

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 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 (Administrators Appointed) (ACN 004 209 410)**  
**AND OTHERS**

Defendants

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document:  
Filed on behalf of:

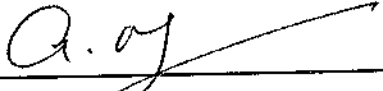
15 March 2002  
The plaintiffs

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 15 March 2002.

Before me:

  
\_\_\_\_\_  
**ABIGAIL RUTH MCGREGOR**  
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 letter to Arnold Bloch Leibler dated**  
**13 March 2002**

'PECI''

# Deacons



(incorporating Dunhill Madden Butler)

Your Ref: P Chiappi  
Our Ref: 524015/354  
Contact: Peter E Cash  
Direct line: 8686 6672  
Direct email: peter.cash@deacons.com.au

**EMAIL: pchiappi@abl.com.au**

13 March 2002

Mr Paul Chiappi  
Arnold Bloch Leibler  
Lawyers  
Level 21 / 333 Collins Street  
MELBOURNE VIC 3000

Dear Paul

**ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION  
PLAN PTY LTD & ANOR V ANSETT AUSTRALIA LIMITED  
(ADMINISTRATORS APPOINTED) & ORS**

As you know, the Supreme Court proceeding was adjourned for 2 weeks on 1 March 2002 to allow a period of time for the consequences for the proceeding of the collapse of the Tesna sale to be ascertained. The proceeding is therefore listed for a further directions hearing at 10.00 am on 15 March 2002.

Quite apart from the collapse of the Tesna sale, a small number of matters have arisen which will necessitate amendments to the originating motion. Those matters include, but are not limited to, the discontinuance of the proceeding by the trustee of the Flight Engineers' Plan. We expect to provide you with a further marked up version of the originating motion, incorporating these amendments, prior to the hearing on Friday.

The nature and scope of other amendments to the originating motion, however, will depend upon what steps the second defendants have taken, and/or propose to take, in relation to the employment of those members of the Ground Staff and Pilots/Management Plans who are not already the subject of the proceeding.

In order that counsel for our clients may be in a position to inform the court of these matters, we ask that you obtain instructions and

## Lawyers

Level 24  
385 Bourke Street  
Melbourne VIC 3000  
Australia  
Telephone 03 8686 6000  
Internat + 61 3 8686 6000  
Facsimile 03 8686 6505  
www.deacons.com.au  
DX 445 Melbourne  
melbourne@deacons.com.au

## Other Offices

Brisbane  
Canberra  
Perth  
Sydney

## Independent Affiliated Firms

Bangkok  
Hanoi  
Ho Chi Minh City  
Hong Kong  
Jakarta  
People's Republic of  
China  
Singapore  
Taipei

13/03/2002

provide us with the following information and documents by Thursday evening:

1. Other than the dates referred to in paragraphs 1 and 2 of the originating motion (17 October 2001 and 9 November 2001), on what dates have the second defendants sent letters to employees of Ansett who are members of either the Ground Staff Plan or the Pilots/Management Plan providing those employees with notice of the termination of their employment (other than for cause)?
2. Please provide us with a copy of a sample of the form of each such letter, indicating to which dates each such sample relates.
3. For each date upon which any such letter was sent by the second defendants, to how many employees of Ansett was such a letter sent?
4. To the extent that it has not already done so, when will the first defendant notify the plaintiffs of the termination of the employment of those Ansett employees who are members of either the Ground Staff Plan or the Pilots/Management Plan?
5. In respect of any of the terminated employees who are not presently the subject of this proceeding:
  - (a) has the first defendant made a declaration of a reduction of staff for the purposes of the rules of the Ground Staff Superannuation Plan;
  - (b) if not, does it propose to do so; and
  - (c) if not, why does it not propose to do so?
6. In respect of any of the terminated employees who are not presently the subject of this proceeding:
  - (a) has the first defendant made declarations of a reduction of staff and/or that those employees ceased to be in Ansett's service on account of retrenchment as a result of a re-organisation or re-arrangement of staff for business policy reasons for the purposes of the rules of the Pilots/Management Superannuation Plan;
  - (b) if not, does it propose to do so; and
  - (c) if not, why does it not propose to do so?
7. With respect to those members of either the Ground Staff Plan or the Pilots/Management Plan whose employment has not been terminated to date:
  - (a) do the second defendants presently anticipate that their employment will be terminated in the future;
  - (b) if so, when do the second defendants anticipate that this will occur; or
  - (c) if not, are the second defendants able to express any view as to the likely medium to long term employment futures of those employees?

In relation to the above inquiries, we draw your attention to clause 30 of each of the Ground Staff Trust Deed and the Pilots/Management Trust Deed.

We look forward to receipt of your response as soon as possible.

Finally, our clients remain anxious to have this proceeding determined as soon as possible. What is your clients' position with respect to the re-listing of the trial on the first available date?

Yours sincerely

Peter E Cash  
Partner  
Deacons