

**IN THE FEDERAL COURT OF AUSTRALIA  
VICTORIAN DISTRICT REGISTRY**

No. VID 621 of 2005

**IN THE MATTER OF:**

**ANSETT AUSTRALIA LTD  
(ACN 004 209 410) & ORS (in accordance with  
the schedule attached) (All subject to a Deed of  
Company Arrangement)**

and


**MARK ANTHONY KORDA and MARK FRANCIS  
XAVIER MENTHA (as Deed Administrators of  
the Companies)**

Plaintiffs

**CERTIFICATE IDENTIFYING EXHIBIT**

This is the exhibit marked "AWK-8" now produced and shown to **ALEXANDER  
WILLIAM KING** at the time affirming his affidavit on 23 September 2005.

Before me: .....

  
CAROLINE ANNE GOULDEN  
ARNOLD BLOCH LEIBLER  
LEVEL 21, 333 COLLINS STREET  
MELBOURNE 3000  
A NATURAL PERSON WHO IS A CURRENT  
PRACTITIONER WITHIN THE MEANING OF  
THE LEGAL PRACTICE ACT 1998.

---

Filed on behalf of the Plaintiffs

**ARNOLD BLOCH LEIBLER**  
Lawyers and Advisers  
Level 21, 333 Collins Street  
MELBOURNE VIC 3000

Telephone: (03) 9229 9696  
Facsimile: (03) 9229 9900  
Reference: AWK:01-1349951  
(Alex King)

# ANSETT AUSTRALIA

A website for creditors and staff of the Ansett Australia Group of Companies (subject to deed of company arrangement)

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latest news

message from the administrator

asset and business sales

1 Apr, 2005

## Ansett Administrators Release Fifth Report to Creditors

The Ansett Administrators, Kordamantha, today released the Fifth Report to Creditors. Copies of the report are available at [www.kordamantha.com](http://www.kordamantha.com) and [www.ansett.com.au](http://www.ansett.com.au)

[Ansett Media Archives ... more stories](#)

Welcome to [www.ansett.com.au](http://www.ansett.com.au), previously the Ansett Australia Pty Ltd company web site and airline booking facility.

Flights operated by the Ansett Australia Group ceased from midnight on Monday 4 March, 2002. This site now provides information regarding the Ansett Australia Group administration.

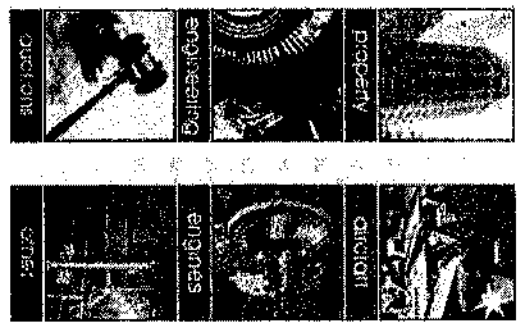
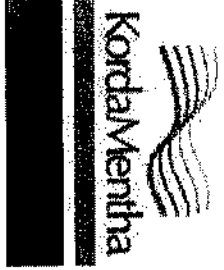
The appointed administrators (under Deed of Company Arrangement) of the Ansett Australia Group are Mark Korda and Mark Menha of 'Kordamantha' [www.kordamantha.com.au](http://www.kordamantha.com.au).

Information on this site now includes notices of forthcoming meetings, statements issued by the administrators to former employees and to media, copies of Reports to Creditors, details of the Ansett asset realisation programme and updates on the status of the administration.

The site also includes contacts phone numbers for further information, a timeline of the Ansett Group Administration since 14 September, 2001 and details of Ansett Australia's 65 year corporate history.

*Mark Korda*  
Mark Korda

*Mark Menha*  
Mark Menha



flight simulator centre



The Ansett Australia Flight Simulator Centre was sold by the Deed Administrators in October 2004.

