

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:

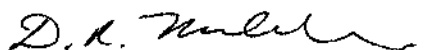
22 March 2002
The plaintiffs

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 22 March 2002.

Before me:



DEAN ROBERT KAMBOVSKY

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
19 March 2002**

Cash, Peter

From: Cash, Peter
Sent: Tuesday, 19 March 2002 3:25 PM
To: Paul Chiappi (E-mail)
Cc: Andrew Cox (E-mail); Andrew Stops (E-mail); Simone Bingham (E-mail); Mark Wollan (E-mail)
Subject: Ansett Superannuation



567306_2.doc

Dear Paul

Please see attached further letter.

Regards

● Peter Cash

Deacons
385 Bourke Street
Melbourne Vic 3000
Ph (03) 8686 6672
Fax (03) 8686 6505
Mobile 041 6067377
email peter.cash@deacons.com.au

DEACONS - Confidential Communication

The information contained in this e-mail is confidential and may be subject to legal professional privilege. It is intended solely for the addressee. If you receive this e-mail by mistake please promptly inform us by reply e-mail and then delete the e-mail and destroy any printed copy. You must not disclose or use in any way the information in the e-mail. There is no warranty that this email is error or virus free. It may be a private communication, and if so, does not represent the views of the partners of the firm. If it is a private communication, care should be taken in opening it to ensure that undue offence is not given.

Deacons



(incorporating Dunhill Madden Butler)

Our Ref: 524015/00354
Contact: Peter E Cash
Direct line: 8686 6672
Direct email: peter.cash@deacons.com.au

19 March 2002

Attention: Mr Paul Chiappi

Arnold Bloch Leibler
Lawyers
Level 21
333 Collins Street
MELBOURNE VIC 3000

Dear Sirs

ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION PLAN PTY LTD & ANOR V ANSETT AUSTRALIA LIMITED & ORS

We refer to the above proceeding and to

- the *Air Passenger Ticket Levy (Collection) Act 2001 (Act)*;
- the order made by the Federal Court of Australia (Goldberg J) on 14 December 2001 in proceeding no. V3083 of 2001, in which the Court ordered that the administrators may enter into a deed with the Commonwealth of Australia in relation to repayments to the Commonwealth of amounts appropriated under the Act;
- a media release by the Workplace Relations Minister (Mr Abbott) dated 6 March 2002; and to
- the administrators' second report to creditors dated 15 March 2002 and the appended "Outline of deed of company arrangement" (which we obtained this morning, but have not yet had time to consider in full).

We have several questions:

1. It appears from the outline of the proposed deed of company arrangement (clause 3.40) that a deed between the administrators and the Commonwealth (or its agent) was made

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

on 18 December 2001. Could you provide us with a copy of that deed?

2. As we understand it, the Commonwealth has stated that, in addition to the SEESA payments, it will also advance to the administrators an amount equivalent to all payments in lieu of notice made to former employees. Are you aware of any determination to this effect made pursuant to section 22(1) of the Act?
3. Do you expect that the statutory limit of the SEESA payments (being the amount of \$500 million specified in section 22(4) of the Act) will be sufficient to meet all relevant employee entitlements?
4. Finally, do you believe that the Commonwealth (or SEES Pty Ltd) has any interest in the proceeding at present being conducted before the Supreme Court of Victoria by reason of any interest arising out of any entitlement it may have with respect to the repayment of money paid by it in accordance with the Act? If you do, could you let us know why?

Yours faithfully

Peter E Cash
Partner
Deacons