

ANNEXURE A
CORRECTIVE NOTICE

Please read this notice carefully. It contains important information about your rights and **may require you to take prompt action** as described on the second page on this notice.

The NSW Supreme Court is sending corrective information to the recipients of recent communications from ASMOF (NSW) regarding the Junior Doctors Class Action who have submitted an opt out form on or after 16 August 2021, or who submitted an opt out form that is undated. The contents of this notice have been approved by the NSW Supreme Court.

1. In August 2021, you should have received a Court-approved notice to group members, which explained the background to the Junior Doctors Class Action, and an “opt out” form.
2. More recently, you are likely to have received emails or telephone calls, or attended briefing sessions, where ASMOF (NSW) encouraged group members to opt out of the class action.
3. Any communication you received from ASMOF (NSW) was not approved by the Court.
4. ASMOF (NSW)’s communications did not include the following important information:
 - a) ASMOF (NSW) has not commenced any proceeding yet, and has said it is only intending to cover unpaid overtime claims after 1 January 2016;
 - b) If you opt out of the Junior Doctors Class Action, even if ASMOF (NSW) brings a claim you will not be able to recover compensation for any unpaid overtime that you worked as a junior medical officer more than six years before ASMOF (NSW) brings its claim due to a limitation period specified in the *Industrial Relations Act 1996* (NSW), that is any claim you have for unpaid overtime in the period from 16 December 2014 to 31 December 2015 will be lost.
 - c) If you remain a group member in the Junior Doctors Class Action, you will be able to claim compensation for any unpaid overtime that you worked as a junior medical officer in the period from 16 December 2014 to 31 December 2015 *as well as* times after that period.
5. ASMOF (NSW)’s communications also made certain statements about the progress of the class action, but did not include the following important information:
 - a) The Junior Doctors Class Action was commenced in December 2020 and has advanced beyond preliminary arguments, pleadings and initial discovery (and there have been no issues raised as to whether the class action is properly brought on behalf of all interns, resident medical officers, registrars and senior registrars with unpaid overtime claims). The Court has indicated that the proceeding will be set down for hearing in mid-2022 or at the earliest available dates thereafter.
 - b) ASMOF’s foreshadowed proceeding has not been commenced yet, and there is no reason to think that it will progress more quickly or straightforwardly than the Junior Doctors Class Action.

6. ASMOF (NSW)'s communications also made certain statements about the relationship between legal proceedings and award negotiations. The Junior Doctors Class Action will not impede ASMOF (NSW), or the other relevant organisations being the HSU and the AMA, from engaging in award negotiations. Neither the Junior Doctors Class Action nor any proceeding commenced by ASMOF (NSW) in the NSW Supreme Court will be about whether the award should be changed, going forward.

If you filled in an opt out form to leave the Junior Doctors Class Action because of information you received from ASMOF (NSW) or Hall Payne Lawyers, you may withdraw your opt out notice and be reinstated as a group member in the class action if you would like to do so after reading the information in this notice. If you now want to stay in the Junior Doctors Class Action, you should:

- a) complete the 'Withdrawal Opt Out Form' **enclosed**; and
- b) send it to the NSW Supreme Court at sc.emailfiling@justice.nsw.gov.au and to Maurice Blackburn Lawyers at NSWJuniorDoctors@MauriceBlackburn.com.au by **4pm on 15 October 2021**.

If you worked unpaid overtime between 24 September and 15 October 2015, and intend to withdraw your opt out form, you should do so as quickly as possible and not wait for the deadline. This is because for each day that passes before you withdraw your opt out form, there is a risk that the period for which you can claim unpaid overtime gets shorter by a corresponding day due to the limitation period described above.

If there is anything in this corrective notice that you do not understand, you should speak to Maurice Blackburn Lawyers on 1800 318 062 or seek your own independent legal advice. Enquiries should not be directed to the Court.

You should be careful about any future information you get about the Junior Doctors Class Action from ASMOF (NSW), as that information has not been approved by the Court.