To visit the Flight Simulator website [Click here](#)

former subsidiary airlines

#AWK-8



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### Current Application(s): **Pooling Application**

> Federal Court of Australia:  
Victorian District Registry:  
VID621/05 21 June 2005

### Previous Application(s): **Flight Centre**

> Supreme Court of Victoria,  
(Commercial and Equity  
Division, Commercial List):  
2097/03,  
4 December 2003

### Global Rewards

> Supreme Court of Victoria,  
(Commercial and Equity  
Division, Commercial List):  
2073/02(f5476),  
17 September 2002

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mirror site

## Ansett Administration Website

For employee queries, call the Employee Hotline on 1800 151 604, or email [employeehotline@ansett.com.au](mailto:employeehotline@ansett.com.au)


### Court Applications


This site provides notification of pending and completed applications to the Federal Court of Australia made by Mark Francis Xavier Mentha and Mark Anthony Korda (as Administrators of the Ansett Group).

### Pooling Application

The Administrators have issued an application in connection with the proposed "pooling" of the Ansett Group of companies and entities. [Click here](#) for more details and copies of the relevant Court documents.

### Fifth Report to Creditors

 For a copy of the Fifth Report to Creditors, dated 31 March 2005, [click here](#).

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The Joint Deed Administrators ("Administrators") of the Ansett Group of Companies (all subject to deeds of company arrangement) have issued an application in the Federal Court of Australia in connection with the proposed "pooling" of the Ansett Group of companies and entities ("Application").

"Pooling" means the combining of all of the assets and liabilities of all of the Ansett Group companies and entities (including the Skywest and Aeropelican entities) into one Ansett Group company (namely, Ansett Australia Limited (subject to deed of company arrangement) ("AAL")). If the Ansett Group is "pooled" into AAL the Administrators intend to pay distributions to creditors from that "pool" of assets and liabilities. The Administrators intend to pay those distributions in accordance with the priority regime set out in the AAL deed of company arrangement.

► Arnold Bloch Leibler  
mirror site

In the Application the Administrators will seek, among other things, orders or directions from the Federal Court which will allow them to vote in favour of "pooling" at meetings of Ansett Group creditors which they intend to hold in November this year. The Administrators' reasons for seeking those orders or directions, and the reasons why they intend to vote in favour of "pooling" at the proposed Ansett Group creditor meetings, are set out in an affidavit of Mark Korda sworn 12 September 2005 in the Application ("Affidavit"). The Application, the Affidavit and all other relevant Court documents in relation to the Application are available on this website (below).

In the Administrators' opinion, certain Ansett Group creditors (including Aeropelican and Skywest creditors) may be adversely affected if the assets and liabilities of the Ansett Group are "pooled" into AAL. In this regard see paragraphs 198 to 211 of the Affidavit, which set out:

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The Application is presently listed for hearing by the Federal Court at **10.15am on Monday, 10 October 2005**. There will be a "directions" hearing, prior to the hearing of the Application, at **10.15am on Monday, 26 September 2005**. (Those dates may change. If they do, full details will be posted on this website.)


If after reading the Affidavit you would like to participate in the Application, either to support or oppose it, please either telephone Sebastian Hams at KordaMentha on (03) 8623 3333 or

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Applications

Federal Court of Australia: Victorian District Registry: VID621 of 2005, 21 June 2005

 Application, dated 21 June 2005


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## First Korda Affidavit


 First Affidavit of Mark Anthony Korda, sworn 21 June 2005


### Exhibits to First Korda Affidavit


 Exhibit MAK 1 - Historical Company Extracts of Plaintiff Companies (pages 1-100)


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 Exhibit MAK 3 - Copy MOU, dated 3 October 2001
























 Exhibit MAK 4 - Copy SEESA Deed, dated 14 December 2001

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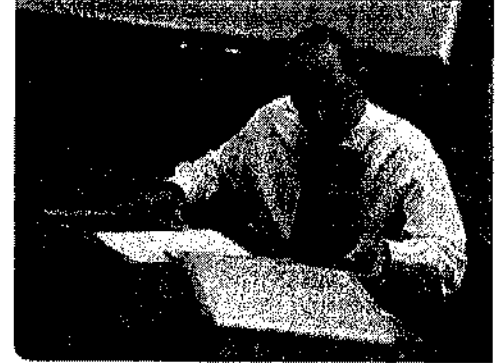
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Creditor Information search, enter Keyword or Company Name:

