

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
GROUP PROCEEDINGS LIST

S ECI 2020 02946

BETWEEN:

ALANNAH FOX

First Plaintiff

BRIDGET NASTASI

Second Plaintiff

- and -

WESTPAC BANKING CORPORATION (ACN 007 457 141)

First Defendant

ST. GEORGE FINANCE LIMITED (ACN 001 094 471)

Second Defendant

ORDER

JUDGE: The Honourable Justice Harris

DATE MADE: 16 May 2025

ORIGINATING PROCESS: Writ filed on 15 July 2020

METHOD OBTAINED: At hearing

ATTENDANCE: Mr D Fahey for the plaintiffs

Ms Hamilton-Jewell for the defendants

OTHER MATTERS: This order is signed by the Judge pursuant to Rule 60.02(1)(b) of the *Supreme Court (General Civil Procedure) Rules 2015*.

THE COURT ORDERS THAT:

Registered Group Members

1. Any person who completed and submitted the online registration form on Maurice Blackburn's webpage www.mauriceblackburn.com.au/flex by 11 October 2024 is deemed to have registered to participate in the proposed settlement of this proceeding (**Registered Group Members**).
2. Any group member who is not a Registered Group Member is an **Unregistered Group Member**.

Group Member Data

3. Subject to Maurice Blackburn engaging Link Market Services Limited, by 16 May 2025, the defendants shall authorise Link Market Services Limited in writing to retrieve, restore (to



the extent it is able to do so) and use for the purposes of distributing notices to group members regarding the parties' proposed settlement, the information provided by the defendants to Link Market Services Limited for the purpose of order 9(a) made by Nichols J on 20 July 2023 (**Link Data**).

4. By 16 May 2025, the defendants will provide the plaintiffs with the following information for all potential group members recorded in the Unique Database (as defined in order 1 made by Nichols J on 20 July 2023) in Excel format, with one row for each loan associated with each group member; and one column for each of the following fields:

- (a) forename;
- (b) last name;
- (c) day, month and year of birth in the format DD/MM/YY;
- (d) email address;
- (e) telephone number/s;
- (f) car loan account number;
- (g) vehicle registration; and
- (h) vehicle model;

(together, the **Potential Group Member List**).

Notice of proposed settlement

5. Pursuant to ss 33X(4) and 33Y(1) of the *Supreme Court Act 1986* (Vic) (**the Act**), the form and content of the notice of proposed settlement (**Notice**), email correspondence to group members (**Correspondence**) and newspaper advertisement (**Advertisement**) set out in Schedules B, C and D to these orders are approved.
6. Pursuant to s 33Y(2) of the Act, the Notice is to be distributed to group members and published in accordance with the following procedure.
- (a) The solicitors for the plaintiffs shall:
 - i. at the latest, within the three days prior to 25 June 2025 (the **Notice Date**), and during business hours, distribute the Notice by email to Registered Group Members under the cover of the Correspondence using the email addresses for Registered Group Members held by them;
 - ii. engage and instruct Link Market Services Limited to send the Notice under the cover of the Correspondence by email from a “no-reply” email address within three days prior to the Notice Date, and during business hours, to Unregistered Group Members for whom there is an email address in the group member information provided by the defendants to Link Market Services Limited for the purpose of order 9(a)(i) made by Nichols J on 20 July 2023; and



- iii. emails sent pursuant to order 6(a)(i) and 6(a)(ii) above will use the subject line: *Court Notice regarding Flex Commissions Class Action against Westpac & St. George Finance (S ECI 2020 02946)*.
- (b) The solicitors for the plaintiffs shall cause the Notice to be posted on its website from the Notice Date to 23 July 2025 (the **Deadline**).
- (c) The Commercial Court Registry of the Supreme Court of Victoria (the **Registry**) shall cause the Notice to be posted on the Supreme Court of Victoria website from the Notice Date to the Deadline.
- (d) The solicitors for the plaintiffs shall cause the Advertisement to be published in quarter-page format once in each of the following newspapers within three days prior to the Notice Date:
 - i. The Australian;
 - ii. The Age;
 - iii. The Sydney Morning Herald;
 - iv. The Herald Sun;
 - v. The Daily Telegraph;
 - vi. The Courier Mail;
 - vii. The West Australian;
 - viii. The Adelaide Advertiser;
 - ix. The Mercury; and
 - x. The Northern Territory News.
- (e) The solicitors for the plaintiffs may amend any typographical errors in the Notice, Correspondence, or Advertisement or any contact information (e.g., email, telephone number, and/or website) without any further approval of the Court.
- (f) If the Notice is amended pursuant to order 6(e) above, the Notice is to be provided to the Registry by 4pm on the day five days prior to the Notice Date.
- (g) The costs of and incidental to the sending of the Notice in accordance with these orders, including any work conducted by Link Market Services Limited for this purpose, shall be paid by the plaintiffs.

