocol, is payable by the Applicant to the Mailing Service Provider (or to the Respondent if the parties so agree) forthwith.

### **Respondent Communication with Group Members**

24. The Respondent is not to engage in any substantive discussions about the proceeding with any Group Member who contacts the Respondent to discuss it, and who is reasonably known by the Respondent to be a Group Member but is to direct that person to make any enquiries with Adero Law via contact information provided in the Notifications.

### **Objections to the Proposed Settlement**

25. By 11:59pm on the same date as the Final Registration Deadline (**Objection Deadline**), any Group Member who wishes to oppose the Proposed Settlement shall file and serve a completed Notice of Objection to Proposed Settlement (**Notice of Objection**) in the form Schedule 2 of the Notice of Proposed Settlement to Group Members (being **Annexure A** to these orders), and Schedule 2 of the Notice of Proposed Settlement to New Group Members (being **Annexure B** to these orders) by sending it to the Court and/or Adero Law:
  - a. by email to the New South Wales District Registry of the Federal Court at [nswreg@fedcourt.gov.au](mailto:nswreg@fedcourt.gov.au) or by post to the Federal Court of Australia (New South Wales Registry), Locked Bag A6000, Sydney South NSW 1235; and
  - b. by email to [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) or by post to Adero Law, 3 Hobart Place, Canberra ACT 2601.
26. If on or before the Objection Deadline the solicitors for any party receive a notice purporting to be a Notice of Objection which has not also been sent to the New South Wales District Registry of the Federal Court, the solicitors must file the notice in the New South Wales District Registry of the Federal Court within two business days after



receipt, with a notation as to the date of receipt. Any such notice shall be treated as a Notice of Objection received by the Court at the time it was received by the solicitors.

27. The solicitors for the Applicant and the Respondent each be granted leave to inspect the Court to file and uplift for the purpose of copying any Notices of Objection.

### **Approval Application**

#### *Timetable for the parties*

28. By 4:00pm on **9 March 2026**, the Applicant shall file and serve the Approval Application.
29. By 4:00pm on **13 March 2026**, the Applicant shall file and serve any affidavit and written outline of submissions in relation to the Approval Application.
30. By 4:00pm on **17 March 2026**, the Respondent shall file and serve any affidavit and written outline of submissions in relation to the Approval Application.

#### *Approval Application Hearing*

31. The Settlement Approval Application be set down for hearing on **19 March 2026 at 10:15am**, on an estimate of 2 hours.

### **Interim regime for Confidential Material**

32. Leave is granted to the parties to file any affidavit, annexure or submissions in respect of which confidentiality orders are to be sought on the Approval Application (**Confidential Documents**) by email to the Associate to Justice Perram (or another Justice of the Court presiding over the Proceeding) marked in the subject line with the words '*Confidential [Affidavit or Submissions] for the Purposes of Settlement Approval Application – Not to be Accessed Except by the Direction of a Judge of the Court*' and the parties be excused from any requirement to electronically file or serve any Confidential Documents in that form. To the extent that any Confidential Documents are not entirely confidential, the party shall file and serve a redacted copy of the documents redacting only those parts which are claimed to be confidential.
33. The parties shall provide the chambers of the case managing judge with versions of the Confidential Documents highlighting (but not redacting) the parts of the documents over which the confidentiality orders are sought, differentiating between those parts



where confidentiality is sought only until orders approving the Proposed Settlement are made and the expiry of the appeal period from those orders.

34. Pursuant to s 37AI of the FCA Act, any Confidential Documents filed with the Associate to Justice Perram (or another Justice of the Court presiding over the Proceeding) in accordance with order 32 of these orders is suppressed until further Court order.
35. The application for ongoing confidentiality orders in respect of any document filed in accordance with order 32 above will be determined as part of the determination of the Approval Application.

### Costs

36. All of the Applicant's costs arising from these orders will be dealt with by the Court as part of the Applicant's costs of the proceeding.

### *Liberty to apply*

37. The parties have liberty to apply.

Date orders authenticated: 12 January 2026

*Sia Lagoa*  
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



## ANNEXURE A

### NOTICE OF PROPOSED SETTLEMENT TO REGISTERED GROUP MEMBERS AND UNREGISTERED GROUP MEMBERS

**Ritchie White v Sydney Trains (ABN 38 284 779682) (NSD730/2023)**

**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. It contains important information about the proposed settlement of these proceedings and your right to register your claim for consideration in the proposed settlement or object to the settlement. This notice is not legal advice. You should seek independent legal advice if you are unsure what to do, noting the time limit to object the proposed settlement **expires on 27 February 2026**.

