

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-36"

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

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Attention: Ross McClymont
Email: ross.mcclymont@ashurst.com

This is the exhibit marked "JH-36" now produced and shown to Joseph David Hayes at the time of swearing his affidavit on 16 December 2015.

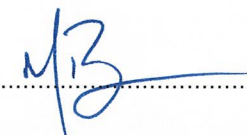


Exhibit "JH-36"

Email from Mark Elliott to Joseph Hayes dated

11 January 2014

Telfer, Nicole 3514

From: Mark Elliott <elliott@eastmelbourne.net>
Sent: Saturday, 11 January 2014 9:24 AM
To: Joe Hayes; c_m_hayes@bigpond.com; cesymon@westvic.com.au; lcogger@coggergurry.com.au; bandhlloyd@bigpond.com; goodidea@anson.com.au; ramsden1@inet.net.au; donandlzmckenzie@bigpond.com; susanpitman@ymail.com; robjlea@bigpond.com; robjlea789@gmail.com
Cc: Tony McGrath; Kathy Sozou; Matthew Caddy; Mark O'Reilly; elliott@eastmelbourne.net
Subject: RE: Banksia: Trustee Remuneration

Joe

Thanks for the further material



do not support your attached proposal to pay Trustco the requested remuneration.

I still consider the calculations to be incomprehensible and again request the provision of a table of hours spent x hourly rate x each person involved.

It is appropriate in circumstances like this that the Supreme Court of Victoria be asked to approve any payment proposed to be made to Trustco especially when it is being made by you to a fiduciary/appointor .

In due course, a demand for repayment of any payment made by you to Trustco since your appointment, will be added to the claims made by Mr Bolitho in the class action proceedings.

Kind Regards

Mark Elliott
03 96055902
0438012438
elliott@eastmelbourne.net

