

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

F.5383

No. 2115 of 2001

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
Australia Pilots/Management Superannuation Plan)**

Plaintiffs

and

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

Defendants

AFFIDAVIT OF RICHARD JAMES CAMPBELL

Date of document:
Filed on behalf of:

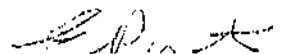
The plaintiffs

Prepared by:
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Ref: P E Cash

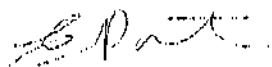
I, **Richard James Campbell** of Level 24, 385 Bourke Street, Melbourne, solicitor,
make oath and say as follows:

1. I am a solicitor in the sole and permanent employ of Deacons, solicitors for the plaintiffs in this proceeding. I swear this affidavit from my own knowledge, save where the contrary is indicated.
2. On 10 December 2001, I attended at the office of AMP Consulting Pty Ltd, ("AMP") at level 7, 535 Bourke Street, Melbourne with Mr Peter Cash, a partner of Deacons. Mr Robert Young, an employee of AMP, showed us several boxes containing documents relating to the superannuation benefits paid to former employees of Ansett Australia Limited (subject to deed of company arrangement) ("Ansett") upon their termination from Ansett's employ. Some of those boxes contained envelopes labelled with various dates in 1998 and 1999.



Mr Young explained to Mr Cash and myself that those dates related to the days upon which AMP, (as the then administrator of the Ansett superannuation plans including those that are the subject of this proceeding) received from Ansett advice of the termination of employment of the Ansett employees to whom the documents in those envelopes related.

3. On the instructions of Mr Cash, I went through the documents contained in each of the envelopes relating to the period 1 June 1999 to 17 August 1999 and, using the information contained in those documents, I compiled a table containing the following information ("**Table**"):
 - (a) The date on the relevant envelope (being the date upon which, according to Mr Young's advice AMP received advice from Ansett that an employee or a number of employees had been terminated from Ansett's employ).
 - (b) The date appearing on each advice.
 - (c) The employee number on each advice.
 - (d) The "reason for termination" as it appeared on the advice.
 - (e) The name of the superannuation plan of which the respective employee was a member.
4. In accordance with Mr Cash's instructions, I recorded this information in relation (only) to those employees who were members of either the Ansett Australia Ground Staff Superannuation Plan, the Ansett Transport Industries Limited Pilots/Management Superannuation Plan or the Ansett Australia Flight Engineers Superannuation Plan (excluding, in the case of the Ground Staff Plan, members of the accumulation section of that plan).
5. On 13 December 2001, Mr Cash forwarded to me an email that he informed me (and I therefore believe) he had received from Mr Young, to which was attached details of the type of superannuation benefit paid to each former employee of Ansett whose employment terminated during the period to which the Table relates. (Document number **6.1.136** in the plaintiffs' index of documents is a copy of that email.) I then ascertained, in respect of each of the employees to whom an entry in the Table related and whose stated reason for termination included the word "redundancy", whether or not they had been paid a



retrenchment benefit. This information was then incorporated into a further column in the Table.

- 6. Document number **7.1.140** in the plaintiffs' index of documents is a copy of the completed Table.
- 7. I was assisted in the task referred to in paragraph 3 above by Mr Ljupco Trajkoski who was a seasonal clerk then in the temporary employ of Deacons. At all times I worked directly adjacent to Mr Trajkoski and he was under my direct supervision.

Sworn at Melbourne, Victoria on
16th May 2002

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Richard James Campbell

Before me:

EMMA KATE PARMENTER

385 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