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

No. 2115/01  
F.5382

BETWEEN:

**ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION PLAN PTY. LTD.**  
(ACN 065 590 178) (as trustee of the Ansett Australia Ground Staff  
Superannuation Plan) and **ANSETT AUSTRALIA PILOTS/MANAGEMENT  
SUPERANNUATION PLAN PTY LTD (ACN 065 590 043)** (as trustee of the Ansett  
Transport Industries Limited Pilots/Management Superannuation Plan)

Plaintiffs

and

**ANSETT AUSTRALIA LIMITED** (subject to deed of company arrangement )  
(ACN 004 209 410) AND OTHERS

Defendants

**AFFIDAVIT OF PETER EDMUND CASH**

Date of document:  
Filed on behalf of:

10 July 2002  
The plaintiffs

Prepared by:

Deacons  
Solicitors  
Level 24  
385 Bourke Street  
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Reference: Mr. P. Cash

I, **Peter Edmund Cash** of level 24, 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, save where otherwise indicated.
2. The administrators of Ansett, Mark Xavier Mentha and Mark Anthony Korda (**Administrators**), have made a number of applications to the Federal Court of Australia for various purposes. In support of many of those applications, affidavits sworn by one or other of them have been filed in that Court.
3. I have perused the Arnold Bloch Leibler, Ansett Administration website. The details of the Administrators' applications to the Federal Court of Australia and the copies of the relevant Federal Court documents referred to in paragraphs 4 to 9 of this affidavit have been obtained from that website.



**Memorandum of Understanding**

- 4. The Administrators made an application in the Federal Court of Australia on 5 October 2001 (proceeding no. V3045/01), seeking orders approving the Memorandum of Understanding between the Ansett Group and Air New Zealand Group and others. The documents respectively numbered 7.1.150, 7.1.154, 7.1.155 and 7.1.151 in the plaintiffs' index of documents are copies of the application, an affidavit of Mark Francis Xavier Mentha sworn 8 October 2001 and a supplementary affidavit of Mark Francis Xavier Mentha sworn 10 October 2001 and the order made by Justice Goldberg on 12 October 2001.

**SEESA Commonwealth Payments**

- 5. The Administrators made an application to the Federal Court of Australia on 3 December 2001 (proceeding no. V3083/01), seeking directions concerning the proposed Commonwealth Government loan to the Administrators pursuant to the Special Employee Entitlement Scheme for Ansett Group Employees. The documents respectively numbered 7.1.160, 7.1.164 and 7.1.161 in the plaintiffs' index of documents are copies of the application, an affidavit sworn by Mark Anthony Korda on 3 December 2001 and the order made by Justice Goldberg on 14 December 2001.

**Approval of TESNA Sale**

- 6. The Administrators made an application to the Federal Court of Australia on 22 January 2002 (proceeding no. V3010/02) seeking approval of the proposed sale of the Ansett mainline business to the TESNA consortium. The documents respectively numbered 7.1.190 and 7.1.191 in the plaintiffs' index of documents are copies of the amended application and an affidavit sworn by Mark Anthony Korda on 24 January 2002.

**Continued Operation of Ansett**

- 7. The Administrators made an application to the Federal Court of Australia on 1 February 2002 (proceeding no. V3015/02), seeking directions to permit the Administrators to extend the operations of the Ansett mainline business. The documents respectively numbered 7.1.200 and 7.1.201 in the plaintiffs' index of documents are copies of the application, and an affidavit of Mark Anthony Korda sworn on 5 February 2002.



### Further Extension of Time for Execution of Deed of Company Arrangement

8. The Administrators made an application to the Federal Court of Australia on 17 April 2002 (proceeding no. V3065/02), to extend further the period of time permitted for the execution of the Ansett deeds of company arrangement. The documents respectively numbered **7.1.210**, **7.1.211**, **7.1.212** and **7.1.213** in the plaintiffs' index of documents are copies of the application, an affidavit sworn by Mark Anthony Korda on 22 April 2002 and the orders made by Justice Goldberg on 24 April 2002 and 29 April 2002.

### Approval of Sale of Sydney Domestic Terminal Lease

9. The Administrators made an application to the Federal Court of Australia on 3 May 2002 (proceeding no. V3075/02), for approval of the sale of the Sydney Domestic Terminal Lease. The documents respectively numbered **7.1.220**, **7.1.221**, **7.1.222** and **7.1.223** in the plaintiffs' index of documents are copies of the amended application, an affidavit of Mark Anthony Korda sworn on 8 May 2002, the orders made by Justice Goldberg on 14 May 2002 and the amended order made by Justice Goldberg on 24 May 2002.
10. Following upon the orders made by the Honourable Mr Justice Beach on 9 January 2002 and by the Honourable Justice Warren on 14 June 2002, and other informal requests made by me on behalf of the plaintiffs, the first and second defendants have, from time to time, discovered documents that have included the following (the numbers in parenthesis correspond with the first and second defendants' discovered document numbers):

Plaintiffs' Index of Document Number	Document Description
<b>3.3.4CA</b>	Copy letter from Ansett Australia to Vince Guerrisi dated 21 October 1992 (206).
<b>3.3.4CB</b>	Ansett Transport Industries (Operations) Pty Ltd notice of disengagement and final payment voucher dated 19 October 1992 (204).
<b>3.3.4CC</b>	Document entitled "termination calculation" (205).
<b>3.3.4CD</b>	Superannuation : Termination Advice - final average salary. Date: 2 November 1992. Reason for termination: redundant (208).



