

IN THE SUPREME COURT OF WESTERN AUSTRALIA

COR 35 OF 2010

IN THE MATTER OF GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION)

**GREAT SOUTHERN MANAGERS AUSTRALIA LIMITED (ACN 083 825 405) (IN LIQUIDATION) IN ITS CAPACITY AS RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT SCHEMES LISTED IN SCHEDULE 1 TO THE APPLICATION**

First Plaintiff

**GREAT SOUTHERN OLIVES COMPANY LIMITED (ACN 121 381 208) (IN LIQUIDATION)**

Second Plaintiff

**GREAT SOUTHERN OLIVE HOLDINGS PTY LIMITED (ACN 111 092 374) (IN LIQUIDATION)**

Third Plaintiff

**ANDREW JOHN SAKER**

Fourth Plaintiff

**MARTIN BRUCE JONES**

Fifth Plaintiff

**DARREN GORDON WEAVER**

Sixth Plaintiff

**JAMES HENRY STEWART**

Seventh Plaintiff

**JAMES GERARD THACKRAY**

First Defendant

**ANTHONY GREGORY MCGRATH**

Second Defendant

**COLIN MCINTOSH NICOL**

Third Defendant

**THE GROWERS LISTED IN SCHEDULE 8 OF THE APPLICATION**

Fourth Defendants

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**AFFIDAVIT OF NATALIE CLAIRE COLLINS  
SWORN 28 APRIL 2010  
AND ATTACHMENTS NCC-1 TO NCC-26**

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Date of Document: 28 April 2010  
Date of Filing: 28 April 2010  
Filed on behalf of: The Plaintiffs  
Prepared by  
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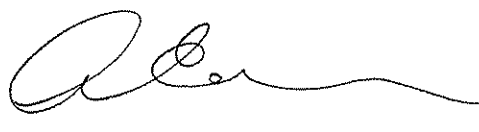
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I, **NATALIE CLAIRE COLLINS** care of Level 2, 6 Kings Park Road, West Perth in the State of Western Australia, Solicitor, being duly sworn make oath and say as follows:

1. I am a solicitor in the employ of Middletons (Perth) Pty Ltd and am duly authorised to make this affidavit.
2. Subject to the supervision of my principals, I have the day to day conduct of this matter.
3. I make this affidavit in relation to the plaintiff's application for orders sought in the Interlocutory Process filed by the plaintiffs on 7 April 2010.
4. Except where otherwise stated, I swear this affidavit from my personal knowledge. Where I swear this affidavit from facts outside of my personal knowledge, I am informed by the source stated and truly believe those facts to be true.
5. Now produced and shown to me and marked **NCC-1** is a true copy of a letter from Clarendon Lawyers to Acting Master Chapman dated 8 April 2010.
6. Now produced and shown to me and marked **NCC-2** is a true copy of a letter from Clarendon Lawyers to Middletons dated 15 April 2010.
7. Now produced and shown to me and marked **NCC-3** is a true copy of a letter from Clarendon Lawyers to Middletons dated 16 April 2010.
8. Now produced and shown to me and marked **NCC-4** is a true copy of a letter from Middletons to Clarendon Lawyers dated 19 April 2010.
9. Now produced and shown to me and marked **NCC-5** is a true copy of a letter from Clarendon Lawyers to Middletons dated 19 April 2010.
10. Now produced and shown to me and marked **NCC-6** is a true copy of a letter from Middletons to Clarendon Lawyers dated 23 April 2010.
11. Now produced and shown to me and marked **NCC-7** is a true copy of a letter from Clarendon Lawyers to Middletons dated 23 April 2010.
12. Now produced and shown to me and marked **NCC-8** is a true copy of a letter from Middletons to Clarendon Lawyers dated 23 April 2010 (enclosures are not included in NCC-8).



13. Now produced and shown to me and marked **NCC-9** is a true copy of an email from Prani West of Minter Ellison to myself and Mark Bland of Clarendon Lawyers dated 23 April 2010 at 12.42pm attaching attachment AGM-1 (Part 1) to the affidavit of Anthony Gregory McGrath that was sworn on 23 April 2010 which comprises pages 11 to 94 of that affidavit.
14. Now produced and shown to me and marked **NCC-10** is a true copy of an email from Prani West to myself and Mark Bland dated 23 April 2010 at 12.44pm attaching attachment AGM-1 (Part 2) to the affidavit of Anthony Gregory McGrath that was sworn on 23 April 2010 which comprises pages 95 to 182 of that affidavit.
15. Now produced and shown to me and marked **NCC-11** is a true copy of an email from Prani West to myself and Mark Bland dated 23 April 2010 at 12.46pm attaching attachment AGM-1 (Part 3) to the affidavit of Anthony Gregory McGrath that was sworn on 23 April 2010 which comprises pages 183 to 237 of that affidavit.
16. Now produced and shown to me and marked **NCC-12** is a true copy of an email from Prani West to myself and Mark Bland dated 23 April 2010 at 12.50pm attaching attachments AGM-2 and AGM-3 to the affidavit of Anthony Gregory McGrath that was sworn on 23 April 2010 which comprises pages 238 to 251 of that affidavit.
17. Now produced and shown to me and marked **NCC-13** is a true copy of an email from Prani West to myself and Mark Bland dated 23 April 2010 at 12.51pm attaching attachment AGM-4 to the affidavit of Anthony Gregory McGrath that was sworn on 23 April 2010 which comprises pages 252 to 327 of that affidavit.
18. Now produced and shown to me and marked **NCC-14** is a true copy of an email from Prani West to myself and Mark Bland attaching attachment AGM-5 and AGM-6 to the affidavit of Anthony Gregory McGrath that was sworn on 23 April 2010 which comprises pages 328 to 331 of that affidavit.
19. I participated in a telephone conversation between James Mr Mark Bland of Clarendon Lawyers and James Healy of Middletons on 27 April 2010 at 1.10pm. During that conversation, which was before we received the amended interlocutory process from Clarendon Lawyers, Mark Bland stated that he had, on 23 April 2010, been served with the affidavit of Anthony Gregory McGrath sworn 23 April 2010.