Date	Appointment
20 Jul, 2005	Phonevision Australia Pty Ltd (Administrators Appointed)
06 Jul, 2005	The Peridon Scheme
04 Jun, 2005	Norfolk Jet Express Pty Ltd (In Liquidation).
01 Feb, 2005	Walter Construction Group Limited (Administrators Appointed)
29 Oct, 2004	Spyglass Management Group (Subject to Deed of Company Arrangement)
24 Sep, 2004	Adcarr Pty Ltd (In Liquidation)
22 Jul, 2004	Dominion Wines Ltd (Subject to Deed of Company Arrangement)
28 Jun, 2004	Iezzi Constructions Pty Ltd (In Liquidation)

Creditors of the Ansett Group of Companies can → [Click here to transfer to the Ansett web-site.](#)



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# Arnold Bloch Leibler

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**Ansett Administration**  
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- the Administrators' best estimates, based on certain assumptions, of the extent of those adverse effects.

The Application is presently listed for hearing by the Federal Court at **10.15am on Monday, 10 October 2005**. There will be a "directions" hearing, prior to the hearing of the Application, at **10.15am on Monday, 26 September 2005**. (Those dates may change. If they do, full details will be posted on this website.)

If after reading the Affidavit you would like to participate in the Application, either to support or oppose it, please either telephone Sebastian Hams at KordaMentha on (03) 8623 3333 or


send an email or a letter to KordaMentha to:

- ✉ [shams@kordamentha.com](mailto:shams@kordamentha.com); or

- 24/333 Collins Street, Melbourne, Victoria 3000 (att: Sebastian Hams).

Applications

Federal Court of Australia: Victorian District Registry: VID621 of 2005, 21 June 2005

 Application, dated 21 June 2005


### Orders

Orders - 30 August 2005


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### First Korda Affidavit


 First Affidavit of Mark Anthony Korda, sworn 21 June 2005


### Exhibits to First Korda Affidavit


 Exhibit MAK 1 - Historical Company Extracts of Plaintiff Companies (pages 1-100)


 Exhibit MAK 1 - (pages 101-200)

 Exhibit MAK 1 - (pages 201-300)

 Exhibit MAK 1 - (pages 301-400)

 Exhibit MAK 1 - (pages 401-500)

 Exhibit MAK 1 - (pages 501-600)

 Exhibit MAK 1 - (pages 601-617)

*Note: Exhibit MAK 1 is a very large (15MB) file. It has been broken into smaller parts for easier access. The complete 15MB file is available immediately below.*

 Exhibit MAK 1 - Historical Company Extracts of Plaintiff Companies (pages 1-617) **15MB**



 Exhibit MAK 2 - Copy Deed of Company Arrangement executed by Ansett Australia Holdings Ltd("AAHL", dated 2 May 2002

