

072
①

Form 5A

Rule 5.02

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

4788 of 2009

No of

COMMON LAW DIVISION

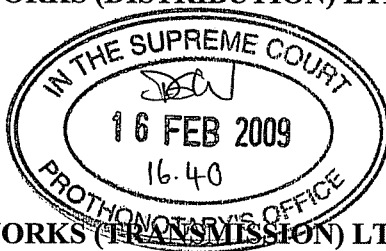
BETWEEN

LEO KEANE

Plaintiffs

and

SP AUSTRALIA NETWORKS (DISTRIBUTION) LTD TRADING AS SP AUSNET



First Defendant

and

SP AUSTRALIA NETWORKS (TRANSMISSION) LTD TRADING AS SP AUSNET

Second Defendant

WRIT

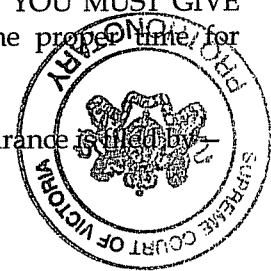
Date of document:	16 February 2009
Filed on behalf of:	The Plaintiffs
Prepared by	Solicitors Code: 034197
Slidders Lawyers	Telephone: 9640 0002
Level 1	FAX: 9640 0090
318 King Street	DX: 30871 Melbourne Stock Exchange
MELBOURNE VIC	Ref: DJO:jd:P_090055_001

TO THE DEFENDANTS

TAKE NOTICE that this proceeding has been brought against you by the plaintiff for the claim set out in this writ.

IF YOU INTEND TO DEFEND the proceeding, or if you have a claim against the plaintiff which you wish to have taken into account at the trial, YOU MUST GIVE NOTICE of your intention by filing an appearance within the proper time for appearances stated below.

YOU OR YOUR SOLICITOR may file the appearance. An appearance is filed by



SLIDERS LAWYERS

- (a) filing a "Notice of Appearance" in the prothonotary's office, 436 Lonsdale Street, Melbourne, or, where the writ has been filed in the office of a Deputy Prothonotary, in the office of that Deputy Prothonotary; and
- (b) on the day you file the Notice, serving a copy, sealed by the Court, at the plaintiff's address for service, which is set out at the end of this writ.

IF YOU FAIL to file an appearance within the proper time, the plaintiff may **OBTAIN JUDGMENT AGAINST YOU** on the claim without further notice.

THE PROPER TIME TO FILE AN APPEARANCE is as follows—

- (a) where you are served with the writ in Victoria, within 10 days after service;
- (b) where you are served with the writ out of Victoria and in another part of Australia, within 21 days after service;
- (c) where you are served with the writ in New Zealand or in Papua New Guinea, within 28 days after service;
- (d) where you are served with the writ in any other place, within 42 days after service.

FILED: 16 FEB 2009



THIS WRIT is to be served within one year from the date it is filed or within such further period as the Court orders.

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE

No. of

COMMON LAW DIVISION

LEO KEANE

Plaintiffs

and

**SP AUSTRALIA NETWORKS (DISTRIBUTION) LTD TRADING AS SP
AUSNET**

First Defendant

and

**SP AUSTRALIA NETWORKS (TRANSMISSION) LTD TRADING AS SP
AUSNET**

Second Defendant

GENERAL INDORSEMENT

Date of document:	16 February 2009
Filed on behalf of:	The Plaintiffs
Prepared by	Solicitors Code: 034197
Slidders Lawyers	Telephone: 9640 0002
Level 1	FAX: 9640 0090
318 King Street	DX: 30871 Melbourne Stock Exchange
MELBOURNE VIC	Ref: DJO:jd:P_090055_001

1. The Plaintiff brings this proceeding in accordance with Part 4A of the Supreme Court Act 1986 (Vic) as the representative of persons including landowners and/or occupiers of land who suffered loss and damage in early 2009 as a result of bushfires in central and north eastern Victoria when such fires commenced by reason of faulty and/or defective power lines used for the distribution and/or transmission ("**Power Lines**") in Kilmore East (the

“**Kilmore Fire**”) and Beechworth (the “**Beechworth Fire**”) and those fires or fires emanating from those fires spread onto their property and damaged their property.

2. The Kilmore Fire began at approximately 11.00am on Saturday 7 February 2009 on a property in Kilmore East due to a faulty or defective Power Line and spread from that property to the Plaintiff’s properties.
3. The Beechworth Fire began at approximately 6pm on Saturday 7 February 2009 on Buckland Gap Road near Beechworth due to a faulty and/or defective Power Line and spread to the Plaintiff’s properties.
4. The First Defendant is and was at all material times a company duly incorporated pursuant to the *Corporations Act 2001* and is capable of being sued.
5. The Second Defendant is and was at all material times a company duly incorporated pursuant to the *Corporations Act 2001* and is capable of being sued.
6. The First Defendant and/or the Second Defendant (hereafter the “**Defendants**”) owed a duty of care at common law to operate and manage the Power Lines in a manner so as to limit the risk of damage to land owners and/or occupiers adjacent to the Power Lines;
7. The Defendants further owed a duty to the owners and/or occupiers of land adjacent to the Power Lines pursuant to statutory obligations to maintain the Power Lines in a manner consistent with the Defendants licenses and other regulatory obligations.

8. The Defendants breached the above mentioned duties they owed to the owners and occupiers of land adjacent to the Power Lines by permitting faulty equipment, being the Power Lines, to catch fire and/or initiate a fire and by permitting the escape of fire from the Power Lines to surrounding property thereby causing damage;
9. The landowners and occupiers of land adjacent to the Power Lines seek damages for, amongst other loss and damages:
 - a. Economic loss;
 - b. Loss of property;
 - c. Compensatory damages;
 - d. Pain and suffering.

Dated the 16th day of February 2009

.....
Slidders Lawyers
Slidders Lawyers
Solicitors for the Plaintiffs

1. Place of trial—Melbourne
2. Mode of trial—Judge alone
3. This writ was filed for the plaintiffs by Slidders Lawyers, solicitors, of Level 1, 318 King Street, Melbourne, Victoria, 3000;
4. The address of the plaintiff is 120 Northumberland Drive, Epping, Victoria, 3076;
5. The address for service of the plaintiff is c/o Slidders Lawyers, ~~PO BOX 13288, Law Courts, Victoria 3010;~~ Level 1, 318 King Street, Melbourne, Victoria, 3000
6. The address of the first defendant is Level 31, 2 Southbank Boulevard, Southbank, Victoria, 3006.
7. The address of the second defendant is Level 31, 2 Southbank Boulevard, Southbank, Victoria, 3006.



SCHEDULE OF PARTIES

No of

BETWEEN

LEO KEANE

Plaintiffs

and

**SP AUSTRALIA NETWORKS (DISTRIBUTION) LTD TRADING AS SP
AUSNET**

First Defendant

and

**SP AUSTRALIA NETWORKS (TRANSMISSION) LTD TRADING AS SP
AUSNET**

