



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID513/2015

MONEY MAX INT PTY LTD (ACN 152 073 580), AS TRUSTEE FOR THE GOLDIE SUPERANNUATION FUND

Applicant

QBE INSURANCE GROUP LIMITED (ACN 008 485 014)

Respondent

ORDER

JUDGE: JUSTICE MURPHY

DATE OF ORDER: 04 May 2018

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. Pursuant to ss 33V and 33ZF of the *Federal Court of Australia Act 1976* (Cth) (**FCAA**), the settlement of this proceeding be approved on the terms set out in the Settlement Deed dated 28 December 2017 (being annexure 'SMF-6' to the confidential affidavit of Steven Mark Foale sworn 5 February 2018) (**Deed**).
2. Pursuant to s 33ZF of the FCAA, the Court authorises the applicant, *nunc pro tunc*, to enter into and give effect to the Deed for and on behalf of all class members.
3. For the purposes of the Deed the following persons shall be deemed to be a 'Registered Group Member':
 - (a) Adeyemi Adesanya;
 - (b) Paul Fiani;
 - (c) Hamid Pashmforoosh;
 - (d) Yolande Shore; and
 - (e) John Rohan Eldridge.



4. Pursuant to s 33ZF of the FCAA or otherwise, the amount of \$21,875,678.51 be approved as the reasonable costs and disbursements of performing the Legal Work as defined in the Funding Terms, and for the purposes of the proposed Settlement Distribution Scheme (SDS) as the amount of the 'Applicant's Legal Costs' as defined therein, up to and including 28 February 2018.
5. Pursuant to s 33ZF of the FCAA or otherwise, the amount of \$33,000 be paid to the applicant by way of compensation for time and expenditure reasonably incurred by the applicant in prosecuting the proceeding on its own behalf and on behalf of class members as a whole, and for the purposes of the proposed SDS, as the amount of the 'Applicant's Reimbursement Payment'.
6. Pursuant to s 33ZF of the FCAA or otherwise, upon the coming into effect of orders [1]-[4] above, each of the undertakings given by:
 - (a) the applicant (dated 15 November 2016);
 - (b) MBPL (dated 17 November 2016); and
 - (c) ILFP (dated 15 November 2016),to each other and to the Court to comply with their obligations under the Funding Terms and the terms of order 1 of the Common Fund Orders be discharged.
7. Pursuant to rule 2.43(1) of the *Federal Court Rules 2011* (Cth), all amounts paid into Court by or on behalf of the applicant as security for the respondent's costs of the proceeding, and any interest accrued on those amounts, be repaid to the solicitors for the applicant.
8. Pursuant to s 33ZB of the FCAA, the persons affected and bound by these orders are the applicant, the respondent and class members.
9. Pursuant to s 37AF(1)(b) of the FCAA, on the ground that the order is necessary to prevent prejudice to the proper administration of justice and until further order, the material contained in the confidential affidavit of Brooke Wendy Dellavedova sworn 26 April 2018 (including the annexures thereto) not be published or disclosed without



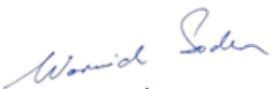
the prior leave of the Court to any person or entity other than the applicant, the applicant's legal advisers and the Court.

10. Pursuant to s 54A of the FCAA Ms Elizabeth Harris, Legal Costs Consultant, is appointed as a referee (**Referee**) to inquire and report in writing on the questions set out below, and on any further questions that may later be ordered.
11. The Referee's task is to answer the following questions:
 - (a) Are the costs charged or sought to be charged by the solicitors for the Applicant in relation to the conduct of the proceeding for the period from 1 March 2018 (**Further Proceeding Costs**) reasonable?
 - (b) Are the costs sought by the Administrator of the SDS in relation to administration of the SDS (**Administration Costs**) reasonable?
 - (c) If not, by what amount should the costs be disallowed?
12. The Referee shall perform the Reference having regard to the following guidelines:
 - (a) the Referee is to ensure that the reviews of the Further Proceeding Costs and Administration Costs are conducted in a manner which is proportionate to the amount claimed. The Referee is directed to contact the chambers of Justice Murphy if any question arises as to whether or not it is necessary for her to undertake particular work;
 - (b) the Referee is to consider and implement the Reference without undue formality or delay so as to enable a just, efficient and cost-effective resolution of the Reference. This may include enquiries by telephone and without intervention of lawyers any person the Referee believes may have relevant information;
 - (c) the Referee may ask whatever questions of the solicitors for the Applicant and the Administrator of the SDS as the Referee considers necessary, and, subject to any objection they may raise with the Court, the solicitors for the Applicant and the Administrator of the SDS are directed to answer those questions in a speedy and cost effective manner; and



- (d) the Referee is to make such directions as the Referee considers appropriate to facilitate the just, efficient and cost-effective resolution of the Reference including for the attendance of any person, the production of documents and records relevant to legal costs, and/or the provision of submissions.
13. On or before 1 June 2018 the Referee shall file a confidential final report in respect of the Further Proceeding Costs and provide a confidential copy to the solicitors for the Applicant.
 14. A timetable for the provision of reports regarding, and approval of, the Administration Costs be fixed following application by the Administrator of the SDS for approval of those costs.
 15. Without affecting the power of the Court as to costs, the solicitors for the Applicant are liable for the reasonable fees of the Referee in the first instance, which fees shall become part of the Applicant's Further Proceeding Costs or Administration Costs as appropriate.
 16. The solicitors for the Applicant shall forthwith deliver to the Referee a copy of these orders and make available all information and records which the Referee believes are relevant to the Reference.
 17. The Referee and parties shall have liberty to seek directions with respect to any matter arising from the Reference upon 24 hours' notice, or such other notice as ordered by the Court.

Date that entry is stamped: 4 May 2018


Registrar