

IN THE SUPREME COURT OF VICTORIA
COMMON LAW DIVISION
GROUP PROCEEDINGS LIST

S ECI 2023 04323

BETWEEN:

**PHILLIP BRENT KRAKOUER (and ANOR listed in the
Schedule)**

Plaintiffs

and

AUSTRALIAN FOOTBALL LEAGUE (ACN 004 155 211)

Defendant

ORDER

JUDGE

The Honourable Justice Keogh

DATE MADE:

21 August 2026

ORIGINATING PROCESS:

Amended Writ filed 9 October 2025

HOW OBTAINED:

By consent pursuant to Rule 59.07 of the *Supreme Court (General Civil Procedure) Rules 2025* (Vic)

ATTENDANCE:

N/A

OTHER MATTERS:

A. The AFL Players Association Limited (ACN 662 842 033), a public company limited by guarantee ('AFLPA'), have consented to providing the contact information of persons who may be group members as set out in order 3(b)(i).

B. These orders are made on the basis that the Mail House (as defined in order 3(a) below) will keep the names and contact information received pursuant to orders 3(b)(i)-(ii) below confidential and will not disclose that information to any person (including the plaintiffs and the plaintiffs' solicitors) and nor will it use that information for any purpose other than the purpose specified in these orders.

C. The parties attended a Case Management Conference before the Honourable Associate Justice Gobbo on 11 August 2026 and agreed on the content



of a without prejudice claim form for the purposes of mediation ('Claim Form').

THE COURT ORDERS THAT:

1. The form and content of the Registration and Opt Out Notice ('Notice') and correspondence by way of email, post and SMS to potential group members as set out in Annexures A, B and C to these Orders respectively are approved pursuant to ss 33X(1)(a) and 33Y of the *Supreme Court Act 1986* (Vic) ('the Act').
2. The Notice is to be given to potential group members between 31 August to 8 September 2026 by:
 - (a) a copy of the Notice being distributed in accordance with Orders 3-4;
 - (b) Margalit Lawyers sending a copy of the Notice by electronic mail and SMS (or via registered post in the event that there is no known e-mail or mobile phone number) to:
 - (i) each person who has registered their interest in the proceedings with Margalit Lawyers; and
 - (ii) any unregistered person known to Margalit Lawyers;
 - (c) uploading a copy of the Notice on the Margalit Lawyers website, www.margalitlawyers.com.au;
 - (d) e-mailing a copy of the Notice to Registry at groupproceedings@supcourt.vic.gov.au for publication on the Supreme Court of Victoria's website;
 - (e) placing the Notice in posts issued on the Facebook and Instagram pages of Margalit Lawyers on 31 August and 8 September 2026.
 - (f) causing a paid advertisement in the form of the Notice to be advertised on Facebook and Instagram and in at least one First Nation's owned media such as the National Indigenous Times.
3. Order 2(a) is complied with by compliance with the following procedure:
 - (a) By 24 August 2026, the plaintiffs are to:
 - (i) engage a third-party mail house to be utilised ('Mail House');



- (ii) provide a copy of these Orders to the Mail House;
 - (iii) inform the defendant and the AFLPA of the name and contact details of the Mail House;
 - (b) by 28 August 2026:
 - (i) the AFLPA provide to the Mail House the name, mailing address, e-mail address and mobile phone number for the following:
 - (a) all known Aboriginal and/or Torres Strait Islander players competing in the men's AFL (formerly VFL) competition between May 1980 to 9 October 2025, and
 - (b) the known next of kin/emergency contact of those persons in 3(b)(i)(a) above;
 - (ii) the defendant provide to the Mail House a list of all known Aboriginal and/or Torres Strait Islander players competing in the men's AFL (formerly VFL) competition between May 1980 to 9 October 2025 and their most recently recorded mailing address, e-mail address and mobile phone number, where those names and details can be sourced from the defendant's:
 - (a) eAFL database (player administration database); and/or
 - (b) the database which records last known contact details for Australian Football Hall of Fame members and AFL Life Members.
4. By 4pm on 31 August 2026 Margalit Lawyers instruct the Mail House to:
- (a) merge and collate the information provided by the AFLPA and the defendant;
 - (b) send the Notice by no later than 8 September 2026 by e-mail and SMS to each person identified in the list with an e-mail address and mobile phone number provided by Order 3(b);
 - (c) in the event that there is no known e-mail or mobile phone number or there is an SMS and e-mail delivery failure, send the Notice to the person by ordinary pre-paid post.
5. If the Notice, Abridged Notice or Covering Email are amended, the plaintiffs' lawyers shall forthwith provide a copy of the amended Notice to the Registry of the



Supreme Court of Victoria at groupproceedings@supcourt.vic.gov.au, and the defendant by 4:00pm (AEST) on 30 August 2026.

