

Opt-out notice

Class action about stolen wages in Western Australia




Federal Court of Australia

The Federal Court has ordered that this notice be published for the information of persons who might be members of the class on whose behalf the action is brought and may be affected by the action.

Some important things you should know about the class action

It is about the CLASS ACTION FOR STOLEN WAGES IN WESTERN AUSTRALIA.

This has been sent to you because the Court considers you might be eligible to be part of this class action. This class action is to assist you to recover any monies that may be owed to you. We sincerely apologise if this notice has been sent to a relative who has passed away.



As explained in more detail on the following pages, you may do one of three things in response to this notice:

1 Sign up to be a part of the class action;


OR

2 Opt-out of this class action by 4:00pm AWST on 27 August 2021. This means you will not be part of this case and you will lose a right to receive any compensation out of the class action (but keep your right to try to get some compensation in an action you may start yourself),

OR

3 Do nothing. This means you will continue to be part of the class action if eligible.

Mr Mervyn Street has brought a case in the Federal Court against the Western Australian Government on behalf of all Aboriginal and Torres Strait Islander peoples who weren't paid all their wages between 1936 and 1972. The Western Australian Government is defending the case. The case is called a "class action" because Mr Street is bringing the case for anyone who was not given all of his or her pay or money. Mr Street's lawyers are Shine Lawyers, and they are helping him run the case. A company called Litigation Lending Services (or "the funder") is currently paying the costs of bringing this class action against the Western Australian government in return for repayment of those costs, plus a maximum commission of 20% of any money recovered if the class action is successful.



What do you need to do to be part of the class action?



You are automatically part of the class action if:

- A** you are an Aboriginal or Torres Strait Islander person;
- B** between 1936 and 1972 you lived in Western Australia and worked at some time in that period; and

OR

- C** you are representing a family member who qualifies and has since passed away.

All of these people are called "group members". If you want to continue to be part of the case you don't need to do anything. You will be a group member and part of the case unless you tell the Federal Court you don't want to be part of it. But if you give your information to Shine Lawyers by signing up, it will help Mr Street to try to negotiate the best settlement possible on your behalf. You may give your information to Shine Lawyers by following the instructions in **Option 1** overleaf.

You don't have to pay anything upfront to be part of the case. You will only have to pay something if at the end of the case you (or the estate you represent) get money from it. If the Western Australian Government pays money to claimants including you, Litigation Lending Services will seek a maximum commission of 20% of that amount, plus what it costs to run the case to be deducted from that money before it is distributed, so that everyone who benefits from the class action contributes to these costs. The Court would have to approve this before it happens.

Choosing to remain part of the case means that you will be bound by the result whether it wins, loses, or settles.

What do you need to do if you don't want to be part of the class action?

If you don't want to be part of the case you need to fill out a form to tell that to the Federal Court. This is called "opting out" and the form you must fill out to not be part of the case is called an "Opt Out Notice".

You may opt out of the class action by following the instructions in Option 2 overleaf.



Your Three Options

1 Sign up to the class action

To sign up, you need to provide your details and information about your claim to Shine Lawyers.

You can do this by:

- a. **Attending an Information Meeting** – a list of places and dates of meetings is attached to this notice.
- b. **Ringling Shine Lawyers on 1800 976 150.**
- c. **Going to the website for the class action at [shine.com.au/stolenwageswa](https://www.shine.com.au/stolenwageswa)**

Group members who sign up will not be liable for any “out of pocket” legal costs by remaining a group member in this class action.

Although you do not have to sign up now (see Option 3 below), at some point you will need to register your interest with Shine Lawyers – either to get money in any settlement or to take further steps to progress your claim. If you have already signed up, you do not need to sign up again.

If you do not sign up, it will mean you will not enter into any contract with Shine Lawyers or the funder. But at the end of the class action, Mr Street might ask the Court to make an order for everyone who benefitted from the class action to contribute to the costs of the action out of any money they receive.

2 Opt out and cease to be a group member

Group members who do not want to be a part of the case must opt out. If you opt out, you will not be affected by the outcome of the class action and will not receive any money from the class action if it is successful. You should seek legal advice before opting out. Opting out is serious – you should not do it unless you understand what it means. If you opt out you will still have a right to bring a claim against the Western Australian government individually if you think you have a valid claim. To opt out, you need to fill out a form to tell the Federal Court you are opting out. You can get a copy of the form by:

- a. **Attending an Information Meeting** and asking Shine Lawyers for a copy;
- b. **Ringling Shine Lawyers on 1800 976 150** and asking for a copy; or
- c. **Going to the website for the class action at [shine.com.au/stolenwageswa](https://www.shine.com.au/stolenwageswa)**

Opt out forms must be sent directly to the Western Australian Registry of the Federal Court of Australia before 4:00pm AWST on 27 August 2021.