 Exhibit MAK 3 - Copy MOU, dated 3 October 2001
























 Exhibit MAK 4 - Copy SEESA Deed, dated 14 December 2001

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### Second Korda Affidavit


 Second Affidavit of Mark Anthony Korda, sworn 12 September 2005


### Exhibits to Second Korda Affidavit

-  Exhibit MAK 5 - AAE Pooling Compromise Deed
  -  Exhibit MAK 6 - Court's final orders, Justice Goldberg's reasons for judgment and corrigenda in the MOU Application
  -  Exhibit MAK 7 - Court's final orders, and Justice Goldberg's reasons for judgment in the SEESA Application
  -  Exhibit MAK 8 - Second Meeting resolutions and results of poll
  -  Exhibit MAK 9 - First Report to Creditors  
*Note: this document is 4.4MB.*
  -  Exhibit MAK 10 - Second Report to Creditors
- [Top↑](#)
-  Exhibit MAK 11 - Third Report to Creditors
  -  Exhibit MAK 12 - Fourth Report to Creditors
  -  Exhibit MAK 13 - Fifth Report to Creditors
  -  Exhibit MAK 14 - The Ansett Group Entities
  -  Exhibit MAK 15 - Intranet memorandum dated 10 August 2000
  -  Exhibit MAK 16 - Extract of Kendell loan account with AAL for January 2001 to July 2001
  -  Exhibit MAK 17 - Extract from May 2000 edition of "Panorama"
  -  Exhibit MAK 18 - AAL trade-marks
  -  Exhibit MAK 19 - Extract of July-August 2000 edition of "Flight Safety Australia"
  -  Exhibit MAK 20 - Except from AAL Asset Register
- [Top↑](#)
-  Exhibit MAK 21 - Numbered bundle of documents relating to Head Office, 501 Swanston Dstreet and Other Ansett Melbourne CBD Properties matters  
*Note: this document is 5MB.*
  -  Exhibit MAK 22 - Schedule of inter-company loan balances
  -  Exhibit MAK 23 - Numbered bundle of documents relating to Head Office Proceeds  
*Note: this document is 5.6MB.*
  -  Exhibit MAK 24 - Class A Cross-Guarantee and Revocation Deeds
  -  Exhibit MAK 25 - Class B Cross-Guarantee, Revocation Deeds and Assumption Deed
  -  Exhibit MAK 26 - Class C Cross-Guarantee
  -  Exhibit MAK 27 - Affidavit of Mark Francis Xavier Mentha


sworn 8 October 2001 (excluding exhibits)


 Exhibit MAK 28 - Affidavit of Mark Francis Xavier Mentha sworn 10 October 2001 (excluding exhibits)


 Exhibit MAK 29 - Affidavit of the Hazelton Group Administrator sworn 22 October 2001 (excluding exhibits)


 Exhibit MAK 30 - Affidavit of Mark Anthony Korda sworn 1 November 2001 (excluding exhibits)


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 Exhibit MAK 31 - Affidavit of Leon Zwier sworn 20 September 2002 (excluding exhibits)

 Exhibit MAK 32 - Affidavit of Mark Anthony Korda sworn 26 September 2002 (excluding exhibits)

 Exhibit MAK 33 - Affidavit of Bradley Fowler sworn 13 March 2003 (excluding exhibits)

 Exhibit MAK 34 - Hazelton Deed of Settlement

 Exhibit MAK 35 - Ansett written contentions dated 5 May 2003 in the Allocation Applications

 Exhibit MAK 36 - Further Hazelton Terms of Settlement




 Exhibit MAK 37 - Court's orders in the Hazelton Allocation Application


 Exhibit MAK 38 - Affidavit of Mark Anthony Korda sworn 3 December 2001(excluding exhibits)

 Exhibit MAK 39 - Loan Deed

 Exhibit MAK 40 - AAL DOCA Variation Application terms of settlement

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 Exhibit MAK 41 - AAL DOCA Variation Orders and Justice Goldeberg's reasons for judgment

 Exhibit MAK 42 - Skywest/Aeropelican reports to creditors dated 15 January 2002






 Exhibit MAK 43 - Skywest/Aeropelican DOCAs


 Exhibit MAK 44 - Skywest Sale Agreement


 Exhibit MAK 45 - Aeropelican Sale Agreement and Variation Documents


 Exhibit MAK 46 - Skywest Transfer Agreement and the Westsky Trust Deed

 Exhibit MAK 47 - Aeropelican Transfer Agreement and the Pelican Trust Deed

 Exhibit MAK 48 - Abbreviated Notice Application

 Exhibit MAK 49 - Affidavit Of Leon Zwier sworn 27 December 2001


 Exhibit MAK 50 - Affidavit Of Leon Zwier sworn 3 January 2002


 Exhibit MAK 51 - Final orders of the Court and Justice Goldberg's reasons for judgment in the Abbreviated Notice Application


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#### Transcripts of Proceedings

 Transcript - 23 June 2005

 Transcript - 19 July 2005

 Transcript - 16 August 2005

 Transcript - 30 August 2005

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