

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**  
(A.C.N. 065 590 178) (as trustee of the Ansett Australia Ground Staff  
Superannuation Plan) **AND OTHERS**

Plaintiffs

and

**ANSETT AUSTRALIA LIMITED** (A.C.N. 004 209 410) (Administrators  
Appointed) **AND OTHERS**

Defendants

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document: 7 February 2002  
Filed on behalf of: the defendants  
Arnold Bloch Leibler  
Lawyers & Advisers  
Level 21  
333 Collins Street  
MELBOURNE 3000

Solicitor's Code: 54  
DX 455 Melbourne  
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Ref: P Chiappi

This is the exhibit marked "PFC5" now produced and shown to Paul Francis  
Chiappi at the time of swearing his affidavit on 7 February 2002



JANET BELLEU  
ARNOLD BLOCH LEIBLER  
LEVEL 21, 333 COLLINS STREET  
MELBOURNE 3000  
A NATURAL PERSON WHO IS A CURRENT  
PRACTITIONER WITHIN THE MEANING OF  
THE OATHS ACT 1986

**Exhibit "PFC5"**  
**Letter dated 7 February 2002 to Deacons**

1 February 2002

By facsimile: 8686 6505

Deacons  
Lawyers  
DX 445  
MELBOURNE

Your ref Peter Cash  
Our ref PC:SLI  
File no 01-1208689  
Doc no 126909  
Direct fax: 9229 9712

Dear Sirs

**Ansett Australia Limited (Administrators Appointed) and the Trustees of the Ansett Australia Superannuation Plans**

We refer to our letter of 25 January 2002.

As previously noted, we believe that the Federal Court is the appropriate jurisdiction for the issues raised by the trustees. As part of your response to our letter, would you inform us as to the basis for your concern as to the Federal Court not having jurisdiction to hear the matters, setting out the legislative provisions, authorities or other matters on which you rely. Please also inform us as to the basis for your contention that the Supreme Court has jurisdiction to deal with the issues raised in the Supreme Court proceeding, setting out the legislative provision, case law or other matters on which you rely.

We would be obliged for your reply at your earliest opportunity. The Supreme Court proceeding is listed for directions on 8 February 2002 and the Federal Court proceeding is listed for directions on 15 February 2002. For matters to be progressed, we must have your urgent response to these matters.

As a separate issue, we believe the conduct of the matter, whether conducted in the Federal Court or the Supreme Court, would be progressed by the trustees putting forward a statement of claim or points of claim which set out the facts and other matters on which they rely for the relief and the questions set out in the Supreme Court proceeding. As matters stand, the administrators are left to anticipate the facts that the trustees will rely on and the arguments or conclusions that the trustees will put or seek to draw in relation to such matters. That is unsatisfactory.

We would be obliged for your response to this issue at your earliest opportunity. We do not believe, however, that your response to the jurisdictional issue should be held up by your consideration of this issue.

In relation to the Supreme Court proceedings, would you please forward to us a copy set of the exhibits to Mr Fish's affidavit.

Yours faithfully  
**ARNOLD BLOCH LEIBLER**

**Paul Chiappi**