

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMON LAW DIVISION
MAJOR TORTS LIST

S CI 2009 04788

BETWEEN:

CAROL ANNE MATTHEWS

Plaintiff

-and-

AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118) & ORS
(according to the attached Schedule)



Defendants

AND BETWEEN:

AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118)

Plaintiff by Counterclaim

-and-

ACN 060 674 580 PTY LTD & ORS
(according to the attached Schedule)

Defendants by Counterclaim

ORDER

JUDGE: The Honourable Justice John Dixon
DATE MADE: 9 June 2023
ORIGINATING PROCESS: Amended Writ filed 28 January 2011
HOW OBTAINED: By written application to the Court by Mr A J Watson, Scheme Administrator of the Settlement Distribution Scheme
ATTENDANCE: On the papers
OTHER MATTERS: Nil.

THE COURT ORDERS THAT:

1. The court adopts the Special Referee's report on costs dated 27 April 2023.
2. The Scheme Administrator shall:
 - (a) pay from the contingency funds the sum of \$570,532.91 to Maurice Blackburn to reimburse Maurice Blackburn for the payments made to the claimants;
 - (b) retain the sum of \$3,296.32 in unclaimed moneys in the Distribution Sum, and

such claims are deemed to be abandoned;

- (c) pay to the Distribution Sum the remaining contingency funds after reimbursement to Maurice Blackburn of the sum referred to in sub-paragraph (a);
 - (d) pay the sum of \$1,457,510.61 to Maurice Blackburn for settlement administration costs and disbursements incurred for the period 1 December 2017 until 28 February 2023;
 - (e) pay the sum of up to \$47,000 to the Australian Tax Office for the tax liability for financial years 2021 and 2022; and
 - (f) pay the sum of up to \$31,050 to Maurice Blackburn for settlement administration costs and disbursements to finalise the Scheme.
3. The Scheme Administrator shall pay any Residual Sum remaining of the Distribution Sum after the deductions authorised by the preceding paragraph of this order to Immersive Bushfire Experience Foundation (ABN 76690959861) also known as The IBE Foundation Incorporated of 48 Garnet Street, Brunswick, Victoria as a donation towards its charitable objects, and the receipt of the Chairperson or Secretary of the Foundation shall constitute a release of the final obligation of the Scheme Administrator in respect of the Distribution Sum.
 4. The proceedings are dismissed with no order as to costs in accordance with paragraph 10 of the court orders dated 23 December 2014.

DATE AUTHENTICATED: 9 June 2023


The Honourable Justice John Dixon



SCHEDULE OF PARTIES

S CI 2009 04788

BETWEEN:

CAROL ANNE MATTHEWS

Plaintiff

-and-

AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118)

First Defendant

ACN 060 674 580 PTY LTD

Second Defendant

SECRETARY TO THE DEPARTMENT OF
ENVIRONMENT AND PRIMARY INDUSTRIES
(FORMERLY SECRETARY TO THE DEPARTMENT
OF SUSTAINABILITY AND ENVIRONMENT)

Third Defendant

COUNTY FIRE AUTHORITY

Fourth Defendant

STATE OF VICTORIA

Fifth Defendant

AND

AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118)

Plaintiff by Counterclaim

-and-

ACN 060 674 580 PTY LTD

First Defendant by Counterclaim

SECRETARY TO THE DEPARTMENT OF
ENVIRONMENT AND PRIMARY INDUSTRIES
(FORMERLY SECRETARY TO THE DEPARTMENT
OF SUSTAINABILITY AND ENVIRONMENT)

Second Defendant by
Counterclaim

COUNTY FIRE AUTHORITY

Third Defendant by Counterclaim

STATE OF VICTORIA

Fourth Defendant by Counterclaim

CAROL ANNE MATTHEWS

Fifth Defendant by Counterclaim

