

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-44"

Date sworn: 16 December 2015
Filed on behalf of: The Plaintiffs
Prepared by:
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Attention: Ross McClymont
Email: ross.mcclymont@ashurst.com

This is the exhibit marked "JH-44" now produced and shown to Joseph David Hayes at the time of swearing his affidavit on 16 December 2015.


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Exhibit "JH-44"

Email from Laurie Cogger to Joseph Hayes dated
17 February 2014

From: Laurie Cogger [mailto:LCogger@CoggerGurry.com.au]
Sent: Monday, 17 February 2014 8:50 AM
To: Tony McGrath; Joe Hayes
Cc: Bruce Lloyd; Chris Hayes; Donald McKenzie; Douglas Crow; Mark Elliott; Ms Symon; Rob Lea; Rob Lea; Russ Goodear; Susan Pitman
Subject: FW: Banksia: Trustee Fees: Further Submission

Good Morning Tony and Joe

Re: Trustees Fee Submission

Refer to previous correspondence in relation to the above and more specifically your email (and attachments) of 10 February 2014.

This response is on behalf of the Debenture Holder Committee.

It should be noted that the Committee is very much aware of its role and associated responsibilities in representing the interest of the 16,000 Plus investors in Banksia.

With that in mind and following due consideration of all information provided, including recognition of the Receivers efforts in negotiating the amended fee submission, it is the unanimous view of the active members of the Committee that the amended fee submission from Trustco should not be accepted.

It is the Committee's view that the Receiver should not make any payments to Trustco unless directed to do so by the Courts.

As the Committee is quite firm in their view, I do not believe a meeting to specifically address this matter would be warranted.

Please do not hesitate to contact me should you wish to discuss any aspect of this matter further.

Regards

Laurie Cogger