



IN THE SUPREME COURT OF VICTORIA
 AT MELBOURNE
 COMMERCIAL COURT
 CORPORATIONS LIST

Case: S ECI 2019 01567

Filed on: 21/06/2019 03:20 PM

S ECI 2019 01567

IN THE MATTER of GUNNS PLANTATIONS LIMITED (IN LIQUIDATION)
 (RECEIVERS & MANAGERS APPOINTED) (ACN 091 232 209) IN ITS CAPACITY AS
 THE RESPONSIBLE ENTITY OF THE MANAGED INVESTMENT SCHEMES LISTED
 IN THE SCHEDULE

BETWEEN:

DANIEL MATHEW BRYANT, IAN MENZIES CARSON and CRAIG DAVID CROSBIE
 (IN THEIR CAPACITIES AS JOINT AND SEVERAL LIQUIDATORS OF GUNNS
 PLANTATIONS LIMITED (IN LIQUIDATION) (RECEIVERS & MANAGERS
 APPOINTED) (ACN 091 232 209) IN ITS CAPACITY AS THE RESPONSIBLE ENTITY
 OF THE MANAGED INVESTMENT SCHEMES LISTED IN THE SCHEDULE)

First Plaintiff

GUNNS PLANTATIONS LIMITED (IN LIQUIDATION) (RECEIVERS & MANAGERS
 APPOINTED) (ACN 091 232 209) IN ITS CAPACITY AS THE RESPONSIBLE ENTITY
 OF THE MANAGED INVESTMENT SCHEMES LISTED IN THE SCHEDULE

Second Plaintiff

AFFIDAVIT OF TREVOR LESLIE BURDON

Date of Document: 21/6/2019
 Filed on behalf of: Trevor Burdon

Prepared by:

Trevor Burdon
 9 Little Finlay St
 ALBERT PARK, VIC 3206

Solicitor's Code:
 DX:
 Telephone: 0415 125513
 Ref:
 Email: trevorburdon@bigpond.com

I, **TREVOR LESLIE BURDON** of 9 Little Finlay St, Albert Park in the State of Victoria,
 Project Manager, **affirm and say** that:

1. I was a grower investor in Gunns Plantations and held beneficial interests in the Gunns Plantations Woodlot Project 2002 schemes as both a private Investor # 20500167, and in my SMSF, Jujert Superannuation Fund as Investor # 20507785. These investments were for both Eucalypt Pulpwood and Veneer.
2. I am an interested party in the Liquidation of Gunns Plantations Proceeding S CI 2013 2095, representing the interests of thousands of small investors like myself.

BILUCAGLIA
 Sergeant 32628

3. I make this affidavit from my own knowledge, save where otherwise stated. Where I depose to matters from information provided to me, I believe that information to be true.

Asset scope, right to keep secret, grower cohort

4. This is not a frivolous attempt to be heard in a related proceeding but to ensure directions are in place to resolve the straight-forward issues in 8 below, in whatever setting is appropriate, and that issues are not avoided in traversing proceedings.
5. After many representations and formal complaints, I say: that Politicians, Government Committees, Government Enterprise and Ministers defer to the Court; that the FS Royal Commission considered extending its terms of reference on my submission but chose not too; that ASIC though empowered defers to the Court; that APRA has no jurisdiction over non-members like PwC; that ANZ and Receivers defer to my Responsible Entity Liquidator, who in turn defers back to them. The refrain from the RE lawyer I prepaid in the last costs hearing is to stop or we will attribute costs to you personally.
6. And so, as the liquidators fail to correspond, I file this affidavit here for directions guidance.
7. It is unclear why the Liquidators have made this application in a proceeding other than S CI 2013 2095. Closure there is not progressing. Here in E CI 2019 01567 the impression may be taken away that all grower assets and interests are accounted for. They are not.
8. The Liquidators and Receivers have requested that Proceeding SCI 2013 2095 be closed. A second individual party, Mr Adam Musgrave, and I have not supported that request for the following reasons:
 - 8.1 Asset details in which all growers have a shared indicative \$50M interest have not been disclosed. The Pulp Mill Opportunity asset status appears not to be tracked by the Liquidators. Both Liquidators and Receivers direct enquiries to the other.
 - 8.2 Advice on what limitations on confidentiality should apply, as requested by Justice Judd has not been provided to the Court. Forestry valuations and mediation records with Forestry Tasmania, for example, were processes material to grower outcomes. They were paid for by growers but cannot be viewed for an indefinite period of time. Both would be useful in my Ombudsman Tasmania complaint of the Government Business Enterprise, Sustainable Timber Tasmania (formerly Forestry Tasmania.) In this negotiation growers paid an estimate \$30.3M of Gunns debt.
 - 8.3 Multiple requests for the grower register, since Nov 2018, were consistently refused by the Liquidator without good reason. Six months later, 12 Jun 19, their lawyers advise