Settlement Distribution Scheme

- 7. By the Notice Date, the solicitors for the plaintiffs shall display the proposed settlement distribution scheme on its website until the Deadline.



Further registrations

8. Pursuant to s 33ZG of the Act, 23 July 2025 be fixed as the date by which any Unregistered Group Member who wishes to participate in the proposed settlement must register by completing and submitting a registration form using the online portal available on Maurice Blackburn's website or by contacting Maurice Blackburn by telephone and providing the information necessary to complete a registration form.
9. For the purposes of order 8 above, a separate registration form must be completed for each Unregistered Group Member who wishes to participate. If the form is completed by a representative of that person, or a person's representative makes a request by telephone to complete a registration form, the basis on which the representative is authorised to complete the form must be identified on the registration form, or in the case of telephone registration, provided to Maurice Blackburn in writing.
10. Pursuant to ss 33ZB and/or 33ZF of the Act, any group member who is not deemed to be registered in accordance with order 1 above, or has not registered in accordance with order 8 above, shall remain a group member for all purposes of the proceeding, and will be bound by any order approving the proposed settlement, but shall not, subject to any further order, be entitled to receive a distribution from any amount paid in settlement of the proceeding.
11. For the avoidance of doubt, failure by a group member to provide all the information requested on the registration form will not render the group member's registration invalid, provided the group member is identifiable as such based on the information provided.

Matching process

12. By 7 August 2025, the plaintiffs will:
 - (a) follow the matching process described in Annexure A to the orders made by Efthim AsJ on 2 November 2023 in respect of all registered, potential group members who have not previously been matched by the defendants; and
 - (b) provide the defendants with a list of all matched and partially matched car loans (identified by loan account number):
 - i. identified by the plaintiffs pursuant to order 12(a) above;
 - ii. provided to the plaintiffs by the defendants pursuant to:
 1. orders 1(b) and 1(c)(ii) made by Efthim AsJ on 2 November 2023; and
 2. orders 4(b) and 4(c)(ii) made by Efthim AsJ on 6 September 2024;(together, the **Plaintiff Supplementary Matched Loan List**).
13. By 22 August 2025, the defendants will provide the plaintiffs with the following information for all registered, potential group members on the Plaintiff Supplementary Matched Loan List in Excel format, with one row for each loan associated with each group member, and one column for each of the following fields or subfields:



- (a) any unique identification number assigned to them in the Plaintiff Supplementary Matched Loan List;
- (b) any unique identification number assigned to them by the defendants;
- (c) their day, month and year of birth in the format DD/MM/YY;

for each car loan (as defined in paragraph 1(a) of the amended statement of claim filed on 28 August 2024) obtained by each group member:

- (d) unique account identification number;
- (e) car loan contract start date;
- (f) make and model of the vehicle purchased with the car loan;
- (g) net amount financed under the car loan;
- (h) car loan contract interest rate at origination;
- (i) term of the of the car loan at origination;
- (j) amount of interest payable under the car loan (as at the start date of the car loan);
- (k) total interest and other finance charges charged to 15 July 2020;
- (l) total interest and other finance charges charged to 31 January 2025;
- (m) date on which the car loan was closed in Sovereign;
- (n) base rate in effect with the relevant dealership, applicable to that type of car loan, at the time of the car loan;
- (o) whether the customer has a co-borrower in respect of the car loan; and
- (p) any remediation, write off, reduction or refund of interest, interest rate or principal, payment or compensation paid to the customer in respect of the loan (to the extent such information is readily available as at 31 January 2025);

(together, the **Registered Group Member Data**).