6. The time and date before which a group member may opt out of or register for the proceeding is 4.00pm (AEDT) on 2 November 2026 ('Opt Out and Registration Deadline').
7. For the purposes of s33J(2) of the Act, each group member who wishes to opt out of this group proceeding must opt out by the Opt Out and Registration Deadline by completing and submitting the Opt Out Notice in the form attached to Annexure A to this order.
8. If, on or before the Opt Out and Registration Deadline, Margalit Lawyers receive a notice purporting to be an opt-out form referable to this proceeding, Margalit Lawyers must provide the notice to the Registry by email to groupproceedings@supcourt.vic.gov.au within 7 days of receipt and the notice shall be treated as an opt out received by the Court at the time it was received by Margalit Lawyers.
9. The parties have leave to inspect the Court file and copy any opt out forms after the Opt Out and Registration Deadline.
10. The reasonable costs of and incidental to the procedures set out at Orders 2-4 be paid initially by the plaintiffs, on the basis that the costs will subsequently fall to be dealt with by the Court as costs in the cause.

Registration

11. Pursuant to ss 33ZF and 33ZG(a) of the Act, any group member who wishes to obtain a benefit from any settlement (subject to court approval) of the proceeding reached by 12 July 2027 must register their claim by the Opt Out and Registration Deadline ('Registered Group Member').
12. Margalit Lawyers may register a group member who is already known to them as having expressed interest in the proceeding.
13. A Group Member may register their claim by:
 - (a) completing an online registration process replicating the Group Member registration form at Schedule 1 to the Notice hosted on a website by the solicitors for the plaintiffs; or



- (b) returning a completed Group Member registration form in the form of Schedule 1 to the Notice by post or email to the addresses indicated on the form.
14. Pursuant to section 33ZG of the Act and subject to any further order of the Court, any Group Member who does not register or opt out of the proceeding in accordance with the manner provided for in these Orders by the Opt Out and Registration Deadline:
- (a) will remain a Group Member in this proceeding for all purposes including for the purpose of being bound by any judgment in this proceeding and being bound by the terms (including releases) of any approved settlement agreement in the proceeding; and
 - (b) shall not, without leave of the Court, be permitted to seek any benefit pursuant to any in-principle settlement (subject to the approval of the Court) of this proceeding reached before 12 July 2027.

Claim Form

15. The solicitors for the plaintiffs provide to each Registered Group Member, as soon as practicable after receipt of that Registered Group Member's registration, the Claim Form.
16. The solicitors for the plaintiffs provide the defendant with a first tranche of completed Claim Forms by 11 December 2026, with all remaining Claim Forms to be provided by 30 January 2027.

Other

17. The Case Management Conference listed for 14 August 2026 be adjourned to 2 November 2026.
18. A further mediation Case Management Conference before the Honourable Associate Justice Gobbo be listed for 18 February 2027.
19. A Judicial Mediation before the Honourable Associate Justice Gobbo to be conducted on 19 April 2027.
20. The date in Order 8 of the Orders made by the Honourable Justice Keogh on 3 June 2026 is extended to 28 August 2026.
21. Costs in the proceeding.



