ANNEXURE A – NOTICE

NOTICE TO GROUP MEMBERS

IVF MEDICARE REBATE CLASS ACTION

THIS IS AN IMPORTANT NOTICE ISSUED BY ORDER OF THE FEDERAL COURT OF AUSTRALIA

If you think you may be a Group Member in the Class Action, it is important that you read this notice carefully because it may affect your legal rights.

If you are a Group Member, **you may do one of three things**:

1. **Opt-out** of this class action by 4:00pm AEDT on 19 February 2027. If you opt out, you will stop being a Group Member. This means you will not be part of the Class Action and you will lose any right to receive any compensation out of the Class Action (but you will keep any right you may have to try to get some compensation in an action you may start yourself).

   OR

2. **Do nothing**. If you are a Group Member and you do nothing, you will remain a Group Member. You do not need to do anything right now if you want to participate in the Class Action. If you choose to remain a Group Member, you will not have to pay anything.

   OR

3. **Sign up** to the Class Action. If you are a Group Member and you sign up, you will remain a Group Member You will not have to pay anything to remain a Group Member in the Class Action or by signing up.

1. What is the IVF Medicare Rebate Class Action about?

The IVF Medicare Rebate Class Action (the **Class Action**) is a court proceeding brought against the Commonwealth of Australia (the **Commonwealth**) by two Applicants on behalf of all single women and lesbian women who were denied Medicare rebates for assisted reproductive technology (**ART**) services on the basis of their marital/relationship status and/or sexual orientation between 28 June 2013 and 4 September 2024.

The Class Action is a representative proceeding started by Ms Wilson and Ms Meyers, who are called the "Applicants".

The Class Action alleges that the Commonwealth unlawfully discriminated against single women and lesbian women. The Class Action alleges that the discrimination occurred because the Commonwealth had and applied a policy that excluded single women and lesbian women from Medicare rebates for ART services unless they could demonstrate "medical infertility" or were "medically infertile".

The Applicants are seeking compensation for themselves and for all Group Members as a result of the alleged discrimination by the Commonwealth.

The Commonwealth is defending the IVF Medicare Rebate Class Action.

The Applicants' lawyers are JGA Saddler.

A litigation funder called LCM Funding Pty Ltd (the **Funder**) is currently paying the costs of bringing the Class Action against the Commonwealth in return for repayment of those costs, plus a commission if the Class Action is successful. More information about this funding arrangement is below.

2. Why am I seeing this notice?

The Federal Court has ordered that this notice be given to people who might be affected by the Class Action. You should read this notice carefully as it may affect your legal rights.

3. Am I a Group Member?

You are a Group Member and automatically part of the Class Action if:

a. you were:

   i. a single woman (i.e. a woman with a marital or relationship status of single);

   ii. a lesbian woman (i.e. a woman with a sexual orientation towards persons

of the same sex); and

b. you sought ART services between 28 June 2013 and 4 September 2024 for the purposes of personally conceiving a child, including one or more of the following treatments:

    i. in-vitro fertilisation (IVF);

    ii. gamete intrafallopian transfer (GIFT);

    iii. intracytoplasmic sperm injection (ICSI);

    iv. intrauterine insemination (IUI); and

c. you were otherwise eligible to receive Medicare benefits (e.g., an Australian citizen or permanent resident); and

d. you were deemed ineligible, or were informed that you were not eligible, for Medicare benefits for the ART services on the basis that you were, or were deemed to be, "socially infertile" and not "medically infertile"; and

e. you did not receive Medicare benefits for the ART services.

A person who meets all the criteria at (a)-(e) above is called a "Group Member".

If you are unsure whether you are a Group Member, of if you have any questions about the Class Action, you should contact the Applicants' lawyers, JGA Saddler, using the contact details at the bottom of this notice. Alternatively, you may seek your own independent legal advice.

4. I am a Group Member. What do I need to do to be part of the Class Action?

If you are a Group Member and you want to continue to be part of the Class Action you don't need to do anything. You will be a Group Member and part of the Class Action unless you tell the Federal Court you don't want to be part of it. This is **Option 2**.

If you are a Group Member and you also choose to give your information to JGA Saddler by signing up, it will help the Applicants in the conduct of the Class Action. You may give your information by following the instructions in **Option 3** below.

You don't have to pay anything upfront to be part of the Class Action, and you will never be out of pocket by reason of being part of the Class Action.

Choosing to remain part of the Class Action means that you will be "bound" by the result whether the Applicants win, lose, or settle. Being "bound" means that you will not be able to bring the same or similar claims in any other proceedings against the Commonwealth,

even if you are not happy with the outcome of the Class Action.

5. I am a Group Member. What do I need to do if I don't want to be part of the Class Action?

If you don't want to be part of the Class Action you need to fill out a form and provide it to the Federal Court. This is called "opting out" and the form you must fill out to not be part of the case is called an "Opt Out Notice".

You may opt out of the class action by following the instructions in **Option 1** below.

If you need help understanding whether you should opt out, you should contact the Applicants' lawyers, JGA Saddler, using the contact details at the bottom of this notice. Alternatively, you may seek your own independent legal advice.

6. How can I get more information about the Class Action?

If you want more information about the Class Action, you can call JGA Saddler, or look up one of the following websites:

a. https://ivfrebatesclassaction.com.au/;

b. https://www.comcourts.gov.au/file/Federal/P/VID922/2025/actions.

You can also come to one of the Information Meetings held by JGA Saddler where you can and speak to someone in person. A list of places and dates of Information Meetings will be on the JGA Saddler Website and is below.

