

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

IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS

No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)

AFFIDAVIT OF CLINTON CHARLES HINCHEN

---

Date of document: 3 October 2012

Filed on behalf of: Australia and New Zealand Banking Group Limited

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref CCHM:120039226  
([Clint.Hinchen@allens.com.au](mailto:Clint.Hinchen@allens.com.au))

---

I, **CLINTON CHARLES HINCHEN** of Allens, 101 Collins Street, Melbourne, in the State of Victoria,  
Lawyer, SAY ON OATH that:

1. I am a solicitor and a partner in the firm Allens. I have the care and conduct of the Almond Land Rights Appeal Proceeding, the Liparoo and Yungera Rights Proceeding and the Solara Rights Proceeding on behalf of Australia and New Zealand Banking Group Limited (**ANZ**). I am authorised to make this affidavit on behalf of ANZ.
2. Except where otherwise indicated, I make this affidavit from my own knowledge. Where I depose to matters from information or belief, I believe those matters to be true.
3. Except where otherwise stated, defined terms used in this have affidavit have the meaning ascribed to them in my affidavit sworn on 19 September 2012 in the Liparoo and Yungera Rights Proceeding (*my 19 September 2012 Liparoo and Yungera affidavit*)



4. In paragraphs 104 to 110 of my 19 September 2012 Liparoo and Yungera affidavit, I deposed to the communications, over the period 26 July 2012 and the date of that affidavit, between my firm and ASIC in relation to the Deeds of Compromise.
5. I set out below the communications between my firm and ASIC, and between other interested parties and ASIC of which I am aware, since the date of my 19 September 2012 Liparoo and Yungera affidavit.
6. I refer to a letter from my firm to ASIC dated 24 September 2012 on behalf, and with the authority, of each of the parties to the Liparoo and Yungera Rights Proceeding and the Solara Rights Proceeding, and also on behalf of the liquidators of TSL. I am informed by Shae Roberts of my firm, and believe, that that letter (together with its enclosures) was delivered by hand to ASIC during the afternoon of 24 September 2012. That letter (among other things):
  - (a) confirmed that a number of affidavits were filed and served on 19 and 20 September 2012 on behalf of various parties in respect of the Approval Applications for the Liparoo and Yungera Rights Proceeding and the Solara Rights Proceeding; and
  - (b) enclosed copies of each such affidavit for ASIC's information.

Now produced and shown to me and marked "**Exhibit CCH-1**" is a true copy of my firm's letter to ASIC dated 24 September 2012 (without enclosures).

7. On 24 September 2012, at 2.53pm, I received a copy of an email from Meagan Grose of Arnold Bloch Leibler on behalf of the liquidators of TSL to Jonathan Joseph of my firm and Chris Fenwick of Ashurst on behalf of BOSI. That email stated that Arnold Bloch Leibler sent to ASIC that afternoon "*the affidavits*" filed in Supreme Court of Victoria proceeding number No. S CI 2011 6777 (the Fenceport Rights Proceeding). The affidavits Ms Grose's email was referring to as having been sent to ASIC were identified in the copy of Arnold Bloch Leibler's letter to ASIC dated 24 September 2012 attached to Ms Grose's email.



Now produced and shown to me and marked "**Exhibit CCH-2**" is a true copy of Ms Grose's email dated 24 September 2012 together with the attached letter from Arnold Bloch Leibler to ASIC dated 24 September 2012.

8. On 24 September 2012, at 6.27pm, I received a copy of an email from Michael Murray of Ashurst on behalf of BOSI to Corinne MacKenzie on behalf of ASIC. That email attached a letter from Ashurst to ASIC dated 24 September 2012. That letter:

- (a) stated that a number of affidavits were filed and served on 18, 19 and 20 September 2012 on behalf of various parties in respect of the Approval Applications for Supreme Court of Victoria proceeding numbers S CI 2010 1354 (the ***BB Olives Rights Proceeding***) and S APCI 2011 0103 (the ***Almond Land Rights Appeal Proceeding***); and
- (b) stated that copies of each such affidavit were enclosed for ASIC's information.

Now produced and shown to me and marked "**Exhibit CCH-3**" is a true copy of Mr Murray's email to ASIC dated 24 September 2012 together with the attached letter from Ashurst to ASIC dated 24 September 2012.

9. On 25 September 2012, I received a copy of an email from Ms MacKenzie of ASIC to Jonathan Joseph of my firm. In that email, Ms MacKenzie (among other things) confirmed that ASIC had received the hard copy enclosures to my firm's letter to ASIC dated 24 September 2012. Now produced and shown to me and marked "**Exhibit CCH-4**" is a true copy of Ms MacKenzie's email to Mr Joseph dated 25 September 2012.
10. Also on 25 September 2012, I received a copy of an email from Ms MacKenzie of ASIC to Michael Murray of Ashurst. In that email, Ms MacKenzie (among other things):
- (a) confirmed that ASIC had received the hard copy enclosures to Ashurst's letter dated 24 September 2012;



- (b) noted that provision of hard copies of all information being relied upon in the Timbercorp Apportionment Proceedings would be a resource intensive exercise; and
- (c) accordingly, noted ASIC's request that, in future, a short summary update of the relevant status of the proceedings be provided.

Now produced and shown to me and marked "**Exhibit CCH-5**" is a true copy of Ms MacKenzie's email to Mr Murray dated 25 September 2012.

11. Also on 25 September 2012, Jonathan Joseph of my firm forwarded to me a second email sent to him that day by Ms MacKenzie of ASIC. That email:

- (a) noted that provision of hard copies of all information being relied upon in the Timbercorp Apportionment Proceedings would be a resource intensive exercise; and
- (b) accordingly, noted ASIC's request that, in future, a short summary update of the relevant status of the proceedings be provided.

Now produced and shown to me and marked "**Exhibit CCH-6**" is a true copy of Ms MacKenzie's email to Mr Joseph dated 25 September 2012 as forwarded to me that day by Mr Joseph.