Confidentiality of group members' and potential group members' information

14. All group members' and potential group members' information which has, or will be, provided by the defendants to the plaintiffs pursuant to any order made in this proceeding, including:

- (a) order 1 made by Efthim AsJ on 2 November 2023;
- (b) order 4 made by Efthim AsJ on 6 September 2024; and/or
- (c) orders 4 and/or 13 above;



is to be kept confidential and not disclosed by Maurice Blackburn or the plaintiffs to any person except for:

- (a) the parties;
- (b) the parties' legal representatives and insurers;
- (c) the Court appointed settlement administrator;
- (d) experts retained by the parties for the purpose of giving effect to the proposed settlement of the proceeding as agreed between the parties on the terms set out in the deed of settlement dated 2 May 2025 (the **Settlement**) and/or the settlement distribution scheme, provided an undertaking in the form of Schedule A has been provided;
- (e) a third party retained by Maurice Blackburn in this proceeding and approved by Westpac (which approval shall not be unreasonably withheld) for the purpose of distributing notices to group members and/or giving effect to the settlement deed dated 2 May 2025 and/or the settlement distribution scheme provided an undertaking in the form of Schedule A has been provided;

such disclosure to be solely for the purpose of the Settlement and to give effect to the settlement distribution scheme; or otherwise with the defendants' consent. For the avoidance of doubt: (i) the orders do not affect the defendants' rights to use and disclose any information previously in their possession; and (ii) order 6 made by Efthim AsJ on 23 October 2023, as varied by order 5 made by Efthim AsJ on 6 September 2024, is varied to the extent their terms are inconsistent with these orders.

15. The solicitors for the plaintiffs are permitted to disclose on a confidential basis the full names and addresses of the plaintiffs and group members on the Plaintiff Supplementary Matched Loan List to the defendants and/or any insurers who have indicated that they are subject to sanctions laws and regulations in respect of the proceeding for the sole purpose of compliance with legal obligations concerning payment to prohibited persons (i.e., persons who are sanctions targets or appear on a list of prohibited persons pursuant to legal obligations owed by the defendants and/or their insurers with respect to the prevention of payments to persons associated with terrorism and/or money laundering).

Objections

16. Pursuant to s 33ZF of the Act, any group member who wishes to oppose the proposed settlement:
- (a) must provide a completed notice of objection in the form contained at Schedule E to these orders (**Objection Notice**) to Maurice Blackburn at westpacflexCA@mauriceblackburn.com.au by 17 July 2025;
 - (b) may attend, or send a legal representative to attend, the Supreme Court of Victoria when the settlement approval application is heard and may address the Court with reasons why the proposed settlement should not be approved.
17. Each Group Member who wishes to oppose the proposed settlement in accordance with order 16 above must complete the Objection Notice either:



- (a) by personally signing or personally affixing their electronic signature;
 - (b) by the Group Member's solicitor personally authorised to act on behalf of the Group Member personally signing or personally affixing their electronic signature as that Group Member's solicitor;
 - (c) in the case of an executor of an estate which is a Group Member, by the executor personally signing or personally affixing their electronic signature; or
 - (d) in the case of a person holding a power of attorney for a Group Member, by the attorney personally signing or personally affixing their electronic signature.
18. The solicitors for the plaintiffs shall display the Objection Notice on their website from the Notice Date until 17 July 2025.
19. The solicitors for the plaintiffs shall send the following email to any person who has given them an Objection Notice within two business days of their receipt of the Objection Notice:

Subject line: *Receipt of objection notice in the flex commissions class action against Westpac and St. George Finance*

Body of email:

Dear Group Member,

We confirm receipt of your objection notice. This means that you have objected to the Court approving the proposed settlement in the flex commissions class action against Westpac and St. George Finance.

This objection notice is separate from registering to participate in the class action.

The Court will consider objections but may still approve the proposed settlement. If you wish to participate in the proposed settlement, if approved, you must register on Maurice Blackburn's website or by phoning 1800 318 063 by 23 July 2025. If you have already registered to participate in the class action, there is no need for you to do so again.

20. The solicitors for the plaintiffs are to file and serve copies of any Objection Notices that they have received pursuant to order 16(a) above by 23 July 2025.
21. The solicitors for the plaintiffs are to file and serve, with the Objection Notices referred to in order 20 above, a list of each of the Objection Notices received by it. The list should identify in addition to the names of the persons giving the Objection Notices:
- (a) whether evidence or submissions were provided with the Objection Notices; and
 - (b) whether the persons have identified in the Objection Notices that they wish to attend the settlement hearing, and if they intend to attend in person or virtually.

Legal costs referee

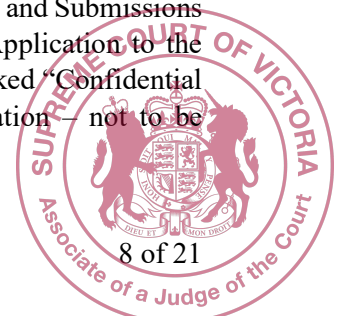
22. The solicitors for the plaintiffs are to notify the defendants and the Court of the costs referee nominated by the plaintiffs by 16 May 2025.



