



THIS NOTICE IS SENT BY ORDER OF THE SUPREME COURT OF VICTORIA

NOTICE OF PROPOSED SETTLEMENT

FLEX COMMISSIONS CLASS ACTION AGAINST WESTPAC AND ST GEORGE

PLEASE READ CAREFULLY

This notice contains important information about the proposed settlement of a class action against Westpac and St. George Finance. It contains information that may affect your legal rights.

Why have I been sent this notice?

1. You have been sent this notice because you have been identified as a potential group member or you registered to participate in the class action on Maurice Blackburn Lawyers' website.
2. You may be a group member if you entered a consumer car loan, arranged through a car dealer, with Westpac or St. George Finance between 1 March 2013 and 31 October 2018.
3. If you are a group member, you may be eligible to receive money if the Court approves the proposed settlement.



What is the class action about?

4. The class action is about “flex commissions” paid by Westpac and St. George Finance to car dealers. The Plaintiffs allege that Westpac and St. George Finance allowed car dealers to set the interest rates on consumers’ car loans; and paid higher commissions to dealers when they set higher interest rates on those loans. The Plaintiffs allege that these arrangements resulted in consumers paying higher interest rates on their car loans than they otherwise would have done; that this constituted “unfair conduct” for the purposes of the *National Consumer Credit Protection Act 2009* (Cth); and that Westpac and St. George Finance are responsible for the car dealers’ conduct.
5. Westpac and St. George Finance deny the claims made against them and defended the class action. The settlement is made without admission of liability.
6. The Plaintiffs brought the class action on behalf of all group members who entered similar car loans with Westpac or St. George Finance. The Plaintiffs are represented by Maurice Blackburn Lawyers.

What is the proposed settlement?

7. The Parties have agreed to settle the class action on the following bases:
 - (a) Westpac and St. George Finance will pay a total of **\$130 million** including costs (the **Settlement Sum**);
 - (b) Westpac and St. George Finance make no admission of liability;
 - (c) the Court must approve the proposed settlement for it to take effect; and
 - (d) if the Court approves the proposed settlement, it will bind all group members (except for those who opted out). This means that group members will not be able to sue Westpac or St. George Finance for issues arising from or relating to the claims made against them in the class action.

How much money will group members receive?

8. If the Court approves the settlement, it will appoint a settlement administrator to distribute the settlement sum to registered group members. Westpac and St. George Finance will not have a role in distributing the settlement sum.



9. At this stage, it is not possible to tell group members how much money they may receive. It will depend on a range of factors, including the number of group members who register to participate in the proposed settlement.
10. The Court must approve the method used by the settlement administrator to determine whether each group member is eligible to receive settlement proceeds and, if so, the amount of settlement proceeds they will receive. The Court will be asked to approve the method set out in the proposed settlement distribution scheme available on Maurice Blackburn Lawyers' website at www.mauriceblackburn.com.au/flex.
11. Group members' claims are not treated equally in the settlement distribution scheme. This is because it is harder to succeed on legal claims where group members entered their car loans before 15 July 2014. This is because those group members' statutory claims for unfair conduct and misleading or deceptive conduct are out of time. For this reason, registered group members who entered their car loans before 15 July 2014 will receive significantly less money than those who entered their car loans after this date.

What are my options?

12. If you have previously registered for the class action on Maurice Blackburn's website, there is nothing further you need to do to participate in the proposed settlement at this stage.
13. If you have not previously registered for the class action on Maurice Blackburn's website, and you have not opted out, you have two options:

(a) **OPTION 1: REGISTER YOUR INTEREST TO RECEIVE SETTLEMENT PROCEEDS**

If you wish to participate in the proposed settlement, you must register by 23 July 2025 on Maurice Blackburn Lawyers' website at www.mauriceblackburn.com.au/flex or by telephone on 1800 318 063. This is a Court ordered deadline and Maurice Blackburn Lawyers does not have discretion to accept registrations after this time.

(b) **OPTION 2: DO NOTHING**

If the Court approves the proposed settlement and you do not register, you will not be entitled to any money from the class action, but you will still be bound by it.

This means that any claims you may have against Westpac and/or St. George Finance for issues arising from or relating to the claims made against it in the class action will be extinguished.



14. If you opted out of the class action, you are ineligible to participate in the proposed settlement and you should disregard this notice.

What deductions will be made from the proposed settlement?

15. The Court will be asked to approve the following deductions from the Settlement Sum before the balance is distributed to eligible group members.
- (a) Legal costs. The Court has made a “group costs order” of 24.5%, which means that Maurice Blackburn Lawyers will be paid 24.5% of the Settlement Sum (i.e., \$31,850,000) for the work and risks it took in running the class action. The Court may adjust the group costs order percentage if it considers an adjustment to be appropriate.
 - (b) Plaintiffs’ reimbursement payment. The Court will be asked to approve a reimbursement payment of \$40,000 to each of the Plaintiffs to compensate them for their time associated with acting as the plaintiffs in the class action.
 - (c) Settlement administration costs. The Court will be asked to appoint Maurice Blackburn Lawyers as the scheme administrator to implement the settlement distribution scheme. There will be up to an estimated \$3,005,200 in settlement administration costs. This estimate depends on certain assumptions, including the number of group members who register to participate in the proposed settlement. The costs of the settlement distribution will be offset in part by the interest earned on the Settlement Sum. The Court may fix a lower or higher amount if it thinks that a different figure is appropriate.

How can I object to the proposed settlement?

16. Group members have the right to object to the proposed settlement and to make submissions as to why the Court should not approve it or any aspect of it. If you wish to exercise those rights, you must complete a Notice of Objection form available on Maurice Blackburn Lawyers’ website at www.mauriceblackburn.com.au/flex and email it to Maurice Blackburn Lawyers at westpacflexca@mauriceblackburn.com.au by 17 July 2025.
17. Any group member who objects may appear (in person or by audio-visual link) before the Court at the hearing of the application to approve the proposed settlement on 27 August 2025 at 10:30 am.
18. Any objections will be considered by the Court when it determines whether to approve the proposed settlement.
19. If you want to object to the proposed settlement, but nevertheless participate in it if your objection is overruled and the proposed settlement is approved, you should ensure that you have registered as set out above.



Do I need separate representation?

20. There is no need for group members to have separate representation. If the Court approves the proposed settlement, the settlement distribution scheme will require minimal input from group members. Any group member who wishes to make an objection and appear before the Court at the hearing of the application to approve the proposed settlement on 27 August 2025 at 10:30 am may request to be heard in person, or by a legal representative..

What happens next?

21. The Court will conduct a hearing on 27 August 2025 at 10:30 am to decide whether to approve the proposed settlement, including how the Settlement Sum will be distributed.

Where can I find more information?

22. You can obtain more information and key documents about the class action by visiting Maurice Blackburn Lawyer's website at www.mauriceblackburn.com.au/flex and the Court's website at <https://www.supremecourt.vic.gov.au/areas/group-proceedings/flex-commissions-westpac-st-george-finance>.
23. If you have any questions, you can contact Maurice Blackburn Lawyers via email at westpacflexca@mauriceblackburn.com.au and telephone on 1800 318 063.
24. Please do not contact the Court. Court staff are not permitted to give you legal advice.
25. If you have any questions and you do not wish to contact Maurice Blackburn Lawyers, you may seek independent legal advice.

