

IMPORTANT PUBLIC NOTICE

REGARDING THE UNIVERSITY OF NEWCASTLE CLASS ACTION

ANDREAS SKLAVOS v UNIVERSITY OF NEWCASTLE

CASE NO. 2025/00060605

The Supreme Court of New South Wales has issued this notice regarding a class action concerning the University of Newcastle.

You have been identified as a potential group member whose rights might be affected.

Stay In or Opt Out

1. If you **do NOT wish to participate** in the class action, then you must “opt out” by 4pm 17 October 2025.
2. If you do not “opt out” by the deadline, you will remain as a participant. Accordingly, if you wish to remain a group member in the class action then **you do not need to do anything** in response to this notice.
3. If you have any questions after reading this notice, please contact Australian Law Partners at info@australianlawpartners.com.au or **1300 287 529**, or seek independent legal advice.

1. What is a class action?

- 1.1. A class action is a Court proceeding brought by the **Plaintiff** on behalf of themselves and other people with similar claims (**group members**) against one or more Defendants.
- 1.2. The Plaintiff can commence a class action without the permission of group members. However, the Plaintiff is required to notify potential group members of their right to opt out of the class action. This opt out process is governed by legislation and closely supervised by the Court.

2. The University of Newcastle Class Action

- 2.1. This class action was commenced by the Plaintiff, Andreas Sklavos, against the Defendant, the **University** of Newcastle. The claim seeks to recover compensation for group members, being persons who:
 - (a) enrolled in the Bachelor of Medical Engineering (Honours) (**BME**) with the University of Newcastle between 1 November 2017 to 31 July 2019; and
 - (b) have suffered loss or damage by reason of the matters set out in the statement of claim (the document commencing the proceeding).
- 2.2. The Plaintiff alleges that, from around late 2017, the University represented:

- (a) that the BME was an accredited course of study with Engineers Australia and under the Washington Accord;
- (b) that the BME qualified a graduate for employment as an accredited engineer in Australia without any further qualification; and
- (c) that the BME qualified a graduate for employment as an engineer in Canada, Hong Kong, India, Ireland, Japan, Korea, Malaysia, New Zealand, Russia, Turkey, the United Kingdom, and the USA without any further qualification and/or qualified graduates with international recognition through Engineers Australia.

(together, **the Representations**)

- 2.3. The Plaintiff alleges that, contrary to the Representations, when the Plaintiff and group members enrolled in the BME, the University had not obtained accreditation for the BME with Engineers Australia or under the Washington Accord. He alleges that the Representations (and the University's silence in relation to them) were misleading or deceptive.
- 2.4. The Plaintiff alleges the University owed a duty of care to students and prospective students (including group members) to, among other things, exercise due care, skill, and diligence in offering the BME and to take care when making the Representations. He says the University breached its duty of care by making the Representations.
- 2.5. Finally, the Plaintiff claims that he and group members, at the time of their enrolment in the BME, entered a contract with the University which had terms that the BME would meet the criteria set out in the Representations, and that the University breached those terms.
- 2.6. For himself and group members, the Plaintiff claims for loss and damage suffered, including compensation for the cost of having to complete a combined engineering degree and/or the Stage 1 Competency Assessment with Engineers Australia, loss of income caused by the delay in starting their engineering careers, damages for disappointment, distress, inconvenience and anxiety, and aggravated damages.
- 2.7. The University denies the claims being made against it and is defending the proceeding. The University accepts that the BME was not accredited up until 10 December 2023. It says that from 11 December 2023 provisional accreditation status through Engineers Australia was granted and retrospectively applied to students who commenced in the BME from 2020. The University says that material it published during the period 1 November 2017 to 31 July 2019 noted that the University was seeking provisional accreditation for the BME with Engineers Australia. The University denies that its published statements regarding accreditation, read in context, were misleading or deceptive and it denies that its representations were published in trade or commerce. It also denies that it was negligent toward, or entered a contract with, group members, in relation to the BME. Finally, it denies that group members have suffered loss and damage because it is not a requirement to practice as an engineer in Australia that a person has completed an engineering degree that is accredited by Engineers Australia, the steps required to be taken to gain membership with Engineers Australia by persons who had graduated from the University with a BME degree were straightforward and not particularly time consuming, and the University has offered to meet the cost for such persons of applying for membership with Engineers Australia.

