

## **NOTICE OF PROPOSED SETTLEMENT**

### **NSW JUNIOR DOCTORS CLASS ACTION**

*Dr Amireh Fakhouri v Secretary of the NSW Ministry of Health and Anor (2020/00356588)*

#### **PLEASE READ THIS CAREFULLY – IT MAY AFFECT YOUR LEGAL RIGHTS**

1. This notice contains important information about the proposed settlement of the NSW Junior Doctors Class Action. It has been distributed in accordance with orders made by the Supreme Court of New South Wales. Please read it carefully as the proposed settlement may affect your legal rights.
2. If you do not understand this notice or if you have any questions, please contact Maurice Blackburn Lawyers whose contact details are at the end of this notice.

#### **THE NSW JUNIOR DOCTORS CLASS ACTION**

3. In December 2020, Dr Amireh Fakhouri (the Plaintiff) filed a class action against the NSW Ministry of Health and the State of NSW (together, the Defendants) covering current and former junior medical officers who worked anytime in the period 16 December 2014 to 21 March 2024. The class action makes claims for rostered overtime, unrostered overtime, meal breaks, and superannuation.

#### **THE PROPOSED SETTLEMENT**

4. On 4 March 2024, the Parties reached a settlement of the class action for **\$229.8 million** inclusive of legal and other costs. The settlement is subject to approval by the Court. The legal team acting for Dr Fakhouri and group members recommend the settlement and regard it as fair and reasonable.

#### **WHY YOU HAVE RECEIVED THIS NOTICE**

5. You are receiving this notice because NSW Health identified you as a potential group member in the class action.
6. You are a group member if you were:
  - a. employed as a junior medical officer (i.e., an intern, resident, registrar, and/or senior registrar) by NSW Health at any time between 16 December 2014 and 21 March 2024;
  - b. required, from time to time, to work more than your rostered ordinary hours; and
  - c. not paid all your entitlements for that work.
7. If you meet these criteria, you may be eligible to receive money if the Court approves the proposed settlement.
8. At this stage, it is not possible to tell you how much you will receive by participating in the settlement. This will depend on how many group members register and an estimate of each group member's entitlements.

## YOUR OPTIONS

**Option 1: Register.** To participate in the proposed settlement, you must register your details with Maurice Blackburn Lawyers **by 12 July 2024** at [mauriceblackburn.com.au/juniordoctors](http://mauriceblackburn.com.au/juniordoctors) (unless you have already done so). This is a Court ordered deadline and Maurice Blackburn Lawyers will not have discretion to accept registrations after this time.

**Option 2: Opt-out.** If you do not wish to remain a Group Member you must opt out of the class action. If you opt out, you will not be bound by, or entitled to share in the benefit of, the settlement (if it is approved), but you will be able to bring your own claim against the Defendants if you issue proceedings within the time limit applicable to your claim. If you wish to bring your own claim against the Defendants, you should seek independent legal advice.

If you wish to opt out of the class action, you must complete the annexed 'Opt-out notice' and email it to the Court at [sc.emailfiling@justice.nsw.gov.au](mailto:sc.emailfiling@justice.nsw.gov.au) and to Maurice Blackburn Lawyers at [NSWJuniorDoctors@mauriceblackburn.com.au](mailto:NSWJuniorDoctors@mauriceblackburn.com.au) by **12 July 2024**.

**Option 3: Do nothing.** If you do not register, or opt-out, by the deadline of 12 July 2024, you will not be entitled to any money from the settlement, but you will still be bound by it (if it is approved). This means that any claims you may have against the Defendants covered by the class action (e.g., for unpaid overtime and/or unpaid meal breaks worked at any time between 16 December 2014 and 21 March 2024) will be extinguished.

## YOU WILL NOT NEED TO PAY UPFRONT COSTS

9. You will not need to pay any upfront costs to participate in the settlement. Legal and other costs will be paid from the settlement sum (if they are approved by the Court) before the balance of the settlement sum is distributed to eligible group members. Under no circumstances will you have to pay any 'out-of-pocket' legal or other costs.

