

**IN THE FEDERAL COURT OF AUSTRALIA  
VICTORIA DISTRICT REGISTRY  
GENERAL DIVISION**

**No. VID 541 of 2009**

**IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)  
ACN: 092 311 469**

**AND**

**IN THE MATTER OF TIMBERCORP LIMITED (IN LIQUIDATION)  
ACN: 055 185 067**

**TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)  
AND OTHERS**

**PLAINTIFFS**

**and**

**WA CHIP & PULP CO PTY LTD  
AND OTHERS**

**DEFENDANTS**

**AFFIDAVIT OF KENT ROCHESTER**

I Kent Rochester of 14 Aurora Rise, Albany, in the State of Western Australia farmer say on oath that:-

1. I am the Fifteenth Defendant. I am authorised by my wife, the Sixteenth Defendant, to make this Affidavit on her behalf. (References hereafter to "we" are references to both of us)
2. Save where otherwise appears, the contents of this Affidavit are true to my own knowledge. Where a fact is true to the best of my information and belief, that is stated, and the source of the information and belief is identified in the text.

**Our Sub-Leases**

3. We sub-lease a total of 532.5 hectares of land under three Subleases to Timbercorp Securities Ltd and Timbercorp Eucalypts Ltd respectively (collectively "Timbercorp"), upon which are planted Blue Gum Plantations ("the Sub-Leases").
4. The Sub-Leases are registered at Landgate under:

- 4.1 Crown Lease 1081/1962 Perpetual Lease P1210 being described as those parts as are hatched on Plan 1 and 2 annexed hereto of Plantagenet Location 5962;
  - 4.2 sub-lease number 1144452 being described as those parts of Lot 5962 on Deposited Plan 206218 as are delineated and marked A on the plan annexed volume LR3082 folio 369; and
  - 4.3 sub-lease number 1144452 being described as those parts of Lot 5962 on Deposited Plan 206218 as are Stippled on the plan annexed.
5. The annual rent currently reserved by the Sub-Leases is a total of \$143,469.16 of which \$35,867 is payable quarterly. The rent reserved by our Sub-Leases which was due and payable on 30 June 2009 has not been paid.

**The Rent as a proportion of our income**

6. The rent represents approximately 50% of the total income of myself, my wife and associated entities, from all sources.
7. I am disabled. I am confined to a wheelchair. I am not able to perform hard physical work about the farm. This is the reason that firstly we bought the land leased to Timbercorp for Blue Gum Plantations, and secondly why the income from those Plantations is such a large proportion of our annual farming and personal income.


**Outgoings we must discharge in respect of the leased land.**

8. The rates on the Blue Gum Plantation (leased areas) are approximately \$1,000 per annum.
9. If Timbercorp cannot honour its obligations under the terms of the Sub-Leases we will incur significant costs in the management and maintenance of the Plantations.
10. The Shire of Plantagenet, requires fire breaks to be put in to all forestry land each year and that each must be no less than 15 meters wide. I estimate the cost of putting in the fire breaks this year as approximately \$2,500. I am able to make this estimate as a consequence of my experience of farming over the years.
11. In addition to the above outgoings we propose to spray the Plantation firebreaks for weeds. This is normally done in August or September, and is normally regarded as essential to maintain the conditions of the Plantations or any form of agricultural land.

SWORN by Kent Rochester )  
at Albany in the State of Western )  
Australia on the 31<sup>st</sup> )  
day of July 2009 )



Before me:

 JP 9544  
\_\_\_\_\_  
Justice of the Peace

Brett McNicol Cameron  
1 Harbour Road  
Albany 6330