

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION

No. SCI 2012 04538

B E T W E E N :

KATHERINE ROWE

Plaintiff

and

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

Defendants

(by original proceeding)

A N D B E T W E E N :

AUSNET ELECTRICITY SERVICES PTY LTD (ACN 064  
651 118) (FORMERLY SPI ELECTRICITY PTY LTD)

Plaintiff by Counterclaim

and

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

Defendants by Counterclaim

(by counterclaim)

**ORDER**

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JUDGE: The Honourable Justice John Dixon  
DATE MADE: 17 October 2016  
ORIGINATING  
PROCESS: Writ  
HOW OBTAINED: Case Management Conference  
ATTENDANCE: Mr Andrew Watson, Scheme Administrator of the Settlement  
Distribution Scheme (SDS)  
OTHER MATTERS: The court notes the progress made on the distribution of the  
Settlement Sum in accordance with the SDS as set out in the  
affidavit of Andrew John Watson, the Scheme Administrator,  
sworn 12 September 2016. The orders enable errors in the  
assessment of claims to be rectified and to give effect to the





reasons detailed in Ruling No 8.

**THE COURT ORDERS THAT:**

1. Pursuant to 33ZF of the Supreme Court Act and Paragraph J1.1 of the Settlement Distribution Scheme (SDS) the Court provides the following directions in the administration of the SDS:
  - (a) If the Scheme Administrator becomes aware of an error affecting a Notice of Injury/Dependency Claim Assessment which has already been issued to a claimant, the Scheme Administrator may in his absolute discretion:
    - (i) direct an I-D Assessor to correct the error and then re-issue a Notice of Injury/Dependency Claim Assessment to the claimant; or
    - (ii) direct a member of the Administrator Staff to amend the assessment and re-issue a Notice of Injury/Dependency Claim Assessment to the claimant.
  
  - (b) Where a notice is re-issued pursuant to 1(a) and:
    - (i) the Assessed I-D Value is:
      - i. not altered;
      - ii. increased; or
      - iii. reduced from the original notice by less \$5000;any time limits for Review shall be in accordance with the times prescribed in clause C5.1 for the original Notice of Injury/Dependency Claim Assessment and the re-issued Notice shall be ignored for those purpose;
    - (ii) the Assessed I-D Value is reduced from the original notice by more than \$5000 the provisions of C5 Review of I-D Assessments shall apply to the re-issued Notice of Injury/Dependency Claim Assessment save that the Scheme Administrator shall not require any bond under clause C5.4.



- (c) If the Scheme Administrator becomes aware of an error affecting a Provisional Notice of ELPD Assessment which has already been issued to a claimant, the Scheme Administrator may in his absolute discretion:
- (i) direct an ELPD Assessor to correct the error and then re-issue a Provisional Notice of ELPD Assessment to the claimant;
  - (ii) direct an ELPD Assessor to amend an error or provide instructions to the Administrator Staff to amend an error in any (Non-Provisional) Notice of ELPD Assessment which is given to the claimant;
  - (iii) direct a member of the Administrator Staff to correct the error in any (Non-Provisional) Notice of ELPD Assessment which is given to the claimant.
- (d) If the Scheme Administrator becomes aware of an error affecting a (Non-Provisional) Notice of ELPD Assessment which has already been issued to a claimant, the Scheme Administrator may in his absolute discretion:
- (i) direct an ELPD Assessor to correct the error and then re-issue a Provisional Notice of ELPD Assessment to the claimant;
  - (ii) direct an ELPD Assessor to amend an error or provide instructions to the Administrator Staff to amend an error in any (Non-Provisional) Notice of ELPD Assessment which is given to the claimant.; or
  - (iii) direct a member of the Administrator Staff to correct the error and re-issue a (Non-Provisional) Notice of ELPD Assessment to the claimant.
- (e) Where a Provisional Notice of ELPD Assessment is re-issued under direction 3 or 4 the provisions of clauses E4.2 and E4.3 shall apply.
- (f) Where a (Non-Provisional) Notice of ELPD Assessment is issued under direction 3 the provisions of E5 Review of ELPD Assessments shall apply.
- (g) Where a (Non-Provisional) Notice of ELPD Assessment is re-issued under direction 4 and:



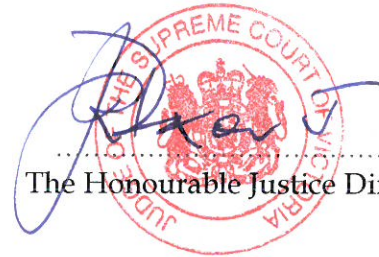


- (i) the Assessed ELPD Value is:
    - i. not altered;
    - ii. increased; or
    - iii. reduced from the original notice by less 5% or \$5000;any time limits for Review shall be in accordance with the times prescribed in clause E5.1 for the original (Non-Provisional) Notice of ELPD Assessment and the re-issued Notice shall be ignored for those purposes.
  - (ii) the Assessed ELPD Value is reduced from the original notice by more than 5% or by more than \$5000 (whichever is the lesser) the provisions of E5 Review of ELPD Assessments shall apply to the re-issued (Non-Provisional) Notice of ELPD Assessment save that the Scheme Administrator shall not require any bond under clause E5.2.
  - (h) If a Notice of Assessment is issued or re-issued pursuant to directions 1, 3 or 4 the ID Assessor, the ELPD Assessor or the Scheme Administrator (as the case may be) shall advise the claimant of the nature of the error identified, its impact on any previously advised assessment and any further rights of Review.
  - (i) The Scheme Administrator may send a Claimant a notice of election in relation to a (Non-Provisional) Notice of ELPD Assessment in which a Claimant may make an election not to exercise any rights of Review prior to the expiration of the time in clause E5.1
  - (j) Where a Claimant makes an election pursuant to a notice under the previous clause no rights of Review may subsequently be exercised by the Claimant in respect of the (Non-Provisional) Notice of ELPD Assessment.
2. The Scheme Administrator is to file an affidavit informing the Court of the progress of the administration of Settlement Distribution Scheme in relation to the proceeding 7

days prior to the case management conference to be heard in conjunction with  
*Matthews v AusNet Electricity Services* (S CI 2009 4788) on 14 November 2016 at 9.30am.

3. Liberty to apply.

DATE AUTHENTICATED: 17 October 2016



The Honourable Justice Dixon

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION

S CI 2012 4538

**SCHEDULE OF PARTIES**

BETWEEN

KATHERINE ROWE

Plaintiff

And

AUSNET ELECTRICITY SERVICES PTY LTD (ACN 064 651 118)

First Defendant

ACN 060 674 580 PTY LTD (ACN 060 674 580)

Second Defendant

SECRETARY TO THE DEPARTMENT OF ENVIRONMENT, LAND,  
WATER AND PLANNING (FORMALLY SECRETARY TO THE  
DEPARTMENT OF ENVIRONMENT AND PRIMARY INDUSTRIES)

Third Defendant

COUNTRY 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 (ACN 060 674 580)

First Defendant by Counterclaim

SECRETARY TO THE DEPARTMENT OF  
ENVIRONMENT, LAND, WATER AND PLANNING  
(FORMALLY SECRETARY TO THE DEPARTMENT  
OF ENVIRONMENT AND PRIMARY INDUSTRIES)

Second Defendant by Counterclaim

COUNTRY FIRE AUTHORITY

Third Defendant by Counterclaim

STATE OF VICTORIA

Fourth Defendant by Counterclaim

KATHERINE ROWE

Fifth Defendant by Counterclaim