

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION

S CI 2009 04788

BETWEEN:

CAROL ANN MATTHEWS

Plaintiff

- and -

AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118) and others
(according to the schedule attached)

Defendants

AND BETWEEN:

AUSNET ELECTRICITY SERVICES PTY LTD
(ACN 064 651 118)

Plaintiff by Counterclaim

- and -

ACN 060 674 580 PTY LTD
and others (according to the schedule attached)

Defendants by Counterclaim

GENERAL FORM OF ORDER

JUDGE OF THE COURT: The Honourable Justice John Dixon

DATE MADE: 17 October 2016

ORIGINATING PROCESS: Amended Writ dated 5 August 2010

HOW OBTAINED: At the case management conference heard on 19
September 2016.

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 7 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
43.

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.

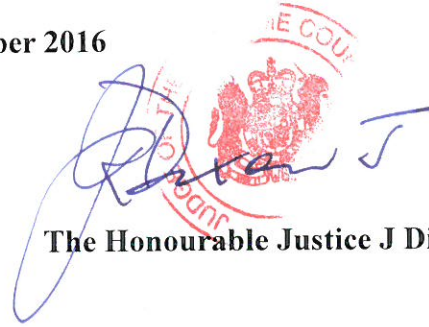
(i) The Scheme Administrator may send a Claimant a notice of election in relation to a (Non-Provisional) Notice of ELPD Assessment in which a Claimant may make an election not to exercise any rights of Review prior to the expiration of the time in clause E5.1

(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. Liberty to apply.

DATE AUTHENTICATED: 17 October 2016

A handwritten signature in blue ink is written over a red circular official seal. The seal features the Royal Coat of Arms in the center and the words 'THE COURT' at the top and '1832' at the bottom.

The Honourable Justice J Dixon

SCHEDULE OF PARTIES

S CI 2009 04788

BETWEEN:

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

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Third Defendant to Counterclaim

STATE OF VICTORIA

Fourth Defendant to Counterclaim

CAROL ANN MATTHEWS

Fifth Defendant to Counterclaim