

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL AND EQUITY DIVISION  
COMMERCIAL LIST

F. 5382  
BETWEEN:

No. 2115 of 2001

**ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION PLAN PTY LTD  
(ACN 065 590 178) (as Trustee of the Ansett Australia Ground Staff  
Superannuation Plan) AND OTHERS**

Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrators Appointed) (ACN 004 209 410)  
AND OTHERS**

Defendants

**AFFIDAVIT OF PETER EDMUND CASH**

Date of document:  
Filed on behalf of:

9 January 2002  
The plaintiffs

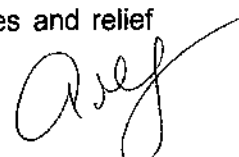
Prepared by:

**DEACONS**  
Lawyers  
385 Bourke Street  
MELBOURNE VIC 3000

Solicitors code: 370  
DX 445  
Tel: (03) 8686 6000  
Ref: P E Cash

I, **Peter Edmund Cash** of 385 Bourke Street, Melbourne, Victoria, solicitor, **make oath**  
**and say** as follows:

1. I am a member of Deacons, the solicitors for the plaintiffs. I am authorised to swear this affidavit on their behalf. I do so from my own knowledge.
2. I refer to paragraphs 16 and 17 of the remedies and relief sought by the plaintiffs set out in the originating motion dated 21 December 2001.
3. In my respectful submission it is appropriate and necessary that persons be joined as defendants in this proceeding to represent the positions of, respectively, those members of the Ansett employees' superannuation plans whose employment by the first defendant has been terminated by the second defendants for reason of their "redundancy", and those members whose employment by the first defendant has not been so terminated. Each of those groups of members have a different interest in the outcome of the questions and declarations referred to in paragraphs 1 to 11 of the remedies and relief sought by the plaintiffs in this proceeding.



4. On 7 January 2002 I asked a director of the first plaintiff, Mr Iain Lang, if he could identify for me members of the Ansett Australia Ground Staff Superannuation Plan who may be prepared to be joined as defendants in this proceeding for the purpose of representing those respective groups of members. He agreed to do so.
5. On 7 January 2002 I received a telephone call from Russell Thomas Booth. Mr Booth informed me that he is a member of the Ansett Australia Ground Staff Superannuation Plan and that, prior to the termination of his employment by the second defendants for the stated reason of "redundancy" in November 2001, he had been an employee of the first defendant since 1980.
6. I discussed with Mr Booth the reasons why, for the effective determination of the issues in this proceeding, it is necessary for someone such as himself to become a defendant in the proceeding and I advised him that, if he agreed to do so, the plaintiffs would indemnify him against the payment of legal costs. Mr Booth informed me that he is prepared to be joined as a defendant in this proceeding. Now produced and shown to me and marked "PEC1" is a facsimile copy consent that I received from Mr Booth this morning.
7. On 8 January 2002 I received a telephone call from James Herbert Hennessy. Mr Hennessy informed me that he is a member of the Ansett Australia Ground Staff Superannuation Plan and that he is currently an employee of the first defendant. He further informed me that he works within one of the areas of the first defendants business that the second defendants have not agreed to sell to Tesna Pty Ltd, but, rather, that they have announced that they intend to continue to operate themselves for the time being.
8. I explained to Mr Hennessy why it is necessary, in the interests of the effective determination of the issues in this proceeding, that a person such as himself be joined as a defendant in order to represent the interests of those members of the superannuation plans whose employment has not been terminated by the second defendants and I informed him that, if he agreed to be joined as a defendant in the proceeding, the plaintiffs would indemnify him against the payment of legal costs. Mr Hennessy informed me that he is prepared to be joined as a defendant in the proceeding. Now produced and shown to me and marked "PEC2" is a facsimile copy consent that I received from Mr Hennessey this morning.



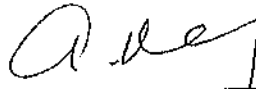
Sworn at Melbourne, Victoria on  
9 January 2002

)  
)  
)



PETER EDMUND CASH

Before me:



365 Bourke Street  
Melbourne, Victoria

A natural person who is a current  
practitioner within the meaning of the  
*Legal Practice Act 1996*

This affidavit is filed on behalf of the plaintiffs

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Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrators Appointed) (ACN 004 209 410)  
AND OTHERS**

Defendants

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document:  
Filed on behalf of:

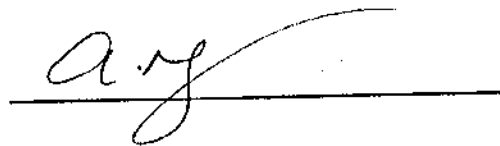
9 January 2002  
The plaintiffs

Prepared by:  
**DEACONS**  
Lawyers  
385 Bourke Street  
MELBOURNE VIC 3000

Solicitors code: 370  
DX 445  
Tel: (03) 8686 6000  
Ref: P E Cash

This is the document marked "PEC1" produced and shown to **Peter Edmund Cash** at the time of swearing his affidavit on 9 January 2002.

Before me:



385 Bourke Street  
Melbourne, Victoria

A natural person who is a current practitioner  
within the meaning of the *Legal Practice Act*  
1996

**Exhibit "PEC1"**

**Copy facsimile consent of Russell Thomas  
Booth dated 8 January 2002**

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
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Plaintiffs

and

ANSETT AUSTRALIA LIMITED (Administrators Appointed) (ACN 004 209 410)  
AND OTHERS

Defendants

CONSENT

Date of document:  
Filed on behalf of:

January 2002  
The plaintiffs

Prepared by:  
DEACONS  
Lawyers  
385 Bourke Street  
MELBOURNE VIC 3000

Solicitors code: 370  
DX 445  
Tel: (03) 8686 6000  
Ref: P E Cash

I, Russell Thomas Booth of 40 Trethowan Avenue, West Melton, Victoria, consent to be  
joined as the third defendant in this proceeding.

Dated: 8-01-02

  
.....  
Russell Thomas Booth

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Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrators Appointed) (ACN 004 209 410)  
AND OTHERS**

Defendants

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document:  
Filed on behalf of:

9 January 2002  
The plaintiffs

Prepared by:  
**DEACONS**  
Lawyers  
385 Bourke Street  
MELBOURNE VIC 3000

Solicitors code: 370  
DX 445  
Tel: (03) 8686 6000  
Ref: P E Cash

This is the document marked "PEC2" produced and shown to **Peter Edmund Cash** at the time of swearing his affidavit on 9 January 2002.

Before me:



385 Bourke Street  
Melbourne, Victoria

A natural person who is a current practitioner  
within the meaning of the *Legal Practice Act*  
1996

**Exhibit "PEC2"**

**Copy facsimile consent of James Herbert  
Hennessy dated 8 January 2002**

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**CONSENT**

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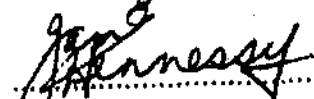
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DX 445  
Tel: (03) 8686 8000  
Ref: P E Cash

I, James Herbert Hennessy of 4 Fortescue Avenue Seaford, Victoria, consent to be joined  
as the fourth defendant in this proceeding.

Dated: 08 January 2002

  
.....  
James Herbert Hennessy.