- 2.8. The proceedings are being funded by Fair Go Legal Funding Pty Ltd (ACN 638 213 519) trading as Aequitas Litigation Funding (**Aequitas**). If the class action is unsuccessful, Aequitas will have to pay the class's legal costs and the University's legal costs. If the class action is successful, Aequitas will seek a Court order that a portion of the compensation be used to pay its legal costs, and a further portion to reward it for bearing the risks of the litigation (**commission**). The funding agreement provides for a commission of 25% but the eventual rate will be decided by the Court.

3. Group Membership – Stay In or Opt Out

- 3.1. You are a group member in the University of Newcastle Class Action if you:
- (a) enrolled in the BME with the University of Newcastle between 1 November 2017 to 31 July 2019; and
 - (b) have suffered loss or damage by reason of the matters set out in the statement of claim (the document commencing the proceeding).

STAY IN - AUTOMATIC

- 3.2. If you are a group member and **wish to participate** in the University of Newcastle Class Action, then **you do not need to do anything in response to this notice**. This notice informs you of the steps you must take if you **DO NOT** wish to participate.
- 3.3. If you participate in the class action:
- (a) you will be bound by any outcome (such as a settlement or judgment following trial);
 - (b) you will be entitled to share in any compensation that is agreed by or ordered against the University, subject to satisfying any requirements designed to prove your eligibility;
 - (c) you will not be able to pursue any individual claim against the University relating to the same or similar events or subject matter; even if any settlement or judgment is not to your satisfaction;
 - (d) you will not be required to make any out-of-pocket contribution towards the cost of running the class action. However, your pro rata share of those costs and commission may be deducted from your compensation (if any) prior to distribution. All legal costs and commission will be scrutinised and approved by the Court; and
 - (e) you will not be responsible for paying the University's legal costs in the event that the class action is unsuccessful.
- 3.4. The Court may require you to take further steps in the future to confirm your participation in the class action or to claim damages. Please carefully review any further notices you receive.
- 3.5. If you are unsure whether or not you are a group member, please contact Australian Law Partners at **info@australianlawpartners.com.au** or **1300 287 529** or seek independent legal advice, as soon as possible.

- 3.6. You may, but need not, contact the Plaintiff's lawyers even if you do not wish to retain them in order to "register" as a Group Member to ensure that future notices about the class action can be sent to you, or your legal representative, directly.

OPT OUT - OPTIONAL

- 3.7. If you are a group member and **do not wish to participate** in the University of Newcastle Class Action, then you **must** opt out by no later than 17 October 2025. The process to opt out is set out below.
- 3.8. If you opt out and therefore do not participate in the class action:
- (a) you will not be bound by any outcome in the class action;
 - (b) you will not be entitled to share in any compensation that is agreed by or ordered against the University in the class action;
 - (c) you are free to pursue any individual claim against the University relating to the same or similar events or subject matter; and
 - (d) the running of any limitation period suspended by the commencement of the class action will recommence.
- 3.9. If you opt out, it is unlikely that you will be able to change your mind and seek to become a group member in the class action again at a later stage.

How to opt out

- 3.10. Each group member who wishes to opt out of the University of Newcastle Class Action should fill out a separate Opt Out Notice located at the Schedule to this notice.
- 3.11. Opt Out Notices must be submitted directly to the Court and also to the Plaintiff's solicitor:
- (a) by post to:
 - i. Supreme Court of NSW, GPO Box 3, Sydney NSW 2001; and
 - ii. Australian Law Partners, Level 57 MLC Centre, 25 Martin Place, Sydney NSW 2000; or
 - (b) by email at: info@australianlawpartners.com.au;
 - (c) before 17 October 2025.
- 3.12. Opt Out Notices received by the Court and Plaintiff's solicitor after 17 October 2025 will not be accepted without leave of the Court and you will be treated as having not responded to this notice (in other words you will remain a group member in the University of Newcastle Class Action).

4. Further information regarding the University of Newcastle Class Action

- 4.1. Please consider the above matters carefully and seek your own legal advice if required.

4.2. If you are unsure about anything in this notice, or if you would like to request a copy of documents filed with the Court by the parties in the University of Newcastle Class Action, please contact Australian Law Partners:

(a) by phone: **1300 287 529**; or

(b) by email: **info@australianlawpartners.com.au**.