## SECTION 1 – INFORMATION ABOUT THE CLASS ACTION

### What is this Class Action?

1. On 18 July 2023, a class action was filed in the Federal Court of Australia by the Applicant, Mr Ritchie White, on behalf of certain persons who were employed by the Respondent, Sydney Trains (ABN 38 284 779682) (**Sydney Trains**), between 1 May 2018 to 18 July 2023 (**Class Action**). The law firm, Adero Law, acts on behalf of Mr White in this Class Action.
2. Originally the Group Members only included individuals who were employed by Sydney Trains between 1 May 2018 to 18 July 2023. However, the Applicant sought permission from the Court to extend the claim up until 26 November 2025. As a result, the Class Action now covers individuals who were employed by Sydney Trains between 1 May 2018 to 26 November 2025 and who fall within the Group Member definition set out at paragraph 5 below.
3. The Class Action seeks orders from the Court awarding compensation and imposing penalties upon Sydney Trains for alleged underpayments of wages to Mr White and Group Members arising from entitlements under the *Sydney Trains Enterprise Agreement 2018* and/or the *Sydney Trains and NSW TrainsLink Enterprise Agreement 2022* (the **Agreements**).
4. The allegations made by Mr White against Sydney Trains are set out in the Second Further Amended Statement of Claim, a copy of which is available at: <https://www.aderolaw.com.au/class-action/sydney-trains/>. Sydney Trains denies liability and a copy of its Defence is also available at that link.



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### Are you a Group Member?

5. You are a Group Member if you were at any time, in the period between 1 May 2018 to 26 November 2025, employed by Sydney Trains:
  - a. in a position covered under the Agreements;
  - b. as an 'Employee' within the meaning of the Agreements and the definitions therein;
  - c. in an 'Operations Position' within the meaning of the Agreements; and
  - d. in a position of any relevant grade classified as an 'Area Controller' or 'Signaller' within the meaning of the Agreements.
6. Group membership also extends to include the deceased estates of the persons described in the paragraph above.
7. If you are unsure whether you are a Group Member, you should contact Adero Law, the solicitors for the Applicant, on (02) 6189 1022 or at [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) or seek your own legal advice without delay.

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### Why have you received this Notice?

8. Mr White and Sydney Trains have agreed to settle the Class Action and will be seeking Court approval of the proposed settlement. You are receiving this Notice because you may be affected by the proposed settlement of the Class Action.
9. You should read this notice carefully. Any questions you have concerning the matter contained in this Notice should not be directed to the Court. If there is anything in this notice that you do not understand, then you should contact Adero Law or seek independent legal advice.

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### What does the Proposed Settlement involve?

10. The parties initially participated in a mediation on 9 April 2025.
11. Since April 2025, the parties continued to engage in settlement discussions and were subsequently able to agree an in-principle settlement of the Class Action (**Proposed Settlement**), which means that the parties agreed to resolve the Class Action out of Court without going to trial.
12. The Proposed Settlement requires the approval of the Court. At 10.15am on 19 March 2026, there will be a Court hearing where the Court will determine whether it approves the Proposed Settlement.
13. The terms of the Proposed Settlement include the payment by Sydney Trains of a fixed lump sum figure of between **\$6,074,523.86** to **\$7,582,927.79** in full and final settlement of the claims of the Applicant and all Group Members inclusive of costs, including legal and administration costs, expenses, disbursements, interests, and penalties (**Settlement Sum**). The Settlement Sum is to be paid by Sydney Trains without any admission of liability or



wrongdoing and on a commercial basis to resolve the proceedings without the parties incurring further legal fees, noting that the Class Action has already been on foot since July 2023.

14. The Settlement Sum is calculated as follows:
  - a. a base amount of **\$6,074,523.86**; and
  - b. an additional contribution for each additional Group Member who registers to participate in the Proposed Settlement **by 11:59pm on 27 February 2026 (Further Registered Group Member)** up to a maximum total further amount of \$1,508,403.93.
15. The Settlement Sum is capped at a total maximum of **\$7,582,927.79 (Settlement Sum Cap)**.
16. The terms of the Proposed Settlement provide that if the number of Further Registered Group Members who register to participate in the Proposed Settlement **by 11:59pm on 27 February 2026 (Registration Deadline)** causes the Settlement Sum Cap to be exceeded, the Applicant and Sydney Trains will meet to discuss whether a revised settlement could be reached within 6 weeks after the Registration Deadline. If the Applicant and Sydney Trains do not reach a revised settlement then the settlement will be terminated by the parties and the Class Action will proceed to a trial.
17. In the event that the Settlement Sum Cap is not exceeded or the Applicant and Sydney Trains reach a revised settlement within 6 weeks after the Registration Deadline, the parties will continue to seek the Court's approval for the Proposed Settlement.
18. **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.** In order to be a **Registered Group Member**, you must:
  - a. have already registered for the purposes of participating in any settlement in accordance with a notice that you may have received in August 2024; or
  - b. register to participate in this Proposed Settlement in accordance with **Section 3** below.
19. If you are unsure if you have already registered, you should contact Adero Law, the solicitors for the Applicant, on (02) 6189 1022 or at [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au).
20. If the Court approves the Proposed Settlement, the Applicant and all Group Members (except for the ones who have opted out) will release Sydney Trains and its related parties from (and covenant not to sue in respect of):
  - a. all claims that are made against Sydney Trains by all Group Members in the Class Action; and
  - b. 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 (whether known or unknown), including any claims not pleaded but raised in correspondence (including without prejudice correspondence) between the Applicant and Sydney Trains, or otherwise,



including any claim for compensation, damages, interest, other losses, pecuniary penalties, or costs. This does not include any claims for workers compensation.

