Omni Bridgeway Limited
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omnibridgeway.com

NSW Merchant Fees Surcharges Class Action

Answers to Questions (FAQ)

1. What is a class action?

A class action is a special type of court case which enables a number of claims to be pursued together in a cost effective and efficient manner, rather than as a series of individual cases for each affected person.

A class action is brought by one person (known as the '**lead plaintiff**' or '**plaintiff**') on their own behalf and on behalf of a class of people (known as '**group members**') against another person (known as the '**respondent**').

In order to commence a class action, there must be at least 7 (but there are often many more) group members who have claims against the same respondent that are in respect of, or arise out of, the same, similar or related circumstances, and which give rise to a substantial common issue of law or fact.

In a class action, the lead plainitff's claims are used to resolve as many factual and legal issues common to the group members' claims as possible. While the group members are represented by the lead plaintiff, it is not necessary that every class member has exactly the same claim.

2. Who is Omni Bridgeway?

Piper Alderman is a commercial law firm based in Australia. It has extensive experience in running class actions in the Australian courts. They are the Lawyers who will be running the class action against the NSW Government.

Omni Bridgeway Limited ("OBL") is a public company listed on the Australian Securities Exchange (ASX:OBL). Omni Bridgeway Limited provides, through its funding entities, funding for significant and large-scale litigation. Information about Omni Bridgeway Limited can be found on the Omni Bridgeway Limited website at www.omnibridgeway.com.

Omni Bridgeway (Fund 5) S2 Cayman Invt Limited (generally referred to as "Omni Bridgeway") is providing litigation funding in this class action for the fees and disbursements of law firm, Piper Alderman ("the Lawyers"), who will be conducting proceedings on behalf of the class. OBL will also provide litigation management services during the class action.

Neither Omni Bridgeway's funding of, nor OBL's services to, the class action is intended to be provided under an authorisation provided by any Australian Financial Services Licence ("AFSL") but relies upon the operation of litigation funding schemes being an exempt financial product pursuant to the Corporations Regulations 2001. For the avoidance of doubt, your objectives, financial situation and needs have not been taken into account and you should consider whether the class action is appropriate for you taking any appropriate legal, financial or taxation advice you may require.

3. Who is Piper Alderman?

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4. Who is the claim against and what is it about?

Omni Bridgeway is funding a class action against the NSW Government on behalf of people who paid merchant fees on card and PayPal transactions to NSW Government agencies such as Service NSW and Revenue NSW, in circumstances where the NSW Government admitted it did not have a lawful basis to charge those fees.

On 23 October 2024, the NSW Government published a media release in which they admitted that, since 2016, there has been approximately 92 million customer card transactions and $144 million in merchant fees (referred to in the claim as a "Merchant Fees Surcharge" levied by Service NSW and Revenue NSW without a lawful basis.

The NSW Government received legal advice on four separate occasions from the NSW Crown Solicitor indicating that the practice was unlawful.

In public statements, including on its website, the NSW Government has acknowledged that the charges should not have been passed on. As at the date of filing, the NSW Government has not confirmed whether it will refund the Merchant Fees Surcharges paid by class members.

The proceeding alleges that the NSW Government owed people who paid merchant fees a duty of care, and that it breached that duty of care by continuing to charge the fees despite having received legal advice, on four separate occasions, that doing so was unlawful. It is also alleged that the NSW Government made misleading statements about its right to charge these fees, and that this conduct breached Australian consumer protection laws.

5. How do I know if I am eligible to participate in the class action?

You may be eligible to join the class action if you paid a merchant fee to the NSW Government (for example, when renewing a driver licence, renewing or transferring a vehicle registration or purchasing a National Parks annual pass, using a card or PayPal) in the period 23 September 2020 to 23 September 2026.

6. How much compensation will I receive?

At this stage, we are unable to say how much you may be eligible to claim. Any amount of money to be awarded to group members will be determined or approved by the Court, typically following either a trial or settlement.

7. Will there be any cost to me if the class action is unsuccessful?

No. Group members do not have to pay anything in the event that the class action is unsuccessful, as Omni Bridgeway agrees to pay any legal costs that might be awarded to any respondents.

8. How will my personal information be used?

We will only collect and use your personal information strictly in accordance with OBL's privacy policy. OBL's privacy policy can be found on its website at https://omnibridgeway.com//website-policies/privacy-policy. In recognition of the sensitivity attached to this matter, and further to OBL's privacy policy, we will restrict internal access to personal information collected from group members to those Omni Bridgeway personnel involved in the management of the funding provided for these proceedings.

Please also note that the information that you provide to us may be considered 'sensitive personal information'. By electing to answer the questionnaire and/or sign a funding agreement you are providing consent for Omni Bridgeway to collect, use, process and disclose (see below on the very limited circumstances in which information may be disclosed) the personal information you provide. The primary purpose for which we collect information from you is to provide funding and related services for the prosecution of a class action on behalf of yourself and other claimants by the Lawyers. We may use, process or disclose your sensitive personal information for that purpose or for a secondary purpose:

- that you would reasonably expect the information to be used for and which is directly related to the primary purpose of collection;
- that is an express exception under the Privacy Act 1988 (Cth) (e.g. as is reasonably necessary for establishing, exercising or defending a legal or equitable claim); or
- that you have otherwise expressly consented to.

The most secure way to provide your personal information to Omni Bridgeway is through uploading such information to the portal – see below. Email can be an inherently risky method of communication particularly for sensitive documentation. If you are unable to upload information using the portal, please do contact us for assistance.

9. What is the Omni Bridgeway portal?

The Omni Bridgeway portal is a client portal whereby you can log in and see details of the Omni Bridgeway funded claims you have registered your interest in and/or signed up for, and upload documents. You can also update your contact details and access information that is related to your claims. You can log into your Online Client Portal here: https://portal.omnibridgeway.com/portal/login

10. Who is Omni Bridgeway's Client Liaison Team, what services do they provide, and how much will they charge for those services?

Omni Bridgeway's Client Liaison Team (**CLT**) is a division of Omni Bridgeway. CLT supports the Lawyers with the administration of group member claims.

CLT's services include, but are not limited to, hosting online services for group members, processing group members' registrations, responding to enquiries from group members, claims analysis and verification, facilitating communications with group members over the course of the proceeding, and assisting with other tasks as requested by the Lawyers or as directed by the Court. Group members will not be out of pocket for these costs as they will be paid by Omni Bridgeway (Fund 5) S2 Cayman Invt Limited and only recoverable by it from any recoveries.

CLT may enter into a services agreement with the Lawyers for this purpose. CLT will provide its services on a time-recorded billing basis, invoiced quarterly, which will then be paid by Omni Bridgeway. Any such costs that Omni Bridgeway seeks to recover, upon a successful resolution of the class action in accordance with the terms of the Funding Agreement, will be capped at a certain quantum which will be disclosed on request to group members prior to any court ordered date for group members to opt out of participation in the class action.

11. Where do I obtain more information?

You may contact our Client Liaison Team via email at nswmf@omnibridgeway.com.