



Class Actions Frequently asked questions

What is a class action?

A class action is a group of people (in Victoria, 7 or more people) bringing a claim against the same person or entity (the defendant). The claims of the group must arise out of the same, similar or related circumstances.

A class action is initiated by a 'lead plaintiff' on behalf of themselves and all other impacted persons (known as 'group members'). Group members are bound by the result of the class action.

What is the difference between a 'lead plaintiff' and a 'group member'?

The lead plaintiff acts as a representative of all of the people participating in the class action and is the vehicle by which each group member's claim is able to be progressed.

The lead plaintiff bears a number of responsibilities and risks on behalf of group members. For instance, generally it will be necessary for the lead plaintiff to attend and give evidence at trial. The lead plaintiff may also be exposed to costs risks in respect of the defendant's legal costs in the event a class action is not successful.

How long does a class action take?

The Court will oversee and manage a class action including setting dates by which certain steps are required to be undertaken.

The timeframes and complexities associated with a class action can be influenced by the defendant and the aspects of the lead plaintiff's claim that are contested.

Timeframes differ between different types of class actions however, matters can run for several years prior to being resolved and finalised.

Will I have to pay legal fees?

Maddens Lawyers will only charge legal fees if we are successful in recovering compensation on behalf of the lead plaintiff and group members who have suffered loss and damage. This is known as a 'no win, no fee' agreement.

The Court takes an active role in supervising any legal costs that are proposed to be charged. A judge will review the legal costs and determine if they are fair and reasonable.

If we are not successful in obtaining compensation, group members will not be charged any legal costs.

What will I need to do?

If you are a group member you will need to substantiate and provide evidence of your loss and damage. Generally, this will involve completing a 'workbook' and providing us with all available supporting documentation (e.g. photographs, receipts). You may also need to meet with an expert loss assessor to discuss your claim.

The more information and documentation you can provide us about your loss, the better.

The information in this brochure is general in nature, and you may require additional advice. For more information contact our Class Action Department on 1800 815 228 or info@maddenslawyers.com.au

For the most up-to-date version of this document visit the Class Actions section of our website at maddenslawyers.com.au