that grower details cannot be released because the PMO assets are under management of the Receivers, a new restriction not observed when the 2002 Register was forwarded a couple of years ago. Independent grower communication has been stifled.

9 Throughout S CI 2013 2095, the membership of the Grower Committee was withheld by the Liquidators. As an active party I have not been able to draw any comfort from communication with them, or their knowledge of the Liquidators actions.. I have seen no mention of their participation for years. Growers have not been treated as creditors, and have seen much of their asset value transferred to other parties.

10 Considering no security was held over growers MIS assets by ANZ Capel Court and that MIS growers were not in debt to Gunns corporate bankers, the outcomes are offensive. Justices presiding and the Court remind Liquidators that the protection of MIS interests is paramount before they are disclaimed. The returns tell the truth of how effective that protection has been, and suggest which party has in fact benefited.

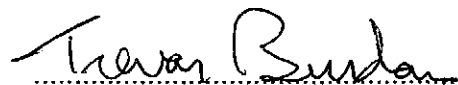
11 Liquidators have recovered for growers (rounded figures after costs):


11.1 On Gunns land for 50,000 ha of trees, \$500/ha against equivalent sales of \$5000/ha by alternate REs at the same time. That's 10%.

11.2 On Crown land for 14,000 ha of trees, \$100/ha against concurrent resales of \$2000/ha by Forestry Tasmania. That's 5%

11.3 On third-party private land for 30,000 ha of trees, \$0/ha, while new private forest owners talk of their 'windfall'. That's 0%.

AFFIRMED by the said)
TREVOR LESLIE BURDON)
at Melbourne in Victoria)
on 21/6/2019)



Before me: 
M. BILUCAGLIA
Sergeant 32628

~~ENTERED onto HARPERS APP~~ 

Signature and designation of person before whom deponent swears or affirms affidavit

SOUTH MELBOURNE POLICE
211 Bank Street
South Melbourne 3205



MB
M. BILUCAGLIA
Sergeant 32628



SCHEDULE OF SCHEMES

- 1 GREAT SOUTHERN PLANTATIONS 1998 ARSN 092 780 204
- 2 GREAT SOUTHERN PLANTATIONS 1999 ARSN 092 452 849
- 3 GREAT SOUTHERN PLANTATIONS 2000 ARSN 085 669 361
- 4 GREAT SOUTHERN PLANTATIONS 2001 ARSN 089 958 029
- 5 GREAT SOUTHERN PLANTATIONS 2002 ARSN 095 343 963
- 6 GREAT SOUTHERN PLANTATIONS 2003 SCHEME ARSN 099 131 825
- 7 GREAT SOUTHERN PLANTATIONS 2004 ARSN 107 811 709
- 8 GREAT SOUTHERN PLANTATIONS 2005 PROJECT ARSN 112 744 877
- 9 GREAT SOUTHERN PLANTATIONS 2006 PROJECT ARSN 112 744 902
- 10 GUNNS PLANTATIONS WOODLOT PROJECT 2002 ARSN 099 584 675
- 11 GUNNS PLANTATIONS WOODLOT PROJECT 2003 ARSN 104 213 710
- 12 GUNNS PLANTATIONS WOODLOT PROJECT 2004 ARSN 108 690 080
- 13 GUNNS PLANTATIONS WOODLOT PROJECT 2005 ARSN 113 092 854
- 14 GUNNS PLANTATIONS LIMITED WOODLOT PROJECT 2006 ARSN 118 534
106
- 15 GUNNS PLANTATIONS LIMITED WOODLOT PROJECT 2008 ARSN 128 933
237
- 16 GUNNS PLANTATIONS LTD WOODLOT PROJECT 2009 ARSN 135 490 292