DATE AUTHENTICATED:

21 August 2026



THE HONOURABLE JUSTICE KEOGH



SCHEDULE

S ECI 2023 04323

BETWEEN:

PHILLIP BRENT KRAKOUER

First Plaintiff

NEIL ELVIS WINMAR

Second Plaintiff

AUSTRALIAN FOOTBALL LEAGUE (ACN 004 155 211)

Defendant





ANNEXURE A – PROPOSED NOTICE

REGISTRATION AND OPT OUT NOTICE

CLASS ACTION ABOUT RACISM IN THE AUSTRALIAN FOOTBALL LEAGUE

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League
(S ECI 2023 04323)

**THIS NOTICE IS SENT BY ORDER OF THE SUPREME COURT OF
VICTORIA.**

**IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY
BECAUSE IT MAY AFFECT YOUR LEGAL RIGHTS.**

THE NOTICE DEADLINE IS 4:00PM (AEDT) ON 2 NOVEMBER 2026

The Supreme Court has ordered that this notice be published for the information of persons who might be group members on whose behalf the group proceeding is brought and who may be affected by it. If you have been sent this notice, you may be a **'Group Member'**.





SOME IMPORTANT THINGS YOU SHOULD KNOW ABOUT THE AFL RACISM CLASS ACTION

This has been sent to you because you might be eligible to be part of the AFL Racism Class Action.

As explained in more detail on pages 6-7 you may do one of three things in response to this notice:

1. **Sign up** to the AFL Racism Class Action by **4:00pm (AEDT) on 2 November 2026**.

OR

2. **Do Nothing**.

OR

3. **Opt Out** by **4:00pm (AEDT) on 2 November 2026**: If you don't want to be part of the AFL Racism Class Action, you can remove yourself by opting out.

This notice has been issued by an order of the Supreme Court of Victoria.

Phillip (**Phil**) Krakouer has brought a case in the Supreme Court of Victoria against the Australian Football League, (previously known as the Victorian Football League) (**AFL**). Neil (**Nicky**) Winmar has joined Phil in bringing this case. This case is about racist abuse and the impacts of that abuse that Phil and Nicky allege they suffered while playing in the **AFL Competition**, being the men's Australian Football competition. Phil and Nicky are represented by Margalit Lawyers.

This case is called a "class action" because Phil and Nicky are bringing this case for other people who, like them, are Aboriginal and/or Torres Strait Islander Persons who between May 1980 to October 2025:

- while participating in men's AFL (of former VFL) Competition;
- were victims of physical and/or verbal racist abuse; and
- as a result of that abuse, suffered a physical and/or mental injury. (**Player Group Members**).

This case is also brought on behalf of family members and people who have a close kinship relationship (for example, aunty/uncle) with a Player who was:

- injured or put in danger;
- because of physical and/or verbal racist abuse;
- while participating in the men's AFL (or former VFL) Competition; and those family members suffered mental harm because of the racist abuse of the Player (**Family Members**)

Estates and dependants of deceased Players may also join this case. See **page 4** for more information.

Any questions you have about this Notice should not be directed to the Court.

If you want more information, you can contact Margalit Lawyers at:

classaction@margalitlawyers.com.au or

(03) 9133 0288 or seek independent legal advice.





INFORMATION ABOUT THIS CASE

What is a Class Action?

A class action is a case brought by one or more people on their own behalf and on behalf of a group of persons (**Group Member**) who have similar claims against the same party.

If you are a Group Member:

- You will be bound by any judgment or settlement unless you opt out; and
- You may be entitled to compensation if the case is successful.

A case may end by judgment or settlement. If that happens, you may not be able to bring your own claim about the same facts and issues. If you think you have a separate claim you should get legal advice before deciding to opt out.

What is this class action about?

This case is about racist abuse and the impacts of that abuse that Phil Krakouer (**Phil**) and Nicky Winmar (**Nicky**) allege they suffered while playing in the AFL (former VFL) Competition.

Phil and Nicky allege that the AFL was and is responsible for controlling, directing, coordinating and conducting the sport of Australian Football, and controlling, directing, coordinating and conducting the men's AFL (former VFL) Competition, and had a duty of care to the Player Group Members and Family Members to avoid or minimise the risk of racist abuse by other players and spectators.

Phil and Nicky allege that the Players were victims of physical and/or verbal racist abuse while participating in the AFL (former VFL) Competition, and suffered physical injury, psychological injury, and/or psychiatric injury as a result.

Phil and Nicky also allege that Family Members suffered mental harm in connection with Player Group Members experiencing physical and/or verbal racist abuse while participating in the men's AFL (former VFL) Competition.

Phil and Nicky seek compensation money for themselves and on behalf of Group Members.