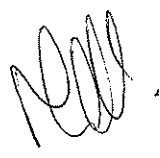
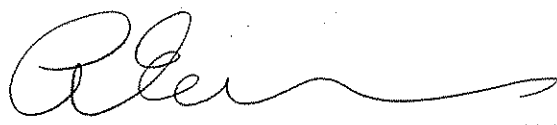


20. Now produced and shown to me and marked **NCC-15** is a true copy of an email from Celia Armstrong of Clarendon Lawyers to James Healy of Middletons annexing an amended interlocutory process dated 27 April 2010.
21. Now produced and shown to me and marked **NCC-16** is a true copy of a letter from Clarendon Lawyers to Middletons dated 27 April 2010.
22. Now produced and shown to me and marked **NCC-17** is a true copy of an email that I sent to Mark Bland at Clarendon Lawyers on 27 April 2010 annexing the Notice of Winding up of Scheme and Circulars to Creditors dated 11 December 2009 relating to each of the following olive schemes:
- (a) Great Southern Organic Olives 2005 (ARSN 112 665 157);
  - (b) Great Southern 2006 Organic Olives Income Project (ARSN 112 665 308)
  - (c) Great Southern 2007 Diversified Olives Income Project (ARSN 124 194 771);
  - (d) Great Southern Organic Olives 2007 Project (ARSN 115 654 950); and
  - (e) Great Southern 2008 Diversified Olives Income Project (ARSN 124 197 897).
- The attachments to the email are not included in NCC-17.
23. Now produced and shown to me and marked **NCC-18** is a true copy of a letter from Middletons to Clarendon Lawyers dated 28 April 2010.
24. Now produced and shown to me and marked **NCC-19** is a true copy of a letter from Middletons to Clarendon Lawyers dated 28 April 2010.
25. Now produced and shown to me and marked **NCC-20** is a true copy of the results of a search I conducted on [www.asic.gov.au](http://www.asic.gov.au) for the company name "Save My Trees" on 28 April 2010.
26. Now produced and shown to me and marked **NCC-21** is a true copy of the text that appears on the Save My Trees website [www.savemytrees.com](http://www.savemytrees.com) under the heading "About Us" which I viewed online and printed on 28 April 2010.
27. Now produced and shown to me and marked **NCC-22** is a true copy of the text that appears on the Save My Trees website [www.savemytrees.com](http://www.savemytrees.com) under the heading "Key People – Save My Trees Committee" which I viewed online and printed on 28 April 2010.



- 28. Now produced and shown to me and marked **NCC-23** is a true copy of the text that appears on the Save My Trees website [www.savemytrees.com](http://www.savemytrees.com) under the heading "Terms of Use" which I viewed online and printed on 28 April 2010.
- 29. Now produced and shown to me and marked **NCC-24** is a true copy of the text that appears on the Save My Trees website [www.savemytrees.com](http://www.savemytrees.com) under the heading "Key Supporters" which I viewed online and printed on 28 April 2010.
- 30. Now produced and shown to me and marked **NCC-25** is a true copy of the text that appears on the Save My Trees website [www.savemytrees.com](http://www.savemytrees.com) under the heading "Supporters" which I viewed online and printed on 28 April 2010.
- 31. Now produced and shown to me and marked **NCC-26** is a bundle of true copies of confidentiality undertakings in relation to confidential documents filed in these proceedings signed by the following lawyers:
  - (a) Mr Mark Bland;
  - (b) Mr Michael Fernon;
  - (c) Ms Celia Armstrong;
  - (d) Ms Katie Desmond;
  - (e) Ms Lauree Blair; and
  - (f) Mr William Dwyer.

SWORN by **NATALIE CLAIRE COLLINS** at )  
 West Perth in the State of Western Australia )  
 this 28<sup>th</sup> day of April 2010 before me: )

A legal practitioner who has held a practice certificate for at least 2 years and who holds a current practice certificate

Annaliese Sarah Eames