12. I am informed by Elyse Adams of my firm, and believe, that, on 2 October 2012, Ms Adams had a telephone conversation with Ms MacKenzie of ASIC seeking confirmation of ASIC's position in relation to certain matters in connection with the Timbercorp Apportionment Proceedings. I am also informed by Ms Adams, and believe, that the relevant matters of which ASIC's confirmation was sought by Ms Adams from Ms MacKenzie were set out by Ms Adams in her email to Ms MacKenzie on 2 October 2012, a copy of which was sent to me. The matters for confirmation by ASIC as set out in Ms Adams' email included:



- (a) that ASIC did not wish to be provided with copies of the reply affidavits, submissions and reply submissions filed in the Timbercorp Apportionment Proceedings since 25 September 2012;
- (b) that, as the hearing in respect of the Approval Applications is scheduled to commence on 3 October 2012, ASIC is content to be provided with an update as to the proceedings after the hearing has completed;
- (c) that ASIC did not propose to be present at the hearing commencing on 3 October 2012 or to bring any particular matter to the Court's attention as ASIC has no outstanding concerns and is content with the process the parties have followed in respect of the Timbercorp Apportionment Proceedings; and
- (d) that no party has asked ASIC to intervene or be present at the hearing.

Now produced and shown to me and marked "**Exhibit CCH-7**" is a true copy of Ms Adams' email to Ms MacKenzie dated 2 October 2012.

13. On 2 October 2012, I received a copy of Ms MacKenzie's email in response to Ms Adams' email to her earlier that day. In her email, Ms MacKenzie confirmed:

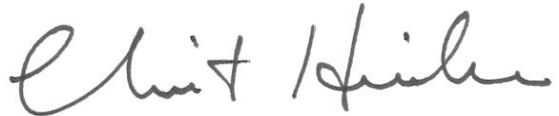
- (a) the details of her conversation with Ms Adams as set out in Ms Adams' email of earlier that day;
- (b) that ASIC does not propose to be present at the hearing in respect of the Timbercorp Apportionment Proceedings scheduled to commence on 3 October 2012;
- (c) that, as at the date of her email, ASIC has no issues or outstanding matters it wishes to raise;
- (d) that ASIC would appreciate being provided with an update as to the proceedings after the hearing has completed; and



(e) that ASIC may wish to make further enquiries of parties involved in the proceedings as it considers appropriate during the conduct of these matters.

Now produced and shown to me and marked "**Exhibit CCH-8**" is a true copy of Ms MacKenzie's email to Ms Adams dated 2 October 2012.

**SWORN** by **Clinton Charles Hinch** at



Melbourne in the State of Victoria this

3<sup>rd</sup> day of October 2012

Before me



JOSHUA DAVID MURNANE BUSUTTIL  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

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

IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS

No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)

CERTIFICATE IDENTIFYING EXHIBIT

---

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

---

This is the **Exhibit** marked '**CCH-1**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me



JOSHUA DAVID MURNANE BUSUTTIL  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-1' a true copy of Allens'  
letter to ASIC dated 24 September  
2012 (without enclosures)**

**Adams, Elyse**

---

**From:** Joseph, Jonathan  
**Sent:** Monday, 24 September 2012 4:07 PM  
**To:** Corinne.MacKenzie@asic.gov.au  
**Cc:** 'ross.mcclymont@ashurst.com'; 'chris.fenwick@ashurst.com'; Jane Sheridan (JSheridan@abl.com.au); Megan Grose (mgrose@abl.com.au); Celia.Armstrong@clarendonlawyers.com.au; Michael.Fernon@clarendonlawyers.com.au; Philip.Jones@maddocks.com.au; steven.tang@maddocks.com.au; kirk.warwick@nortonrose.com; david.porter@nortonrose.com; andrew.tregear@asic.gov.au; paul.eastment@asic.gov.au; Hinchey, Clint; Adams, Elyse  
**Subject:** Timbercorp apportionment proceedings  
**Attachments:** Letter to C MacKenzie dated 24 September 2012.pdf

Dear Ms McKenzie

I attach a copy of a letter of today's date addressed to your attention.

The hard copy of this letter, together with the enclosures to the letter, were delivered this afternoon to ASIC's offices at Level 24, 120 Collins Street, Melbourne.

Please kindly confirm by return email on receipt of the hard copy letter and enclosures.

Yours sincerely

Jonathan Joseph  
Senior Associate  
**Allens**

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24 September 2012

Corinne MacKenzie  
Senior Analyst  
Australian Securities & Investments Commission  
By Hand

Dear Ms MacKenzie

**Timbercorp apportionment proceedings**

We refer to your letter dated 10 August 2012 in which, among other things, you requested that ASIC be informed of key stages in relation to the Timbercorp Apportionment Proceedings. Defined terms used in this letter have the meaning ascribed to them in our previous correspondence.

This letter is sent on behalf, and with the authority, of each of the parties in the Liparoo and Yungera Rights Proceeding and the Solara Rights Proceeding, and also Timbercorp Securities Limited (In Liquidation). We understand that a similar letter is being sent to you today by the solicitors acting on behalf of:

- (a) the plaintiff in the BB Olives Rights Proceeding;
- (b) the plaintiff in the Fenceport Rights Proceeding; and
- (c) the first respondent in the Almond Land Rights Appeal Proceeding.

We confirm that, in accordance with the orders of his Honour Justice Judd made on 31 August 2011 (provided to you in our letter dated 6 September 2012), a number of affidavits were filed and served on 19 and 20 September 2012 on behalf of various parties in respect of the Approval Applications for the Liparoo and Yungera Rights Proceeding and the Solara Rights Proceeding. Copies of each such affidavit (excluding confidential exhibits) are enclosed for your information.

We will continue to update ASIC as further key developments arise. Please contact Jonathan Joseph of this firm if you require any additional information at this time.