The AFL is defending the class action.

Are you a group member?

To be a Group Member, you need to fall within one of the following four groups:

Group 1 - Players

You are a Player Group Member if all of these things are true for you:

- You are an Aboriginal and/or Torres Strait Islander Person;
- You participated in the men's AFL (or former VFL) Competition between May 1980 and 9 October 2025;
- You were a victim of physical and/or verbal racist abuse whilst participating in the men's AFL (or former VFL) Competition and suffered physical injury, psychological injury, and/or





psychiatric injury as a result.

Group 2 – Family Members

You are a Family Group Member if all of these things are true for you:

- You are or were a member of a Player Group Members' family or are in a close kinship relationship a Player Group Member; and
- You have suffered harm in connection with physical and/or verbal racist abuse the Player Group Member experienced while participating in the AFL Competition.

Group 3 – Deceased Group Members

You are a Deceased Group Member if, you are or were the executor or administrator of, or beneficiary of or person with an interest in, the estate of a deceased persons who would be a Player Group Member and/or Family Group Members had they not passed away prior to 9 October 2025.

Group 4 – Dependant Group Members

You are a Dependant Group Member if you are or were the dependant of a Player Group Member and/or Family Group Members and/or Deceased Group Members.

If you are unsure whether or not you are a group member, you should contact Margalit Lawyers on (03) 9133 0288 or email classaction@margalitlawyers.com.au or seek your own legal advice from a lawyer of your choice without delay.

What is 'opt out'?

You can choose to leave the class action. This is called "opting out".

Important time limits apply to the claims made in this proceeding. This means you have to bring a claim within a time period set by law (**limitation period**). When the AFL Racism Class Action was started, the limitation period for all Group Members' claims was suspended. If you opt out, the suspension ends, and the time limitation period starts running again from the date when you opted out.

If you wish to bring your own claim against the AFL, you should seek your own legal advice about your claim and the applicable time limits that apply to bringing a claim before opting out.

If you want to opt out of the AFL Racism Class Action, you need to fill out the "Opt Out Notice" at **page 9**. Opt Out Notices must be sent directly to the Supreme Court of Victoria at the address on the Opt Out Notice before **4:00pm (AEDT) by 2 November 2026**, or the form may not have any effect.





Will you have to pay any money to stay in the case?

You will not have to pay any money out of your own pocket simply to stay in the case. However:

- if the preparation or finalisation of your claim requires work to be done in relation to issues that are specific to your claim, you can engage Margalit Lawyers or other lawyers to do that work for you. A copy of the terms on which Margalit Lawyers are acting in the group proceeding may be obtained from them (contact details below);
- if any compensation becomes payable to you as a result of any order, judgment or settlement in the group proceeding, the Court may make an order that some of the compensation be used to help pay a share of the costs that are incurred by the plaintiffs in running the group proceeding but which are not able to be recovered from the defendant.
- the Court will independently decide what amount of legal costs is reasonable to be recovered by Margalit Lawyers before the remainder of the judgment or settlement sum is distributed to group members; and
- class actions are often settled out of court. That is not a guide to what is likely to occur in this proceeding. If settlement were to occur in this proceeding, you may be able to claim from any settlement amount without retaining a lawyer or by retaining lawyers of your choosing.

How Can You Find Out More Information or Ask Questions?

You can contact Margalit Lawyers at classaction@margalitlawyers.com.au or on (03) 9133 0288.

If you do not want to talk to Margalit Lawyers, you should talk to your own lawyer. To do this, you may wish to contact the Law Society or Law Institute in your state or territory and ask for a referral to a lawyer who can give you this advice.

You can get copies of Court documents by:

- (a) downloading them from <https://margalitlawyers.com.au/racism-in-the-afl/>;
- (b) telephoning Margalit Lawyers on (03) 9133 0288 and requesting that a copy be posted or emailed to you;
- (c) inspecting them by visiting the Registry of the Supreme Court of Victoria in Melbourne at 450 Little Bourke Street, Melbourne VIC 3000; or
- (d) locating them on the Supreme Court of Victoria website at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/krakouer>.

You should not delay in making your decision, as the deadline for the opt out and registration is **4:00pm (AEDT) on 2 November 2026**.

