

**NOTICE ISSUED TO CURRENT AND FORMER EMPLOYEES OF AIRPORT RETAIL  
ENTERPRISES**

**NOTICE OF PROPOSED SETTLEMENT**

**FEDERAL COURT OF AUSTRALIA**

***KFC 10 MINUTE REST BREAKS CLASS ACTION***

**What is this notice?**

- 1.1. A number of KFC employees (together, the **Applicants**) and Airport Retail Enterprises Pty Ltd (**Airport Retail**) have agreed to resolve the claims against Airport Retail in the KFC 10 Minute Rest Breaks Class Action (the **Class Action**) without a trial. This is called a settlement. The proposed settlement will only take effect if it is approved by the Federal Court.
- 1.2. The Federal Court has ordered that this notice be sent to all Group Members who were employed by Airport Retail during the period covered by the Class Action (**Airport Retail Group Members**). You have been identified as a potential Airport Retail Group Member. This notice explains the proposed settlement, how it may affect you if you are an Airport Retail Group Member, and what options you have.
- 1.3. It is important that you read this notice carefully because it contains information about how your legal rights may be affected by the proposed settlement, including money you may receive. If there is anything in this notice which you do not understand, you should contact either:
  - (a) Gordon Legal on (03) 9603 3000 or [KFC@gordonlegal.com.au](mailto:KFC@gordonlegal.com.au)
  - (b) Shine Lawyers on 1800 860 358 or [kfclassaction@shine.com.au](mailto:kfclassaction@shine.com.au).

**Please do not contact the Court with inquiries regarding this notice.**

**2. Why have you received this notice?**

- 2.1. This notice is about a proposed settlement between the Applicants and Airport Retail in relation to claims that 10 minute rest breaks were not provided to employees in KFC stores operated by Airport Retail. The Class Action also makes the same claims

against other KFC store operators, and these claims are not dealt with in this proposed settlement.

2.2. If the proposed settlement between Airport Retail and the Applicants is approved by the Court, Airport Retail Group Members will receive compensation. You are an Airport Retail Group Member if:

- (a) you worked at a KFC store operated by Airport Retail between 22 December 2017 and 22 December 2023; and
- (b) you worked any shifts of 4 hours or longer.

The KFC stores operated by Airport Retail during this time period were the KFC store at Terminal 2 of the Sydney Domestic Airport and the KFC store at Terminal 1 of the Sydney International Airport.

### **3. What is the class action about?**

3.1. In late 2023, the Shop, Distributive and Allied Employees Association (**SDA**) and the Applicants commenced a claim on behalf of employees who worked at KFC stores alleging that, during the period from October 2017 to December 2023, the employees did not receive 10 minute rest breaks to which they were entitled under applicable industrial instruments, including the *KFC National Enterprise Agreement 2010* and the *KFC National Enterprise Agreement 2020*. The claims were made against KFC Pty Ltd (head office) and all of the franchise operators of KFC stores in Australia, including Airport Retail.

3.2. The Applicants are represented in the Class Action by two law firms acting together, Gordon Legal and Shine Lawyers.

3.3. The Applicants claimed that Airport Retail and the other employers should be required to pay compensation to the employees for the 10 minute rest breaks they were entitled to but did not receive, as well as penalties.

3.4. Airport Retail and the other employers denied each of the claims alleged against them in the Class Action.

### **4. The proposed settlement**

4.1. In April 2025, the Applicants and Airport Retail agreed to settle the claims against Airport Retail. The proposed settlement is without any admission by Airport Retail as

to any liability. The Court has now been asked to approve the terms of the proposed settlement so that it can take effect.

- 4.2. Under the proposed settlement, Airport Retail will pay the sum of \$34,152.59 to resolve the claims (**Settlement Sum**). All Airport Retail Group Members will be entitled to a share of the Settlement Sum, calculated by reference to the number of eligible shifts they worked during which they were, entitled to a 10 minute rest break (whether or not any rest break was taken or provided).
- 4.3. The Settlement Sum relates only to individuals employed at the two KFC stores operated by Airport Retail, which stores operated, between May to December 2023 – approximately 100 people.
- 4.4. If approved by the Court, the proposed settlement will be binding on all Airport Retail Group Members, meaning that those individuals will not be able to bring a claim in relation to the subject matter of the Class Action in the future.
- 4.5. The proposed settlement has been agreed on the basis that Airport Retail does not admit that the alleged breaches in relation to rest breaks occurred.
- 4.6. Under the proposed settlement, the settlement payments to Airport Retail Group Members will be calculated and made by a person (or persons) appointed by the Court. Airport Retail Group Members will not have to take any action to receive a settlement payment as payments will be calculated using information about their shifts provided by Airport Retail to the person(s) appointed by the Court to administer the settlement process.
- 4.7. If the proposed settlement is approved by the Court, a portion of the Settlement Sum may be paid to Gordon Legal and Shine Lawyers as reimbursement for the legal costs incurred by the Applicants in commencing and conducting the Class Action. Any amount paid to Gordon Legal and Shine Lawyers must be approved by the Court as fair and reasonable. The payment of any amount of costs to Gordon Legal and Shine Lawyers will reduce the amount of the Settlement Sum that is available to be paid to Airport Retail Group Members.

