



Federal Court of Australia
District Registry: New South Wales
Division: General

No: NSD215/2019

THE OWNERS - STRATA PLAN 87231
Applicant

3A COMPOSITES GMBH and another named in the schedule
Respondent

ORDER

JUDGE: JUSTICE WIGNEY

DATE OF ORDER: 30 October 2020

WHERE MADE: Sydney

THE COURT ORDERS THAT:

FUTURE CASE MANAGEMENT

Note: Defined terms in these orders have the same meaning as in the Orders made by the Court on 31 August 2020, unless otherwise defined.

Date for Opt Out

1. Pursuant to s 33J of the FCAA, 4.00pm on the date which is 30 weeks from the Distribution Date is fixed as the date before which a Class Member (as defined in the Amended Statement of Claim) may opt out of this proceeding in accordance with these Orders (**Deadline**).

Distribution of the Main Notice – Existing Registered Class Members

2. Pursuant to s 33Y(3) of the FCAA, the Cover Letter with the Main Notice is to be sent by OBL by the Distribution Date, to the Existing Registered Class Members by ordinary post or e-mail to their last known postal or e-mail address, together with a copy of the **Questionnaire** in the form set out in **Schedule H**.



Distribution of the Main Notice – Unregistered Class Members

3. Pursuant to s 33Y(3) of the FCAA, the Main Notice is to be given to the Unregistered Class Members according to the following procedure:
 - a. By the Distribution Date, the Cover Letter with the Main Notice is to be sent by OBL to Unregistered Class Members in the Final Address List, by email or ordinary post to the email or postal address in the Final Address List.
 - b. By the Distribution Date, William Roberts Lawyers (**WRL**), the solicitors for the Applicant will cause the Main Notice to be displayed on its website and to remain displayed at least until the Deadline.
 - c. By the Distribution Date, OBL will:
 - i. cause the Main Notice to be displayed on its website and to remain displayed at least until the Deadline; and
 - ii. enable a registration portal to be created on its website for Unregistered Class Members to register electronically with the relevant information as contained in **Schedule F (Registration Form)** to become a Registered Unrepresented Class Member (as that term is defined in the Main Notice) and, if they wish, to obtain the OBL funding agreement and WRL retainer, in order to become a Represented Class Member (as that term is defined in the Main Notice);
 - iii. enable a portal to be created on its website for Unregistered Class Members to complete the **Questionnaire** questions set out in **Schedule G**, to which such class members are automatically taken immediately after they register as a Registered Unrepresented Class Member (by completing the relevant information as contained in Schedule F).



Distribution of the Newspaper Notice, Audio-Visual Notice, Radio Notice and Short Form Notice

4. Pursuant to s 33Y(3) of the FCAA, by the Distribution Date, the Applicant shall cause the Newspaper Notice to be published in at least one (1) major newspaper publication in circulation in metropolitan areas, in each capital city of each State and mainland Territory of Australia.
5. Pursuant to s 33Y(3) of the FCAA, the Applicant will cause the Radio Notice to be read out at least once in the period between the Distribution Date and the Deadline on a radio station broadcasting in major metropolitan areas in each State and mainland Territory of Australia.
6. Pursuant to s 33Y(3) of the FCAA, by the Distribution Date, the Second Respondent shall cause a link to the Short Form Notice to be displayed on its website and Facebook page and to remain for at least the period to the Deadline, with the link to state that it is an important notice in relation to people who own or have previously owned a building situated in Australia or have an interest in or previously had an interest in a building situated in Australia fitted with Alucobond PE or Alucobond Plus that was first supplied between 14 February 2009 and 14 February 2019. If any Class Member or potential Class Member contacts the Second Respondent to discuss the class action, the Second Respondent must not engage in any substantive discussions with that person about the proceeding. Instead, the Second Respondent must direct that person to make any enquiries with OBL or WRL on the details provided in the Short Form Notice.
7. Pursuant to s 33Y(3) of the FCAA, the Applicant will cause a copy of the Short Form Notice to be published on WRL's and OBL's pages in the following social media sources (to the extent WRL or OBL have such social media sources):
 - a. Facebook; and
 - b. Instagram,throughout the period between the Distribution Date and the Deadline.
8. Pursuant to s 33Y(3) of the FCAA, by either the Distribution Date, or within three (3) business days from the date of approval by the Court of any Audio-Visual Notice, whichever is later in time:



- a. WRL will cause any Audio-Visual Notice to be displayed on its website and to remain there for the period to the Deadline; and
- b. OBL will cause any Audio-Visual Notice to be displayed on its website and to remain there for the period to the Deadline.