This Notice is published pursuant to Orders made by the Supreme Court of Victoria on 21 August 2026.





YOUR THREE OPTIONS

1 – SIGN UP TO THE CLASS ACTION

If you are already signed up with Margalit Lawyers, there is nothing you need to do.

You have already signed up if you have:

- (a) Completed the registration form for the AFL Racism Class Action on Margalit Lawyers' website; or
- (b) signed an agreement for Margalit Lawyers to act for you in the AFL Racism Class Action.

If you are unsure if you have signed up, please contact Margalit Lawyers at classaction@margalitlawyers.com.au or on (03) 9133 0288.

If you have not signed up with Margalit Lawyers, and you wish to sign up, you will need to provide your details and information about your claim to Margalit Lawyers. You can do so by:

- (a) ringing Margalit Lawyers on (03) 9133 0288 or;
- (b) completing the AFL Racism Class Action Registration Form available at <https://margalitlawyers.com.au/racism-classaction> or;
- (c) completing the Registration Form found at **page 8** of this Notice and send a copy to Margalit Lawyers by email or post at the addresses found on the Form.

Forms must be completed and received by Margalit Lawyers before 4:00pm (AEDT) on 2 November 2026.

Margalit Lawyers' contact details are stated in the form.

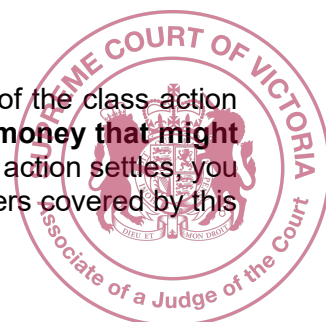
If you are helping a Group Member complete this form, or if you are registering on behalf of a deceased estate or dependant, you must identify yourself on the registration form.

You will not have to pay "out of pocket" legal costs if you sign up to the class action. However, legal costs may be taken out of any compensation money the group receives at the end of the case. This amount will be up to the Court to determine. See **page 5** for more information.

Group Members who sign up with Margalit Lawyers **will be bound by the result of the class action**. If the class action is successful, **you will be entitled to share in any compensation money received**. You may need to meet certain requirements and provide information (including medical reports to explain your injury) before your claim can be assessed.

You can choose to have Margalit Lawyers, or other solicitors, to help you do this.

If you do not sign up now and the parties agree to a settlement before the trial of the class action starts, **you will be excluded from claiming any share of any compensation money that might be paid as settlement, unless the Court makes a different order**. If the class action settles, you may lose your rights to make further legal claims against the AFL about the matters covered by this class action.





If you do sign up, but the parties do not agree to settle before the start of the trial of the class action, the case will proceed as usual.

You will be able to participate in any later settlement or judgment. If the class action fails at trial, you will be bound by the findings that the Court makes that are adverse to the claims of group members.

2 – DO NOTHING

If the class action settles before the start of the trial of the class action, unless the Court makes a different order, group members who do not sign up or opt out:

- (a) Cannot take part in any settlement;
- (b) Cannot claim a share of any compensation money;
- (c) Are bound by the settlement and you may lose your legal rights to make further legal claims against the AFL about the matters covered by this class action.

However, if the class action does not settle before the start of the trial of the class action, you:

- (a) May participate in and benefit from any later settlement or judgment;
- (b) May receive compensation money if the case succeeds;
- (c) May need to meet certain requirements and provide information to support your individual claim to receive compensation money;
- (d) Will be bound by any findings the Court makes that are adverse to the claims of group members.

If you think you may have claims against the AFL which are different or additional to the claims made in the class action, you should get your own legal advice before **2 November 2026**. To do this, you may wish to contact the Law Society or Law Institute in your state or territory and ask for a referral to a lawyer who can give you advice.

Please **do not** contact the Supreme Court of Victoria for advice.

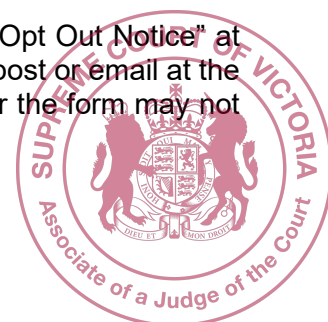
3 – OPT OUT

If you do not want to be a part of the class action, you must opt out.