3 Do nothing

Group members who do not opt out or sign up will remain as group members and await the outcome of the class action. But at some point those group members will need to register to receive money from any settlement if the class action is successful.

THREE IMPORTANT THINGS TO NOTE

First, this is not a scam.

You can check (and get further information) by:

- a. visiting the Federal Court of Australia website for the class action at <https://www.fedcourt.gov.au/Law-and-practice/class-actions/class-actions#wa>;
- b. visiting the website for the class action at [shine.com.au/stolenwageswa](https://www.shine.com.au/stolenwageswa); and/or
- c. contacting Shine Lawyers on 1800 976 150 or by emailing stolenwages@shine.com.au

Second, if you sign up, Shine Lawyers can try to work out how much all the claims in the class action are worth. Your information will help Mr Street to try to negotiate the best settlement possible on your behalf.

Third, if there is anything which you are unsure of and you do not want to speak with Shine Lawyers, you should get legal advice from an independent solicitor.

Information Meetings

To find out more about your entitlements, come to your nearest Information Meeting.

TOWN	DATE	TIME	LOCATION
GOLDFIELDS A			
Kalgoorlie	28 June 2021	10:00AM to 2:00PM	Goldfields Aboriginal Language Centre - Address: 2 Burt St, Boulder WA 6432
Laverton	30 June 2021	10:00AM to 2:00PM	Laverton Community Resource Centre - Address: Augusta St, Laverton WA 6440
Menzies	1 July 2021	11:00AM to 3:00PM	Menzies Aboriginal Corporation - Address: 43 Walsh St, Menzies WA 6436
Coolgardie	2 July 2021	10:00AM to 2:00PM	Judumul Aboriginal Corporation. 75 Sylvester St, Coolgardie WA 6429
Esperance	4 July 2021	10:00AM to 2:00PM	Mudjar Aboriginal Corporation. 4 Woods St, Esperance WA 6450
GOLDFIELDS B			
Warburton	14 July 2021	11:00AM to 3:00PM	Warburton Community Store - Warburton Community WA 6431
Wanarn	15 July 2021	10:30AM to 2:00PM	Wanarn Community Store, Wanarn Community
Warakurna	16 July 2021	11:00AM to 3:00PM	Warakurna Community, Ngaanyatjarra-Giles WA 0872
KIMBERLEY (WEST) A			
Broome	2 August 2021	10:00AM to 2:00PM	Broome Circle
Bidyadanga	3 August 2021	10:00AM to 2:00PM	Bidyadanga Community
Lombadina/Djarindjin	4 August 2021	10:00AM to 2:00PM	Lombadina Town Centre
Beagle Bay	5 August 2021	10:00AM to 2:00PM	Beagle Bay Town Centre
Fitzroy Crossing	7 August 2021	10:00am to 2:00pm	Fitzroy Valley Community Resource Centre
KIMBERLEY (WEST) B			
Derby	22 June 2021	10:00AM to 2:00PM	Derby Professional Centre - 2 Clarendon St, Derby WA 6728
Mowanjum	23 June 2021	10:00AM to 2:00PM	Mowanjum Art and Culture Centre - Derby WA 6728
Djimung Nguda/Budulah/Karmarlinunga	24 June 2021	10:00AM to 2:00PM	Budulah Town Centre
Pandanus Park	25 June 2021	10:00AM to 2:00PM	Pandanus Park Aboriginal Corporation Lot 353 Derby Highway, WILLARE WA 6728
KIMBERLEY (WEST) C			
Looma	1 July 2021	11:00AM to 3:00PM	Looma Community Office - Address: Camballin WA 6728
Junjuwa	2 July 2021	12:00PM to 3:00PM	Junjuwa Community Office, Fitzroy Crossing WA 6765
Bayulu	2 July 2021	12:00PM to 3:00PM	Bayulu Community Office, St George Ranges WA 6128
Wangkatjungka	3 July 2021	10:00AM to 2:00PM	WANGKATJUNGKA Community Hall, 6765 WA
Kurnangki/Mindi Rardi	4 July 2021	9:00AM to 1:00PM	Kurnangki/Mindi Rardi Community Office, Fitzroy Crossing WA 6765
Muludja	4 July 2021	1:30pm to 4:30pm	Muludja Community Office, St George Ranges WA 6728
Yakanarra	5 July 2021	1:30pm to 4:30pm	Yakanarra Community Office, Yakanarra Community, St George Ranges WA 6728
Yungngora	6 July 2021	11:00AM to 3:00PM	Yungngora Community Office, Mount Hardman WA 6765
SOUTHERN A			
Perth	19 July 2021	10:00AM to 2:00PM	Wadjak Northside Aboriginal Community Centre - 2 Finchley Cres, Balga WA 6061
Northam	20 July 2021	10:00AM to 2:00PM	Northam Recreation Centre
Mukinbudin	21 July 2021	10:00AM to 2:00PM	Mukinbudin Shire Council
Bunbury	23 July 2021	10:00AM to 2:00PM	Bunbury Regional Art Gallery
Manjimup	24 July 2021	1:00PM to 4:00PM	Manjimup Town Centre
Busselton	24 July 2021	8:00AM to 12:00PM	Busselton Community Resource Centre