**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 or whether you receive any money from the Proposed Settlement.**

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#### How Much Will Group Members Receive Under the Proposed Settlement?

21. The dollar amount you receive if you register to participate and are found to be eligible will be worked out following a process set out in the Settlement Distribution Scheme. The Settlement Distribution Scheme outlines the process by which the Settlement Sum is supposed to be paid to Registered Group Members on a fair and reasonable basis and must also be approved by the Court.
22. The Settlement Distribution Scheme will propose that after making deductions (see paragraph 27 below) the balance of the Settlement Sum be distributed between Registered Group Members.
23. The precise amount that will be payable to each individual Registered Group Member is not yet known and cannot be accurately estimated, including because it depends on the number of Group Members who register (in accordance with the process outlined in section 3 below), information about Group Members, such as their employment type, the length of time Group Members were employed and the actual hours they worked each day, and the total amount of deductions from the Settlement Sum which are to be approved by the Court.
24. It is currently proposed that the Registered Group Members' claim will be calculated using a claims calculation model that has regard to, at least the factors mentioned above (**Calculation Model**). As mentioned above, the Settlement Distribution Scheme, including the Calculation Model must be approved by the Court.
25. Please note that Registered Group Members will not receive a full value of their alleged claim under the Proposed Settlement and some Registered Group Members may not receive monies from the Settlement Sum if the Administrator of the Settlement Distribution Scheme determines that there is no evidence to support their individual claims. The Proposed Settlement is a compromise of the claims made taking into account, amongst other matters, the time and cost of continuing to pursue the matter and the risk the Applicant may not be successful if the claims were to proceed to trial.

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

26. 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 payment to Group Members. This ensures that all Group Members who benefit will contribute to the legal costs and are treated equally.
27. The amounts which are proposed to be deducted from the Settlement Sum (all amounts proposed to be deducted are subject to Court approval) before it is distributed to Group



Members who have registered (**Registered Group Members**) or register by the Registration Deadline of **27 February 2026 (Further Registered Group Members)** are for:

- a. **Adero Law's Legal Costs** representing the Applicant's reasonable legal costs and disbursements incurred in the Proceeding and calculated in accordance with the Applicant's retainer with Adero Law. This includes work already done, and work which will be done up to and including the Settlement Approval Application hearing. Adero's agreement with the Applicant caps the total legal costs to be deducted from any Settlement Sum to a maximum of 30% of that Settlement Sum. This 30% cost cap does not apply if the matter proceeds to a hearing. This means the legal costs deducted from the Settlement Sum will not exceed \$2,274,878.34. The legal costs will also be assessed by an independent cost's expert and will be required to be approved by the Court who will consider whether the costs are fair and reasonable; and
- b. **Administration Costs** of administering the Settlement Distribution Scheme, being an estimated amount of \$73,015. It is proposed that Adero Law be appointed as Administrator of the Settlement Distribution Scheme under Court supervision. This is an administration fee and is separate to the legal fees. It is the cost of distributing the Settlement Sum to Group Members who register to participate in the Settlement. This cost is estimated on the basis of the settlement covering up to 155 Group Members, should more register and the settlement include more individuals, the cost will increase by \$470 per person.

28. The Court will need to approve deduction of any of these costs in advance and may approve lesser amounts than what is proposed. These costs will also be subject to a costs assessment by an independent Court-appointed costs referee. If you have a concern about the costs proposed to be deducted, you are free to file a "Notice of Objection" (see paragraphs 39 to 40 or paragraphs 46 to 47 below). The Proposed Settlement (including the Settlement Sum) may be approved by the Court even if the Court does not approve any or some of the proposed deductions above.

29. 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?**

30. The Court still needs to approve the Proposed Settlement. The Proposed Settlement does not come into effect unless it is approved by the Court.
31. The Settlement Approval Application must be made by the Applicant. This will involve orders being made by the Court for the following steps:
  - a. orders for any person to file evidence in respect of the Settlement Approval Application;
  - b. Court approval of this notice to be distributed to Group Members regarding the Proposed Settlement;
  - c. a hearing date being 19 March 2026 for the Court's consideration and approval of:
    - 1) the Proposed Settlement;



- 2) the proposed Settlement Distribution Scheme;
- 3) arrangements for the reimbursement of any costs incurred by the Applicant but not recovered from the Respondent; and
- 4) an appropriately framed order to prevent unjust enrichment and equitably and fairly distribute the burden of reasonable legal costs and fees, amongst all persons who have benefited from the action;

d. following the completion of a Settlement Distribution Scheme – orders disposing of the proceeding (i.e., dismissing the proceeding).

32. When applying to the Court for approval of the Proposed Settlement, the parties will be required to persuade the Court that:

- a. the Proposed Settlement is fair and reasonable having regard to the claims made on behalf of the Group Members who will be bound by the Proposed Settlement; and
- b. the Proposed Settlement has been undertaken in the interests of the Group Members, as well as those of the Applicant, and not just in the interests of the Applicant and the Respondent.

33. You may file a Notice of Objection to the 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 Settlement, you must do so by no later than **11:59pm on 27 February 2026**. 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?