If you opt out, you will not be bound by the result of the case and will not receive any compensation money from this case.

If you opt out, you may still be able to bring a claim against the AFL individually, if you think you have a valid claim. Time limits will apply to your claim. See **page 4** for more information.

If you want to opt out of the AFL Racism Class Action, you need to fill out the “Opt Out Notice” at **page 9**. Opt out forms must be sent directly to the Supreme Court of Victoria by post or email at the address on the Opt Out Notice before **4:00pm (AEDT) by 2 November 2026**, or the form may not have any effect.



OPTION 1 - REGISTRATION FORM

AFL RACISM CLASS ACTION

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League (S ECI 2023 04323).

Please complete a separate form for each Group Member who wishes to register.

Details of the Group Member:

Name of Group Member (print):

Address of Group Member:

.....

.....

Email of Group Member:

Phone number of the Group Member:

The abovenamed Group Member registers as a Group Member entitled to participate in any settlement of the proceeding.

Details of the person completing this form

Dated:

Signed:

Name of person signing (print name)

Telephone number:

Address:

.....

.....

Margalit Lawyers needs to receive this form BEFORE 4:00pm (AEDT) on 2 November 2026.

Please send completed forms to Margalit Lawyers:

By email: classaction@margalitlawyers.com.au or;

By post: Margalit Lawyers

Level 12/271 William St

Melbourne VIC 3000

You will need to provide further information to Margalit Lawyers so that they can work out if you meet certain requirements to support your claim to receive compensation money in this class action.

After you register for the class action, Margalit Lawyers will contact you to help you complete a claim form which is being used by the parties as part of a Court ordered mediation process.



OPTION 2 – OPT OUT NOTICE

**ONLY COMPLETE THIS FORM IF YOU WANT TO OPT OUT OF THE AFL RACISM ACTION.
IF YOU OPT OUT, YOU WILL NO LONGER BE A GROUP MEMBER**

NOTICE OF OPTING OUT BY A GROUP MEMBER

AFL RACISM CLASS ACTION

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League (S ECI 2023 04323).

To: Supreme Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000
AFLracismclassaction@supcourt.vic.gov.au

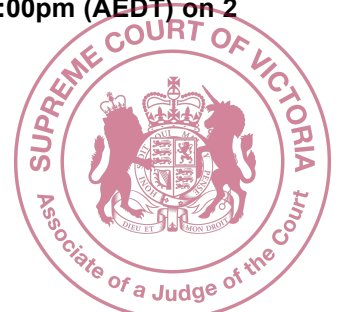
I, [print name], am
(select **one** option only)

- ☐ a group member;
- ☐ an Executor or Administrator 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 group proceeding, and give notice under section 33J(2) of the *Supreme Court Act 1986* (Vic) that I am **opting out** of this proceeding (if a group member) or on behalf of the group member whom I represent (if I am a representative of that group member).

Date:	
Email address of group member:	
Address of group member:	
Signature of group member, Executor, Administrator, power of attorney or solicitor for group member:	

If you would like to **opt out** of the AFL Racism Class Action, please return this completed form to the Supreme Court of Victoria by email or by post, at the addresses on this form, by 4:00pm (AEDT) on 2 November 2026.



ANNEXURE B – PROPOSED CORRESPONDENCE

AFL RACISM CLASS ACTION

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League (S ECI 2023 04323).

EMAIL AND POSTAL CORRESPONDENCE ATTACHING OPT OUT NOTICE AND OPT OUT FORM

This communication contains important information that has been approved by the Supreme Court of Victoria to be sent to you because you have been identified as a potential group member in a class action relating to alleged racism in the Australian Football League (AFL) commenced against the AFL.

This is not a scam. To confirm, please visit the Supreme Court of Victoria website at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/krakouer> or search "AFL Racism Class Action" using your preferred search engine.

You have been identified as someone who may be a group member in the class action. An important notice regarding the class action has been approved by the Supreme Court of Victoria and is attached to this email. It is important that you read the notice carefully as it contains information that may impact your legal rights.