Amendment of Notices

9. The Notices may be amended by the Applicant before being emailed, posted, displayed or published in order to correct any website or email address or telephone number or other non-substantive error or matter.

Provision of information to Respondents

10. Following receipt by OBL from any class member or potential class member of a completed Questionnaire (whether completed partially or fully, in hard copy or on-line), OBL will provide to WRL, and WRL will provide (in weekly batches) to the Respondents, the following information:
 - a. an excel spreadsheet (*.xls file) which is cumulatively updated each week containing the answers to the Questionnaire questions as contained in Schedules G and H (**Registration Spreadsheet**); and
 - b. to the extent supplied by the class member or potential class member in response to the Questionnaire, documents requested in it (with their contact details redacted on any such documents).
11. By the date which is 14 days after the Deadline, the Applicant must deliver to the Respondents' solicitors, a cumulatively updated excel spreadsheet (*.xls file) containing the information set out in Order 10.a above in respect of each class member or potential class member who has registered as a Registered Unrepresented Class Member or a Represented Class Member (as those terms are defined in the Main Notice) (**Final Registration Spreadsheet**), together with any documents supplied in response to the Questionnaire, to the extent that such documents have not been previously provided pursuant to Order 10.b above (with their contact details redacted on any such documents).

Confidentiality – Group Member Information

12. The Registration Spreadsheet, Final Registration Spreadsheet and any documents provided in response to the Questionnaire (**Group Member Information**), the Extrinsic



Data and any returned Registration Forms or Questionnaires are to be kept confidential to:

- (a) the parties;
 - (b) the parties' legal representatives in this proceeding;
 - (c) OBL; and
 - (d) experts retained by the parties.
13. Further to order 12, prior to the disclosure of any Group Member Information to each of the Respondents, each Respondent must provide a written undertaking to the Court in the form set out in **Schedule I** to only use the Group Member Information for the purposes of investigating, commencing or prosecuting any cross-claims for contribution in the proceedings, and must not initiate contact with class members or potential class members except in the Respondents' ordinary course of business and not regarding this proceeding, or otherwise with the consent of all parties or with leave of the Court.
14. The Applicant, WRL and OBL must provide a written undertaking to the Court in the form set out in **Schedule I** that they will not, subject to further order, use the Group Member Information and any returned Registration Forms or Questionnaires:
- (a) for any purpose not connected with this proceeding; or
 - (b) to initiate contact with class members or potential class members for the purpose of requesting those class members or potential class members to enter into litigation funding agreements with OBL or retainer agreements with WRL, other than providing the funding pack of documents for their consideration following registration (as contemplated in the "Main Notice" approved by the Court on 31 August 2020 and the Registration Form).
- 14A. For the avoidance of doubt, order 14 does not prevent the use of the Group Member Information and any returned Registration Forms or Questionnaires, in respect of class members or potential class members:
- a. who have entered into litigation funding agreements with OBL and/or retainer agreements with WRL; or
 - b. who have initiated contact with the Applicant, WRL or OBL in relation to them potentially obtaining OBL's litigation funding or retaining WRL; or



- c. where their contact details have been obtained by the Applicant, WRL or OBL from sources other than the Group Member Information and any returned Registration Forms or Questionnaires; or
- d. where WRL considers it is reasonably necessary to refer to the litigation funding agreement or retainer agreement in communications with class members or potential class members for purposes other than requesting they enter into a litigation funding agreement or retainer agreement, to properly advise those class members or potential class members.

Miscellaneous

15. By the Deadline, if the solicitors for any party to the proceeding, any party or OBL receive a notice purporting to be an opt out form referable to this proceeding, they must file the notice in the New South Wales District Registry of the Federal Court of Australia within 14 days after receipt, and the notice shall be treated as an opt out notice received by the Court at the time it was received by them.
16. The solicitors for the Applicant and the solicitors for the Respondents have leave to inspect the Court file and copy any Opt out notices filed by any Class Member.
17. The First Respondent's interlocutory application dated 9 September 2019 is otherwise dismissed.