## OBJECTING TO THE PROPOSED SETTLEMENT

10. Group members have the right to object to the proposed settlement and to make submissions as to why the Court should not approve it (or any aspect of it). If you wish to exercise those rights, you must complete the Notice of Objection form available at [mauriceblackburn.com.au/juniordoctors](http://mauriceblackburn.com.au/juniordoctors) and email it to Maurice Blackburn Lawyers at [NSWJuniorDoctors@mauriceblackburn.com.au](mailto:NSWJuniorDoctors@mauriceblackburn.com.au) by 12 July 2024.
11. Any group member who objects may (but is not obliged to) appear before the Court at the hearing of the application to approve the proposed settlement at 10am on 12 August 2024 at the Court in Queens Square, Sydney.
12. Any objections will be considered by the Court in determining whether to approve the proposed settlement.

13. If you want to object to the proposed settlement, but nevertheless participate in it if your objection is overruled and the proposed settlement is approved, you should register as set out above.

#### **KEY DOCUMENTS**

14. Key documents regarding the class action are available on the Court's website at <https://supremecourt.nsw.gov.au/cases/class-actions/current-class-actions/junior-doctors-underpayment.html>.

#### **WHO YOU SHOULD CONTACT FOR MORE INFORMATION**

15. You may contact Maurice Blackburn Lawyers for more information about the class action on 1800 318 062, by email at [NSWJuniorDoctors@mauriceblackburn.com.au](mailto:NSWJuniorDoctors@mauriceblackburn.com.au), or by visiting their website at [mauriceblackburn.com.au/juniordoctors](http://mauriceblackburn.com.au/juniordoctors).
16. You may also wish to seek independent legal advice.
17. Please do not contact the Court as it will not be able to answer your questions about the proposed settlement.

ANNEXURE

Form 115 (version 2)

UCPR 58.2

**OPT OUT NOTICE**

**COURT DETAILS**

Court	Supreme Court of New South Wales
Division	Common Law
List	Common Law General
Registry	Sydney Registry
Case number	2020/00356588

**TITLE OF PROCEEDINGS**

Plaintiff	Amireh Fakhouri
First Defendant	The Secretary for the NSW Ministry of Health ABN 92697899630
Second Defendant	The State of New South Wales

**FILING DETAILS**

Filed for:

.....  
*(Name of person opting out of representative proceedings)*

Legal representative:

.....  
*(If applicable)*

Legal representative reference:

.....  
*(If applicable)*

Contact name and telephone:

.....

Contact email:

.....

**OPT OUT NOTICE**

Name of person opting out:

Address of person opting out:

I, ....., a Group Member in these representative proceedings, opt out of the proceedings.

I understand that in opting out:

- 1 I forego the right to share in any relief obtained by the representative party in the representative proceedings;
- 2 I am not entitled to receive any further notification about the conduct or disposition of the proceedings; and
- 3 To the extent that I have a claim against the defendants, any limitation period suspended by the commencement of the representative proceedings has recommenced to run.

### **SIGNATURE**

Signature of legal representative:

Signature of or on behalf of person opting out if not legally represented:

Capacity:

.....

[eg solicitor, authorised officer of person opting out, person opting out]

Date of signature:

### **NOTICE TO PERSON OPTING OUT**

You must, within the time specified in the notice to Group Members:

- 1 file this form in the registry of the court at the address below, or in the manner provided in the notice to Group Members; and
- 2 serve a copy of this form on the representative party at the address, or in the manner provided, in the notice to Group Members.

**REGISTRY ADDRESS**

Street address	Supreme Court of NSW Law Courts Building, Queen's Square 184 Phillip Street Sydney NSW 2000
Postal address	Supreme Court of NSW GPO Box 3 Sydney NSW 2001
Telephone	1300 679 272