The deadline for taking action in response to the notice is **4:00pm (AEDT) on 2 November 2026**. If you have questions in relation to this notice you can also contact Margalit Lawyers, the solicitors for the plaintiffs, on (03) 9133 0288 classaction@margalitlawyers.com.au or visit the AFL Racism Class Action page on Margalit Lawyers' website at <https://margalitlawyers.com.au/racism-in-the-afl/>

Any questions you have concerning the matters contained in this notice should **not** be directed to the Court.

TEXT MESSAGE ENCLOSING URL TO OPT OUT NOTICE

You have been identified as a potential group member in a class action commenced against the Australian Football League.

This is not a scam. To confirm, please visit the Supreme Court of Victoria website at: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/krakouer> or search "AFL Racism Class Action" using your preferred search engine.

An important notice regarding the class action has been approved by the Supreme Court of Victoria and is available on its website at the above link.

Please read the notice carefully as it contains information that may impact your legal rights. The deadline for taking action is **4:00pm (AEDT) on 2 November 2026**. You may contact Margalit Lawyers for further information at classaction@margalitlawyers.com.au or on (03) 9133 0288.



REGISTRATION AND OPT OUT NOTICE

AFL RACISM CLASS ACTION

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League (S ECI 2023 04323).

THIS NOTICE IS SENT BY ORDER OF THE SUPREME COURT OF VICTORIA – IT IS IMPORTANT THAT YOU READ THIS NOTICE CAREFULLY BECAUSE IT MAY AFFECT YOUR LEGAL RIGHTS.

What is the AFL Racism Class Action about?

The plaintiffs, Phillip (**Phil**) Krakouer and Neil (**Nicky**) Winmar, allege that they and other Aboriginal and/or Torres Strait Islander AFL Players experienced physical and/or verbal racist abuse while participating in the AFL Competition, and suffered harm as a result.

The plaintiffs seek compensation for themselves and on behalf of group members.

Group Member options:

You are a Player Group Member if all of these things are true for you:

- You are an Aboriginal and/or Torres Strait Islander Person;
- You participated in the men's AFL (or former VFL) Competition between May 1980 and 9 October 2025;
- You were a victim of physical and/or verbal racist abuse whilst participating in the men's AFL (or former VFL) Competition and suffered physical injury, psychological injury, and/or psychiatric injury as a result.

You are a Family Group Member if all of these things are true for you:

- You are or were a member of a Player Group Members' family or are in a close kinship relationship a Player Group Member;
- You have suffered harm in connection with physical and/or verbal racist abuse the Player group member experienced while participating in the AFL Competition

You are a Deceased Group Member if, you are or were the executor or administrator of, or beneficiary of or person with an interest in, the estates of deceased persons who would be a Player Group Member and/or Family Group Members had they not passed away prior to 9 October 2025

You are a Dependant Group Member if you are or were the dependant of Player Group Members and/or Family group members and/or Deceased Group Members

If you are unsure whether or not you are a group member, you should contact Margalit Lawyers, the lawyers for Phil and Nicky, on (03) 9133 0288 or email classaction@margalitlawyers.com.au or seek your own legal advice without delay.

If you meet the definition of a group member in the AFL Racism Class Action, you have **three options**:

1. **Sign up:** The deadline to sign up is **4:00pm (AEDT) on 2 November 2026**. If you do not sign up by the deadline, you will remain a group member in the class action but, if the parties agree to a settlement before the trial of the class action starts, you will be excluded from



claiming or benefiting from any share of any compensation money that might be paid a settlement, unless the Court makes a different order. Registering your claim is risk and cost free. At no stage will you be liable for any out-of-pocket costs by registering your claim.

You can register by completing the **AFL Racism Class Action Registration Form** available at <https://margalitlawyers.com.au/racism-classaction> or by submitting a hard copy to Margalit Lawyers, a copy of which is at **page 3** below.

2. Do nothing: If you do nothing in response to this Notice, you will remain a Group Member.

If the class action settles before the start of the trial of the class action, unless the Court makes a different order, group members who do not sign up or opt out:

- (a) Cannot take part in any settlement;
- (b) Cannot claim a share of any compensation money; and
- (c) Are bound by the settlement and may lose their legal rights to make further legal claims against the AFL about the matters covered by this class action.