Costs

18. The costs of and incidental to the procedure set out in orders 2 to 5, 7 to 11, 21 and 23 inclusive (including the amounts payable to the newspaper companies, social media service providers and/or other third parties) are to be paid by the Applicant in the first instance, but will subsequently fall to be dealt with by the Court as part of the costs of the proceeding. For the avoidance of doubt, WRL's costs incurred in relation to answering enquiries by Class Members and members of the public in relation to the Notices referred to in these Orders is work incidental to Orders 2 to 5, 7 to 11, 21 and 23 inclusive.

Supplementary distribution list

19. By 13 November 2020, the Applicant is to serve on the Respondents a supplementary address list to be used for the further distribution of the Main Notice to Unregistered



Class Members, which will be supplemented by utilising any further information provided by the Respondents as part of the conferral referred to in Order 11 of the orders made on 31 August 2020 and any further Extrinsic Data identified by the Applicant (**Supplementary Address List**).

20. The parties have liberty to apply on two (2) days' notice to the other parties and to the Associate of Wigney J to have the matter relisted if there is any further dispute as to Supplementary Address List or if any other variation is required to these distribution orders to address the supplementary distribution.
21. Within 7 days of the Supplementary Address List being agreed by the parties (or approved by the Court if there is a dispute), OBL will send the Cover Letter with the Main Notice to Unregistered Class Members in the Supplementary Address List by email or ordinary post to the email or postal address in the Supplementary Address List (except to the extent that the Main Notice has already been sent to that email or postal address as part of the initial distribution).

Approval of the Audio-Visual Notice

22. Pursuant to s 33X of the FCAA, the Court approves the Final Proposed Audio-Visual Notice as provided to the Associate to Wigney J on 21 October 2020, and it is the "Audio-Visual Notice" for the purposes of the orders made on 31 August 2020.
23. The Audio-Visual Notice will be amended by the Applicant before being displayed in order to insert the Opt Out Date and the deadline for completing the Questionnaire, or may be amended by the Applicant to correct any website or email address, date or telephone number or other non-substantive error or matter.

Other

24. The matter be listed for a further case management hearing at 9.30am on 25 November 2020.



THE COURT NOTES THAT:

1. The Main Notice, the Amended Statement of Claim, Defences to the Amended Statement of Claim, and the Reply will be displayed on the Federal Court of Australia website; and
2. The list served by the Applicant on the Respondents on 23 October 2020 is the Final Address List as agreed between the parties and such agreement is effective as at 27 October 2020 for the purpose of order 14 of the orders dated 31 August 2020 (as varied by orders dated 13 October 2020).

Date that entry is stamped: 30 October 2020

Sia Lagos
Registrar



SCHEDULE F

1. Registration page website

www.imf.com.au/claddingau


2. Enter Email

Your Email

Email address:*

Confirm email address:*

Please confirm that you are not a robot:

 I'm not a robot  reCAPTCHA
Privacy - Terms

I have read and agree to IMF's [Privacy Policy](#) and [Terms of Use](#).

3. Contact Details:

Contact Details

Salutation:*	First name:*	Middle name:	Last name:*
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Company	Position		
<input type="text"/>	<input type="text"/>		
Country:*	Address:*		
<input type="text" value="AUSTRALIA"/>	<input type="text"/>		
Suburb:*	State/Territory:*	Postcode:	
<input type="text"/>	<input type="text" value="Please select"/>	<input type="text"/>	
Email address:*	Telephone:	Mobile:	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

By registering my information, I declare that, to the best of my knowledge, the details provided above are true and correct and believe that I have, or represent someone who has or may have a claim with respect to the class action described above.

4. Claimant Details:

Who is the claim for (please select from the options below)?

- | | |
|------------------------------|-------------------------------------|
| 5. An Individual | Individual owner of a property |
| 6. An Owners Corporation | an owners corporation of a property |
| 7. A publicly owned property | A property owned by a public body |
| 8. Other | |



9. Claim Details:

1. Properties Details

Please answer the following questions in relation to the affected property. Please note that only fields marked with an asterisk are required. If you cannot provide a response to any of the other questions below, you may leave the field blank.

* Street Address	* Suburb	* State	* Postcode
<input type="text"/>	<input type="text"/>	<input type="text" value="Choose..."/>	<input type="text"/>

Name of Building (if any)

Property Type

 Note the options are - Strata Residential, Strata Commercial, Strata Mixed Use, Non-Strata Commercial, Factory, Warehouse, Other

How many storeys does the building have?

 Note the options are - Less than 3 storeys, 3 or more storeys

Estimated amount of cladding (square meters)?