34. Upon signing a Request for Inspection Form at **Schedule 3** of this Notice of Settlement, Group Members may obtain a copy of the Deed of Settlement and the Settlement Distribution Scheme which are to be kept strictly confidential.

35. 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 Settlement by no later than **27 February 2026**.

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#### Where can I get more information?

36. If you have any questions or queries, you may contact Adero Law, at [Sydney.trains@aderolaw.com.au](mailto:Sydney.trains@aderolaw.com.au) with the subject: Settlement NSD730/2023. If you are unsure of what to do, you should seek independent legal advice.

### SECTION 2 – SUMMARY OF YOUR OPTIONS

Step 1 – If you:	Step 2 – Then:	Your Options:
<u>Have</u> registered to participate in the Class Action and have not	<b>You are a Registered Group Member</b>	<ol style="list-style-type: none"><li><b>1. Do Nothing (and participate in the Proposed Settlement if it is approved)</b></li><li><b>2. Object (and participate in the</b></li></ol>



opted out		<b>Settlement if it is approved)</b>
<b>Have not</b> previously registered to participate in the Class Action and have not opted out	<b>You are an Unregistered Group Member</b>	<b>1. Register (and participate in the Settlement if it is approved)</b> <b>2. Do Nothing (and be ineligible for any payment even if the Proposed Settlement is approved, subject to a further order from the Court and any rights you have to make a claim against Sydney Trains or its related entities shall be extinguished)</b> <b>3. Object</b>
<b>Have</b> filed an opt out notice with the Court	You have opted out of the Class Action and you may disregard the remainder of this notice.	Not Applicable

### SECTION 3 – INFORMATION ABOUT YOUR OPTIONS

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**Your options if you are a Registered Group Member (that is you already registered by 11:59pm (AEDT) on 7 October 2024).**

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

**Option A: Do Nothing (and participate in the proposed settlement)**

38. 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 payment. You will be bound by the settlement and may need to provide certain information to the administrator in order for the administrator to calculate your share of the settlement.**

**Option B: Object to the Proposed Settlement by 27 February 2026**

39. 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** of this Notice and submitting to the Court and representatives of the parties at the emails or postal addresses on the form **by no later than 11:59pm on 27 February 2026**. If you choose to do this, you can still remain a Registered Group Member and will still participate in the Proposed Settlement if it is approved by the Court.

40. Any objections received by the Court will be considered by the Court, along with any evidence and submissions filed by the Applicant and Sydney Trains, in determining whether or not the Settlement should be approved. The Court may grant you the opportunity to opt out of the Class Action, in which case you will not be bound by the Proposed Settlement, you will not receive any settlement payments, and you will need to pursue an individual claim by yourself.



41. If after considering any objections, the Court does not approve the Proposed Settlement, and you have not opted out, 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, including directions relating to your individual claim.

#### **Your Options if you are an Unregistered Group Member**

42. 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 Settlement by 27 February 2026**

43. You may register your claim by completing and submitting the Group Member Registration Form either online at <https://www.aderolaw.com.au/class-action/sydney-trains/> 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 27 February 2026**.
44. **If you register, you may be eligible to receive a payment from the Proposed Settlement if it is approved.** 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**

45. 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 Proposed Settlement but:
  - a. you will not, unless the Court determines otherwise, be entitled to receive a payment from the Proposed Settlement; and
  - b. any rights you have to make a claim against Sydney Trains or its related entities as set out at paragraph 20 of this Notice will be extinguished.

#### **Option C: Object to the Proposed Settlement by 27 February 2026**

46. 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 11:59pm on 27 February 2026**. If you choose to do this, you must still register if you wish to participate in the Proposed Settlement if it is approved by the Court.
47. Any objections received by the Court will be considered by the Court, along with any evidence and submissions filed by the Applicant and Sydney Trains, in determining whether or not the Proposed Settlement should be approved. The Court may grant you the opportunity to opt out of the Class Action, in which case you will not be bound by the Proposed Settlement, you will not receive any settlement payments, and you will need to pursue an individual claim by yourself.
48. If after considering any objections the Court does not approve the Proposed Settlement and you have not opted out, 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, including directions relating to your individual claim.



## SCHEDULE 1 – GROUP MEMBER REGISTRATION FORM

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

**Please return this form to:**

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

**OR**

**By email:** [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) with subject line: Registration Form NSD730/2023

**YOU MAY ALSO COMPLETE THIS FORM ONLINE**

**at** <https://www.aderolaw.com.au/class-action/sydney-trains/>

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

### **Details of Group Member**

Name of Group Member	
Date of Birth	
Telephone	
Email Address	
Postal Address	
Sydney Trains Employment ID(s) (from payslips) (optional)	



## SCHEDULE 2 – OBJECTION TO PROPOSED SETTLEMENT

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

**Please return this form to:**

**By post:** Federal Court of Australia (New South Wales Registry), Locked Bag A6000, Sydney South NSW 1235  
**and**  
Adero Law, 3 Hobart Place, Canberra ACT 2601

**OR**

**By email:** nswreg@fedcourt.gov.au with subject line: Notice of Objection  
NSD730/2023  
**and**  
sydney.trains@aderolaw.com.au with subject line: Notice of Objection  
NSD730/2023