Yours sincerely

  
**Clint Hinchin**  
Partner  
Allens  
clint.hinchin@allens.com.au  
T +61 3 9613 8924

**Jonathan Joseph**  
Senior Associate  
Allens  
jonathan.joseph@allens.com.au  
T +61 3 9613 8663

Our Ref JXJM:120019368

euam A0122704699v1 120019368 21.9.2012

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

IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS

No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff


Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchin (Clint.Hinchin@allens.com.au)

This is the **Exhibit** marked '**CCH-2**' now produced and shown to **Clinton Charles Hinchin** at the time of swearing his affidavit on 3 October 2012.

Before me

  
JOSHUA DAVID MURNANE BUSUTTIL  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-2': a true copy of Meagan  
Grose's email dated 24  
September 2012 with the attached  
letter from Arnold Bloch Leibler  
to ASIC**

**Adams, Elyse**

---

**From:** Meagan Grose [mgrose@abl.com.au]  
**Sent:** Monday, 24 September 2012 2:53 PM  
**To:** Joseph, Jonathan; 'chris.fenwick@ashurst.com'  
**Cc:** Hinchin, Clint; Adams, Elyse; 'ross.mcclymont@ashurst.com'; Jane Sheridan  
**Subject:** RE: Timbercorp Apportionment Proceedings - updates to ASIC  
**Attachments:** ABL-#2413371-v1-Letter\_-\_Corinne\_MacKenzie\_-\_Timbercorp\_Apportionment\_Proceedings\_\_\_\_.DOCX

Dear Jonathan and Chris

For your information, we confirm that we sent the affidavits in respect of Fenceport to ASIC this afternoon, under cover of the attached letter.

Kind regards

Meagan

---

**From:** Meagan Grose  
**Sent:** Monday, 24 September 2012 10:35 AM  
**To:** 'Joseph, Jonathan'; 'chris.fenwick@ashurst.com'  
**Cc:** Hinchin, Clint; Adams, Elyse; 'ross.mcclymont@ashurst.com'; Jane Sheridan  
**Subject:** RE: Timbercorp Apportionment Proceedings - updates to ASIC

Dear Jonathan

Subject to the other parties' consent (which we are presently seeking), we confirm that we intend to courier the affidavits filed and served on 19 and 20 September in respect of the Fenceport Rights Proceeding to ASIC today. To accompany those documents, we have drafted a covering letter in relation to the Fenceport Rights Proceeding in a similar fashion to that attached to your email of Friday 21 September 2012. We will confirm with you all once we receive the other parties' consent and courier the documents to ASIC.

Kind regards

Meagan

**Meagan Grose** | Lawyer

Arnold Bloch Leibler | Level 21, 333 Collins Street, Melbourne Victoria 3000  
 T: +61 3 9229 9657 | F: +61 3 9916 9531  
[mgrose@abl.com.au](mailto:mgrose@abl.com.au) | [www.abl.com.au](http://www.abl.com.au)

Arnold Bloch Leibler acknowledges the traditional owners of country throughout Australia.

---

**From:** Joseph, Jonathan [<mailto:Jonathan.Joseph@allens.com.au>]  
**Sent:** Friday, 21 September 2012 7:47 PM  
**To:** 'chris.fenwick@ashurst.com'; Meagan Grose  
**Cc:** Hinchin, Clint; Adams, Elyse; 'ross.mcclymont@ashurst.com'; Jane Sheridan  
**Subject:** Timbercorp Apportionment Proceedings - updates to ASIC

Chris and Meagan

We are proposing to deliver the attached letter (subject to settling by Clint) and accompanying documents by hand to ASIC on Monday, in advance of any reply affidavits to be filed and served on Tuesday.

Would you each please confirm that, also on Monday, your respective firms will send a corresponding letter to ASIC in respect of the Almond Land Rights Appeal Proceeding (Ashurst), BB Olives Rights Proceeding (Ashurst) and Fenceport Rights Proceeding (ABL).

2/10/2012

Regards

Jonathan

Jonathan Joseph  
Senior Associate  
**Allens**

## **Allens > < Linklaters**

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\*\*\*\*\*

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\*\*\*\*\*

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---

24 September 2012

By Courier

Corinne MacKenzie  
Senior Analyst  
Australian Securities and Investments  
Commission  
Level 24, 120 Collins Street  
Melbourne VIC

Our Ref MLG JCS  
File No. 011601361

Contact  
Meagan Grose  
Direct 61 3 9229 9657  
Facsimile 61 3 9916 9531  
mgrose@abl.com.au

Partner  
Jane Sheridan  
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jsheridan@abl.com.au

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61 3 9229 9900

Dear Ms MacKenzie

**Timbercorp Apportionment Proceedings  
Fenceport Rights Proceeding (Supreme Court of Victoria proceeding no  
SCI 2011 6777)**

We refer to your letter of 10 August 2012 to Messrs Hinchin and Joseph of Allens Linklaters, to which we were copied, in respect of the Timbercorp Apportionment Proceedings. In that letter, you requested that ASIC be informed of key stages in relation to the Timbercorp Apportionment Proceedings.

We act for the plaintiffs in the Fenceport Rights Proceeding. We send this letter on behalf, and with the authority, of each of the parties in the Fenceport Rights Proceeding, and also Timbercorp Securities Limited (in liquidation). We understand that a similar letter is being sent to you today by the solicitors acting on behalf of:

- 1 the plaintiff in the BB Olives Rights Proceeding;
- 2 the first respondent in the Almond Land Rights Appeal Proceeding;
- 3 the plaintiff in the Liparoo and Yungera Rights Proceeding; and
- 4 the plaintiff in the Solara Rights Proceeding.