* What brand of cladding is used on the building?

 Note that this will default to the type of cladding selected at the start of the registration process. Can then be changed to: Alucobond PE, Alucobond Plus, Vitrabond PE, Vitrabond FR or don't know

When was the property built (month and year)?

When was the cladding affixed to the building (month and year)?

Have you received any letter or notice advising that you are required to replace the cladding or carry out other work because of the cladding?

 Note the options are - Yes, No

Have you suffered any of the following losses as a result of the cladding on your building (whether incurred yet or not)?

	Yes/No	Estimated Cost
Cost of replacement of the cladding	<input type="text" value="Choose..."/>	<input type="text"/>
Cost of remediation if replacement is not required (e.g. upgrade to buildings fire suppression systems)	<input type="text" value="Choose..."/>	<input type="text"/>
Increase in insurance premiums	<input type="text" value="Choose..."/>	<input type="text"/>
Cost of building safety assessments	<input type="text" value="Choose..."/>	<input type="text"/>
Additional strata management fees	<input type="text" value="Choose..."/>	<input type="text"/>
Reduction of value to building	<input type="text" value="Choose..."/>	<input type="text"/>
Other losses as a result of the cladding	<input type="text" value="Choose..."/>	<input type="text"/>

[Add Additional Property](#)

[PREVIOUS](#)

[NEXT](#)



Registered Unrepresented Class Member Registration Acceptance By electronically accepting the below conditions you will agree to register the claim for inclusion in the Cladding Class Actions and for the purpose of any possible settlement.


A copy of the completed Registered Unrepresented Class Member Registration form will be emailed to you on completion of this registration process.

- I acknowledge that electronic acceptance has the same effect as signing a hard copy version of this form. I also understand that I will be sent a funding pack to consider the option of signing up as a Represented Class Member and a Questionnaire.

Please type your name:*

Position (if applicable):

10. Registration Complete

 Thank you for your registration

You will now be taken to a separate questionnaire for you to complete.

[GO TO myIMF](#) [GO TO QUESTIONNAIRE](#)



SCHEDULE G

Cladding (Alucobond) Class Action

Website Questionnaire

***[NOTE: Schedule G will be implemented for completion in an online format similar to Schedule F which will be provided in draft to the Respondents
[AGREED BY THE APPLICANT – DRAFT WILL BE PROVIDED ASAP]***

This Questionnaire concerns the cladding affected building in respect to which a claim against the Respondents is made in this class action.

Please read the Questionnaire carefully and do your best to complete it as soon as possible and before [date – Deadline]. If you are unable to complete the entirety of this form now, you may save your answers and complete the form at a later date via our [myIMF Portal](#). Inability to complete the Questionnaire will not affect how your claims are treated in the class action.

In relation to the cladding affected building, or building part in respect of which you (being the claimant)* assert a claim against the Respondents, please provide the following additional information:

1. What is the name of the claimant (being the name of the person or entity asserting a claim for compensation)?

2. What is the name and address of the building?

3. Are you:

- | | |
|--|--------|
| a. the current owner of the whole building? | Yes/No |
| b. a former owner of the whole building? | Yes/No |
| c. a current leaseholder in respect of the whole building? | Yes/No |
| d. a former leaseholder in respect of the whole building? | Yes/No |

4. Are you:

- | | |
|---|--------|
| a. the current owner of a part of building ? | Yes/No |
| [if yes, identify the part e.g. apartment or unit number] | |
| b. a former owner of part the building? | Yes/No |
| [if yes, identify the part e.g. apartment or unit number] | |



- c. **a holder of an ownership interest in a part of the building?** Yes/No
 [if yes, identify the part e.g. apartment or unit number]
- d. **a current leaseholder in respect of part of building?** Yes/No
 [if yes, identify the part e.g. apartment or unit number]
- e. **a former leaseholder in respect of part of the building?** Yes/No
 [if yes, identify the part e.g. apartment or unit number]
5. **Are you an owners corporation or body corporate?** Yes/No
6. **What type of property is the building:**
- a. **Strata Residential;**
 - b. **Strata Commercial;**
 - c. **Strata Mixed Use;**
 - d. **Non-Strata Commercial;**
 - e. **Factory; Warehouse; or**
 - f. **Other?**
7. **Does the building have 3 or more storeys?** Yes/No
8. **What is the estimated amount of cladding (in square meters) on the building?**
-
9. **Has an Alucobond Product (being Alucobond PE or Alucobond Plus) been fitted to your building, or your part of the building?** Yes/No
10. **If the answer to question 9 is “yes”, which Alucobond Product has been fitted to your building?**
-
11. **What is the approximate date (month and year) that the Alucobond Product was fitted to the building (if you are uncertain, state the date or approximate date the construction of the building was completed)?**
-
-



12. What is the approximate date that you acquired an interest in or leased the building, or building part to which the cladding is affixed?