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

### Details of Objector

Name of the 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 because [set out below any submissions, attaching additional pages if necessary]:



Signed	
Name of Person Signing	
Date	



### SCHEDULE 3 – REQUEST FOR INSPECTION FORM

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

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:** [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) with subject: Inspection Request NSD730/2023

I, \_\_\_\_\_ [*print full name*] undertake 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 \_\_\_\_\_



## ANNEXURE B

### NOTICE OF PROPOSED SETTLEMENT TO NEW GROUP MEMBERS

**Ritchie White v Sydney Trains (ABN 38 284 779682) (NSD730/2023)**

**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. It contains important information about the proposed settlement of these proceedings and your right to register your claim for consideration in the proposed settlement or object to the settlement. This notice is not legal advice. You should seek independent legal advice if you are unsure what to do, noting the time limit to object the proposed settlement **expires on 27 February 2026**.

### SECTION 1 – INFORMATION ABOUT THE CLASS ACTION

#### What is this Class Action?

1. On 18 July 2023, a class action was filed in the Federal Court of Australia by the Applicant, Mr Ritchie White, on behalf of certain persons who were employed by the Respondent, Sydney Trains (ABN 38 284 779682) (**Sydney Trains**), between 1 May 2018 to 18 July 2023 (**Class Action**). The law firm, Adero Law, acts on behalf of Mr White in this Class Action.
2. Originally the Group Members only included individuals who were employed by Sydney Trains between 1 May 2018 to 18 July 2023. However, the Applicant sought permission from the Court to extend the claim up until 26 November 2025. As a result, the Class Action now covers individuals who were employed by Sydney Trains between 1 May 2018 to 26 November 2025 and who fall within the Group Member definition set out at paragraph 5 below.
3. The Class Action seeks orders from the Court awarding compensation and imposing penalties upon Sydney Trains for alleged underpayments of wages to Mr White and Group Members arising from entitlements under the *Sydney Trains Enterprise Agreement 2018* and/or the *Sydney Trains and NSW TrainsLink Enterprise Agreement 2022* (the **Agreements**).
4. The allegations made by Mr White against Sydney Trains are set out in the Second Further Amended Statement of Claim, a copy of which is available at:  
<https://www.aderolaw.com.au/class-action/sydney-trains/>. Sydney Trains denies liability and a copy of its Defence is also available at that link.



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### Are you a Group Member?

5. You are a Group Member if you were at any time, in the period between 1 May 2018 to 26 November 2025, employed by Sydney Trains:
  - a. in a position covered under the Agreements;
  - b. as an 'Employee' within the meaning of the Agreements and the definitions therein;
  - c. in an 'Operations Position' within the meaning of the Agreements; and
  - d. in a position of any relevant grade classified as an 'Area Controller' or 'Signaller' within the meaning of the Agreements.
6. Group membership also extends to include the deceased estates of the persons described in the paragraph above.
7. If you are unsure whether you are a Group Member, you should contact Adero Law, the solicitors for the Applicant, on (02) 6189 1022 or at [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) or seek your own legal advice without delay.

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### Why have you received this Notice?

8. Mr White and Sydney Trains have agreed to settle the Class Action and will be seeking Court approval of the proposed settlement. You are receiving this Notice because you may be affected by the proposed settlement of the Class Action.
9. You should read this notice carefully. Any questions you have concerning the matter contained in this Notice should not be directed to the Court. If there is anything in this notice that you do not understand, then you should contact Adero Law or seek independent legal advice.

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### What does the Proposed Settlement involve?

10. The parties initially participated in a mediation on 9 April 2025.
11. Since April 2025, the parties continued to engage in settlement discussions and were subsequently able to agree an in-principle settlement of the Class Action (**Proposed Settlement**), which means that the parties agreed to resolve the Class Action out of Court without going to trial.
12. The Proposed Settlement requires the approval of the Court. At 10.15am on 19 March 2026, there will be a Court hearing where the Court will determine whether it approves the Proposed Settlement.
13. The terms of the Proposed Settlement include the payment by Sydney Trains of a fixed lump sum figure of between **\$6,074,523.86** to **\$7,582,927.79** in full and final settlement of the claims of the Applicant and all Group Members inclusive of costs, including legal and administration costs, expenses, disbursements, interests, and penalties (**Settlement Sum**).



The Settlement Sum is to be paid by Sydney Trains without any admission of liability or wrongdoing and on a commercial basis to resolve the proceedings without the parties incurring further legal fees, noting that the Class Action has already been on foot since July 2023.

