

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL AND EQUITY DIVISION  
COMMERCIAL COURT

S CI 2011

**IN THE MATTER OF TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION) (ACN 092 311 469) AND TIMBERCORP LIMITED (IN LIQUIDATION) (ACN 055 185 067)**

**TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)  
(ACN 092 311 469) IN ITS CAPACITY AS RESPONSIBLE  
ENTITY OF THE MANAGED INVESTMENT  
SCHEME LISTED IN SCHEDULE 1 AND ORS  
ACCORDING TO THE SCHEDULE**

First Plaintiff

**CERTIFICATE IDENTIFYING EXHIBIT**

Date of document: 17 February 2011  
Filed on behalf of: the Plaintiffs

Prepared by:

**ARNOLD BLOCH LEIBLER**

Lawyers and Advisers

Level 21

333 Collins Street

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Ref: 011551197

(Bridget Slocum - bslocum@ab.com.au)

This is the exhibit marked "MAK-6" now produced and shown to **MARK ANTHONY KORDA** at the time of swearing his affidavit on 17 February 2011.

**MEAGAN LOUISE GROSE**

Arnold Bloch Leibler

Level 21, 333 Collins Street

Melbourne 3000

An Australian Legal Practitioner within the  
meaning of the Legal Profession Act 2004

Before me: 

**Exhibit "MAK-6"**

**Points of Defence to Cross-Claim dated 12 October  
2010 filed in Supreme Court Proceeding SCI 2009  
4280**

Filed on behalf of the Plaintiffs

**ARNOLD BLOCH LEIBLER**

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(Bridget Slocum)

**IN THE SUPREME COURT OF VICTORIA  
AT MELBOURNE  
COMMERCIAL AND EQUITY DIVISION**

SCI 2010 4280

**BETWEEN**

**TIMBERCORP LIMITED (IN LIQUIDATION)  
(ACN 055 185 067) AND ANOR ACCORDING TO THE SCHEDULE**

Plaintiffs

and

**MACQUARIE BANK LIMITED  
(ACN 008 583 542) AND ORS ACCORDING TO THE SCHEDULE**

Defendants

**AND BETWEEN**

**MACQUARIE BANK LIMITED  
(ACN 008 583 542)**

Cross-Claimant

and

**TIMBERCORP LIMITED (IN LIQUIDATION)  
(ACN 055 185 067) AND ORS ACCORDING TO THE SCHEDULE**

Cross-Defendants

**POINTS OF DEFENCE TO CROSS-CLAIM**

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Date of document: 12 October 2010

Filed on behalf of: the Plaintiffs / First and Second Cross-Defendants

Prepared by:

**ARNOLD BLOCH LEIBLER**

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Ref: 01-1551197

(Leon Zwier; Bridget Slocum: bslocum@abl.com.au)

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To the Points of Cross-Claim of the First Defendant / First Cross-Claimant dated 28 September 2010, the Plaintiffs / First and Second Cross-Defendants say:

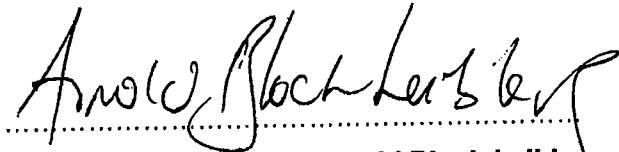
1 They admit paragraph 16.

- 2 They admit paragraph 17.
- 3 They refer to and repeat paragraph 8 of the Plaintiffs' Points of Claim dated 7 September 2010 (**Points of Claim**), and otherwise do not admit paragraph 18.
- 4 They refer to and repeat paragraph 8 of the Points of Claim, and otherwise do not admit paragraph 19 and will refer to the full terms of the Premium Funding Agreement at trial.
- 5 They refer to and repeat paragraph 9 of the Points of Claim, and otherwise do not admit paragraph 20.
- 6 They refer to and repeat paragraph 9(a) of the Points of Claim, and otherwise deny all the allegations in paragraph 21.
- 7 They do not admit paragraph 22.
- 8 They do not admit paragraph 23.
- 9 They do not admit paragraph 24.
- 10 They do not admit paragraph 25.
- 11 They do not admit paragraph 26.
- 12 They refer to and repeat paragraph 9 of the Points of Claim, and otherwise do not admit paragraph 27.
- 13 They refer to and repeat paragraph 9(a) of the Points of Claim, and otherwise deny all the allegations in paragraph 28.
- 14 They refer to and repeat paragraphs 4 and 9(b) of the Points of Claim, and otherwise do not admit paragraph 29.
- 15 They refer to and repeat paragraph 12 of the Points of Claim, and otherwise admit paragraph 30.
- 16 They refer to and repeat paragraph 13 of the Points of Claim, and otherwise admit paragraph 31.
- 17 They do not admit paragraph 32.

- 18 They refer to paragraph 14 of the Points of Claim, and otherwise deny all the allegations in paragraph 33.

DATE 12 October 2010

O BIGOS

A handwritten signature in black ink, reading "Arnold Bloch Leibler", written over a horizontal dotted line.

**Arnold Bloch Leibler**

Solicitors for the Plaintiffs /  
First and Second Cross-Defendants

**SCHEDULE OF PARTIES**

**TIMBERCORP LIMITED (IN LIQUIDATION)  
(ACN 055 185 067)**

First Plaintiff / First Cross-Defendant

**TIMBERCORP SECURITIES LIMITED (IN LIQUIDATION)  
(ACN 092 311 469) IN ITS CAPACITY AS RESPONSIBLE ENTITY  
OF THE 1999 TIMBERCORP EUCALYPTS PROJECT (ARSN 085 827 872)**

Second Plaintiff / Second Cross-Defendant

and

**MACQUARIE BANK LIMITED (ACN 008 583 542)**

First Defendant / Cross-Claimant

**BOSI SECURITY SERVICES LIMITED (ACN 009 413 852) as trustee for  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (ACN 005 357 522) and  
BOS INTERNATIONAL (AUSTRALIA) LIMITED (ACN 066 601 250) and WESTPAC  
BANKING CORPORATION (ACN 007 457 141)**

Second Defendant / Third Cross-Defendant

**ALLIANZ AUSTRALIA INSURANCE LIMITED (ACN 000 122 850)**

Third Defendant / Fourth Cross-Defendant