

IN THE SUPREME COURT OF VICTORIA
Terang Bushfire Class Action
Lenehan v Powercor Australia Ltd S CI 2018 01290

Claimant Registration Form

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:

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: 2019

Signed:

Name of person
signing (print)

Telephone

Postal address
.....

Maddens Lawyers needs to receive this form by 4:00pm, 22 March 2019. Please send completed forms to:

Maddens Lawyers

219 Koroit Street

Warrnambool VIC 3280

Fax: 03 5560 2099

Email: lam@maddenslawyers.com.au

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Claimant Registration Notice

This is an important notice that may affect your legal rights. You should read it carefully and, if you do not understand any part of it, you may wish to seek legal advice.

There is a deadline of 22 MARCH 2019 to register a claim to partake in any settlement of the Terang bushfire class action proceeding.

This Notice applies to persons who suffered any injury or property or economic loss as a result of the Terang bushfire that occurred on 17 March 2018. Any person who is a group member, as defined below, and who wishes to claim compensation for their injuries or uninsured losses from any settlement of the proceeding must register their claims according to the procedure described in this Notice.

A failure to register a claim may have serious consequences. If a settlement is reached in this proceeding and approved by the Court, you will not be permitted to claim compensation from the settlement amount and you will lose the right to separately sue the defendant.

1. What is the proceeding about?

On 10 April 2018, Mr Lenehan (**plaintiff**) commenced this group proceeding in the Supreme Court of Victoria against Powercor Australia Limited (**Powercor**). This group proceeding arises out of the fire that commenced near the corner of Peterborough Road and the Princes Highway in Terang on 17 March 2018 (**Terang Fire**) and is brought by the plaintiff on his own behalf and on behalf of persons who suffered personal injury or loss of or damage to property as a result of the Terang Fire.

The plaintiff alleges that Powercor owed him and the group members a duty to take reasonable precautions to prevent a fire starting as a result of the electrical infrastructure operated and maintained by Powercor. The plaintiff alleges Powercor breached that duty because of negligence by Powercor in the construction, maintenance and operation of the powerline causing the plaintiff and group members to suffer loss or damage.

The claims made by the plaintiff are set out in a "Statement of Claim" filed in the Court and dated 10 April 2018. Powercor has filed a defence and denies liability in respect of the allegations and is defending the class action.

2. Am I a group member?

You are a group member in the class action if you: -

- (a) suffered personal injury (whether physical or psychiatric injury); and/or
- (b) suffered loss of or damage to property; and/or

- (c) resided in the Terang Fire area or had real or personal property in the area and suffered economic loss;

as a result of the Terang Fire.

Psychiatric injury in paragraph (a) means nervous shock or another psychiatric or psychological injury, disturbance, disorder or condition which has been diagnosed as such in a diagnosis given to a person by a medical practitioner prior to 1 March 2019.

The above includes injury and loss resulting from emergency action taken by any person in response to the Terang Fire. You are also a group member if you are the legal personal representative of the estate of any deceased person who would otherwise have qualified as a group member.

If you are unsure whether you are a group member, please contact Maddens Lawyers on 1800 815 228 or seek your own legal advice immediately.

3. What happens if I don't register?

If you do not register your claim by the deadline, then if there is a settlement of the class action which is approved by the Court you will **not** be permitted to claim a share of the settlement payment as compensation for your injury or loss. Only group members who have registered will be permitted to claim compensation from a settlement.

If a settlement is proposed, notices like this one will be mailed out and published in newspapers and on the internet. You will have an opportunity to oppose the settlement. But if the settlement is ultimately approved by the Court **you will be bound by the settlement, and you will not be able to start your own legal proceedings against the defendant in relation to the fire.**

However, if there is no settlement and the class action proceeds to judgement and is successful you will be able to share in the proceeds of a judgement whether you are registered or unregistered.

4. How do I register?

If you are already a registered group member, there is nothing you need to do. If you are a group member who has validly opted out of the group proceeding, there is nothing you need to do. If you are unsure whether you are registered or whether you have validly opted out of the proceeding, please contact Maddens Lawyers on 1800 815 228.

If you are an **unregistered group member**, you must register with Maddens Lawyers by completing the Claimant Registration Form below. The form is also available from Maddens Lawyers (1800 815 228 or www.maddenslawyers.com.au) or the Supreme Court website (<https://www.supremecourt.vic.gov.au/law-and-practice/class-actions>). **Forms must be completed and be provided to Maddens BEFORE 4:00pm 22 March 2019.** Maddens' contact details are stated in the form.

If you are the parent or guardian of a person who is a group member but is not able to complete their own registration, or if you are registering on behalf of a deceased estate or company or trust or business partnership, you must identify the other person, company or entity on the registration form.

5. What if I had insurance?

Many group members had insurance but sometimes the insurance did not cover all the items lost, or did not cover the full value of a given item. If you received insurance payments but think that insurance did not fully compensate your losses, you still need to register to claim these above-insurance losses.

Your insurance company is required to register its own claim if it wishes to recover from the defendant the amount of any insurance paid to you.

6. Will I be liable for legal costs?

You will not be liable for any legal costs simply by registering your claim for compensation. However, if the class action results in a negotiated settlement, then:

- (a) If the preparation of your claim requires work done in relation to issues that are specific to your claim, you can engage Maddens Lawyers or other solicitors to do that work for you. You may be liable for costs associated with the determination of issues concerned only with your claim. However, you may be able to claim from the settlement without retaining any lawyer.
- (b) If any compensation becomes payable to you as a result of any settlement, the Court may make an order that some of the settlement compensation be used to help pay a share of the costs incurred by the plaintiff in running the class action. The plaintiff will ask the Court to make such an order if the occasion arises.

7. Where can I obtain further information?

If you are not sure whether you are a group member, or whether you have already registered, or have any other questions regarding the Terang Bushfire Class Action, contact Maddens Lawyers on 03 5560 2000 or seek your own legal advice.

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

Copies of the Court documents which detail the plaintiff's claim and Powercor's defence can be viewed:

- (a) on Maddens Lawyers' website (www.maddenslawyers.com.au);
- (b) on the Supreme Court Class Actions website (<https://www.supremecourt.vic.gov.au/law-and-practice/class-actions>);
- (c) by inspections at the Registry of the Supreme Court of Victoria at 2/436 Lonsdale Street, Melbourne.