
TRANSCRIPT OF PROCEEDINGS

SUPREME COURT OF VICTORIA

CIVIL JURISDICTION

MELBOURNE

TUESDAY 4 FEBRUARY 2003

BEFORE THE HONOURABLE JUSTICE WARREN

B E T W E E N

ANSETT AUSTRALIA GROUND STAFF SUPER

Plaintiff

- and -

ANSETT AUSTRALIA LTD (ADMINISTRATOR APPOINTED) & ORS

Defendants

MR D. MACLEAN appeared on behalf of the Plaintiff

MR S. WHELAN QC, with MR B. McMAHON, appeared on behalf of
the First and Secondnamed Defendants

DR I.H. HARDINGHAM QC, with MR M.A. ROBINS, appeared on behalf
of the Thirdnamed Defendants

MR J.D. MERRALLS QC, with MR C.C. MACAULAY, appeared on behalf
of the Fourthnamed Defendants

1 MR MACLEAN: If Your Honour please, I appear for the plaintiff.

2 COUNSEL: If Your Honour pleases, I appear on behalf of the
3 first and second defendants.

4 HER HONOUR: What is the position today, Mr Maclean?

5 MR MACLEAN: The trustee circulated a draft with the final
6 orders last week. As of today there's no consensus and
7 there is some thought that if no consensus can be reached
8 by - well before Friday, I think the thinking probably is
9 that we won't be able to deal with it to Your Honour's
10 satisfaction within half an hour or so.

11 HER HONOUR: Yes. My position is at this stage I could not say
12 with certainly whether I would be able to allocate more
13 time than that. It may be that I can, but because of
14 matters in another jurisdiction over which I have no
15 control, or limited control, it may be that I'm not
16 available. I could have my Associate keep your
17 instructor informed. There may be an indication by
18 Thursday afternoon, but that would be the earliest, that
19 may be sufficient.

20 The difficulty after that is then I then go on to
21 another cycle, as it were, and I start to be in the
22 position because of another matter as to whether I'm
23 available or not. It's also difficult I daresay for you,
24 because you may not be able to indicate to me now how
25 much time you would need if there is a lack of agreement
26 between the parties.

27 MR MACLEAN: My only submission, Your Honour, is that if no
28 consensus is reached I think there will be one short
29 point. With luck, it could be done within half an hour,
30 but experience in this matter suggests that my estimates
31 would be optimistic, so one would think half an hour to

1 an hour.

2 HER HONOUR: I will adjourn the matter until Friday morning in
3 any event. Is 9.30 convenient to the parties?

4 MR MACLEAN: It is, Your Honour.

5 HER HONOUR: I cannot tell you at this stage which court it
6 will be in. This court is now generally occupied by His
7 Honour Justice Byrne and if it is his Friday directions
8 and you're going to need to more then half an hour I may
9 have to move the caravan somewhere else as it were.

10 MR MACLEAN: Yes.

11 HER HONOUR: So if the parties would check with the law list.
12 And if it transpires by say Thursday lunchtime that you
13 are in a position to say whether it will be short or
14 longer, if you or your instructor could let my Associate
15 know - - -

16 MR MACLEAN: Yes, Your Honour.

17 HER HONOUR: - - - he may then be able to give you an
18 indication as to my availability or otherwise.

19 MR MACLEAN: Yes.

20 HER HONOUR: And if nothing else happens on Friday, at the very
21 least there will be a short mention to adjourn the matter
22 to another date.

23 (At this stage the court proceeded with another matter.)

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