We confirm that, in accordance with the order of the Honourable Justice Judd made on 31 August 2012 in the Timbercorp Apportionment Proceedings (previously provided to you by letter from Allens Linklaters dated 6 September 2012), a number of affidavits were filed and served in respect of the Fenceport Rights Proceeding on 19 and 20 September 2012 on behalf of various parties. Copies of those affidavits and the non-confidential exhibits to them are enclosed for your information, being:

- 1 the affidavit of Mark Anthony Korda sworn on 18 September 2012 and exhibits MAK-1 to MAK-5;

Partners  
Mark M Leibler AC  
Henry D Lanzer  
Joseph Borenszajn  
Leon Zwiher  
Philip Chester  
Ross A Paterson  
Stephen L Sharp  
Kenneth A Gray  
Kevin F Frawley  
Michael N Dodge  
Jane C Sheridan  
Leonie R Thompson  
Zaven Mardrossian  
Jonathan M Wenig  
Paul Sokolowski  
Paul Rubenstein  
Peter M Seidel  
Alex King  
John Mitchell  
Nicole Gordon  
Ben Mahoney  
Sam Dollard  
Lily Tell  
Henry Skene  
Andrew Silberberg  
Lisa Merryweather  
Jonathan Milner  
John Mengolian  
Caroline Goulden  
Matthew Lees  
Genevieve Sexton  
Jeremy Leibler  
Rick Naray  
Nathan Briner  
Jonathan Caplan  
Justin Vaalstra  
Clint Harding  
James Simpson  
Senior Litigation  
Counsel  
Robert J Heathcote  
Senior Associates  
Sue Kee  
Jorja Cleland  
Benjamin Marshall  
Kristina Verney  
Teresa Ward  
Jason Blankfield  
Christine Fleer  
Nancy Collins  
Susanna Ford  
Kimberley MacKay  
Gary Segal  
Tiffany Lucas  
Clare Varghese  
Andrea Towson  
Lisa Lane  
Daniel Mote  
David Speiser  
Kate Logan  
Laila De Melo  
Elizabeth Sleer  
Alinta Bradley  
Anetta Curkovic  
Damien Cuddihy  
Daniel Snyder  
David Robbins  
Krystal Bedgood  
Geoffrey Kozminsky  
Jeremy Lanzer  
Neil Brydges  
Consultants  
Allan Fels AO

- 2 the third affidavit of Celia Jane Armstrong sworn on 19 September 2012 and exhibit CJA-10;
- 3 the second affidavit of Jane Chalmers Sheridan sworn on 19 September 2012 and exhibit JCS-3 and JCS-4; and
- 4 the affidavit of Kerree Anne Bezencon sworn on 18 September 2012.

Yours faithfully  
**Arnold Bloch Leibler**

**Meagan Grose**  
Lawyer

Enc

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMERCIAL AND EQUITY DIVISION  
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IN THE MATTER OF  
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No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
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CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

This is the **Exhibit** marked '**CCH-3**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me



JOSHUA DAVID MURNANE BUSUTTIL  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-3': a true copy of Michael  
Murray's email to ASIC dated 24  
September 2012 together with the  
attached letter from Ashurst to  
ASIC**

**Adams, Elyse**

---

**From:** Michael.Murray@ashurst.com  
**Sent:** Monday, 24 September 2012 6:27 PM  
**To:** Corinne.MacKenzie@asic.gov.au  
**Cc:** Ross.McClymont@ashurst.com; Chris.Fenwick@ashurst.com; JSheridan@abl.com.au; mgrose@abl.com.au; Celia.Armstrong@clarendonlawyers.com.au; Michael.Fernon@clarendonlawyers.com.au; Philip.Jones@maddocks.com.au; Steven.Tang@maddocks.com.au; kirk.warwick@nortonrose.com; david.porter@nortonrose.com; andrew.tregear@asic.gov.au; paul.eastment@asic.gov.au; Hinchin, Clint; Joseph, Jonathan; Adams, Elyse  
**Subject:** Timbercorp apportionment proceedings  
**Attachments:** 4379\_001.pdf

Dear Ms MacKenzie

Please see **attached** letter of today's date.

The hard copy of this letter, together with the enclosures, will be delivered to ASIC's offices at Level 24, 120 Collins Street, Melbourne tomorrow morning.

Please confirm by return email on receipt of the hard copy letter and enclosures.

Regards

**Michael Murray**

Lawyer

[michael.murray@ashurst.com](mailto:michael.murray@ashurst.com)

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Our ref: RWM\CHFE\03 2010 2555  
Partner: Ross McClymont  
Direct line: +61 3 9679 3025  
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Contact: Chris Fenwick, Senior Associate  
Direct line: +61 3 9679 3148  
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24 September 2012

**BY HAND AND EMAIL**

Corinne MacKenzie  
Senior Analyst  
Australian Securities & Investments Commission

**ashurst**

Dear Ms MacKenzie

**Timbercorp apportionment proceedings**

We refer to your letter to Allens dated 10 August 2012 in which, among other things, you requested that ASIC be informed of key stages in relation to the Timbercorp Apportionment Proceedings.

We confirm that, in accordance with the orders of his Honour Justice Judd made on 31 August 2012), a number of affidavits were filed and served on 18, 19 and 20 September 2012 on behalf of various parties in respect of the Approval Applications for the BB Olives Rights Proceeding and the Almond Land Rights Appeal Proceeding. Copies of each such affidavit (excluding confidential exhibits) are enclosed with the hard copy of this letter for your information.

We understand that a similar letter is being sent to you today by the solicitors acting on behalf of the plaintiff in each of:

- (a) the Liparoo & Yungera Rights Proceeding;
- (b) the Solora Rights Proceeding; and
- (c) the Fenceport Rights Proceeding.

We will continue to update ASIC as further key developments arise. Please contact Chris Fenwick of this office if you require any additional information.

