

SCHEDULE A
IMPORTANT NOTICE TO GROUP MEMBERS

SUPREME COURT OF NEW SOUTH WALES

Greta Bus Crash Class Action

Adam Bray v Transport for New South Wales and Ors
(2024/00338021)

1. Why is this notice important?

The Court has ordered that this notice be published for the information of persons who might be members of the class on whose behalf class action proceedings have been commenced and who may be affected by the class action (**Group Member**).

A class action has been commenced in the Supreme Court of New South Wales by Adam Bray (**Plaintiff**) against Transport for NSW, Acciona Infrastructure Projects Australia Pty Ltd and AECOM Cost Consulting Pty Ltd (**Defendants**).

The action arises out of the bus crash at the interchange near Greta NSW (**the Greta Interchange**) on 11 June 2023 (**the Greta bus crash**).

The Plaintiff brings claims on behalf of himself and Group Members for damages arising from alleged negligence by the Defendants in relation to the Greta bus crash.

The Defendants dispute these allegations and are defending the class action. The Defendants have also brought cross-claims against the following additional parties (referred to hereafter as the **Cross-Defendants**):

1. Brett Andrew Button;
2. Linq Buslines Pty Ltd;
3. Jacobs Group (Australia) Pty Ltd;
4. SMEC Australia Pty Limited; and
5. GHD Pty Ltd.

You may be a Group Member. **You should read this notice carefully as it may affect your legal rights. Any questions you have concerning the matters contained in this notice should *not* be directed to the Court.** Instead, if there is anything in this notice that you do not understand, you should seek legal advice.

2. **What is a class action?**

A class action (also known as a representative proceeding) is a legal proceeding that is brought by one person (here, the Plaintiff) on his or her own behalf and on behalf of a group of people (known as group members) against another person or persons (here, the Defendants) where the plaintiff and the group members have similar claims against the Defendants.

Group members do not become liable for the legal costs of conducting the class action merely because they are Group Members. There are, however, circumstances in which costs may affect a Group Member, which are explained in Section 6 below.

Group members are “bound” by the outcome in the class action, unless they have opted out of the proceeding. This means that:

- (a) if the class action is successful or settles, group members may be eligible to receive a share of any court-awarded damages, or settlement monies;
- (b) if the class action is unsuccessful, group members are bound by that result; and
- (c) regardless of the outcome of the class action, group members will not be able to pursue their claims against the defendants in separate legal proceedings unless they have opted out.

If you consider that you have other claims against the Defendants or Cross-Defendants which are based on your individual circumstances or otherwise additional to the claims described in the class action, then it is important that you seek independent legal advice about the potential binding effects of the class action **before** the deadline for opting out (see below).

3. **What is this class action about?**

This class action, the Greta Bus Crash Class Action, is brought by the Plaintiff, Adam Bray on his own behalf and on behalf of all persons who are “group members” as defined in the proceeding.

In summary, the Plaintiff alleges in the Amended Statement of Claim in the Supreme Court of NSW proceeding *Adam Bray v Transport for NSW and Ors* (2024/00338021) that the Defendants had various responsibilities concerning the design and construction of Wine Country Drive, including the Branxton Interchange, and that the Defendants breached their duty of care owed to the Plaintiff and Group Members by failing to ensure that the design and construction of the Branxton Interchange was compliant with accepted design practice, standards and guidelines, causing loss or damage to the Plaintiff and Group Members.

The Plaintiff is represented by Gillis + Co. – Lawyers and Advisors.

The Defendants deny the allegations, are defending the case and also have brought cross-claims against the Cross-Defendants.

4. **Are you a Group Member?**

In summary, you may be a Group Member if you:

- (a) sustained a direct physical and/or psychological and/or psychiatric injury in the Greta bus crash; **or**
- (b) have suffered a recognisable psychiatric illness **and**:
 - i. you are a close family member (parent or person with parental responsibility, spouse, partner, child, step-child, brother, sister, half-brother or half-sister, stepbrother or stepsister) of someone killed or injured in the Greta Bus Crash; **or**
 - ii. you witnessed, at the scene of the Greta bus crash, a person or persons being killed, injured or put in peril (such as a rescuer or first responder); **or**
- (c) are a dependant who has suffered a loss of financial dependency as a consequence of the death of a person involved in the Greta bus crash.

If you are unsure whether or not you are a Group Member, you should contact Gillis + Co. – Lawyers and Advisors on 02 7241 3400 or email bjr@gillisco.au or seek your own legal advice without delay.

Importantly, if you have received a payment from any Compulsory Third Party insurer as a result of the Greta bus crash then you **are still a Group Member** (provided you meet the definition above). Receiving such a payment does not, of itself, mean that you are not a Group Member. Whether any payment from an insurer or other source affects the amount of any claim or entitlement you have in these class action proceedings is a separate question.

