

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE**

**COMMERCIAL AND EQUITY DIVISION  
COMMERCIAL LIST**

No. 2115/01 F5382

**BETWEEN:**

**ANSETT AUSTRALIA GROUND STAFF SUPERANNUATION PLAN PTY  
LTD (ACN 065 590 178) (as Trustee of the ANSETT GROUND STAFF  
SUPERANNUATION PLAN) & Ors**

Plaintiffs

and

**ANSETT AUSTRALIA LTD  
(ADMINISTRATORS APPOINTED) (ACN 004 209 410) & Ors**

Defendants

**SLB 12**

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<b>Date of Document:</b>	6 February 2002
<b>Filed on behalf of:</b>	The Plaintiffs
<b>Prepared by:</b>	Solicitor's Code: 564
Maurice Blackburn Cashman	Tel: 9605.2700
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This is the document marked SLB 12 now produced and shown to Simone Louise Bingham at the time of affirming this Affidavit this 6th day of February, 2002.

Before me:

*Anne Gooley*.....

**ANNE GOOLEY**  
of 456 Lonsdale Street, Melbourne  
a natural person who is a current  
practitioner within the meaning  
of the Legal Practice Act, 1996.

to claim damages or compensation by common law or under a Worker's Compensation Act or any other statute in force governing compensation to a Member injured or deceased from an accident arising out of or in the course of the Member's employment with the Employer and the amount payable in terms of this Deed and the Rules shall not be reduced by reason of any payment of damages or compensation as aforesaid except as may be provided in this Deed and the Rules.

#### APPOINTMENT AND REMOVAL OF TRUSTEES

10. (1) The Trustees may be natural persons or corporations or natural persons and corporations.
- (2) The number of Trustees shall be six comprising three Trustees (representing the Employer) nominated and appointed by the Principal Employer and three Trustees (representing the Members) who shall also be Members of the Plan nominated and appointed by the Members PROVIDED THAT the appointment of the Trustees representing the Members shall be arranged by the Australian Airline Flight Engineers Association acting on behalf of the Members.
- (3) The office of a Trustee shall become vacant if:
  - (a) the Trustee resigns his or her office by notice in writing to the Principal Employer and the other Trustees or (in the case of a Member Trustee) ceases to be a Member;
  - (b) the Trustee becomes bankrupt or makes an assignment to or composition with his or her creditors; or in the case of a corporation, an order is made or an effective resolution is passed for its winding up, or it is placed in liquidation or receivership;
  - (c) the Trustee becomes mentally ill or of unsound mind;
  - (d) the Trustee is removed from office by the Principal Employer or (in the case of a Member Trustee) by the Members;
  - (e) the Trustee dies.
- (4) The Principal Employer may at any time and from time to time: