

# NOTICE TO REGISTERED GROUP MEMBERS OF 22 NOVEMBER 2024

Ignore this notice if you have already received Notification confirming your Eligibility to participate in the [Settlement Scheme](#).

The purpose of this notice is to advise Registered Group Members about completing the Statutory Declaration.

A valid Statutory Declaration is required under clause 5.2(f) of the Settlement Scheme approved by the Court. Failure to submit an appropriately completed, signed and witnessed Statutory Declaration will exclude you from being able to participate in the Settlement Scheme.

The reason for provision of this notice, is that a large number of Registered Group Members have returned invalid Statutory Declarations. The Statutory Declarations are invalid for the following reasons:

1. The statutory declaration was not witnessed by an authorised witness;
2. There was a failure to complete the paragraphs 1, 2 or 3 (or all of those paragraphs) of the Statutory Declaration.

The Statutory Declaration must be completed as follows.

## 1. Paragraphs 1 and 2 of your Statutory Declaration

**You must complete paragraphs 1 and 2** of your Statutory Declaration by crossing out whichever does not apply to you.

**Explanation:** A deed of release is usually entered into when a person has received a compensation amount or other benefit (paragraph 1). You will **not** be able to participate further in the Settlement Scheme if you have either:

- already entered into a deed of release with your TCI surgeon or the surgeon's insurer, any TCI entity/ies or defendant/s to the class action (paragraph 1 of your Statutory Declaration); or
- already received a compensation amount in connection with your TCI BAS (paragraph 2 of your Statutory Declaration).

If you are unsure about whether you have entered into a deed of release with your TCI surgeon / the defendant/s in the past, or whether you have already received a compensation amount in connection with your TCI BAS, please say so in your Statutory Declaration, and we will take steps to check this information. Otherwise, **cross out the words at paragraphs 1 and 2 that do not apply to you.** We suggest that you read paragraph 5.1(d)(ii) and (iii) of the [Settlement Scheme](#).

We provide the following examples.

**Example A:** The following is the correct way to complete the Statutory Declaration if you have not entered into a deed of release and/or not received a compensation payment for your TCI BAS in the past:

1. I ~~have~~ **have not\*** entered into a deed of release with the defendants or any one of them, in the Supreme Court proceedings 2017/279308 or any of their related entities in respect of a claim for damages for breast augmentation surgery performed at any of the TCI premises located at Gold Coast, Bondi Junction or Parramatta (TCI BAS). [\*Strike out whichever does not apply to you.]
2. I ~~have~~ **have not\*** already received an amount of compensation in full and final satisfaction of a claim for damages in connection with my TCI BAS.

**Example B:** The following is the correct way to complete the Statutory Declaration if you have entered into a deed of release and/or if you have already received a compensation payment in the past in connection with your TCI BAS:

1. I have / ~~have not~~ entered into a deed of release with the defendants or any one of them, in the Supreme Court proceedings 2017/279308 or any of their related entities in respect of a claim for damages for breast augmentation surgery performed at any of the TCI premises located at Gold Coast, Bondi Junction or Parramatta (TCI BAS). [*Strike out whichever does not apply to you.*]
2. I have / ~~have not~~ already received an amount of compensation in full and final satisfaction of a claim for damages in connection with my TCI BAS.

## 2. Paragraph 3 of your Statutory Declaration

You must declare your injuries and disabilities, by crossing out whichever does not apply to you at **paragraph 3** of your Statutory Declaration as a form of evidence of having suffered an injury.

**Explanation:** In order to participate in the Scheme, you must attest by Statutory Declaration to having suffered injuries as a result of your TCI BAS, whether in the past having since undergone revision, whether injuries are continuing, or both (some injuries having resolved and some continuing). We suggest you read paragraph 5.2(f) of the [Settlement Scheme](#).

You may then set out details of injuries and disabilities sustained, as appropriate, in the remainder of your Statutory Declaration, and also by completing the Annexures A, B & C.

**Example A:** The example below is if you have suffered injuries as a result of undergoing your TCI BAS:

3. I have / ~~have not~~ suffered INJURIES AND COMPLICATIONS as a result of undergoing TCI BAS. My injuries are set out in **ANNEXURE A**. [*Complete Annexure A: Injuries and complications.*]

**Example B:** The example below is if you have not suffered injuries and disabilities as a result of undergoing your TCI BAS.

3. I ~~have~~ / have not\* suffered INJURIES AND COMPLICATIONS as a result of undergoing TCI BAS. My injuries are set out in **ANNEXURE A**. [*Complete Annexure A: Injuries and complications.*]

3. You must complete every paragraph of the Statutory Declaration. Cross out any words that do not apply to you, where relevant.

## 4. The Statutory Declaration needs to be witnessed by an Authorised Witnesses

Your Statutory Declaration must be witnessed by an authorised witness. Authorised witnesses vary depending on the State or Territory in which you sign your Statutory Declaration. The last page of the Notification sent to all Registered Group Members in September 2024 contains a link to authorised witnesses in your state or territory. Check it if you are unsure about who is an authorised witness in your State or Territory. **Generally, a solicitor or Justice of the Peace (JP) is an acceptable authorised witness.**

5. You must not upload separate individual screen shots of each page of your Statutory Declaration. Upload a copy of your full and complete Statutory Declaration as a single PDF document.
6. If your Statutory Declaration is missing pages, it will be invalid and will not be accepted.
7. Check the Turner Freeman **FAQs** and **Resources** page here regularly:

<https://www.turnerfreeman.com.au/the-cosmetic-institute-class-action/>

Failure to submit a complete, validly signed Statutory Declaration will exclude you from participating in the Settlement Scheme and you will receive no compensation.

### **Time limit for submission of the Statutory Declaration and the TCI Records**

Please note there is a time limit for submission of a valid Statutory Declaration and your TCI Records (if not already provided) and that time limit is **31 December 2024**. That time limit will not be extended.