23. Pursuant to s 33ZF of the Act and/or r 50.01 of the *Supreme Court (General Civil Procedure) Rules 2015* (Vic) (**Rules**), the costs referee nominated pursuant to order 22 above is appointed as a special referee (**Referee**) for the purpose of conducting an inquiry (**Reference**) and preparing a report to the Court (**Report**) as to the Referee's estimate of the reasonable costs that are likely to be incurred during the settlement administration process.
24. The Reference will commence forthwith and:
- (a) the Referee is to consider and implement the Reference without undue formality or delay to enable a just, efficient and cost-effective resolution of the Reference;
 - (b) the Referee may give such directions and make such further or other enquiries for the purposes of the Reference as the Referee considers reasonable having regard to the terms of the Reference and the objective in order 24(a) above;
 - (c) any directions given by the Referee to any party for the purposes of the Reference shall be mandatory for the party (subject to other orders of the Court);
 - (d) the information provided by any party to the Referee shall, upon that party's request, be treated by the Referee as confidential and not be disclosed to any other party; and
 - (e) the Referee and parties have liberty to seek directions with respect to any matter arising in the Reference upon 24 hours' notice to each other party.
25. By 12 August 2025, the Referee shall deliver the Report to:
- (a) the Court; and
 - (b) with such redactions as may be appropriate having regard to Order 24(d) above, to the solicitors for the plaintiffs,
- but shall not deliver the Report to the defendant.
26. The costs of and incidental to the appointment of the Referee and the conduct of the Reference shall be paid as part of the administration costs (as defined in the settlement distribution scheme to be approved by the Court).

Application for settlement approval

27. By 16 May 2025 the Plaintiffs are to file and serve an application for orders approving the settlement pursuant to s 33V(1) and (2) of the Act and for related orders (the **Settlement Approval Application**).
28. Save for any affidavits or submissions (or parts thereof) in respect of which confidentiality orders will be sought (**Confidential Affidavits and Submissions**), by 15 August 2025, the plaintiffs are to file and serve any affidavits and submissions in relation to the Settlement Approval Application.
29. By 15 August 2025, the plaintiffs are to provide any Confidential Affidavits and Submissions on which they propose to rely in support of the Settlement Approval Application to the chambers of her Honour Justice Harris (**Settlement Judge**), by email marked "Confidential affidavit and/or submissions for purpose of settlement approval application – not to be accessed except by direction of a Judge or the Court".



30. By 22 August 2025, the defendants may file and serve any evidence and/or submissions in relation to the Settlement Approval Application.
31. The Settlement Approval Application be listed for hearing at 10.30 am on **27 August 2025**.

Liberty to apply

32. The parties have liberty to apply on three business days' notice to each other party.

DATE AUTHENTICATED: 16 May 2025



THE HONOURABLE JUSTICE HARRIS



SCHEDULE A

CONFIDENTIALITY UNDERTAKING

1. I, [insert name and role], being an [expert/third party] retained by the [insert party] for the purposes of providing services in connection with [settlement of the proceeding/the settlement distribution scheme], provide the following undertaking as a condition of obtaining access to the Confidential Information:
 - (a) I will not refer to or disclose the Confidential Information to any other person, and will take reasonable steps to prevent the unauthorised disclosure of the Confidential Information.
 - (b) I will only access the Confidential Information for the purposes of providing services in connection with [settlement of the proceeding/the settlement distribution scheme].
 - (c) I will immediately notify King & Wood Malletsons of any suspected or actual unauthorised use or disclosure of the Confidential Information.
 - (d) Except as required by law, within 10 business days of the final distribution under the settlement distribution scheme, I will destroy or delete any documents containing Confidential Information (including any copies).

Confidential Information means the information described in order 14 made by Harris J on 16 May 2025 in the proceeding.

SCHEDULE B



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 [insert date].
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 [insert date] may request to be heard in person, or by a legal representative..

What happens next?

21. The Court will conduct a hearing on [insert date] 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.

SCHEDULE C

Email correspondence to Registered Group Members

Dear [First Name],

You have been sent this email because you registered a claim with Maurice Blackburn in the flex commissions class action against Westpac and St. George Finance.

The Parties have agreed to settle the proceeding for \$130 million including costs without admission of liability. The Court must approve the proposed settlement for it to take effect.

The Court will hold a hearing to determine whether to approve it on [insert date].

The Court has ordered that the **attached** notice regarding the proposed settlement is sent to all group members. The notice contains further information about the proposed settlement, including how you may object to it.