5. **What is 'Opt-Out'?**

The Plaintiff in a class action does not need to seek the consent of Group Members to commence a class action on their behalf or to identify a specific group member. However, group members can cease to be a Group Member by opting out of the class action.

An explanation of how to opt out is below in Section 9 headed "What do you need to do?".

6. **Will you be liable for legal costs if you remain a group member?**

A Group Member will **not become liable for any legal costs** simply by remaining as a Group Member up to the point where the Court determines those questions which are common to the claims of the Plaintiff and Group Members. However:

- a) if the preparation or finalisation of your personal claim requires work to be done in relation to issues that are **specific** to your claim, you can engage Gillis + Co. – Lawyers and Advisors or other lawyers to do that work for you and you may have to pay for that work. A copy of the terms on which Gillis + Co. – Lawyers and Advisors are acting in the class action may be obtained directly from them; and
- b) if any compensation becomes payable to you as a result of any order, judgment or settlement in the class action, the **Court** may be asked to make an order that some of that compensation be used to help pay a share of the costs which are incurred by the Plaintiff in running the class action where not all of the legal costs have been recovered from the Defendants.

7. What will happen if you choose to remain a Group Member?

Unless you opt out, you will be bound by any settlement or judgment of the class action. If you do not opt out and the class action is successful, you will be entitled to share in the benefit of any order, judgment or settlement in favour of the Plaintiff and Group Members, although you may have to satisfy certain conditions before your entitlement arises.

If you do not opt out and the class action is unsuccessful or is not as successful as you may have wished, you will not be able to pursue the same claims and may not be able to pursue related claims against the Defendants and Cross-Defendants in other legal proceedings.

8. Limitation Period

Limitation periods are set by statute. If a person with an entitlement to a claim does not commence legal proceedings by the time a limitation period expires, they may be barred from making a claim.

The commencement of this class action suspended the limitation periods for all Group Members who have not opted out at the date each respective Defendant was joined to the proceeding. Time starts to run again for any related claim against the respective Defendant once a person opts out of the class action or the class action ends. If you opt out of the class action (or the class action ends) and the statutory time limit on your claim expires, or is found to have already expired because you are no longer covered by the class action, you will be barred from bringing proceedings against the applicable Defendant or Cross-Defendant in court. This will depend on your particular individual circumstances.

Again, if you wish to bring your own claim against the Defendants or Cross-Defendants in court, you should seek your own legal advice about your claim and any applicable time limits.

9. What do you need to do?

If you fall within the definition of Group Member in this class action (see Section 4 above), you have two options:

Option A: Remain in the class action – NO ACTION required

If you want to remain a Group Member, then you do not need to take any action at all. You will remain a Group Member and be bound by any order, judgment or settlement in the class action.

You are invited to contact the Plaintiff's solicitors, Gillis + Co. – Lawyers and Advisors, and register as a Group Member so that future notices about the class action can be sent to your preferred contact details.

Option B: Opt-out of the class action – ACTION required

If you do not wish to be a Group Member, then you must complete the form called "Opt-Out Notice" which is shown below. If you opt out then you will cease to be a Group Member, and the class action will not affect your legal rights and you will not be bound by, nor entitled to share in the benefit of, any order, judgment or settlement in the class action.

If you wish to opt out you must do so by sending your Opt-Out Notice to the Supreme Court of New South Wales so that it is received before **19 October 2026**. The notice will not be effective if it arrives after that time.

Supreme Court of New South Wales – Contact Details	
Street Address	Law Courts Building, Queen's Square, 184 Phillip Street Sydney NSW 2000
Postal Address	GPO Box 3 Sydney NSW 2001

You must also serve a copy of your Opt-Out Notice on the representative party (Plaintiff) by sending it to Gillis + Co. – Lawyers and Advisors:

- at the following address: Level 10, 179 Elizabeth Street, Sydney NSW 2000; or

- by email at: bjr@gillisco.au.

10. Where can you obtain copies of relevant documents?

Copies of relevant documents, including the Amended Statement of Claim, cross-claims and defences, may be obtained by:

- (a) downloading them from the Gillis + Co. – Lawyers and Advisors website;
- (b) inspecting them between 9am and 5pm at the offices of Gillis + Co. – Lawyers and Advisors, at Level 10, 179 Elizabeth Street, Sydney NSW 2000;
- (c) Downloading them from the Supreme Court of NSW website <https://supremecourt.nsw.gov.au/cases/class-actions/current-class-actions/greta-bus-crash-class-action.html> or
- (d) Inspecting them by visiting the Registry of the Supreme Court of NSW at Level 5, Law Courts Building, Queens Square, 184 Phillip Street, Sydney NSW 2000.

11. Conclusion

Please consider the above matters carefully. If there is anything of which you are unsure, you should contact Gillis + Co. – Lawyers and Advisors on (02) 9394 3400 or email bjr@gillisco.au or seek your own legal advice. You should not delay in making your decision.