Yours faithfully

*Ashurst*

**Ross McClymont**  
Partner

**Chris Fenwick**  
Senior Associate

AUSTRALIA BELGIUM CHINA FRANCE GERMANY HONG KONG SAR INDONESIA (ASSOCIATED OFFICE) ITALY JAPAN  
PAPUA NEW GUINEA SINGAPORE SPAIN SWEDEN UNITED ARAB EMIRATES UNITED KINGDOM UNITED STATES OF AMERICA

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222149429.01

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

IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS

No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff


Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

This is the **Exhibit** marked '**CCH-4**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me

  
JOSHUA DAVID MURNANE BUSUTTIL  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-4': a true copy of Corinne  
MacKenzie's email to Jonathan  
Joseph dated 25 September 2012**

**Adams, Elyse**

**From:** Corinne MacKenzie [Corinne.MacKenzie@asic.gov.au]  
**Sent:** Tuesday, 25 September 2012 11:18 AM  
**To:** Joseph, Jonathan  
**Cc:** andrew.tregear@asic.gov.au; Celia.Armstrong@clarendonlawyers.com.au; 'chris.fenwick@ashurst.com'; Hinchén, Clint; david.porter@nortonrose.com; Adams, Elyse; Jane Sheridan (JSheridan@abl.com.au); kirk.warwick@nortonrose.com; Megan Grose (mgrose@abl.com.au); Michael.Fernon@clarendonlawyers.com.au; paul.eastment@asic.gov.au; Philip.Jones@maddocks.com.au; 'ross.mcclymont@ashurst.com'; steven.tang@maddocks.com.au  
**Subject:** Re: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear Mr Joseph,

Thank you for your e-mail. I confirm ASIC has received the hard copy enclosures to the letter dated 24 September 2012.

We appreciate your providing this information and your assistance in this matter.

Regards  
 Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

**From:** "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>  
**To:** "Corinne.MacKenzie@asic.gov.au" <Corinne.MacKenzie@asic.gov.au>  
**Cc:** "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Jane Sheridan (JSheridan@abl.com.au)" <JSheridan@abl.com.au>, "Megan Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "paul.eastment@asic.gov.au" <paul.eastment@asic.gov.au>, "Hinchén, Clint" <Clint.Hinchén@allens.com.au>, "Adams, Elyse" <Elyse.Adams@allens.com.au>

**Date:** 24/09/2012 04:06 PM

**Subject:** Timbercorp apportionment proceedings

\*\*\*

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\*\*\*

Dear Ms McKenzie

I attach a copy of a letter of today's date addressed to your attention.

The hard copy of this letter, together with the enclosures to the letter, were delivered this afternoon to ASIC's offices at Level 24, 120 Collins Street, Melbourne.

2/10/2012

Please kindly confirm by return email on receipt of the hard copy letter and enclosures.

Yours sincerely

Jonathan Joseph  
Senior Associate  
**Allens**

## **Allens > < Linklaters**

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**M** +61 416 139 809  
101 Collins Street  
Melbourne VIC 3000 Australia  
[www.allens.com.au](http://www.allens.com.au)

\*\*\*\*\*

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\*\*\*\*\*[attachment "Letter to C MacKenzie dated 24 September 2012.pdf" deleted by Corinne MacKenzie/Melbourne/VIC/ASIC]

Please consider the environment before printing this document

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

**IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS**

**No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)**

**CERTIFICATE IDENTIFYING EXHIBIT**

---

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

---

This is the **Exhibit** marked '**CCH-5**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me 

**JOSHUA DAVID MURNANE BUSUTTIL**  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-5': a true copy of Corinne  
MacKenzie's email to Michael  
Murray dated 25 September 2012**

**Adams, Elyse**

---

**From:** Corinne MacKenzie [Corinne.MacKenzie@asic.gov.au]  
**Sent:** Tuesday, 25 September 2012 12:32 PM  
**To:** Michael.Murray@ashurst.com  
**Cc:** andrew.tregear@asic.gov.au; Celia.Armstrong@clarendonlawyers.com.au; Chris.Fenwick@ashurst.com; Hinchin, Clint; david.porter@nortonrose.com; Adams, Elyse; Joseph, Jonathan; JSheridan@abl.com.au; kirk.warwick@nortonrose.com; mgrose@abl.com.au; Michael.Fernon@clarendonlawyers.com.au; paul.eastment@asic.gov.au; Philip.Jones@maddocks.com.au; Ross.McClymont@ashurst.com; Steven.Tang@maddocks.com.au  
**Subject:** Re: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear Mr Murray,

Thank you for your e-mail. I confirm ASIC has received the hard copy enclosures to the letter dated 24 September 2012.

We appreciate your providing this information and your assistance in this matter.

We note that provision of hard copies of all information being relied upon in these proceedings would be a resource intensive exercise. Accordingly, in future ASIC requests a short summary update only of the relevant status of the proceedings.

Please do not hesitate to contact me if you have any questions or wish to discuss the above.

Regards  
 Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

---

**From:** <Michael.Murray@ashurst.com>  
**To:** <Corinne.MacKenzie@asic.gov.au>  
**Cc:** <Ross.McClymont@ashurst.com>, <Chris.Fenwick@ashurst.com>, <JSheridan@abl.com.au>, <mgrose@abl.com.au>, <Celia.Armstrong@clarendonlawyers.com.au>, <Michael.Fernon@clarendonlawyers.com.au>, <Philip.Jones@maddocks.com.au>, <Steven.Tang@maddocks.com.au>, <kirk.warwick@nortonrose.com>, <david.porter@nortonrose.com>, <andrew.tregear@asic.gov.au>, <paul.eastment@asic.gov.au>, <Clint.Hinchin@allens.com.au>, <Jonathan.Joseph@allens.com.au>, <Elyse.Adams@allens.com.au>  
**Date:** 24/09/2012 06:26 PM  
**Subject:** Timbercorp apportionment proceedings

---

\*\*\*

This email message has been processed by MIMESweeper

\*\*\*

Dear Ms MacKenzie  
 Please see **attached** letter of today's date.  
 The hard copy of this letter, together with the enclosures, will be delivered to ASIC's offices

2/10/2012

at Level 24, 120 Collins Street, Melbourne tomorrow morning.  
Please confirm by return email on receipt of the hard copy letter and enclosures.  
Regards

**Michael Murray**

Lawyer

[michael.murray@ashurst.com](mailto:michael.murray@ashurst.com)

Ashurst - Australia

D: +61 3 9679 3861 | M: +61 402 668 078

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2/10/2012

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

**IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS**

**No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)**

**CERTIFICATE IDENTIFYING EXHIBIT**

---

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

---

This is the **Exhibit** marked '**CCH-6**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me 

JOSHUA DAVID MURNANE BUSUTTIL  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-6': a true copy of Corinne  
MacKenzie's email to Jonathan  
Joseph dated 25 September 2012**