14. The Settlement Sum is calculated as follows:
  - a. a base amount of **\$6,074,523.86**; and
  - b. an additional contribution for each additional Group Member who registers to participate in the Proposed Settlement by **11:59pm on 27 February 2026 (Further Registered Group Member)** up to a maximum total further amount of \$1,508,403.93.
15. The Settlement Sum is capped at a total maximum of **\$7,582,927.79 (Settlement Sum Cap)**.
16. The terms of the Proposed Settlement provide that if the number of Further Registered Group Members who register to participate in the Proposed Settlement by **11:59pm on 27 February 2026 (Registration Deadline)** causes the Settlement Sum Cap to be exceeded, the Applicant and Sydney Trains will meet to discuss whether a revised settlement could be reached within 6 weeks after the Registration Deadline. If the Applicant and Sydney Trains do not reach a revised settlement then the settlement will be terminated by the parties and the Class Action will proceed to a trial.
17. In the event that the Settlement Sum Cap is not exceeded or the Applicant and Sydney Trains reach a revised settlement within 6 weeks after the Registration Deadline, the parties will continue to seek the Court's approval for the Proposed Settlement.
18. **If the Proposed Settlement is approved by the Court, the Class Action will be dismissed, and Registered Group Members may receive payment from the Settlement Sum.** In order to be a **Registered Group Member**, you must register to participate in this Proposed Settlement in accordance with **Section 3** below.
19. If the Court approves the Proposed Settlement, the Applicant and all Group Members (except for the ones who have opted out) will release Sydney Trains and its related parties from (and covenant not to sue in respect of):
  - a. all claims that are made against Sydney Trains by all Group Members in the Class Action; and
  - b. 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 (whether known or unknown), including any claims not pleaded but raised in correspondence (including without prejudice correspondence) between the Applicant and Sydney Trains, or otherwise, including any claim for compensation, damages, interest, other losses, pecuniary penalties, or costs. This does not include any claims for workers compensation.



**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 or whether you receive any money from the Proposed Settlement.**

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#### **How Much Will Group Members Receive Under the Proposed Settlement?**

20. The dollar amount you receive if you register to participate and are found to be eligible will be worked out following a process set out in the Settlement Distribution Scheme. The Settlement Distribution Scheme outlines the process by which the Settlement Sum is supposed to be paid to Registered Group Members on a fair and reasonable basis and must also be approved by the Court.
21. The Settlement Distribution Scheme will propose that after making deductions (see paragraph 26 below) the balance of the Settlement Sum be distributed between Registered Group Members.
22. The precise amount that will be payable to each individual Registered Group Member is not yet known and cannot be accurately estimated, including because it depends on the number of Group Members who register (in accordance with the process outlined in section 3 below), information about Group Members, such as their employment type, the length of time Group Members were employed and the actual hours they worked each day, and the total amount of deductions from the Settlement Sum which are to be approved by the Court.
23. It is currently proposed that the Registered Group Members' claim will be calculated using a claims calculation model that has regard to, at least the factors mentioned above (**Calculation Model**). As mentioned above, the Settlement Distribution Scheme, including the Calculation Model must be approved by the Court.
24. Please note that Registered Group Members will not receive a full value of their alleged claim under the Proposed Settlement and some Registered Group Members may not receive monies from the Settlement Sum if the Administrator of the Settlement Distribution Scheme determines that there is no evidence to support their individual claims. The Proposed Settlement is a compromise of the claims made taking into account, amongst other matters, the times and cost of continuing to pursue the matter and the risk the Applicant may not be successful if the claims were to proceed to trial.

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

25. 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 payment to Group Members. This ensures that all Group Members who benefit will contribute to the legal costs and are treated equally.
26. The amounts which are proposed to be deducted from the Settlement Sum (all amounts proposed to be deducted are subject to Court approval) before it is distributed to Group Members who have registered (**Registered Group Members**) or register by the Registration Deadline of **27 February 2026 (Further Registered Group Members)** are for:
  - a. **Adero Law's Legal Costs** representing the Applicant's reasonable legal costs and disbursements in the Proceeding and calculated in accordance with the Applicant's



retainer with Adero Law. This includes work already done, and work which will be done up to and including the Settlement Approval Application hearing. Adero's agreement with the Applicant caps the total legal costs to be deducted from any Settlement Sum to a maximum of 30% of that Settlement Sum. This 30% cost cap does not apply if the matter proceeds to a hearing. This means the legal costs deducted from the Settlement Sum will not exceed \$2,274,878.34. The legal costs will also be assessed by an independent cost's expert and will be required to be approved by the Court who will consider whether the costs are fair and reasonable; and

- b. **Administration Costs** of administering the Settlement Distribution Scheme, being an estimated amount of \$73,015. It is proposed that Adero Law be appointed as Administrator of the Settlement Distribution Scheme under Court supervision. This is an administration fee and is separate to the legal fees. It is the cost of distributing the Settlement Sum to Group Members who register to participate in the Settlement. This cost is estimated on the basis of the settlement covering up to 155 Group Members, should more register and the settlement include more individuals, the cost will increase by \$470 per person.
27. The Court will need to approve deduction of any of these costs in advance and may approve lesser amounts than what is proposed. These costs will also be subject to a costs assessment by an independent Court-appointed costs referee. If you have a concern about the costs proposed to be deducted, you are free to file a "Notice of Objection" (see paragraphs 41 to 43 below). The Proposed Settlement (including the Settlement Sum) may be approved by the Court even if the Court does not approve any or some of the proposed deductions above.
28. 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?**

29. The Court still needs to approve the Proposed Settlement. The Proposed Settlement does not come into effect unless it is approved by the Court.
30. The Settlement Approval Application must be made by the Applicant. This will involve orders being made by the Court for the following steps:
  - a. orders for any person to file evidence in respect of the Settlement Approval Application;
  - b. Court approval of this notice to be distributed to Group Members regarding the Proposed Settlement;
  - c. a hearing date being 19 March 2026 for the Court's consideration and approval of:
    - 1) the Proposed Settlement;
    - 2) the proposed Settlement Distribution Scheme;
    - 3) arrangements for the reimbursement of any costs incurred by the Applicant but not recovered from the Respondent; and



- 4) an appropriately framed order to prevent unjust enrichment and equitably and fairly distribute the burden of reasonable legal costs and fees, amongst all persons who have benefited from the action;
- d. following the completion of a Settlement Distribution Scheme – orders disposing of the proceeding (i.e., dismissing the proceeding).