However, if the class action does not settle before the start of the trial, you:

- (d) May participate in and benefit from any later settlement or judgment;
- (e) May receive compensation money if the case succeeds; and
- (f) May need to meet certain requirements and provide information to support your individual claim to receive compensation money;
- (g) Will be bound by any findings the Court makes that are adverse to the claims of group members.

3. Opt Out: If you no longer wish to be a part of this class action, you should opt out of the class action by completing the “Opt Out Notice” below. If you opt out, then you will cease to be a group member and will not be affected by any orders made in the class action.

The deadline to opt out is **4:00pm (AEDT) on 2 November 2026**.

When the AFL Racism Class Action was started, the time limitation period for all Group Members’ claims was suspended from the start of the class action. If you opt out, the suspension ends, and the limitation period resumes running from that point.

You can opt out by emailing or posting a completed copy of the Opt Out Notice to the Supreme Court of Victoria at the addresses on the Notice below.

Group Members are not, and will not be, liable to pay for any legal costs involved in this proceeding out of their own pocket by remaining in the AFL Racism Class Action. In the event of a successful outcome, the Court may make an order that some of the compensation be used to help pay a share of the costs that are incurred by the plaintiffs in running the group proceeding but which are not able to be recovered from the defendant.

IMPORTANT: There is a Long Form Notice with more detail that you should read before deciding whether or not to opt out of the AFL Racism Class Action.

For further information or to obtain a copy of a Long Form Notice which provides more detail about the AFL Racism Class Action and the matters referred to in this notice, please visit either:

- The Supreme Court’s website: <https://www.supremecourt.vic.gov.au/areas/group-proceedings/krakouer>
- Margalit Lawyers’ website: <https://margalitlawyers.com.au/racism-in-the-afl/> or
- Contact Margalit Lawyers on classaction@margalitlawyers.com.au or on (03) 9133 0281



OPTION 1 - REGISTRATION FORM

AFL RACISM CLASS ACTION

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League (S ECI 2023 04323).

Please complete a separate form for each Group Member who wishes to register.

Details of the Group Member:

Name of Group Member (print):

Address of Group Member:

.....

.....

.....

Email of Group Member:

Phone number of Group Member:

The abovenamed Group Member registers as a Group Member entitled to participate in any settlement of the proceeding.

Details of the person completing this form

Dated:

Signed:

Name of person signing (print name)

Telephone number:

Address:

.....

.....

Margalit Lawyers needs to receive this form BEFORE 4:00pm (AEDT) on 2 November 2026.

Please send completed forms to Margalit Lawyers:

By email: classaction@margalitlawyers.com.au or;

By post: Margalit Lawyers

Level 12/271 William St

Melbourne VIC 3000

You will need to provide further information to Margalit Lawyers so that they can work out if you meet certain requirements to support your claim to receive compensation money in this class action.

After you register for the class action, Margalit Lawyers will contact you to help you complete a claim form which is being used by the parties as part of a Court ordered mediation process



OPTION 2 – OPT OUT NOTICE

**ONLY COMPLETE THIS FORM IF YOU WANT TO OPT OUT OF THE AFL RACISM ACTION.
IF YOU OPT OUT, YOU WILL NO LONGER BE A GROUP MEMBER**

NOTICE OF OPTING OUT BY A GROUP MEMBER

AFL RACISM CLASS ACTION

Phillip Brent Krakouer & Neil Elvis Winmar v Australian Football League (S ECI 2023 04323).

To: Supreme Court Registry
Supreme Court of Victoria
210 William Street
Melbourne Victoria 3000
AFLracismclassaction@supcourt.vic.gov.au

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

- ☐ a group member;
- ☐ an Executor or Administrator 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 group proceeding, and give notice under section 33J(2) of the *Supreme Court Act 1986* (Vic) that I am **opting out** of this proceeding (if a group member) or on behalf of the group member whom I represent (if I am a representative of that group member).

Date:	
Email address of group member:	
Address of group member:	
Signature of group member, Executor, Administrator, power of attorney or solicitor for group member:	

If you would like to **opt out** of the AFL Racism Class Action, please return this completed form to the Supreme Court of Victoria by email or by post, at the addresses on this form, by 4:00pm (AEDT) on 2 November 2026.