## Adams, Elyse

---

**From:** Joseph, Jonathan  
**Sent:** Tuesday, 25 September 2012 2:52 PM  
**To:** Adams, Elyse; Hinchin, Clint  
**Subject:** FW: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]  
fyi

Jonathan Joseph  
Senior Associate  
**Allens**  
**DL** +61 3 9613 8663  
**M** +61 416 139 809

---

**From:** Corinne MacKenzie [mailto:Corinne.MacKenzie@asic.gov.au]  
**Sent:** Tuesday, 25 September 2012 12:35 PM  
**To:** Joseph, Jonathan  
**Subject:** Fw: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear Mr Joseph,

Further to my email below I note that provision of hard copies of all information being relied upon in these proceedings would be a resource intensive exercise. Accordingly, in future ASIC requests a short summary update only of the relevant status of the proceedings.

Please do not hesitate to contact me if you have any questions or wish to discuss the above.

Yours Sincerely  
Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

----- Forwarded by Corinne MacKenzie/Melbourne/VIC/ASIC on 25/09/2012 12:32 PM -----

**From:** Corinne MacKenzie/Melbourne/VIC/ASIC  
**To:** "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>  
**Cc:** "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Hinchin, Clint" <Clint.Hinchin@allens.com.au>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "Adams, Elyse" <Elyse.Adams@allens.com.au>, "Jane Sheridan (JSheridan@abl.com.au)" <JSheridan@abl.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "Megan Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "paul.eastment@asic.gov.au" <paul.eastment@asic.gov.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>  
**Date:** 25/09/2012 11:18 AM  
**Subject:** Re: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

---

Dear Mr Joseph,

Thank you for your e-mail. I confirm ASIC has received the hard copy enclosures to the letter dated 24

3/10/2012

September 2012.

We appreciate your providing this information and your assistance in this matter.

Regards  
Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St  
Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

From: "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>  
To: "Corinne.MacKenzie@asic.gov.au" <Corinne.MacKenzie@asic.gov.au>  
Cc: "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Jane Sheridan (JSheridan@abl.com.au)" <JSheridan@abl.com.au>, "Megan Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "paul.eastment@asic.gov.au" <paul.eastment@asic.gov.au>, "Hinchen, Clint" <Clint.Hinchen@allens.com.au>, "Adams, Elyse" <Elyse.Adams@allens.com.au>  
Date: 24/09/2012 04:06 PM  
Subject: Timbercorp apportionment proceedings

---

\*\*\*

This email message has been processed by MIMESweeper

\*\*\*

Dear Ms McKenzie

I attach a copy of a letter of today's date addressed to your attention.

The hard copy of this letter, together with the enclosures to the letter, were delivered this afternoon to ASIC's offices at Level 24, 120 Collins Street, Melbourne.

Please kindly confirm by return email on receipt of the hard copy letter and enclosures.

Yours sincerely

Jonathan Joseph  
Senior Associate  
Allens

**Allens > < Linklaters**

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\*\*\*\*\*[attachment "Letter to C MacKenzie dated 24 September 2012.pdf" deleted by Corinne MacKenzie/Melbourne/VIC/ASIC]

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

**IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS**

**No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)**

**CERTIFICATE IDENTIFYING EXHIBIT**

---

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

---

This is the **Exhibit** marked '**CCH-7**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me 

**JOSHUA DAVID MURNANE BUSUTTIL**  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-7': a true copy of Elyse  
Adams' email to Corinne  
MacKenzie dated 2 October 2012**

**Adams, Elyse**

---

**From:** Adams, Elyse  
**Sent:** Tuesday, 2 October 2012 3:27 PM  
**To:** Corinne MacKenzie  
**Cc:** Hinchin, Clint; Joseph, Jonathan  
**Subject:** RE: Timbercorp apportionment proceedings (Treat as In Confidence)

Dear Ms Mackenzie

I refer to our conversation a short time ago regarding the Timbercorp Apportionment Proceedings and would be grateful if you would confirm by return email the following matters discussed:

- During that conversation, I referred to your email of 25 September 2012 at 12:35 pm where you indicated that ASIC no longer required provision of hard copies of all information being relied upon in the Timbercorp Apportionment Proceedings. Your reasoning was that provision of these hard copies would be a resource intensive exercise and, unless there was something specific the parties wished to draw to ASIC's attention, they were not required.
- In your email of 25 September 2012 you suggested that a short summary update of the relevant status of the proceedings only be provided by the parties to ASIC. Since we received your email on 25 September 2012, reply affidavits, submissions and reply submissions have been filed and served by the parties. You confirmed ASIC did not wish to be provided with copies of these documents.
- As the hearing is scheduled to commence tomorrow, you are content for us to provide you with an update as to the proceedings after the hearing has completed.
- Noting that matters such as these are very complex and difficult to manage, you indicated that often these types of proceeding are subject to appeal or objection. However, you confirmed that ASIC did not propose to be present at the hearing tomorrow or to bring any particular matter to the Court's attention as ASIC has no outstanding concerns and is content with the process the parties have followed in respect of these proceedings.
- You confirmed that no party has asked ASIC to intervene or be present at the hearing.

I look forward to receiving your confirmation as soon as possible this afternoon.

Yours sincerely

Elyse Adams  
 Law Graduate  
**Allens**

**Allens > < Linklaters**

DL +61 3 9613 8534  
 101 Collins Street  
 Melbourne VIC 3000 Australia  
[www.allens.com.au](http://www.allens.com.au)

---

**From:** Joseph, Jonathan  
**Sent:** Tuesday, 2 October 2012 9:48 AM  
**To:** Corinne MacKenzie  
**Cc:** Hinchin, Clint; Adams, Elyse  
**Subject:** RE: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear MacKenzie

3/10/2012

As per my voicemail left for you a short time ago, would you please call me or, in my absence, Elyse Adams (9613 8534) at your earliest convenience this morning in relation to the Timbercorp Apportionment Proceedings.

