

# David Barrow



## Australian Law Reform Commission

### Inquiry into Class Action Proceedings and Third-Party Litigation Funders

#### Innovative funding option: Pay-It-Forward-Fund (PIFF)

Australian class actions are clearly attractive to group members where someone else is funding it and we are not liable for the other side's costs.

We will spend a bit of time to sign up to a funding agreement, but not many will read the terms.

Once we've joined, few of us will opt out. And we will be bound by the outcome, no longer able to litigate the claim ourselves. This is no real loss as we don't have the resources to do that anyway.

When there is a settlement or the Court has awarded damages, we will make the effort to submit claim details for our share.

All in all, a third-party funded class action is a free kick for us to express that we don't like what the other side has done, with a chance of receiving some money we would not otherwise get.

If a winning goal is kicked, then yes you may politely ask group members if we will pay some of our share of the windfall moneys into a **Fund** – to seed other class actions for worthy claims.

For that innovation we will essentially **Pay-It-Forward**.

But why stop there? If we are receiving a sort of free lunch, why would we object to giving all our winnings or most of it to our litigation funders and lawyers? Well, without us there would be no class action. And we say Fair Pay for your Fair Work and having a go. That is all.

Yours sincerely,

David C. Barrow

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