## **5. Process for Court approval of the proposed settlement**

- 5.1. The proposed settlement is subject to the approval of the Federal Court. The Court will only approve the proposed settlement if it decides that it is fair and reasonable and in the interests of the Airport Retail Group Members as a whole.

5.2. In considering the application to approve the proposed settlement, the Court will receive and consider submissions from the Applicants and other parties. The Court will also consider the views of Airport Retail Group Members. Information about how to object to the proposed settlement is provided later in this notice.

5.3. The Court will hold a hearing for it to determine the application for approval of the proposed settlement at the Federal Court in Melbourne on 22 September 2026.

## **6. What are your options?**

6.1. If you are, or think you may be, an Airport Retail Group Member, then you have two options. The option you take may affect whether you receive money under any settlement approved by the Court.

### **Option 1 – Do nothing**

- Airport Retail Group Members who do nothing will be entitled to receive a share of the Settlement Sum, if the proposed settlement is approved by the Court. The share of the Settlement Sum will be calculated and paid by the person(s) appointed by the Court to administer the settlement following the deduction of any Court-approved legal costs.
- Airport Retail Group Members who do nothing will be bound by the proposed settlement if it is approved by the Court, meaning that they will not be able to bring another claim against Airport Retail in relation to the subject matter of the Class Action.

### **Option 2 – Object to the proposed settlement**

- Airport Retail Group Members have the right to make submissions to the Court as to whether the proposed settlement should be approved and take effect. If you do not wish for the proposed settlement to go ahead, you can object by filling in the notice at Annexure A to this document and providing it Gordon Legal or Shine Lawyers at the details set out above by 4pm on 26 June 2026.
- All objection forms received by Gordon Legal or Shine Lawyers will be provided to the Court. The Court will consider any objections filed by Airport Retail Group Members when it considers whether to approve the proposed settlement at the hearing on 22 September 2026.

- Any Airport Retail Group Member who objects may be required to appear before the Court at the approval hearing on 22 September 2026.

## **7. What if your bank details have changed?**

- 7.1. If you are assessed as being eligible to be paid a settlement payment as a result of the settlement, you will be paid via the bank account details held by Airport Retail (that is, the bank account into which Airport Retail pays or paid your wages).
- 7.2. If you have changed your bank account details since you were employed by Airport Retail, or if you wish to confirm that the bank details held are accurate, you should contact Gordon Legal or Shine Lawyers using the contact details in the paragraph below.

## **8. Further information**

- 8.1. If you would like to view any of the key legal documents, including the Statement of Claim and the Defence, you can view them at the website of [Gordon Legal](#) or [Shine Lawyers](#).
- 8.2. If there is anything in this notice which you do not understand or you are unsure about, you should contact Gordon Legal or Shine Lawyers on the contact details set out below:
  - (a) Gordon Legal on (03) 9603 3000 or [KFC@gordonlegal.com.au](mailto:KFC@gordonlegal.com.au)
  - (b) Shine Lawyers on 1800 860 358 or [kfclassaction@shine.com.au](mailto:kfclassaction@shine.com.au).

## ANNEXURE A – NOTICE OF OBJECTION TO PROPOSED SETTLEMENT

### KFC 10 MINUTE REST BREAK CLASS ACTION

Complete this form if you wish to object to the proposed settlement or any aspect of it.

Your Notice of Objection will be considered by the Court when it is determining whether or not to approve the proposed settlement.

**If you wish to object to the proposed settlement, or any aspect of it, your Notice of Objection must be received by Gordon Legal OR Shine Lawyers by 4.00pm (AEST) on 26 June 2026.**

**Any objection received after this time may not be accepted.**

**If you do NOT wish to object to the proposed settlement, you do NOT need to return this form.**

The person identified below gives notice that the person **OBJECTS** to the proposed settlement of the claims against Airport Retail in the KFC 10 Minute Rest Break Class Action.

#### A YOUR INFORMATION

Name of group member	
Name of parent or guardian (if required)*	
Postal address of group member	
Telephone contact	
Email address	

#### B GROUNDS OF OBJECTION

My submissions in support of my objection to the proposed settlement are as follows [set out in the space below any submissions you wish to make, attach additional pages if necessary]:

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**C ATTENDANCE AT HEARING ON 22 SEPTEMBER 2026**

I intend to appear before the Court at the hearing on 22 September 2026. You may appear by video or telephone. Arrangements for appearances will be published by the Court on the day prior to the hearing.

[If you intend to appear, please complete the following]:

I will appear on my own behalf.

I will be represented by a lawyer:  
\_\_\_\_\_

I do not intend to appear, but wish for my submissions to be considered in my absence.

Signature .....

Date .....

Signed by ..... (print name)

Group member / Legal Representative / Parent or Guardian

(Cross out the titles above that do not apply to you)

\*If group member is under 18 at the time of the opt-out period this form must be signed by their parent or guardian.