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

LIST B  
S CI 2013 01478

BETWEEN

**THE TRUST COMPANY (NOMINEES) LIMITED (ACN 000 154 441)**

Plaintiff

and

**MICHAEL FUNG IN HIS CAPACITY AS RECEIVER AND MANAGER OF ALIGN FUNDS  
MANAGEMENT LIMITED (RECEIVER AND MANAGER APPOINTED) (ACN 105 684 231)  
IN ITS CAPACITY AS THE RESPONSIBLE ENTITY OF THE TIMBERCORP ORCHARD  
TRUST AND ORS ACCORDING TO THE SCHEDULE ATTACHED**

Defendants

### CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 27 March 2014  
Filed on behalf of: Timbercorp Securities Ltd (in liquidation) (ACN 092 311 469)

Prepared by:  
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This is the exhibit marked "**LKC-2**" now produced and shown to **LEANNE KYLIE CHESSER**  
at the time of swearing her affidavit on 27 March 2014.

Before me:



**XIU JING CHANG**  
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An Australian Legal Practitioner within the  
meaning of the Legal Profession Act 2004

**Exhibit "LKC-2"**  
**Agreed Protocol**

# **Timbercorp Horticultural Assets Settlement**

## **Protocols for Operators**

These protocols are to be followed upon receiving a question by telephone or email from growers in relation to the compromises reached in the Timbercorp Horticultural Asset Settlement proceedings listed below:

- S CI 2013 01477 Bella Vista Rights Proceeding; and
- S CI 2013 01478 Kangara Rights Proceeding.

### **1. Recording calls and emails received**

#### **(a) Calls**

On receipt of a call an operator should record the time and date of the call in the spreadsheet.

The operator should request the following details from the caller to be recorded:

- (i) name; and
- (ii) scheme to which the caller is a member (the caller may not know).

The operator should then allow the caller to ask their question or make their objection to the relevant compromise.

If the caller:

- (i) asks a question and the operator can answer the question (in accordance with section 2), the question and answer or information provided by the operator should be recorded in the spreadsheet;
- (ii) asks a question and the operator cannot answer the question in accordance with section 2, the general nature of the question should be recorded in the spreadsheet and marked for escalation to M+K Lawyers; or
- (iii) makes an objection, the general nature of the objection should be recorded in the spreadsheet and marked for escalation to M+K Lawyers.

#### **(b) Emails**

On receipt of an email an operator should record the following information in the spreadsheet:

- (i) the time and date of the email;
- (ii) name of the person emailing;
- (iii) scheme to which the person is a member (this information may not be provided);
- (iv) any questions asked and the answers or information provided; and
- (v) any objection to the compromise.

## **2. Answering questions**

### **(a) How to respond**

Questions received by call are to be responded to immediately in the call.

Questions received by email are to be answered by return email as promptly as possible.

When answering questions the operator should refer to the frequently asked questions (FAQs) or information on the Timbercorp database.

If the person is not satisfied with the answer given by the operator or the operator is unable to answer the question based on the information in the FAQs or the Timbercorp database, the question is to be forwarded to M+K Lawyers.

The operator should tell the person calling or in return email that:

- (i) their question will be referred to M+K Lawyers for further consideration; and
- (ii) the person should expect a direct response to their question by M+K Lawyers as promptly as possible.

### **(b) Information to be provided**

Operators should not go beyond the scope of the FAQs or the Timbercorp database information when answering questions.

If an operator is unsure of the answer to a question or if the scope of the question goes beyond the information to be provided to growers by operators, the question is to be forwarded to M+K Lawyers for further consideration.

## **3. Responding to objections**

Operators should respond to callers and emails with the following information:

- (a) the objection has been recorded; and
- (b) M+K Lawyers will be notified of the grower's objection.

## **4. Referring questions to M+K Lawyers**

The spreadsheets recording all calls and emails received from growers will be forwarded to M+K Lawyers on a weekly basis.

The spreadsheets will contain the text of all emails received and the responses to those emails.

Operators must clearly mark on the spreadsheets the questions that are being referred to M+K Lawyers for further consideration and answer.