

ANNEXURE B –

REGISTRATION NOTICE

Walla Walla Gerogery Bushfire Class Action

SHARON PATRICIA WEBER v GREATER HUME SHIRE COUNCIL

PROCEEDINGS NO: 2015/368036

IMPORTANT NOTICE

The Walla Walla Gerogery Bushfire Class Action

On 15 December 2015, Sharon Patricia Weber (“the **Plaintiff**”) commenced this representative proceeding or “class action” in the Supreme Court of New South Wales against the Greater Hume Shire Council (“the **Defendant**”) on her behalf, and on behalf of all persons who suffered any of the following:

- (a) personal injury (whether physical or psychiatric);
- (b) loss of/damage to property; and
- (c) economic loss not resulting from loss of or damage to property;

as a result of a fire in Walla Walla and Gerogery which started on 17 December 2009 (“the **Walla Walla/Gerogery fire**”). Persons fitting that description are defined in this class action as “**group members**” except for persons who suffered economic loss not resulting from loss of or damage to property. The group members also include any “legal personal representatives” of the estates of any **deceased** person who would otherwise have qualified as a group member under (b) above.

The Plaintiff alleges that the Greater Hume Shire Council owed to the Plaintiff and the group members a duty of care and that it breached this duty causing the Walla Walla/Gerogery bushfire, and causing the Plaintiff and group members to suffer damage.

These allegations arise from the Greater Hume Shire Council’s obligations as the operator of the Walla Walla Rubbish Tip at the date of the **Walla Walla/Gerogery fire** on 17 December 2009.

On 17 April 2019 the Court of Appeal found in favour of the Plaintiff and the Court has ordered that damages and interest be paid to the Plaintiff by the Defendant (“the **judgment**”).

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

If you think you may be a group member you should read this notice carefully as it may affect your rights.

Any questions you have concerning the matters contained in this notice should not be directed to the Court. If there is anything in it that you do not understand, you should seek legal advice.

Are you a Group Member?

You are a group member in the class action if:

- (a) You suffered personal injury (whether physical injury or psychiatric harm) as a result of the Walla Walla/Gerogery fire.
- (b) You suffered loss of or damage to property as a result of the Walla Walla/Gerogery fire.
- (c) You are the legal personal representative of the estates of any persons in (b) above as at the commencement of this proceeding but have since died.

How do I register?

If you are already a registered group member with Maddens Lawyers in respect of this proceeding, there is nothing you need to do. If you are a group member who has previously validly opted-out of the proceeding, there is nothing you need to do. If you are unsure whether you are registered, please contact Maddens Lawyers on 1800 815 228.

If you are not presently a registered group member and wish to participate in the class action, you must register with Maddens Lawyers by completing the Claimant Registration Form below. The form is also available from Maddens Lawyers website (www.maddenslawyers.com.au) or the NSW Supreme Court website http://www.supremecourt.justice.nsw.gov.au/Pages/sco2_classaction/sco2_class_action.aspx. **Forms must be provided to Maddens Lawyers before 4.00pm on 21 June 2019.**

If you are the parent or guardian of a person who is a group member but is not able to complete their own registration, or if you are registering on behalf of a deceased estate or company, trust or business partnership, you must identify that person, company or entity on the registration form.

What happens if I don't register?

If you do not register with Maddens Lawyers by 4:00pm on 21 June 2019, you will not be entitled to participate in the class action and recover any compensation for your injury or loss suffered as a result of the Walla Walla Gerogery fire. Only group members who are registered will be permitted to claim compensation arising from the judgment. In other words, if you do not register by 4:00pm on 21 June 2019, any rights you have in the proceeding will be extinguished.

Unless you register, you will not be able to bring a separate claim against the Defendant in respect of injury or loss arising from the Walla Walla Gerogery fire as the Statute of Limitation period has now elapsed.

What if I had Insurance?

Many group members had insurance but sometimes the insurance did not cover all of the items lost or did not cover the full value of a given item. If you received insurance payments but think that the insurance did not fully compensate your losses, you still need to register to claim these above-insurance losses.

Where can I obtain further information?

If you are unsure whether you are a group member, or whether you have already registered, or have any questions regarding the Walla Walla Gerogery Bushfire Class Action, contact Maddens Lawyers on 1800 815 228 or seek your own legal advice.

Copies of relevant documents which detail the Plaintiff's claim and the Defendant's defence can be viewed on Maddens Lawyers website (www.maddenslawyers.com.au).

It is very important that you act promptly in deciding whether you wish to register. The last date for registration is **21 June 2019**.

This Notice is published pursuant to Orders made by the Supreme Court on 24 May 2019.