

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

No. 4788 of 2009

BETWEEN:

CAROL ANN MATTHEWS

Plaintiff

and

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

Defendants

(by original proceeding)

AND BETWEEN:

SPI ELECTRICITY PTY LTD (ACN 064 651 118)

Plaintiff by Counterclaim

and

**(ACN 060 674 580)
& ORS (according to the schedule of parties)**

Defendants by Counterclaim

(by counterclaim)

SUPPLEMENTARY AFFIDAVIT OF ANDREW JOHN WATSON

Date of Document:	28 March 2017
Filed on behalf of:	The Plaintiff
Prepared by:	
Maurice Blackburn Lawyers	Solicitor's Code: 564
Level 10, 456 Lonsdale Street	Tel: (03) 9605 2700
Melbourne Vic 3000	DX: 466 Melbourne
	Ref: AW/3052491

I, Andrew John Watson, Solicitor, of Level 10, 456 Lonsdale Street, Melbourne in the State of Victoria, make oath and say as follows:

1. I am a Principal in the firm of Maurice Blackburn Pty Ltd (**Maurice Blackburn**), the solicitors for the Plaintiff in this proceeding and pursuant to the Orders of this Court dated 23 December 2014 I am the Scheme Administrator.




2. I make this affidavit from my own knowledge unless otherwise stated. Where statements are not made from my own knowledge, they are made to the best of my information and belief after due enquiry and I have set out the source of my information.
3. I make this supplementary affidavit further to my affidavit sworn on 28 February 2017 (**the February affidavit**).

ELPD pro rata calculation

4. I refer to paragraph 73 of the February affidavit regarding the KPMG review of the draft ELPD pro rata calculation. On 17 March 2017 after the finalisation of the KPMG assessment data review, senior members of the SDS team prepared a draft pro rata calculation and a draft in-hand schedule of payments.
5. On 17 March 2017 the draft pro rata calculation and the draft in-hand schedule of payments were provided to Mr Kompos of KPMG for review.
6. Now produced and shown to me and marked "**Exhibit AJW-11**", is a copy of the draft pro rata calculation.
7. Now produced and shown to me marked "**Confidential Exhibit AJW-12**" is a copy of the draft in-hand schedule of payments. I request that this schedule of payments exhibited to this affidavit be kept confidential, as they contain details pertaining to individual claimants' claims.
8. On 21 March 2017 Mr Kompos finalised his review of the pro rata calculation and in-hand schedule of payments and confirmed their accuracy.
9. On 23 March 2017, the SDS Team provided Mr Kompos with an in-hand schedule of payments detailing each claimant's assessed losses by loss address multiplied by the pro rata rate and requested that he review the calculations and confirm their accuracy. On 23 March 2017, Mr Kompos confirmed the accuracy of these calculations.

Progress of ELPD final distribution

10. There are approximately 9174 ELPD claims registered in this proceeding, comprised of:
 - (a) 4138 above insurance claims made by approximately 3772 above insurance claimants; and

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- (b) 5036 subrogated claims made by approximately 25 insurers.
11. Approximately 3092 above insurance claimants and 25 insurers will receive payments as part of the ELPD final distribution. The remaining claimants will not receive payments because they have either withdrawn their claims, been assessed as having no compensable losses in this proceeding and/or the deductions applicable to their claims equal their ELPD compensation.
 12. On 10 March 2017, the SDS Team provided the external mailing house Dynamic Direct with initial data to enable them to commence the processes necessary to prepare for the final ELPD settlement distribution cheque and letter mail out.
 13. On 23 March 2017, the SDS Team provided Dynamic Direct with the final data set for use in the Dynamic Direct ELPD settlement distribution mail out. This data set comprised of payments to 2936 of the 3092 ELPD above insurance claimants in this proceeding who will receive ELPD compensation.
 14. On 24 March 2017, the SDS Team finalised their review of the sample letters and cheques prepared by Dynamic Direct and authorised the cheques and letters to be printed and sent to group members.
 15. On 27 March 2017, Dynamic Direct confirmed that the Dynamic Direct cheque and letter mail out would be completed by close of business on 27 March 2017.
 16. The remaining 156 ELPD above insurance claimants who will receive ELPD compensation in this proceeding will be processed in-house by the SDS Team as they concern payments:
 - (a) Which are required to be made by electronic funds transfer (EFT);
 - (b) In relation to claims where there is an ongoing dispute as to how the funds should allocated as between claimants who have property joint property interests;
 - (c) Which will be made to the Senior Master's Office on behalf of Order 15 claimants;
 - (d) In relation to estate claims where a grant of representation has yet to be obtained for the estate; and
 - (e) Other individual issues requiring resolution prior to payment being made.




17. The SDS Team is currently in the process of preparing to make all of the in-house payments which can be made at this time. It is anticipated that all such payments which are ready to be processed will be either made via EFT or sent out via cheque by close of business this Friday 31 March 2017.
18. Payments in relation to subrogated claims will also be processed in-house by the SDS Team over the next fortnight.

Application for further redaction category

19. I refer to:
 - (a) Ms Vicki Ruhr's application to access the confidential exhibits to the February affidavit heard before the Honourable Justice Forrest on 21 February 2017;
 - (b) Our submissions of 20 and 21 February 2017 which requested that the following categories of confidential information be redacted from the December 2016 I-D and ELPD settlement administration invoices for costs in order to ensure the confidentiality of information about individual group members and their claims:
 - i) the names and addresses of claimants;
 - ii) medical information relating to individual claimants;
 - iii) information relating or referring to family law disputes between individual claimants;
 - iv) estate disputes between individual claimants; and
 - v) the names of junior solicitors, trainee lawyers, paralegals and administrative assistants employed by Maurice Blackburn; and
 - (c) The Orders of the Honourable Justice Forrest dated 21 February 2017 which permitted the redaction of such materials from the invoices prior to their release to Ms Ruhr.
20. I now make application to include a further category of personal and confidential information to be redacted, being 'telephone numbers'. At the time of our submissions of 20 and 21 February 2017, I did not appreciate that in addition to the categories of personal information about individual group members above which are contained in the



time entry narratives, the disbursement narratives also capture details of telephone numbers called by the SDS Team.

- 21. I confirm that this court was provided with a copy of 'Exhibit AJW-9' to the February affidavit which contained telephone numbers without redaction. I make application for that exhibit to be uplifted and replaced with a version in which telephone numbers are redacted. Now produced and shown to me and marked "**Amended Exhibit AJW-9**" is a copy of the I-D bill for December 2016 which includes the additional redaction of the telephone numbers.
- 22. Prior to the release of the redacted bills to Ms Ruhr, the SDS Team redacted the telephone numbers in order to ensure that individual group members' personal confidential information was not disclosed. A copy of this bill, including these additional redactions was then provided to the court and to Ms Ruhr, together with notice that an application would be made for Court approval to redact such telephone numbers.


Refused I-D Settlement Cheques

- 23. I refer to paragraph paragraphs 16 and 17 of the February affidavit. Since the time of swearing that affidavit there has been further communication with those group members. Now produced and shown to me marked "**Confidential Exhibit AJW-13**" is a confidential note in relation to the progress of those matters. This note has been marked confidential as it contains personal details of the two I-D Claimants.

SWORN by the deponent at)
 Melbourne in the State of Victoria)
 this 28th day of March 2017)



Before me:



PATRICIA MARGARET McMULLAN
 of 456 Lonsdale Street, Melbourne
 an Australian Legal Practitioner
 within the meaning of the
 Legal Profession Uniform Law (Victoria)