



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.



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 or seek your own legal advice without delay.

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.

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.
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.

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.

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.

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.

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**.

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 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	You are a Registered Group Member	<ol style="list-style-type: none">1. Do Nothing (and participate in the Proposed Settlement if it is approved)2. Object (and participate in the



opted out		Settlement if it is approved)
Have not previously registered to participate in the Class Action and have not opted out	You are an Unregistered Group Member	1. Register (and participate in the Settlement if it is approved) 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) 3. Object
Have 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

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 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 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 _____