

IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMON LAW DIVISION

S CI 2009 4788

BETWEEN

**CAROL ANN MATTHEWS**

Plaintiff

and

**AUSNET ELECTRICITY SERVICES PTY LTD  
(formerly SPI ELECTRICITY PTY LTD)  
(ACN 064 651 118)  
and others according to the Schedule**

Defendants

AND BETWEEN

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

Plaintiff by Counterclaim

And

**ACN 060 674 580 PTY LTD  
and others according to the Schedule**

Defendants by Counterclaim

AND BETWEEN

**ACN 060 674 580 PTY LTD**

Plaintiff by Counterclaim

And

**AUSNET ELECTRICITY SERVICES PTY LTD  
(formerly SPI ELECTRICITY PTY LTD)  
(ACN 064 651 118)  
and others according to the Schedule**

Defendants by Counterclaim

  
**GENERAL FORM OF ORDER**

---

JUDGE: The Honourable Justice J Forrest

DATE MADE: 5 November 2015

ORIGINATING PROCESS: Amended Writ

HOW OBTAINED:

Case management conference of 20 October 2015

ATTENDANCE:

Mr A Keogh SC for the Scheme Administrator of the Settlement Distribution Scheme ('SDS') with Andrew Watson (Scheme Administrator), Kimi Nishimura (solicitor) and Rhiannon Reid (solicitor)

OTHER MATTERS:

1. On 13 October 2015, Mr John White communicated to the Court that he consented to his potential appointment as a special referee to the effect of these orders.
2. At the case management conference of 20 October 2015, the Scheme Administrator consented to the appointment of Mr White as a special referee.
3. At the case management conference of 20 October 2015, the Scheme Administrator agreed to cooperate with Mr White to provide documentation and make available its staff and contractors as reasonably necessary to facilitate the special reference
4. Further to paragraph [3] of Other Matters, Mr White and the Scheme Administrator will, in consultation, endeavour to develop an Audit Protocol.

THE COURT ORDERS THAT:

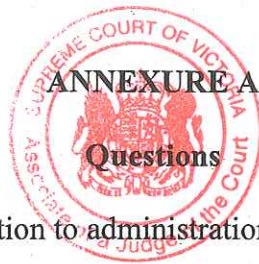
1. Pursuant to r 50.01 of the *Supreme Court (General Civil Procedure) Rules 2005* ('Rules'), Mr John White is appointed as a special referee.
2. The special referee shall report in writing to the Court on the questions set out in Annexure A to these orders and state his opinion in that report with reasons.
3. The special referee shall provide a report under paragraph 2 on each occasion that approval is sought from the Court for payment of the costs of administering the Settlement Distribution Scheme, commencing with those sought at the case management conference of 20 October 2015.
4. In relation to the costs of administering the Settlement Distribution Scheme sought prior to those under paragraph 3 of these orders and not otherwise dealt with by the orders of Justice Osborn made on 23 December 2014, the special referee shall provide a retrospective report as provided by paragraph 2.
5. Pursuant to r 50.06 of the Rules, the special referee shall be remunerated by the Plaintiff from the Settlement Distribution Fund as part of the costs of the settlement distribution process.
6. Pursuant to r 2.04 of the Rules, the need to comply with r 50.03(2)(a) is dispensed with for the purposes of this special reference.
7. Liberty to apply.

DATE AUTHENTICATED:

5 November 2015

The Hon. Justice J Forrest





## ANNEXURE A

### Questions

1. Are the costs sought in relation to administration of the settlement distribution scheme reasonable?
2. If not, in what amount should the costs be disallowed?





**SCHEDULE OF PARTIES**

S CI 2009 4788

BETWEEN

CAROL ANN MATTHEWS

Plaintiff

- and -

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

First Defendant

ACN 060 674 580 PTY LTD

Second Defendant

SECRETARY TO THE DEPARTMENT  
OF SUSTAINABILITY AND ENVIRONMENT  
COUNTRY FIRE

Third Defendant

7

COUNTRY FIRE AUTHORITY

Fourth Defendant

STATE OF VICTORIA

Fifth Defendant

AND BETWEEN

AUSNET ELECTRICITY SERVICES PTY LTD  
(formerly SPI ELECTRICITY 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 SUSTAINABILITY AND ENVIRONMENT  
COUNTRY FIRE

Second Defendant by Counterclaim

COUNTRY FIRE AUTHORITY

Third Defendant by Counterclaim

STATE OF VICTORIA

Fourth Defendant by Counterclaim

CAROL ANN MATTHEWS

Fifth Defendant by Counterclaim

AND BETWEEN

ACN 060 674 580 PTY LTD

Plaintiff by UAM Counterclaim

- and -



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

First Defendant by UAM Counterclaim

SECRETARY TO THE DEPARTMENT  
OF SUSTAINABILITY AND ENVIRONMENT  
COUNTRY FIRE

Second Defendant by UAM  
Counterclaim

COUNTRY FIRE AUTHORITY

Third Defendant by UAM Counterclaim

STATE OF VICTORIA

Fourth Defendant by UAM Counterclaim

CAROL ANN MATTHEWS

Fifth Defendant by UAM Counterclaim