



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1245/2016

GUSTAV LAY

Applicant

PTTEP AUSTRALASIA (ASHMORE CARTIER) PTY LTD ACN 004 210 164

Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 16 June 2023

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. Pursuant to s 54A(3) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), the report of the referee, Mr Edward Cowpe, dated 2 June 2023, is adopted by the Court.
2. Pursuant to s 33ZF of the FCA Act, Maurice Blackburn (**MBL**) be appointed Claims Administrator (**Claims Administrator**) of the Settlement Scheme dated and approved on 3 March 2023 (**Scheme**) and is to act in accordance with the Scheme and be given the powers and, to the extent possible, the immunities, contemplated by the Scheme.
3. The Claims Administrator has liberty to apply in relation to any matter relevant to the Scheme on application to the Associate to Justice Lee.

Reference

4. Pursuant to s 37P(2), s 54A of the FCA Act and/or r 28 of the *Federal Court Rules 2011* (Cth) (**FCR**):
 - (a) the question set out in the Schedule (**Relevant Question**) be referred to Mr Edward Cowpe (**Referee**) for the purposes of the Referee conducting an inquiry into the Relevant Question (**Reference**) and providing a report in writing of no more than three pages to the Court stating, with reasons, the Referee's opinion on the Relevant Question (**Report**);



- (b) the Reference commence within seven days of the making of these Orders or on such other date as ordered by the Referee;
 - (c) the Referee consider and implement such manner of conducting the Reference as will, without undue formality or delay, enable a just, efficient, timely and cost-effective resolution of the Reference to allow completion of the Report including, if the Referee thinks fit:
 - (i) the making of enquiries electronically, by telephone or in writing;
 - (ii) in order to facilitate the Referee implementing the just, efficient, timely and cost-effective resolution of the Reference, the Referee is to make such directions as the Referee considers appropriate as to the conduct of the Reference; and
 - (iii) without limiting (i) and (ii), to the extent the Referee considers it is necessary or appropriate for the Referee to obtain any submission from any party, the Referee may make any direction the Referee considers appropriate in relation to such submissions including that any submissions be provided wholly in writing and be limited in length and topic.
5. By 4pm on 14 July 2023, the Referee submit the Report to the Court, addressed to the District Registrar, in accordance with FCR 28.66.
6. The costs of the Referee be capped at two days' work.
7. The solicitors for the applicant provide to the Referee a copy of the electronic Court Book provided to the Court for the case management hearing which took place on 16 June 2023, together with such further or other information as the Referee may require.

Other costs

8. The applicant provide, within seven days of the date of these orders, a written submission and any documents in support to the Associate to Justice Lee on the question of whether the costs incurred by the applicant in obtaining tax advice from PwC ought to be met by way of disbursement from the Settlement Fund pursuant to s33V(2) of the FCA Act.
9. MBL has liberty to apply within seven days for an alternative costs order in connexion with MBL's own costs of representation in this proceeding.



10. Pursuant to s 33V(2) of the Act, the amount of Mr Edward Cowpe's costs and disbursements of and incidental to the settlement distribution tender reference in the sum of \$62,250 plus GST, be approved to be paid from the settlement distribution fund.

Date that entry is stamped: 21 June 2023

Sia Lagos
Registrar



Schedule

RELEVANT QUESTION

Is it just that the applicant's costs and disbursements that are the subject of submissions dated 14 June 2023, or any part of them, be met by way of distribution from the Settlement Fund?