Plaintiffs' Index of Document Number	Document Description
3.3.6D	Copy letter from Ansett to Grant Caruana dated 2 November 1990 (189)
3.3.6E	Ansett Transport Industries (Operations) Pty Ltd notice of disengagement and final payment voucher dated 11 November 1994 (218).
3.3.7A	Copy letter from Ansett to M Harris dated 8 November 1990 (190).
3.3.7B	Ansett Transport Industries (Operations) Pty Ltd notice of disengagement and final payment voucher dated 22 August 1994 (217).
3.3.39	Copy letter from Ansett to David Asher dated 13 June 1974 (178).
3.3.49	Copy letter from Ansett Air Freight to Peter Clarke dated 2 April 1986 (186).
3.3.55	Copy letter from Ansett Australia to Angela Seach dated 5 February 1999 (228).
3.3.56	Copy letter from Ansett Australia Air New Zealand Engineering Services to Angela Seach dated 14 December 2000 (236).
3.3.57	Employment Agreement between Ansett Australia and Air New Zealand Engineering Services (Australia) Limited and Angela Seach dated 19 January 2001 (235).
3.3.65	Copy letter from Ansett International Air Freight to Ross Conwell dated 22 June 1990 (188).
3.3.67	Copy letter from Ansett International Air Freight to Ross Conwell dated 21 December 1983 (216)
3.3.85	Copy letter from Ansett Australia to Marian Calabrisello dated 3 January 1995 (219).
3.3.86	Copy letter from Ansett Australia to Marian Calabrisello dated 15 October 1999 (231).
3.3.87	Copy letter from Ansett Australia to Marian Calabrisello dated 15 December 1999 (232).
3.3.92	Copy letter from Ansett Australia to E Draper dated 9 June 1992 (198).
3.3.93	Copy letter from Ansett Australia to E Draper dated 30 September 1992 (202).



Plaintiffs' Index of Document Number	Document Description
3.3.94	Copy letter from Ansett Australia to E Draper dated 11 March 1993 (212).
3.3.95	Copy letter from Ansett Australia to Liz Dundovic (nee Draper) dated 8 November 1985 (222).
3.3.96	Copy letter from Ansett Australia to Liz Dundovic (nee Draper) dated 6 March 1998 (224).
3.3.97	Copy letter from Ansett Australia to Elizabeth Dundovic (nee Draper) dated 18 June 1999 (230).
3.3.98	Copy letter from Ansett Australia to Elizabeth Dundovic (nee Draper) dated 20 March 2000 (233).
4.1.10	Folder of offer letters including: Variable Clauses, Airline Operators, AMWU, Clerical, Flight Attendants, LEME, Pilot, Salaried, TWU, Management (undated). (66)
4.1.43	Letters of offer of employment and terms of employment – Managers (7 versions) dated 16 July 1990 – 3 August 2001 (75).
4.1.44	Copy letter from Ansett to Marian Nye dated 9 January 1989 (187).

11. Document number 2.1.20 in the plaintiff's index of documents is the Ansett Transport Industries Airline Ground Staff Superannuation Plan Member Booklet No. 1 applicable to members who joined the plan prior to 1 January 1987, referred to in the affidavit of Iain Bruce Lang sworn on 6 May 2002.
12. Document number 2.1.30 in the plaintiff's index of documents is the Ansett Transport Industries Airline Ground Staff Superannuation Plan Member Booklet No. 2 applicable to members who joined the Plan on or after 1 January 1987, referred to in the affidavit of Kelvin Thomas Cosgriff sworn on 7 May 2002.
13. Document number 2.1.40 in the plaintiff's index of documents is the Ansett Australia Ground Staff Superannuation Plan Member Booklet dated September 1995 applicable to members who joined the Plan after 1 January 1987, referred to in the affidavit of Kelvin Thomas Cosgriff sworn on 7 May 2002.



- 14. I have been provided by Iain Bruce Lang with a copy of a letter received by him from the Administrators dated 19 November 2001. That copy letter is document no. 3.2.58 in the plaintiffs' index of documents.
  
- 15. On 19 June 2002 the first plaintiff made an application to the Federal Court of Australia seeking orders and directions such as to determine the validity and effect of the provisions of the Ansett deed of company arrangement that purport to have the effect that, irrespective of the orders made by this Honourable Court in this proceeding, no money would be paid to the first plaintiff from the Ansett administration to enable the first plaintiff to pay members of the Ground Staff Plan (Defined Benefits section) their full superannuation entitlements. The documents respectively numbered 7.1.180 and 7.1.181 in the plaintiff's index of documents are the first plaintiff's application and my affidavit in support of that application. On 21 June 2002 Justice Goldberg gave directions for the conduct of that proceeding and adjourned it for further hearing on 4 September 2002.

SWORN by **PETER EDMUND CASH** at  
 Melbourne in the State of Victoria on 10  
 July 2002



Before me:



**RICHARD JAMES CAMPBELL**  
 Level 24, 385 Bourke St, Melbourne 3000  
 A natural person who is a current  
 practitioner within the meaning of  
 the Legal Practice Act 1996.