

NOTICE OF PROPOSED SETTLEMENT

Hassan El-Banna El-Zein and others v Barton Nine Pty Limited as trustee for the Barton Nine Settlement, Federal Court of Australia proceeding NSD 1555 of 2018

This is an important notice issued to you by the Federal Court of Australia.

It has been sent to you because the Court considers that you may be a group member in a class action known as the **Governor Place Class Action**.

The Court is being asked to approve a settlement of the Governor Place Class Action.

As explained below, you may do two things in response to this notice:

1. You may **register** a claim to receive part of the settlement money. If you do not register, you will **not** be entitled to receive part of the settlement money.
2. You may tell the Court whether you support or object to the proposed settlement. This is **optional**.

You should read this notice carefully. If there is anything you do not understand, you should seek legal advice.

1 What is the Governor Place Class Action?

The Governor Place Class Action relates to the sale of new residential apartments in the Governor Place development at 30 & 32 Blackall Street, Barton ACT 2600.

The **Applicants** who commenced the class action argued that the developers of the Governor Place development (**Developers**) were liable to repay the GST payable on the sale of the apartments to purchasers (**Group Members**).

In December 2019, the Court delivered judgment. The Court decided that the Developers should repay some of the GST.

2 How do I know if I am a Group Member?

You are a Group Member if:

- (a) you purchased an apartment in the Governor Place development from the Developers (Barton Nine Pty Ltd and 13.9 Barton Pty Ltd); and
- (b) your contract for sale contained certain terms relating to GST.

If you are not sure whether you are a Group Member, you still should complete the registration form attached to this notice.

3 What is the proposed settlement?

The parties have agreed to settle the Governor Place Class Action, subject to obtaining approval from the Court. Under the proposed settlement the Developers will pay an amount of \$2,571,492.

4 How do I register a claim?

If you would like to receive part of the settlement money, you must **register**. You can register by completing the form **attached** to this notice and returning it on or before **25 May 2020**:

- (a) by email, to 402944@omnibridgeway.com; or
- (b) by post, to Omni Bridgeway Limited, PO Box 5106, St Georges Terrace, Perth WA 6831; or
- (c) by fax, to (08) 9225 2399.

5 How will Group Members share in the available funds?

Under the proposed settlement distribution scheme, each Group Member's share of the available funds will be based on the price paid by that Group Member for their apartment.

In general, Group Members who purchased more expensive apartments will receive a higher distribution than those who purchased less expensive apartments.

6 What fees and expenses are involved in the proposed settlement?

As part of this application, the Applicants will ask the Court to make an “expense sharing” order, which will distribute costs, fees and other expenses among all persons who will benefit from the class action.

The costs, fees and other expenses that would be shared include:

- Legal fees of approximately \$1.2 million.
- Fees payable to the funder of the class action of approximately \$655,000.
- Compensation to the Applicants of \$13,500.

If these payments are approved, approximately **\$715,000** would be available for distribution to Group Members in accordance with the settlement distribution scheme.

It is possible that the Court will decide to make different orders.

7 When will the settlement approval application be heard by the Court?

The settlement approval application will be heard by the Court on **3 June 2020**.

Given the ongoing COVID-19 outbreak, the hearing will likely take place by telephone or video conference.

8 What can I do if I want to be heard in relation to the proposed settlement?

As a Group Member, you can be heard about whether the settlement should be approved.

If you wish to be heard, you will need to email the Court (nswdr@fedcourt.gov.au) and the Applicants’ solicitors (governor.place@corrs.com.au) no later than **20 May 2020**, and provide:

- (a) a written outline of your grounds for supporting or opposing the Settlement Approval Application and any other documents you rely on, and
- (b) an indication of whether or not you would like to supplement your written material with oral submissions at the Settlement Approval Application.

As a Group Member, you can also attend the settlement approval hearing.

9 Contact details

If you have any questions about this notice, you should contact Omni Bridgeway Limited by email at 402944@omnibridgeway.com or by telephone on 1800 016 464.

**HASSAN EL-BANNA EL-ZEIN AND OTHERS V BARTON NINE PTY LTD ATF THE BARTON
NINE SETTLEMENT AND ANOTHER**

FEDERAL COURT OF AUSTRALIA PROCEEDING NSD 1555/2018

**“GOVERNOR PLACE CLASS ACTION”
GROUP MEMBER REGISTRATION FORM**

1. CONTACT DETAILS

PLEASE PRINT IN CAPITAL LETTERS

Note: This is the party to whom all correspondence will be sent, including any cheques.

Contact Name:			
	(TITLE)	(FIRST NAME)	(SURNAME)
Postal Address:			
Suburb/Town:			
State:		Postcode:	
		Country:	
Contact Email:			

Note: Our preferred method of correspondence is by email. Please keep Omni Bridgeway informed of your current email address.

Phone:	()		Mobile:	
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2. GROUP MEMBER DETAILS

PLEASE PRINT IN CAPITAL LETTERS

Note: The Group Member is the person(s), company or other entity that purchased the property in question and paid GST on that transaction. For example, if you purchased your property as joint tenants, the Group Member will be both joint owners together; or if you purchased your property through a company, the Group Member will be that company. Note that if you purchased as tenants in common, each tenant in common will be a separate Group Member and will need to complete a separate Group Member Registration Form.

Full Name of Group Member:			
If Group Member is a company insert ABN/ACN/ Registration No. (if overseas company):			
Street Address: (not PO Box)			
Suburb/Town:			
State:		Postcode:	
		Country:	

3. PROPERTY DETAILS

PLEASE PRINT IN CAPITAL LETTERS

Note: Please provide the address of the property you purchased and in respect of which you paid GST. If you purchased more than one property, please fill in the additional property boxes.

Unit Number:	<input type="text"/>	Street Number:	<input type="text"/>
Street Name:	<input type="text" value="BLACKALL STREET"/>		
Suburb/Town:	<input type="text" value="BARTON"/>		
State:	<input type="text" value="ACT"/>	Postcode:	<input type="text" value="2600"/>

ADDITIONAL PROPERTY DETAILS (IF APPLICABLE)

Unit Number:	<input type="text"/>	Street Number:	<input type="text"/>
Street Name:	<input type="text" value="BLACKALL STREET"/>		
Suburb/Town:	<input type="text" value="BARTON"/>		
State:	<input type="text" value="ACT"/>	Postcode:	<input type="text" value="2600"/>

4. SIGNING BY THE GROUP MEMBER

By signing below, I confirm that the information I have provided in this form is true and complete.

.....
SIGNATURE	SIGNATURE
.....
PRINT NAME	PRINT NAME
DATE: / /	DATE: / /

Note: If there is not sufficient space on the first two pages to include all of your relevant information, please copy and attach additional pages.

PLEASE RETURN THE WHOLE OF THIS GROUP MEMBER REGISTRATION FORM AND ANY ADDITIONAL ATTACHED PAGES OR ANNEXURES:

BY EMAIL TO: 402944@omnibridgeway.com

OR BY POST **OMNI BRIDGEWAY LIMITED**
TO: **PO Box 5106**
 St Georges Terrace, Perth, WA 6831

OR BY FAX TO: **(08) 9225 2399.**

Please keep a copy of this Group Member Registration Form for your records.