



GROUP PROCEEDING SUMMARY STATEMENT

DVA PRIVACY CLASS ACTION

MORGAN V COMMONWEALTH OF AUSTRALIA

Case: S ECI 2026 06680

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1. What is this group proceeding about?

This group proceeding relates to the disclosure of personal and health information of group members by the Department of Veterans' Affairs (**DVA**) to the University of South Australia as part of the Veterans' Medicines Advice and Therapeutics Education Services (**MATES Program**).

It is alleged that the disclosures were made contrary to obligations of confidence owed by DVA to group members.

The group proceeding seeks:

- payment of compensation to group members for their loss and damage caused by DVA's disclosure of their personal information;
- a declaration by the Supreme Court of Victoria that DVA breached its obligations of confidence owed to group members;
- interest; and
- costs.

The Representative Plaintiff is not aware of any other group proceeding that has been or is likely to be filed that relates to the same subject matter as this group proceeding.

2. Am I a group member?

You are a group member if:

- you held a health card issued by DVA between January 2004 and 9 February 2024 (inclusive); and
- you had your personal and/or health information collected by DVA in connection with the use of your health card; and
- your personal and/or health information was shared by DVA with the University of South Australia as part of the MATES Program.

If you do not wish to participate in the group proceeding, there will be an opportunity for you to opt out at a future time.

If you do wish to participate in the group proceeding and be entitled to receive compensation if the claim is successful, you will likely be required to formally register your claim at a future time.

You will receive a notice about the opt out process, and any registration process, which will explain these options and the steps you are required to take, at a future date.

3. Who is acting for the Representative Plaintiff?

Gordon Legal is acting for the Representative Plaintiff and other group members in this group proceeding against the Commonwealth.

4. Who is the Representative Plaintiff and what responsibilities do they have?

The Representative Plaintiff is Benjamin Morgan, a veteran of the Royal Australian Air Force, whose information was shared with the University of South Australia by the DVA as part of the MATES Program.

The Representative Plaintiff will receive advice from and provide instructions to Gordon Legal about the group proceeding on behalf of all group members. He will provide instructions about key stages in the proceeding, including in relation to any offers of settlement.

The Representative Plaintiff has overarching obligations to act honestly, avoid undue delay and expense, and to exercise his best endeavours to resolve the proceeding.

In the event that the case does not settle prior to trial, the Representative Plaintiff may be required to provide evidence regarding his individual claim.

5. What costs are involved?

Group members will not be out of pocket by participating in the group proceeding, irrespective of whether the case is successful or unsuccessful.

The group proceeding is partly funded by Omni Bridgeway (Fund 5) Australian Inv't. Pty Ltd (the **Funder**), with the balance funded by Gordon Legal on a 'No- win, No-Fee' basis.

Information regarding the Funder, the litigation funding, and the circumstances in which litigation funding costs will be charged following a successful outcome (whether by settlement or judgment) can be found in the "Funding Information Statement". The "Funding Information Statement" is published on Gordon Legal's website at www.gordonlegal.com.au/dva/.

If the group proceeding is successful (whether by settlement or judgment), Gordon Legal will seek to recover its outstanding fees incurred on a 'No-Win-No-Fee' basis, along with an uplift fee calculated at 25 % of those outstanding fees on account of the risk in part funding the group proceeding.

The Court may be asked to make a common fund order, which is an order requiring all group members to contribute to the costs of funding the proceeding on a fair basis, including those who have not signed a funding agreement.

The Court will scrutinise any deductions which are proposed to be made from any settlement or compensation sum, and will assess whether those deductions are fair and reasonable.

If the group proceeding is unsuccessful, the Funder will cover the costs.

6. Who can I contact to get further information?

You can contact Gordon Legal by sending an email to veterans@gordonlegal.com.au or by calling **(03) 9072 8691**. You will not be charged a fee for contacting Gordon Legal to ask questions about the group proceeding.