Yours sincerely

Jonathan

Jonathan Joseph  
Senior Associate  
**Allens**  
**DL** +61 3 9613 8663  
**M** +61 416 139 809

---

**From:** Corinne MacKenzie [mailto:Corinne.MacKenzie@asic.gov.au]  
**Sent:** Tuesday, 25 September 2012 12:35 PM  
**To:** Joseph, Jonathan  
**Subject:** Fw: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear Mr Joseph,

Further to my email below I note that provision of hard copies of all information being relied upon in these proceedings would be a resource intensive exercise. Accordingly, in future ASIC requests a short summary update only of the relevant status of the proceedings.

Please do not hesitate to contact me if you have any questions or wish to discuss the above.

Yours Sincerely  
Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St  
Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

----- Forwarded by Corinne MacKenzie/Melbourne/VIC/ASIC on 25/09/2012 12:32 PM -----

**From:** Corinne MacKenzie/Melbourne/VIC/ASIC  
**To:** "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>  
**Cc:** "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Hinch, Clint" <Clint.Hinch@allens.com.au>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "Adams, Elyse" <Elyse.Adams@allens.com.au>, "Jane Sheridan (JSheridan@abl.com.au)" <JSheridan@abl.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "Megan Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "paul.eastment@asic.gov.au" <paul.eastment@asic.gov.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>

**Date:** 25/09/2012 11:18 AM

**Subject:** Re: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

---

Dear Mr Joseph,

Thank you for your e-mail. I confirm ASIC has received the hard copy enclosures to the letter dated 24 September 2012.

3/10/2012

We appreciate your providing this information and your assistance in this matter.

Regards  
Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St  
Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

From: "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>  
To: "Corinne.MacKenzie@asic.gov.au" <Corinne.MacKenzie@asic.gov.au>  
Cc: "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Jane.Sheridan@abl.com.au" <JSheridan@abl.com.au>, "Megan.Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "paul.eastment@asic.gov.au" <paul.eastment@asic.gov.au>, "Hinchen, Clint" <Clint.Hinchen@allens.com.au>, "Adams, Elyse" <Elyse.Adams@allens.com.au>

Date: 24/09/2012 04:06 PM

Subject: Timbercorp apportionment proceedings

\*\*\*

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\*\*\*

Dear Ms McKenzie

I attach a copy of a letter of today's date addressed to your attention.

The hard copy of this letter, together with the enclosures to the letter, were delivered this afternoon to ASIC's offices at Level 24, 120 Collins Street, Melbourne.

Please kindly confirm by return email on receipt of the hard copy letter and enclosures.

Yours sincerely

Jonathan Joseph  
Senior Associate  
**Allens**

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\*\*\*\*\*[attachment "Letter to C MacKenzie dated 24 September 2012.pdf" deleted by Corinne MacKenzie/Melbourne/VIC/ASIC]

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

**IN THE MATTER OF  
THE TIMBERCORP APPORTIONMENT PROCEEDINGS**

**No. S APCI 2011 0103 (Almond Land Rights Appeal Proceeding)  
No. S CI 2011 6604 (Liparoo and Yungera Rights Proceeding)  
No. S CI 2011 6606 (Solara Rights Proceeding)**

**CERTIFICATE IDENTIFYING EXHIBIT**

---

Date of document: 3 October 2012

Filed on behalf of: The Plaintiff

Prepared by:

**Allens**  
Lawyers  
101 Collins Street  
Melbourne VIC 3000

Solicitor code: 21455  
DX 30999 Melbourne  
Tel 9614 1011 Fax 9614 4661  
Ref Clint Hinchon (Clint.Hinchon@allens.com.au)

---

This is the **Exhibit** marked '**CCH-8**' now produced and shown to **Clinton Charles Hinchon** at the time of swearing his affidavit on 3 October 2012.

Before me \_\_\_\_\_

**JOSHUA DAVID MURNANE BUSUTTL**  
of 101 Collins Street, Melbourne  
Victoria 3000  
An Australian Legal Practitioner  
within the meaning of the  
Legal Profession Act 2004

**'CCH-8': a true copy of Corinne  
MacKenzie's email to Elyse  
Adams dated 2 October 2012**

**Adams, Elyse**

---

**From:** Corinne MacKenzie [Corinne.MacKenzie@asic.gov.au]  
**Sent:** Tuesday, 2 October 2012 5:06 PM  
**To:** Adams, Elyse  
**Cc:** Hinchin, Clint; Joseph, Jonathan; Paul Eastment  
**Subject:** RE: Timbercorp apportionment proceedings (Treat as In Confidence) (Treat as In Confidence) [DLM=Sensitive]

Dear Ms Adams,

Thank you for your email of 2 October 2012 providing a summary of our telephone conversation earlier today. I confirm the details of our conversation as per your email and confirm that ASIC does not propose to be present at the hearing scheduled tomorrow and at this stage we have no issues or outstanding matters we wish to raise.

As discussed ASIC would appreciate being provided with an update as to the proceedings after the hearing has completed. ASIC may also make further enquiries of parties involved in the Timbercorp apportionment proceedings as we consider appropriate during the conduct of these matters.

Please do not hesitate to contact me if you wish to further discuss these matters.

Sincerely  
 Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

---

**From:** "Adams, Elyse" <Elyse.Adams@allens.com.au>  
**To:** Corinne MacKenzie <Corinne.MacKenzie@asic.gov.au>  
**Cc:** "Hinchin, Clint" <Clint.Hinchin@allens.com.au>, "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>  
**Date:** 02/10/2012 03:25 PM  
**Subject:** RE: Timbercorp apportionment proceedings (Treat as In Confidence)

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This email message has been processed by MIMESweeper

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Dear Ms Mackenzie

I refer to our conversation a short time ago regarding the Timbercorp Apportionment Proceedings and would be grateful if you would confirm by return email the following matters discussed:

- During that conversation, I referred to your email of 25 September 2012 at 12:35 pm where you indicated that ASIC no longer required provision of hard copies of all information being relied upon in the Timbercorp Apportionment Proceedings. Your reasoning was that provision of these hard

2/10/2012

copies would be a resource intensive exercise and, unless there was something specific the parties wished to draw to ASIC's attention, they were not required.