13. From whom did you acquire that interest or lease the building or building part?

14. Please provide the names of the following persons in relation to the building or the relevant building part that has the cladding affixed to it:

Builder	
Developer	
Façade subcontractor	
Architect	
Fire or fire safety engineer	
BCA Consultant	
Hydraulics or fire services consultant	
Any authority or private certifier who provided any certificate or approval with respect to the building	



15. If you or the former owner(s) of the building or building part were supplied with the Alucobond Product, who supplied it and who fitted it to the building or building part?
-

16. Have you received any letter, notice or order advising that you are required to replace the cladding or carry out other work because of the cladding?

Yes/No

If yes, please provide a copy of that letter, notice and order (proposed and final).

17. Have you suffered any losses as a result of the cladding on your building (whether incurred yet or not)? If so, please provide an estimate of those losses.

Note: This estimate should be the same as the estimate you provided when you registered your claim (if you provided an estimate). You can find the information you previously provided in the completed Registered Unrepresented Class Member Registration form that was sent to your email after you completed your registration.

18. Please provide a copy of the following documents relating to the relevant building or building part if you have access to them. If you do not have access to the documents, please state the name of the person who you believe holds or has access to them.

Document (in each case relating to the building or building part to which your claim relates)	Attached? (Yes/No)	Alternative source
Any contract or retainer with any person or entity listed in question 14 above		
Any report, notice, certificate, or advice provided or issued by any person or entity listed in question 14 above relating to: a) compliance of the building with the		



Document (in each case relating to the building or building part to which your claim relates)	Attached? (Yes/No)	Alternative source
Building Code of Australia; b) fire safety; c) the use of, or fitting of, Alucobond Products; or d) the issue of any construction or occupancy approval or certificate		
Any architectural and other design or construction drawings and specifications		
Any application (including supporting documents) for construction or occupancy approval, whether interim or final		
Any contract for the supply, design, manufacture, or fitting of Alucobond Products		

*If the claimant, being the owner, or previous owner, of the relevant building or building part is a company, then this form should be completed by a company director or person authorised by the Board of Directors.



SCHEDULE H

Cladding (Alucobond) Class Action

Questionnaire – Existing Registered Class Members

This Questionnaire concerns the cladding affected building in respect to which a claim against the Respondents is made in this class action.

Please read the Questionnaire carefully and do your best to complete and return it to claddingau@omnibridgeway.com; PO BOX Z5106, Perth, WA, 6831 as soon as possible and before [date – Deadline]. Inability to complete the Questionnaire will not affect how your claims are treated in the class action.

In relation to the cladding affected building, or building part in respect of which you (being the claimant)* assert a claim against the Respondents, please provide the following additional information:

1. **What is the name of the claimant (being the name of the person or entity asserting a claim for compensation)?**

2. **What is the name and address of the building?**

3. **Are you:**

- | | |
|---|--------|
| a. the current owner of the whole building? | Yes/No |
| b. a former owner of the whole building? | Yes/No |
| c. a current leaseholder in respect of the whole building? | Yes/No |
| d. a former leaseholder in respect of the whole building? | Yes/No |

4. **Are you:**

- | | |
|--|--------|
| a. the current owner of a part of building ? | Yes/No |
| [if yes, identify the part e.g. apartment or unit number] | |
| b. a former owner of part the building? | Yes/No |
| [if yes, identify the part e.g. apartment or unit number] | |
| c. a holder of an ownership interest in a part of the building? | Yes/No |



[if yes, identify the part e.g. apartment or unit number]

d. a current leaseholder in respect of part of building? Yes/No

[if yes, identify the part e.g. apartment or unit number]

e. a former leaseholder in respect of part of the building? Yes/No

[if yes, identify the part e.g. apartment or unit number]

5. Are you an owners corporation or body corporate? Yes/No

6. What type of property is the building:

- a. Strata Residential;
- b. Strata Commercial;
- c. Strata Mixed Use;
- d. Non-Strata Commercial;
- e. Factory; Warehouse; or
- f. Other?

