



Media Release

Court approves distribution of almost \$700 million to victims of the 2009 Black Saturday disaster

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The Supreme Court of Victoria has approved final costs in the Kilmore East-Kinglake and Murrindindi bushfire class actions, paving the way for the distribution of almost \$700 million to thousands of victims of the 2009 Black Saturday disaster.

The rulings by Justice Jack Forrest and Justice John Dixon bring Australia's biggest class actions to a close.¹

People who were injured or left dependent as a result of the bushfires and who participated in the class actions, are expected to receive their share of the settlements before Christmas.

A further distribution will be made in early 2017 to thousands of businesses and individuals who claimed for economic losses and property damage.

The Kilmore East-Kinglake class action settled for \$494.67 million in December 2014,² and the Murrindindi case was settled in February 2015 for \$300 million.³ After deductions for litigation expenses and costs associated with the administration of the settlement, claimants in the two class actions will receive a share of \$698.5 million.

Resolution of these thousands of individual claims comes almost eight years after catastrophic fires swept across many regions of Victoria, resulting in the deaths of 173 people. In the Kilmore East-Kinglake fires, 119 people died, more than 1,000 suffered serious injuries and more than 1,770 homes and properties were destroyed or seriously damaged. In the Murrindindi fire, which almost completely destroyed the township of Marysville, 40 people died.

The Court has also managed class actions and supervised settlements for other Black Saturday affected communities around Coleraine⁴, Horsham⁵, Weerite-Pomborneit⁶ and Beechworth-Mudgegonga.⁷

1 *Matthews v SPI Electricity & Ors; Rowe v AusNet Electricity Services & Ors*.

2 See *Matthews v AusNet Electricity Services & Ors* [2014] VSC 663 for Osborne JA's decision on the settlement on 23 December 2014: <http://www.austlii.edu.au/au/cases/vic/VSC/2014/663.html>

3 See *Rowe v AusNet Electricity Services* [2015] VSC 232 (27 May 2015) for Emerton J's decision on the settlement: <http://www.austlii.edu.au/au/cases/vic/VSC/2015/232.html>

4 Settled March 2012 for sum potentially representing 55 per cent of assessed claims.

The two class actions have been highly complex and multi-faceted. In managing these proceedings, the Supreme Court has endeavoured to ensure that the process is as practical, efficient and accessible as possible.

“This demonstrates that the class action process works,” Justice Forrest said. “It shows that when it is properly managed, many substantially disadvantaged and affected people can recover compensation that they would otherwise not have been able to obtain.”

“This has been an unprecedented settlement administration in tort class action,” Justice Forrest said. Each claim for damages in these cases had to be individually assessed.

Justice Forrest also said that if these two major class actions had not settled, the Court would have needed to hear and determine thousands of claims – a process that may have lasted years.

The Court acknowledges the considerable work done in these class actions by Justice Zammit, and Associate Justices Melissa Daly, Mark Derham and John Eftim.

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5 Settled October 2011 for 66 per cent of assessed damages, or up to \$40 million.

6 Settled February 2013 for 100 per cent of assessed claims, estimated \$10 million.

7 Settled May 2012 for 40 per cent of assessed losses, or up to \$33 million.