

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

F.5382

No. 2115 of 2001

B E T W E E N:

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
ANSETT AUSTRALIA PILOTS/MANAGEMENT
SUPERANNUATION PLAN PTY LTD (A.C.N. 065 590 043)
(as Trustee of the ANSETT TRANSPORT INDUSTRIES
LIMITED PILOTS/MANAGEMENT SUPERANNUATION PLAN)

Plaintiffs

- and -

ANSETT AUSTRALIA LIMITED (Subject to Deed of Company Arrangement)
(A.C.N. 004 209 410) and others (according to the schedule attached)



GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Warren

DATE MADE: 7 February 2003

ORIGINATING PROCESS: Originating Motion Between Parties

HOW OBTAINED: Trial without a jury commenced on 16 July 2002.

ATTENDANCE: Mr. D. McLean of Counsel for the Plaintiffs.
Mrs. Whelan of Counsel for the First and Secondnamed
Defendants.
Dr. I.J. Hardingham of Counsel for the Thirdnamed
Defendant.
Mr. J. Merralis of Counsel for the Fourthnamed Defendant.

OTHER MATTERS: Not applicable.

THE COURT ORDERS THAT:

1. As to paragraphs 1-14 of the Fourth Amended Originating Motion filed on 21 August 2002:

Paragraph 1

All members of the Ansett Australia Ground Staff Superannuation Plan ('Ground Staff Plan') who have been made redundant by Messrs Mentha and Korda as administrators of Ansett Australia Limited (which is now subject to a Deed of Company Arrangement) ("Ansett") since 12 September 2001 are entitled to retrenchment benefits under Rule 1.13 of the First Schedule to the Trust Deed dated 17 August 1999.

Paragraph 2

Unnecessary to answer at this stage.

Paragraph 4

Unnecessary to answer.

Paragraph 5

Unnecessary to answer at this stage.

Paragraph 7

Unnecessary to answer.

Paragraph 8

Unnecessary to answer.

Paragraph 9

Unnecessary to consider at this stage.

Paragraph 10

Unnecessary to consider at this stage.

Paragraph 11(a)

Unnecessary to answer at this stage.

Paragraph 12(a)

Ansett Australia Limited (Subject to Deed of Company Arrangement) (ACN 004 209 410) is obliged to make further contributions for Membership Groups 1 and 3 in accordance with the requirements of the Funding and Solvency Certificate dated 24 April 2002 issued by the actuary of the Ground Staff Plan ("FSC5"). It is unnecessary to answer in relation to Membership Group 2.

Paragraph 12(b)

Unnecessary to consider at this stage.

Paragraph 13

Unnecessary to answer in relation to the Ground Staff Plan. Unnecessary to answer at this stage in relation to the Ansett Australia Transport Industries Limited Pilots/Management Superannuation Plan ("Pilots/Management Plan").

Paragraph 14

In relation to the Ground Staff Plan:

- (a) The further contributions required for Membership Group 3 under FSC5 are not expenses within the meaning of Section 556(1)(a). The further contributions required for Membership Group 1 under FSC5 from Ansett are expenses within the meaning of Section 556 (1)(a). It is unnecessary to answer in relation to the contributions for Membership Group 2.



- (b) The further contributions required for Membership Groups 1 and 3 under FSC5 are not debts within the meaning of Section 556(1)(c). It is unnecessary to answer in relation to Membership Group 2.
- (c) The further contributions required for Membership Groups 1 and 3 under FSC5 are not expenses within the meaning of Section 556(1)(dd). It is unnecessary to answer in relation to Membership Group 2.
- (d) The further contributions required for Membership Groups 1 and 3 under FSC5 are not superannuation contributions within the meaning of Section 556(1)(e). It is unnecessary to answer in relation to Membership Group 2.

In relation to the Pilots/Management Plan:

- (a) – (d) Unnecessary to consider at this stage.
2. Russell Thomas Booth is appointed for the purposes of this proceeding to represent all members of the Ground Staff Plan who have been made redundant since 12 September 2001.
 3. Wayne Steven Clarke is appointed for the purposes of this proceeding to represent members of the Ground Staff Plan who were members as at 12 September 2001, and who have not subsequently been made redundant.
 4. The Plaintiffs file and serve written submissions on the question of costs within 30 days of the date of this order.
 5. The Defendants file and serve written submissions on the question of costs within 14 days of the date of receipt of the Plaintiffs' submissions.
 6. The question of costs is adjourned to a date to be fixed.
 7. There is liberty to apply.

DATE AUTHENTICATED: 24 March 2003



SRM: 24/03/03
8510
54
11299
19741

SCHEDULE OF PARTIES

F.5382

No. 2115 of 2001

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)

Firstnamed Plaintiff

ANSETT AUSTRALIA PILOTS/MANAGEMENT
SUPERANNUATION PLAN PTY LTD (A.C.N. 065 590 043)
(as Trustee of the ANSETT TRANSPORT INDUSTRIES
LIMITED PILOTS/MANAGEMENT SUPERANNUATION PLAN)

Secondnamed Plaintiff

- and -

ANSETT AUSTRALIA LIMITED
(Subject to Deed of Company Arrangement)
(A.C.N. 004 209 410)

Firstnamed Defendant

MARK FRANCIS XAVIER MENTHA and
MARK ANTHONY KORDA

Secondnamed Defendants

RUSSELL THOMAS BOOTH

Thirdnamed Defendant

WAYNE STEVEN CLARKE

Fourthnamed Defendant