Information Meetings Continued from overleaf

TOWN	DATE	TIME	LOCATION
SOUTHERN A			
Narrogin	25 July 2021	1:00AM to 4:00PM	KEEDAC Venue - 129 Federal St, Narrogin WA 6312
Collie	25 July 2021	8:00AM to 11:00AM	Margaretta Wilson Senior Citizens Centre, Collie - 105 Forrest Street, Collie, WA 6225 Australia
Katanning	26 July 2021	10:00AM to 2:00PM	Katanning Aboriginal Corporation - 1 Dijon, Katanning WA 6317
Albany	27 July 2021	10:00AM to 2:00PM	Albany Town Centre
SOUTHERN B			
Kojonup	7 June 2021	11:00AM to 3:00PM	Kojonup Sporting Complex - Ben Parade Hwy, Kojonup WA 6395
Moora	8 June 2021	10:00AM to 2:00PM	Shire of Moora - Town Hall
Morawa	9 June 2021	10:00AM to 2:00PM	Shire of Morawa - Function Room
Mullewa	10 June 2021	9:00AM-1:00PM	Shire of Mullewa - Town Hall
PILBARA			
Port Hedland	8 June 2021	10:00AM to 2:00PM	Jimblebar Function Room - Wanangkura Stadium, Hamilton Rd, South Hedland WA 6721
Roebourne	9 June 2021	9:00AM-12:00PM	Roebourne PCYC Sholl St, Roebourne WA 6718
Mingullatharndo/ Cheeditha	9 June 2021	12:30PM to 2PM	Cheeditha Town Centre
Onslow	11 June 2021	10:00AM to 2:00PM	Onslow Town Centre
Paraburdoo	13 June 2021	9:30AM to 1:30PM	Paraburdoo Town Centre
Tom Price	14 June 2021	10:00AM to 2:00PM	Tom Price Town Centre
Jigalong	15 June 2021	10:00AM to 2:00PM	Boardroom of Community Office for Jigalong Jigalong Community, Newman WA 6753
Nullagine	16 June 2021	10:00AM to 2:00PM	Nullagine Town Centre
Yandeyarra/ Mugarinya	17 June 2021	11AM to 3PM	Yandeyarra Town Centre
MIDWEST			
Geraldton	29 June 2021	10:00AM to 2:00PM	Bundiyarra Aboriginal Community Aboriginal Corporation Eastward Rd, Geraldton WA 6530
Carnarvon	1 July 2021	9:00AM to 12:00PM	Gwoonwardu Mia - 146 Robinson St. Carnarvon WA 6701
Mungullah	2 July 2021	12:30PM to 2PM	Mungullah Community Aboriginal Corporation - 31 Acacia Way, Greys Plain WA 6701
Burringurrah	4 July 2021	10:00AM to 2:00PM	Burringurrah Community
Meekatharra	6 July 2021	10:30AM to 2:30PM	Shire Hall
Wiluna	7 July 2021	10:30AM to 2:30PM	Youth Centre
Mount Magnet	8 July 2021	10:30AM to 2:30PM	ANZAC Hall
KIMBERLEY EAST			
Kununurra	27 July 2021	10:00AM to 2:00PM	Kununurra Waringarri Aboriginal Corporation - 32 Speargrass Road, KUNUNURRA WA 6743
Wyndham	28 July 2021	10:00AM to 2:00PM	Wyndham Recreation Centre
Warmun	29 July 2021	10:00AM to 2:00PM	Warmun Community
Mardiwah Loop/Lundia	30 July 2021	10:00AM to 2:00PM	Mardiwah Loop Town Centre
Kundat Djaru	31 July 2021	10:00AM to 2:00PM	Kundat Djaru Town Centre
Balgo	1 August 2021	10:30AM to 2:30PM	Wirrimanu Aboriginal Corporation
Halls Creek	2 August 2021	10:00AM to 2:00PM	Jungarni-Jutiya Indigenous Corporation Halls Creek Community Resource Centre - 29 Thomas Street
Mirima	4 August 2021	9:00AM to 1:00PM	Mirima Dawang Woollab-gerring Language and Culture Centre Button Drive (off Speargrass Rd), Kununurra WA 6743