31. When applying to the Court for approval of the Proposed Settlement, the parties will be required to persuade the Court that:

- a. the Proposed Settlement is fair and reasonable having regard to the claims made on behalf of the Group Members who will be bound by the Proposed Settlement; and
- b. the Proposed Settlement has been undertaken in the interests of the Group Members, as well as those of the Applicant, and not just in the interests of the Applicant and the Respondent.

32. You may file a Notice of Objection to the 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 Settlement, you must do so by no later than **11:59pm on 27 February 2026**. 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?**

33. Upon signing a Request for Inspection Form at **Schedule 3** of this Notice of Settlement, Group Members may obtain a copy of the Deed of Settlement and the Settlement Distribution Scheme which are to be kept strictly confidential.
34. 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 Settlement by no later than **27 February 2026**.

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#### **Where can I get more information?**

35. If you have any questions or queries, you may contact Adero Law, at [Sydney.trains@aderolaw.com.au](mailto:Sydney.trains@aderolaw.com.au) with the subject: Settlement NSD730/2023. If you are unsure of what to do, you should seek independent legal advice.

## **SECTION 2 – SUMMARY OF YOUR OPTIONS**

36. You have four options:
  - Option A: Register (and participate in the Proposed Settlement if it is approved)**
  - Option B: Object**
  - Option C: Opt Out**
  - Option D: Do Nothing (and be ineligible for any payment even if the Proposed Settlement is approved, subject to a further order from the Court, and any rights you**



have to make a claim against Sydney Trains or its related entities shall be extinguished)

37. 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 independent legal advice.

### SECTION 3 – INFORMATION ABOUT YOUR OPTIONS

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#### **Your options if you are a New Group Member.**

38. If you are a New Group Member, you have four options.

#### **Option A: Register to participate in the Settlement by 27 February 2026**

39. You may register your claim by completing and submitting the Group Member Registration Form either online at <https://www.aderolaw.com.au/class-action/sydney-trains/> 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 27 February 2026**.
40. **If you register, you may be eligible to receive a payment from the Proposed Settlement if it is approved.** 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: Object to the Proposed Settlement by 27 February 2026**

41. 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 11:59pm on 27 February 2026**. If you choose to do this, **you must still also register (see Option A) if you wish to participate in the Proposed Settlement if it is approved by the Court.**
42. Any objections received by the Court will be considered by the Court, along with any evidence and submissions filed by the Applicant and Sydney Trains, in determining whether or not the Proposed Settlement should be approved. The Court may grant you the opportunity to opt out of the Class Action, in which case you will not be bound by the Proposed Settlement, you will not receive any settlement payments, and you will need to pursue an individual claim by yourself.
43. If after considering any objections the Court does not approve the Proposed Settlement and you have not opted out, 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, including directions relating to your individual claim.



#### Option C: Opt Out of the Class Action by 27 February 2026

44. If you wish to opt out of the Class Action, you must complete the **Opt Out Notice** attached at **Schedule 4** to this notice and send it to the Court by the Opt Out Deadline of **11:59pm (AEDT) on 27 February 2026**, either by:

- email to: [nswreg@fedcourt.gov.au](mailto:nswreg@fedcourt.gov.au), with the email subject line "Opt Out Notice NSD730/2023"; or
- post to: Federal Court of Australia, NSW Registry, Locked Bag A6000, Sydney South NSW 1235

45. 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 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 the Proposed Settlement if it is approved. **You should seek independent legal advice about your claim and the applicable time limit prior to opting out.**

#### Option D: Do nothing

49. 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 Proposed Settlement but:

- you will not, unless the Court determines otherwise, be entitled to receive a payment from the Proposed Settlement; and**
- any rights you have to make a claim against Sydney Trains or its related entities as set out at paragraph 19 of this Notice will be extinguished.**



## SCHEDULE 1 – GROUP MEMBER REGISTRATION FORM

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

**Please return this form to:**

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

**OR**

**By email:** [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) with subject line: Registration Form NSD730/2023

**YOU MAY ALSO COMPLETE THIS FORM ONLINE**

**at** <https://www.aderolaw.com.au/class-action/sydney-trains/>

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

### **Details of Group Member**

Name of Group Member	
Date of Birth	
Telephone	
Email Address	
Postal Address	
Sydney Trains Employment ID(s) (from payslips) (optional)	



