

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION**

No. 4788 of 2009

**BETWEEN:**

**CAROL ANN MATTHEWS**

Plaintiff

and

**AUSNET ELECTRICITY SERVICES PTY LTD  
(ACN 064 651 118)  
& ORS (according to the schedule of parties)**

Defendants

(by original proceeding)

**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 schedule of parties)**

Defendants by Counterclaim

(by counterclaim)



**GENERAL FORM OF ORDER**

**JUDGE:** The Honourable Justice J Forrest

**DATE MADE:** 17 April 2015

**ORIGINATING PROCESS:** Amended Writ dated 5 August 2010

**HOW OBTAINED:** Case Management Conference

**ATTENDANCE:** Mr A Keogh SC for the Scheme Administrator of the  
Settlement Distribution Scheme (**SDS**)  
Mr A J Watson (Scheme Administrator)  
Mr R Walsh

**OTHER MATTERS:**

1. 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 (as Scheme Administrator) sworn 13 April 2015.
2. The Court notes that negotiations regarding repayments to statutory bodies are continuing.
3. The Scheme Administrator will provide to the Court details of counsel engaged to assess Personal Injury and Dependency Claims, and counsel engaged to assess Economic Loss and Property Damage Claims.
4. The Court will consider whether it is appropriate for an audit of the administrative costs of the SDS to be undertaken.
5. The Scheme Administrator, and any others, will continue to file documents in this matter electronically via the RedCrest system. They will also provide an electronic version of all filed documents to the Court's Bushfire Class Actions Legal Officer.
6. Until otherwise determined, both the Personal Injury and Dependency Claims, and the Economic Loss and Property Damage claims, will be managed in conjunction with one another.

**THE COURT ORDERS THAT:**

7. Pursuant to s.33V and 33ZF of the *Supreme Court Act* and in accordance with section 11.1 of the SDS:
  - (a) Administration costs for the period up to and including 28 February 2015 be approved as follows:
    - (i) General Settlement Administration in the sum of \$354,064.30 (inclusive of GST);
    - (ii) Personal Injury and Dependency Claims Settlement Administration in the sum of \$2,006,722.21 (inclusive of GST);

- (iii) Economic Loss and Property Damage Claims Settlement Administration  
in the sum of \$382,284.51 (inclusive of GST);

such costs to be disbursed from interest accrued on the Distribution Sum.

- (b) The Scheme Administrator is authorised to pay Hall & Wilcox lawyers and Ligeti Partners Lawyers for assessments as follows:

- (i) Insurance Recovery Claims, assessed in accordance with the SDS and Schedule A and which losses are detailed in the approved template and subject to auditing - \$650 (including GST) for each claims assessed on an individual address basis;
- (ii) Insurance Recovery Claims, which have been assessed to a reasonable standard and subject to auditing, but which have not been assessed in accordance with the SDS and Schedule A - \$300 (including GST) for each claims assessed on an individual address basis;

such amounts to be disbursed interest accrued on the Distribution Sum.

- 8. A further Case Management Conference be fixed for 9 October 2015.
- 9. An affidavit detailing the progress of the SDS be filed by 4pm, 2 October 2015.
- 10. Liberty to apply.

**DATED:** 17 April 2015

  
The Honourable Justice J Forrest

**SCHEDULE OF PARTIES**

**CAROL ANN 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

**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**

First Defendant to Counterclaim

**SECRETARY TO THE DEPARTMENT  
OF ENVIRONMENT AND PRIMARY INDUSTRIES  
(formerly Secretary to the Department of  
Sustainability and Environment)**

Second Defendant to Counterclaim

**COUNTRY FIRE AUTHORITY**

Third Defendant to Counterclaim

**STATE OF VICTORIA**

Fourth Defendant to Counterclaim

**CAROL ANN MATTHEWS**

Fifth Defendant to Counterclaim