- In your email of 25 September 2012 you suggested that a short summary update of the relevant status of the proceedings only be provided by the parties to ASIC. Since we received your email on 25 September 2012, reply affidavits, submissions and reply submissions have been filed and served by the parties. You confirmed ASIC did not wish to be provided with copies of these documents.
- As the hearing is scheduled to commence tomorrow, you are content for us to provide you with an update as to the proceedings after the hearing has completed.
- Noting that matters such as these are very complex and difficult to manage, you indicated that often these types of proceeding are subject to appeal or objection. However, you confirmed that ASIC did not propose to be present at the hearing tomorrow or to bring any particular matter to the Court's attention as ASIC has no outstanding concerns and is content with the process the parties have followed in respect of these proceedings.
- You confirmed that no party has asked ASIC to intervene or be present at the hearing.

I look forward to receiving your confirmation as soon as possible this afternoon.

Yours sincerely

Elyse Adams  
Law Graduate  
**Allens**

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Melbourne VIC 3000 Australia  
[www.allens.com.au](http://www.allens.com.au)

---

**From:** Joseph, Jonathan  
**Sent:** Tuesday, 2 October 2012 9:48 AM  
**To:** Corinne MacKenzie  
**Cc:** Hinchin, Clint; Adams, Elyse  
**Subject:** RE: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear MacKenzie

As per my voicemail left for you a short time ago, would you please call me or, in my absence, Elyse Adams (9613 8534) at your earliest convenience this morning in relation to the Timbercorp Apportionment Proceedings.

Yours sincerely

Jonathan

Jonathan Joseph  
Senior Associate  
**Allens**  
DL +61 3 9613 8663  
M +61 416 139 809

---

**From:** Corinne MacKenzie [<mailto:Corinne.MacKenzie@asic.gov.au>]  
**Sent:** Tuesday, 25 September 2012 12:35 PM

2/10/2012

**To:** Joseph, Jonathan

**Subject:** Fw: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear Mr Joseph,

Further to my email below I note that provision of hard copies of all information being relied upon in these proceedings would be a resource intensive exercise. Accordingly, in future ASIC requests a short summary update only of the relevant status of the proceedings.

Please do not hesitate to contact me if you have any questions or wish to discuss the above.

Yours Sincerely  
Corinne MacKenzie

Corinne MacKenzie | Senior Analyst | Investment Managers and Superannuation | Australian Securities and Investments Commission | Level 24 | 120 Collins St  
Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

----- Forwarded by Corinne MacKenzie/Melbourne/VIC/ASIC on 25/09/2012 12:32 PM -----

From: Corinne MacKenzie/Melbourne/VIC/ASIC

To: "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>

Cc: "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Hinchin, Clint" <Clint.Hinchin@allens.com.au>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "Adams, Elyse" <Elyse.Adams@allens.com.au>, "Jane Sheridan (JSheridan@abl.com.au)" <JSheridan@abl.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "Megan Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "paul.eastment@asic.gov.au" <paul.eastment@asic.gov.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>

Date: 25/09/2012 11:18 AM

Subject: Re: Timbercorp apportionment proceedings (Treat as In Confidence) [DLM=Sensitive]

Dear Mr Joseph,

Thank you for your e-mail. I confirm ASIC has received the hard copy enclosures to the letter dated 24 September 2012.

We appreciate your providing this information and your assistance in this matter.

Regards  
Corinne MacKenzie

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Melbourne VIC 3000 | telephone: +61 3 9280 3608 | facsimile: +61 3 9280 3266 | [corinne.mackenzie@asic.gov.au](mailto:corinne.mackenzie@asic.gov.au)

Please note I am in the office Tuesday – Friday.

From: "Joseph, Jonathan" <Jonathan.Joseph@allens.com.au>

To: "Corinne.MacKenzie@asic.gov.au" <Corinne.MacKenzie@asic.gov.au>

Cc: "ross.mcclymont@ashurst.com" <ross.mcclymont@ashurst.com>, "chris.fenwick@ashurst.com" <chris.fenwick@ashurst.com>, "Jane Sheridan (JSheridan@abl.com.au)" <JSheridan@abl.com.au>, "Megan Grose (mgrose@abl.com.au)" <mgrose@abl.com.au>, "Celia.Armstrong@clarendonlawyers.com.au" <Celia.Armstrong@clarendonlawyers.com.au>, "Michael.Fernon@clarendonlawyers.com.au" <Michael.Fernon@clarendonlawyers.com.au>, "Philip.Jones@maddocks.com.au" <Philip.Jones@maddocks.com.au>, "steven.tang@maddocks.com.au" <steven.tang@maddocks.com.au>, "kirk.warwick@nortonrose.com" <kirk.warwick@nortonrose.com>, "david.porter@nortonrose.com" <david.porter@nortonrose.com>, "andrew.tregear@asic.gov.au" <andrew.tregear@asic.gov.au>, "paul.eastment@asic.gov.au"

2/10/2012

<paul.eastment@asic.gov.au>, "Hinchen, Clint" <Clint.Hinchen@allens.com.au>, "Adams, Elyse"  
<Elyse.Adams@allens.com.au>

Date: 24/09/2012 04:06 PM  
Subject: Timbercorp apportionment proceedings

---

\*\*\*

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\*\*\*

Dear Ms McKenzie

I attach a copy of a letter of today's date addressed to your attention.

The hard copy of this letter, together with the enclosures to the letter, were delivered this afternoon to ASIC's offices at Level 24, 120 Collins Street, Melbourne.

Please kindly confirm by return email on receipt of the hard copy letter and enclosures.

Yours sincerely

Jonathan Joseph  
Senior Associate  
**Allens**

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<http://www.allens.com.au/experts>

\*\*\*\*\*[attachment "Letter to C MacKenzie dated 24 September 2012.pdf" deleted by Corinne MacKenzie/Melbourne/VIC/ASIC]

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