

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

F.5382
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 OTHERS**

Plaintiffs

and

**ANSETT AUSTRALIA LIMITED (Administrators Appointed) (ACN 004 209 410)
AND OTHERS**

Defendants

**FIRST AND SECOND DEFENDANTS'
SUPPLEMENTARY LIST OF DOCUMENTS**

Date of document: 13 February 2002
Filed on behalf of: the first and second defendants
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- 1 Further to the documents set out in the first and second defendants list of documents dated 4 February 2002, the first and second defendants have in their possession, custody or power, the documents enumerated in Schedule 1 falling within the following categories:
- 1.1 Deeds and resolutions constituting or amending the Ansett Australia Ground Staff Superannuation Plan.
 - 1.2 Deeds and resolutions constituting or amending the Ansett Transport Industries Limited Pilots / Management Superannuation Plan (including each of that Plan's predecessor plans).
 - 1.3 Deeds and resolutions constituting or amending the Ansett Transport Industries Limited Flight Engineers Superannuation Plan.

- 1.4 Documents comprising the employment agreement between the first defendant and the third defendant.
 - 1.5 Documents comprising the employment agreement between the first defendant and the fourth defendant.
 - 1.6 Documents comprising each of the forms of employment agreement (including any and all letters of engagement) in use by the first defendant from 1979 until 2001. (The first defendant's obligation under this paragraph is limited to the discovery of one only of each version of each such form of agreement and letter of engagement.)
 - 1.7 Forms of notice of termination of employment (whether by reason of "retrenchment", "redundancy", dismissal or otherwise) given by the first defendant to any of its employees from 1979 until 2001. (The first defendant's obligation under this paragraph is limited to the discovery of one only of each version of each such notice of termination.)
 - 1.8 Forms of notice given by the first defendant to the administrator/s of the Plans referred to in paragraph 3 of the affidavit of Nigel Antony Fish sworn on 21 December 2001 in relation to the termination of the employment of any of its employees (whether by reason of "retrenchment", "redundancy", dismissal or otherwise) from 1979 until 2001. (The first defendant's obligation under this paragraph is limited to the discovery of one only of each version of each such notice of termination.)
 - 1.9 Editions of the members' booklets for each of the Plans referred to in paragraph 3 of the affidavit of Nigel Antony Fish sworn on 21 December 2001 published from 1979 until 2001.
- 2 The first and second defendants have had, but no longer have, in their possession, custody or power, the following documents falling within the above categories:

- 2.1 Some deeds and resolutions relating to the three plans. The first and second defendants are unable to say where these documents may be now.
 - 2.2 Most of the forms of employment agreements used by Ansett between 1979 and 2001 and similarly of notices of termination in that time. Ansett has changed its computer system over time, which has meant that documents have not been retained in electronic form, and Ansett otherwise generally has not kept hard copies of these documents.
 - 2.3 Any notices given by Ansett to the Plan administrators or others from 1979 to 2001. Ansett has not retained such records.
 - 2.4 Some members booklets. Ansett has not retained copies of all booklets.
 - 2.5 The originals of the letters set out in schedule 1. The first and second defendants assume that the originals were dispatched to the addresses.
- 3 To the best of the first and second defendants' knowledge and belief, neither the first or second defendants nor their solicitors nor any other person on their behalf has now, or ever had, in their possession, custody or power, any document relating to any question in the proceeding, other than the documents enumerated in Schedule 1 of this supplementary list and the list of documents dated 4 February 2002.

SCHEDULE 1

No.	Date	Details
70	1980 onwards	Certificate of service
71	1981 – 21/07/94	Letters of offer of employment/employment terms – Pilots (10 versions)
72	18/03/1988	Copy Ansett Ground Staff Superannuation Plan Trust Deed
73	1989 – 1994	Contract of employment – Pilots (3 versions)
74	29/09/89	Copy Ansett Pilots' Superannuation Plan – Supplemental Trust Deed
75	16/07/90 – 03/08/01	Letters of offer of employment and terms of employment – Managers (7 versions)
76	31/07/90	Copy – Ansett Pilots' Superannuation Plan Supplemental Deed
77	20/01/99	Resignation letter – Pilot
78	2000 onwards	Resignation letter
79	21/12/01	Termination letter – Pilot

.....*Arnold Bloch Leibler*.....

Arnold Bloch Leibler

Solicitors for the first and second defendants

Dated: 13 February 2002

This List was filed by Messrs Arnold Bloch Leibler of 333 Collins Street, Melbourne, solicitors for the first and second defendants.