7. Does the building have 3 or more storeys? Yes/No

8. What is the estimated amount of cladding (in square meters) on the building?

9. Has an Alucobond Product (being Alucobond PE or Alucobond Plus) been fitted to your building, or your part of the building? Yes/No

10. If the answer to question 9 is “yes”, which Alucobond Product has been fitted to your building?

11. What is the approximate date (month and year) that the Alucobond Product was fitted to the building (if you are uncertain, state the date or approximate date the construction of the building was completed)?



12. What is the approximate date that you acquired an interest in or leased the building, or building part to which the cladding is affixed?

13. From whom did you acquire that interest or lease the building or building part?

14. Please provide the names of the following persons in relation to the building or the relevant building part that has the cladding affixed to it:

Builder	
Developer	
Façade subcontractor	
Architect	
Fire or fire safety engineer	
BCA Consultant	
Hydraulics or fire services consultant	
Any authority or private certifier who provided any certificate or approval with respect to the building	



15. If you or the former owner(s) of the building or building part were supplied with the Alucobond Product, who supplied it and who fitted it to the building or building part?

16. Have you received any letter, notice or order advising that you are required to replace the cladding or carry out other work because of the cladding? Yes/No

If yes, please provide a copy of that letter, notice and order (proposed and final).

17. Have you suffered any losses as a result of the cladding on your building (whether incurred yet or not)? If so, please provide an estimate of those losses.

Note: This estimate should be the same as the estimate you provided when you registered your claim (if you provided an estimate). You can find the information you previously provided in the completed Registered Unrepresented Class Member Registration form that was sent to your email after you completed your registration.

18. Please provide a copy of the following documents relating to the relevant building or building part if you have access to them. If you do not have access to the documents, please state the name of the person who you believe holds or has access to them.

Document (in each case relating to the building or building part to which your claim relates)	Attached? (Yes/No)	Alternative source
Any contract or retainer with any person or entity listed in question 14 above		
Any report, notice, certificate, or advice provided or issued by any person or entity listed in question 14 above relating to: a) compliance of the building with the		



Document (in each case relating to the building or building part to which your claim relates)	Attached? (Yes/No)	Alternative source
Building Code of Australia; b) fire safety; c) the use of, or fitting of, Alucobond Products; or d) the issue of any construction or occupancy approval or certificate		
Any architectural and other design or construction drawings and specifications		
Any application (including supporting documents) for construction or occupancy approval, whether interim or final		
Any contract for the supply, design, manufacture, or fitting of Alucobond Products		

*If the claimant, being the owner, or previous owner, of the relevant building or building part is a company, then this form should be completed by a company director or person authorised by the Board of Directors.



SCHEDULE I Confidentiality Undertaking

Respondents' undertaking pursuant to para 13

[3A Composites GmbH / Halifax Vogel Group Pty Ltd], acknowledge that the Court has ordered that the Group Member Information (as defined in the orders dated [date]) be kept confidential and undertakes to the Court to only use the Group Member Information for the purposes of investigating, commencing or prosecuting any cross-claims for contribution in the proceedings, and must not initiate contact with class members or potential class members except in the Respondents' ordinary course of business and not regarding this proceeding, or otherwise with the consent of all parties or with leave of the Court.

DATE:

.....

Signed by:

Applicant, OBL and WRL undertaking pursuant to para 14

[The Applicant / Omni Bridgeway Limited / William Roberts Lawyers], acknowledges that the Court has ordered that the Group Member Information (as defined in the orders dated [date]) and returned Registration Forms or Questionnaires be kept confidential and undertakes to the Court not to use the Group Member Information or returned Registration Forms or Questionnaires for any purpose not connected with this proceeding, or to use the Group Member Information or returned Registration Forms or Questionnaires to initiate contact with class members or potential class members, for the purpose of requesting those class members or potential class members to enter into litigation funding agreements with OBL or retainer agreements with WRL, other than providing the funding pack of documents for their consideration following registration (as contemplated in the "Main Notice" approved by the Court on 31 August 2020 and the Registration Form).

For the avoidance of doubt, this undertaking does not apply to the use of Group Member Information, returned Registration Forms or Questionnaires in the circumstances set out in paragraph 14A of the orders dated [date].

DATE:

.....

Signed by:



Schedule

No: NSD215/2019

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Respondent HALIFAX VOGEL GROUP PTY LIMITED