## SCHEDULE 2 – OBJECTION TO PROPOSED SETTLEMENT

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

**Please return this form to:**

**By post:** Federal Court of Australia (New South Wales Registry), Locked Bag A6000, Sydney South NSW 1235

**and**

Adero Law, 3 Hobart Place, Canberra ACT 2601

**OR**

**By email:** nswreg@fedcourt.gov.au with subject line: Notice of Objection

NSD730/2023

**and**

sydney.trains@aderolaw.com.au with subject line: Notice of Objection

NSD730/2023

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

### Details of Objector

Name of the 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 because [set out below any submissions, attaching additional pages if necessary]:



Signed	
Name of Person Signing	
Date	



### SCHEDULE 3 – REQUEST FOR INSPECTION FORM

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

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:** [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au) with subject: Inspection Request NSD730/2023

I, \_\_\_\_\_ [*print full name*] undertake 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 \_\_\_\_\_



#### SCHEDULE 4 – OPT OUT NOTICE

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

**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

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:	
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**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:** \_\_\_\_\_



## ANNEXURE C

### REGISTERED GROUP MEMBER COVER LETTER

Dear Registered Group Member

#### **CLASS ACTION – Ritchie White v Trains (ABN 38 284 779 682) (NSD730/2023)**

You are receiving this correspondence because you have previously registered for the Class Action.

The notice enclosed with this correspondence has been approved by the Federal Court of Australia. It provides you with important information about:

1. the proposed settlement of the Class Action; and
2. your right to object to the proposed settlement of the Class Action and/or any aspect of the proposed distribution of the settlement proceeds before the deadline of **27 February 2026**.

It is therefore very important that you read the enclosed Notice carefully.

If you have any questions, please visit the Class Action website at <https://www.aderolaw.com.au/class-action/sydney-trains/> or contact Adero Law directly at [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au).

Alternatively, you may wish to seek independent legal advice regarding the matters set out in this Notice.

Sincerely,

Adero Law



## ANNEXURE D

### UNREGISTERED GROUP MEMBER COVER LETTER

Dear Group Member

#### **CLASS ACTION – Ritchie White v Trains (ABN 38 284 779 682) (NSD730/2023)**

You are receiving this correspondence because, based on the information available, you may have been employed by Sydney Trains at any stage between 1 May 2018 to 26 November 2025 and may be a Group Member in the Class Action.

The notice enclosed with this correspondence has been approved by the Federal Court of Australia. It provides you with important information about:

1. the proposed settlement of the Class Action;
2. what you need to do to register to participate in the settlement of the Class Action before the deadline of **27 February 2026**;
3. your right to object to the proposed settlement of the Class Action and/or any aspect of the proposed distribution of the settlement proceeds before the deadline of **27 February 2026**; and
4. your right to opt out of the Class Action before the deadline of **27 February 2026**.

It is therefore very important that you read the enclosed Notice carefully.

If you have any questions, please visit the Class Action website at <https://www.aderolaw.com.au/class-action/sydney-trains/> or contact Adero Law directly at [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au).

Alternatively, you may wish to seek independent legal advice regarding the matters set out in this Notice.

Sincerely,

Adero Law



## ANNEXURE E

### NEW GROUP MEMBER COVER LETTER

Dear Group Member

#### **CLASS ACTION – Ritchie White v Trains (ABN 38 284 779 682) (NSD730/2023)**

You are receiving this correspondence because, based on the information available, you may have been employed by Sydney Trains at any stage between 1 May 2018 to 26 November 2025 and may be a Group Member in the Class Action.

The notice enclosed with this correspondence has been approved by the Federal Court of Australia. It provides you with important information about:

1. the proposed settlement of the Class Action;
2. what you need to do to register to participate in the settlement of the Class Action before the deadline of **27 February 2026**;
3. your right to object to the proposed settlement of the Class Action and/or any aspect of the proposed distribution of the settlement proceeds before the deadline of **27 February 2026** ; and
4. your right to opt out of the Class Action before the deadline of **27 February 2026**.

It is therefore very important that you read the enclosed Notice carefully.

If you have any questions, please visit the Class Action website at <https://www.aderolaw.com.au/class-action/sydney-trains/> or contact Adero Law directly at [sydney.trains@aderolaw.com.au](mailto:sydney.trains@aderolaw.com.au).

Alternatively, you may wish to seek independent legal advice regarding the matters set out in this Notice.

Sincerely,

Adero Law



**ANNEXURE F**

**SMS COVER**

You are receiving this because you may be a Group Member in the Sydney Trains Class Action. The Federal Court of Australia has approved an important notice to Group Members.

Visit the Sydney Trains Class Action website at <https://www.aderolaw.com.au/class-action/sydney-trains/> or contact Adero Law on 02 6189 1022 or [Sydney.trains@aderolaw.com.au](mailto:Sydney.trains@aderolaw.com.au) to find out more.



**ANNEXURE G**  
**SMS REMINDER**

This is a reminder to read the notice to group members approved by the Federal Court of Australia in the Sydney Trains class action emailed or mailed to you.

Visit the Sydney Trains Class Action website at <https://www.aderolaw.com.au/class-action/sydney-trains/> or contact Adero Law on 02 6189 1022 or [Sydney.trains@aderolaw.com.au](mailto:Sydney.trains@aderolaw.com.au) to find out more.