

# BOX HILL INSTITUTE STUDENT PILOT CLASS ACTION

NERITA SOMERS & ORS

V

BOX HILL INSTITUTE

GOBEL AVIATION PTY LTD

(SECI 2020 01535)

## IMPORTANT NOTICE

On 26 March 2020 Nerita Somers and others (**the Plaintiffs**) commenced a group proceeding (**the Proceeding**) in the Supreme Court of Victoria against Box Hill Institute (**BHI**). Gobel Aviation Pty Ltd (T/A Soar Advanced Flight Training) (in liquidation) was joined as a second defendant on 22 July 2020. The Proceeding arises out of the delivery of the Diploma of Aviation (Commercial Pilot Licence – Aeroplane) (**CPL Diploma**) and is brought by the Plaintiffs on their own behalf and on behalf of persons who have suffered loss and damage as a result of the defective delivery of the CPL Diploma course and the manner in which course fees were charged.

**You should read this notice carefully. Any questions you have concerning the matters contained in this notice should not be directed to the Court.** If there is anything in it that you do not understand, you should seek legal advice in relation to this Notice or its subject matter.

### 1. Who is this Notice for?

This Notice is published for the information of persons who are group members of the Proceeding, who have not opted-out of the Proceeding and are not clients of Gordon Legal.

### 2. What is this Notice about?

BHI may contend that a Group Member who has failed to seek a re-credit or reduction of their VET Student Loans and/ or VET FEE-HELP has, by doing so, failed to take reasonable steps to reduce or mitigate the loss and damage they may have suffered if BHI is found by the Court to be liable for that loss in the Proceeding.

The purpose of this Notice is to bring BHI's possible contention to the Group Members' attention and provide Group Members with an opportunity to consider whether they wish to seek a re-credit of their VET Student Loans and/ or VET FEE-HELP before any trial of the Proceeding commences on 26 September 2022.

### **3. What do Group Members need to do?**

Any Group Member who has not opted-out of this Proceeding or instructed Gordon Legal to act on their behalf should consider whether they should take certain steps to seek a re-credit of their VET Student Loans and/ or VET FEE-HELP. This may include making an application for a re-credit to BHI or the Department of Education, Skills and Employment.

Even if you have been told by BHI that there is nothing you can do to seek a re-credit of your VET Student Loans and/ or VET FEE-HELP, you may wish to consider whether to do so.

Please consider this matter carefully. If there is anything you do not understand, you may seek legal advice in relation to this Notice or its subject matter including by contacting the solicitors for the Representative Plaintiffs and Group Members, Gordon Legal by telephone on +61 3 9603 3000 or by emailing [bhisoar@gordonlegal.com.au](mailto:bhisoar@gordonlegal.com.au).