As you have already registered a claim in the class action, there is nothing further you need to do at this stage to participate in the proposed settlement.

We will contact you again after [insert date] when the Court has ruled on the proposed settlement.

If you have any questions regarding the attached notice, please contact Maurice Blackburn Lawyers at westpacflexca@mauriceblackburn.com.au or by telephone on 1800 318 063.

Kind regards,

Flex commissions class action team

Maurice Blackburn Lawyers

Email correspondence to Unregistered Group Members

[Insert car loan account number/s from the Link Data or an unique identifier]



Dear [First Name],

You have been sent this email because you have been identified as a potential group member in the flex commissions class action against Westpac and St. George Finance.

The class action concerns certain consumers' car loans, which were arranged through car dealers, with Westpac and St. George Finance between 1 March 2013 and 31 October 2018.

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. Westpac and St. George Finance deny the claims made against them and defended the class action.

The Parties have agreed to settle the proceeding for \$130 million including costs without admission of liability.

The Court has ordered that the **attached** notice regarding the proposed settlement is sent to all group members. The notice contains further information about the proposed settlement, including how you may register to participate in it and how you may object to it.

If you wish to participate in the proposed settlement, you must register a claim with Maurice Blackburn Lawyers by 23 July 2025 at www.mauriceblackburn.com.au/flex or by telephone on 1800 318 063.

The Court must approve the proposed settlement for it to take effect. The Court will hold a hearing to determine whether to approve it on [insert date].

If you have any questions regarding the attached notice, please contact Maurice Blackburn Lawyers at westpacflexca@mauriceblackburn.com.au or by telephone on 1800 318 063.

Kind regards



SCHEDULE D

Newspaper advertisement

NOTICE OF PROPOSED SETTLEMENT – Flex Commissions Class Action against Westpac and St. George Finance– Published by order of the Supreme Court of Victoria

This is a notice to potential group members about a proposed settlement of the flex commissions class action against Westpac and St. George Finance.

The class action concerns consumers’ car loans, arranged through car dealers, with Westpac and St. George Finance. 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; 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. Westpac and St. George Finance deny the claims made against them and defended the class action.

The Parties have agreed to settle the proceeding for \$130 million including costs without admission of liability by Westpac or St. George Finance.

You may be a group member if you entered a consumer car loan, arranged through a car dealer, with Westpac and/or St. George Finance between 1 March 2013 and 31 October 2018. If you believe you may be a group member and you wish to participate in the proposed settlement, you must register by 23 July 2025. Further information about the class action, including how to register and how to object to the proposed settlement, is available on Maurice Blackburn Lawyers’ website at www.mauriceblackburn.com.au/flex.



SCHEDULE E

NOTICE OF OBJECTION

FLEX COMMISSIONS CLASS ACTION AGAINST WESTPAC AND ST. GEORGE

Fox & Anor v Westpac Banking Corporation & Anor

(S ECI 2020 02946)

ONLY COMPLETE THIS NOTICE IF YOU DO NOT WANT THE COURT TO APPROVE THE PROPOSED SETTLEMENT.

You are unable to object to the proposed settlement if you ‘opted out’ of the class action.

To: Maurice Blackburn Lawyers by email at westpacflexca@mauriceblackburn.com.au

The person identified below is a group member in the above proceeding and gives notice that they object to the proposed settlement.

A. DETAILS OF GROUP MEMBER OBJECTING

Name of group member	
Contact name (if different from name of group member)	
Postal address	
Email address	
Telephone number(s)	



B. REASON(S) FOR OBJECTING

Explain why you object to the proposed settlement. Please include all details that you think relevant.

C. SUBMISSIONS AND EVIDENCE

- ☐ I attach submissions and/or evidence in support of my objection (limited to 2 pages)
- ☐ I do not attach any submissions or evidence in support of my objection, but wish for my objection to be considered based on my reasons set out above

Please tick one of the above options



D. ATTENDANCE AT HEARING ON [insert date]:

I will:

- ☐ attend the settlement approval hearing in person
- ☐ attend the settlement approval hearing virtually
- ☐ not attend the settlement approval hearing

Please tick one of the above options..

At the hearing:

- ☐ I will appear on my own behalf
- ☐ I will be represented by a lawyer: *[insert name]*

E. SIGNING OF NOTICE:

.....

Please sign notice here

Date:

IMPORTANT NOTE – To ensure your objection is considered by the Court you must complete this form and email it to Maurice Blackburn Lawyers at westpacflexca@mauriceblackburn.com.au above by 17 July 2025.

