

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
CORPORATIONS LIST

S CI 2015

IN THE MATTER OF BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

BETWEEN

ANTHONY GREGORY MCGRATH, JOSEPH DAVID HAYES, MATTHEW WAYNE CADDY AND ROBERT MICHAEL KIRMAN AS RECEIVERS AND MANAGERS OF BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

First Plaintiffs

BANKSIA SECURITIES LIMITED (IN LIQUIDATION) (RECEIVERS AND MANAGERS APPOINTED) ABN 45 004 736 458

Second Plaintiff

AFFIDAVIT OF JOSEPH DAVID HAYES "JH-7"

Date sworn: 16 December 2015
Filed on behalf of: The Plaintiffs
Prepared by:
Ashurst Australia
Level 26
181 William Street
MELBOURNE VIC 3000

Solicitor's Code: 53
DX: 388
Tel: (03) 9679 3000
Fax: (03) 9679 3111
Ref: 03 3000 9288
Attention: Ross McClymont
Email: ross.mcclymont@ashurst.com

This is the exhibit marked "JH-7" now produced and shown to Joseph David Hayes at the time of swearing his affidavit on 16 December 2015.


Exhibit "JH-7"

Request from BSL's board to Trust Co for
appointment of Controller dated 25 October 2012

Allens
101 Collins Street
Melbourne VIC 3000 Australia

GPO Box 1776
Melbourne VIC 3001 Australia
DX 30999 Melbourne

T +61 3 9614 1011
F +61 3 9614 4661
www.allens.com.au

ABN 47 702 595 758

Allens > < Linklaters

25 October 2012

Ross McClymont
Partner
Ashurst Australia
Level 26
181 William Street
Melbourne VIC 3000

By Email

Meredith Bennett
Senior Associate
Ashurst Australia
Level 26
181 William Street
Melbourne VIC 3000

By Email

Dear Mr McClymont

**Banksia Securities Limited - The Trust Company
(Nominees) Limited as trustee for debenture holders**

We confirm that we act on behalf of Banksia Securities Limited.

Defined terms in this letter have the same meaning as in the Trust Deed for First Ranking Debenture Stock dated 12 December 1994 (as amended) (the *Trust Deed*).

We are instructed that the Directors of the Company request the Trustee to appoint a Controller over the Mortgaged Property as contemplated by clause 12.01(o) of the Trust Deed.

In making that request, the Directors have asked that we convey their request that the Trustee consider PPB Advisory as a suitable firm to be appointed as Controller.

We confirm that we have instructions to accept service on behalf of the Company of any notice that may be given by the Trustee pursuant to clause 12.01 of the Trust Deed consequent upon the Trustee's receipt of this request.

Yours sincerely


Clint Hinch
Partner
Allens
Clint.Hinch@allens.com.au
T +61 3 9613 8924

Matthew Whittle
Partner
Allens
Matthew.Whittle@allens.com.au
T +61 3 9613 8561

Our Ref 120304623:120304623
Your Ref RWMMBE\03 3000 9145
mkwm A0123091879v2 120304623 25.10.2012