

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

F5628
No. 2097 of 2003

BETWEEN:

ANSETT AUSTRALIA LIMITED (subject to deed of company arrangement) (ACN 004 209 410) Plaintiff

- and -

FLIGHT CENTRE LTD (ACN 003 377 188) and others (according to the schedule attached) Defendants

AND BETWEEN:

FLIGHT CENTRE LTD (ACN 003 377 188) and others (according to the schedule attached) Plaintiffs to Counterclaim

- and -

ANSETT AUSTRALIA LIMITED (subject to deed of company arrangement) (ACN 004 209 410) Defendant to Counterclaim

GENERAL FORM OF ORDER

JUDGE: The Honourable Justice Byrne
DATE MADE: 5 November 2004
ORIGINATING PROCESS: Writ
HOW OBTAINED: On return of the order of the Honourable Justice Byrne made 1 October 2004
ATTENDANCE: Mr J.T. Vaatstra, the Solicitor for the Plaintiff.
 Mr D.J. Batt of Counsel for the Defendants.
OTHER MATTERS: Not applicable.



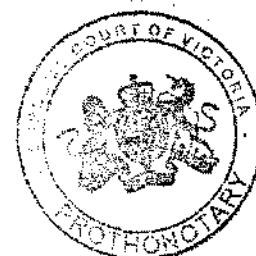
THE COURT ORDERS AND DIRECTS BY CONSENT THAT:

1. The proceeding is set down for trial and fixed for hearing on 26 May 2005 on an estimate of duration of 7 to 8 days on liability only.
2. The proceeding is referred to a Mediator to be agreed between the parties or in default of agreement to be appointed by the Court.

3. Subject to the terms of this order, the solicitor for the Plaintiff take all steps necessary to ensure that the mediation commences as soon as practicable and deliver to the Mediator a copy of all relevant pleadings and other documentation.
4. The mediation shall be attended by those persons who have the ultimate responsibility for deciding whether to settle the dispute and the terms of any settlement and the lawyers who have ultimate responsibility to advise the parties in relation to the dispute and its settlement.
5. The Mediator not later than 24 March 2005 report back to the Court whether the mediation is finished.
6. The costs of the mediation be paid in the first instance by the parties in equal shares.
7. The Plaintiff prepare a court book containing the following documents:
 - (a) the current pleadings including particulars;
 - (b) any statement of agreed facts;
 - (c) the parties' witness statements; and
 - (d) all documents, in date order, which any party expects to tender in evidence.
8. The Plaintiff's solicitor by 6 May 2005 serve on the solicitors for each other party a draft index for the proposed court book. Each of those other solicitors shall send a list of documents to be included or documents to be excluded from the proposed court book and the solicitors for all parties shall consult as to and agree upon the contents of the court book by 18 May 2005.
9. The Plaintiff by 23 May 2005 serve on each other party and file for the use of the Judge a copy of the court book. The Plaintiff shall also provide the Judge with the index to the court book on floppy disk in table format.
10. The Plaintiff's solicitors have available at the hearing a further copy of the court book for the exclusive use of witnesses during their examination.
11. Subject to any order of the trial judge, evidence in the trial be by witness statement as follows.
12. The Plaintiff by 29 April 2005 file and serve its witness statements.
13. The Defendant by 29 April 2005 file and serve its witness statements.
14. Each party have available for use by the trial Judge a copy of all its witness statements in paper form and on floppy disk.
15. The Plaintiff by 22 April 2005 file and serve a chronology of the relevant facts and events.
16. Each witness statement satisfy the following formal requirements:



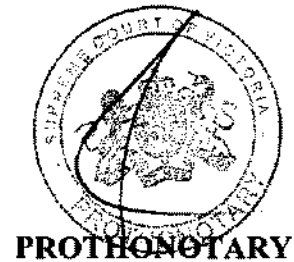
- (a) be set out in numbered paragraphs;
 - (b) as far as possible, be expressed in the witness's own words;
 - (c) contain evidence only in admissible form. For example, hearsay should be avoided;
 - (d) where the witness statement contains conversations these should, if the witness's recollection permits, be expressed in direct speech. If this is not possible, this fact should be stated and the witness's best recollection or the substance of the conversation may be set out;
 - (e) where the witness statement is settled by a practitioner that practitioner must acknowledge this fact by signing at the foot of the document;
 - (f) where the statement of the witness, if admitted in evidence, proves a document, a copy of the document may be annexed to the witness statement or the document may be identified and tendered separately whether in the court book or otherwise.
17. Any party receiving a witness statement may, not less than three working day before the witness is due to give evidence, give notice to the party proposing to call the witness stating -
- (a) whether any and what part of the witness statement is objected to as being inadmissible;
 - (b) whether the witness is required to give oral evidence as to any part of the content of the witness statement.
18. If no such notice is given the party calling the witness may take it that no part of the witness statement is objected to and that it will stand as the witness's evidence in chief if verified by the witness.
19. If the party calling the witness accepts the requirement referred to in paragraph 17(b) evidence of that part of the content of the witness statement shall be given orally.
20. The trial Judge will, before the witness is sworn, determine any unresolved issues arising out of a notice referred to in paragraph 17.
21. The trial Judge may require the witness to give oral evidence as to any part of the content of the witness statement notwithstanding that no party has required this.
22. The content of a witness statement delivered pursuant to an order of the Court is subject to the same implied undertaking as to confidentiality as applies to a document produced upon discovery.
23. A copy of the witness statement after deletion of any inadmissible passages and passages for which oral evidence is to be given shall be available at trial for use by the witness and for tender in evidence.
24. A witness when sworn and having given evidence of formal matters, shall be asked



whether the content of the witness statement is true and correct. If an affirmative answer is given, the witness will sign the witness statement as such and the document shall be marked as an exhibit.

25. The witness statement when verified will stand as the evidence in chief of the witness subject to paragraphs 19, 20 and 21. The party calling a witness may not, without leave, adduce further evidence in chief from that witness.
26. Where any witness is not willing to provide a witness statement, the party calling the witness shall, by the date fixed for the delivery of the witness statement of that witness, file and serve a statement of the substance of the evidence which the party expects that witness to give and shall be entitled to lead oral evidence in chief from that witness.
27. The plaintiff by 13 May 2005 file and serve an outline of submissions.
28. The Defendants by 20 May 2005 file and serve an outline of submissions.
29. The further hearing of the summons for directions is adjourned to 26 May 2004.
30. The costs of this application are reserved.
31. There is liberty to apply.

DATE AUTHENTICATED: **8 December 2004**



RC 7/12/04

SCHEDULE OF PARTIES

F5628
No. 2097 of 2003

BETWEEN :

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

Plaintiff

- and -

FLIGHT CENTRE LTD (ACN 003 377 188)

Firstnamed Defendant

ITG PTY LTD (ACN 003 279 534)

Secondnamed Defendant

FREQUENT FLYERS PTY LTD
(ACN 058 864 645)

Thirddnamed Defendant

AND BETWEEN:

FLIGHT CENTRE LTD (ACN 003 377 188)

Firstnamed Plaintiff to
Counterclaim

ITG PTY LTD (ACN 003 279 534)

Secondnamed Plaintiff to
Counterclaim

FREQUENT FLYERS PTY LTD
(ACN 058 864 645)

Thirddnamed Plaintiff to
Counterclaim

- and -

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

Defendant to Counterclaim