INFORMATION MEETING SCHEDULE

City	Date	Time	Location
Brisbane	TBA	9am and 12pm	Dandir Room, Queensland Parliament House
Sydney	TBA	1pm and 4pm	Barnet Long Room, Customs House
Sydney	TBA	9am and 12pm	Barnet Long Room, Customs House
Melbourne	TBA	1pm and 4pm	Condell Room, Town Hall

Melbourne	TBA	9am and 12pm	Condell Room, Town Hall
Brisbane	TBA	1pm and 4pm	Dandir Room, Queensland Parliament House

7. How is the Class Action being paid for?

As a Group Member, you will not have to pay any amount out of pocket by signing up to the Class Action or otherwise remaining a Group Member, even if the Class Action is unsuccessful.

The Applicants and JGA Saddler have entered into an agreement with the Funder to pay for the Class Action. Under that agreement, the costs of running the Class Action are initially paid for by the Funder and JGA Sadder, and those costs will only be reimbursed to the Funder if there is a successful resolution of the Class Action (which is explained below). The Funder has also agreed to pay any adverse costs ordered against the Applicants and to provide any security for costs required by the Court (and, the Funder will only be reimbursed if there is a successful resolution of the Class Action).

If the Class Action is successful (that is, if money compensation is recovered in the Class Action), the Applicants, the Funder and JGA Saddler intend to seek orders from the Court that, before compensation is paid to Group Members:

a. JGA Saddler and the Funder should be reimbursed for the costs they had each incurred in funding the Class Action; and

b. the Funder be paid a Funding Commission. A Funding Commission is an amount deducted from the amount paid to Group Members.

The Applicants and/or the Funder intend to seek the Court's approval for the Funder's reimbursement for the costs and the Funding Commission through a process called a "common fund order". A "common fund order" is a Court order requiring each Group Member who receives compensation to contribute a portion of that compensation towards the costs of the Class Action and the Funder's commission. This order would apply whether or not that Group Member has entered into a funding agreement with the Funder. No deduction from the Group Members' compensation will be made unless it is approved by the Court.

If the Class Action is unsuccessful, Group Members will not be required to repay the legal costs paid for by the Funder or pay the Funder a commission.

To reiterate, you will not have to pay any amount out of pocket by signing up to the Class Action or otherwise remaining a group member. Any amounts approved by the Court will be deducted only from compensation recovered in the Class Action.

8. Your three options

OPTION 1 – OPT OUT AND CEASE TO BE A GROUP MEMBER

Group Members who do not want to be a part of the Class Action must "opt out". This is done by filling out a form. If you choose to opt out:

a. you will not be affected by the outcome of the Class Action and will not receive any money (compensation) from the Class Action if it is successful; and

b. you will be able to bring your own individual claim against the Commonwealth, if you issue your own Court proceedings.

If you are unsure what this means or how opting out will affect your legal rights, you should seek legal advice before opting out. Opting out is serious – you should not do it unless you understand what it means.

To opt out, you need to fill out a form to tell the Federal Court you are opting out. The form is at Schedule A to this notice. You can also get a copy of the form from JGA Saddler by one of the following ways:

a. Attending an Information Meeting and asking JGA Saddler for a copy;

b. Ringing JGA Saddler on **07 3522 8800** or by emailing enquiries@jgasaddler.com.au

c. Going to the website for the Class Action at https://ivfrebatesclassaction.com.au/.

Opt out forms must be sent directly to the Victoria Registry of the Federal Court of Australia before 4:00pm AEDT on 19 February 2027.

OPTION 2 – DO NOTHING

Group Members who do nothing will remain as Group Members. You will not have to pay any costs. You will stay as a Group Member while Class Action is going on.

If there is a settlement in the Class Action, it is likely those group members will need to register to receive any money (compensation) under any settlement.

OPTION 3 – SIGN UP

To sign up, you need to provide your details and information about your claim to JGA Saddler. You can do this by:

a. Attending an Information Meeting

b. Ringing JGA Saddler on **07 3522 8800** or by emailing enquiries@jgasaddler.com.au

c. Going to the website for the Class Action at https://ivfrebatesclassaction.com.au/.

If you choose to sign up, it may help the Applicants in the conduct of the Class Action, so that the parties have meaningful information to conduct a mediation.

You do not have to sign up now, although if there is a settlement in the Class Action, it is likely that you will need to register to receive money payable pursuant to any settlement.

If you have already signed up, you do not need to sign up again.

Group Members who sign up will not have to pay any "out of pocket" legal costs. By signing up, you are not being asked to enter into any contract with JGA Saddler or the Funder.

9. This is not a scam

This is a notice ordered by the Federal Court of Australia. This is not a scam. You can check (and get further information) by:

a. visiting the Federal Court of Australia website for the Class Action at https://www.comcourts.gov.au/file/Federal/P/VID922/2025/actions;

b. visiting the website that JGA Saddler has established for the Class Action at https://ivfrebatesclassaction.com.au/; or

c. contacting JGA Saddler on **07 3522 8800** or by emailing enquiries@jgasaddler.com.au.

SCHEDULE A

Form 21
Rule 9.34

OPT OUT NOTICE

No. VID922 of 2025

Federal Court of Australia
District Registry: Victoria
Division: General

Jenna Wilson and another
Applicants

Commonwealth of Australia
Respondent

To: The Registrar
Federal Court of Australia
Victoria District Registry
305 William Street
Melbourne VIC 3000
vicreg@fedcourt.gov.au

I, [*print name*]……, am
(select **one** option only)

☐ a group member;

☐ an Executor for the Estate of [*print name*]…….who is a group member;

☐ a power of attorney for [*print name*]…….who is a group member; or

☐ a solicitor acting for [*print name*]……who is a group member.

in the above class action, give notice under section 33J of the *Federal Court of Australia Act 1976*, that [*print name*]…….. is opting out of the class action.

Date:

Signed by [*print name*]……
Email:
Address: