



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD755/2024

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION and another
named in the schedule
Applicant

AUSFINANCIAL PTY LTD (ACN 118 176 631)
Respondent

ORDER

JUDGE: Justice Downes

DATE OF ORDER: 6 July 2026

WHERE MADE: Brisbane

THE COURT ORDERS BY CONSENT THAT:

Pleadings

1. By 24 July 2026, the Respondent is to file and serve any application for leave to amend its defence, together with any material in support (Leave Application).
2. By 31 July 2026, the Applicant is to file and serve any material in response to the Leave Application.
3. The Leave Application is to be determined on the papers.
4. Subject to the Respondent being granted leave to amend its defence, the Respondent to file and serve the Second Further Amended Defence (SFAD) within 2 business days of the making of the order granting leave.
5. Subject to the Respondent filing and serving the SFAD, the Applicant is to file and serve any amended reply to the SFAD within three weeks of the Respondents serving the SFAD.



6. The Respondent pay the Applicant's costs thrown away by reason of the filing of the SFAD.

Trial

7. Order 1 of the orders made by Justice Downes on 5 December 2025 be vacated.
8. The proceeding is to be listed for trial on liability (only) for nine days commencing on 30 March 2027.

Evidence

9. Orders 3 to 20 of the orders made by Justice Downes on 6 March 2026 be vacated.
10. By 9 October 2026 the Applicant is to file and serve any lay or expert evidence on which it intends to rely at the liability hearing.
11. By 18 December 2026, the Respondent is to file and serve any lay or expert evidence on which it intends to rely at the liability hearing.
12. By 12 February 2027, the Applicant is to:
 - a. File and serve any expert or lay evidence in reply on which it intends to rely at the liability hearing;
 - b. provide the Respondent with a list of documents on which it intends to rely during the liability hearing of this matter (Applicant's Tender Bundle) and arrange for electronic service of all documents referred to in the Applicant's Tender Bundle on the Respondent.
13. By 26 February 2027, the Respondent is to provide the Applicant with a list of documents on which it intends to rely during the liability hearing of this matter (Respondent's Tender Bundle) and arrange for electronic service of all documents referred to in the Respondent's Tender Bundle on the Applicant.
14. By 1 March 2027, any experts engaged for the Applicant and the Respondent are to have conferred and prepare a joint report specifying the issues agreed by each expert and, in



respect of matters not agreed, the reasons for the experts not agreeing (Joint Expert Report).

15. By 12 March 2027, the Applicant is to file and serve any Joint Expert Report.

Objections to Evidence

16. By 8 March 2027, the Applicant and the Respondent are to exchange a schedule of objections to the admissibility of evidence (including affidavits and documents), which identifies the grounds of the objection.

17. By 15 March 2027, junior counsel for each of the parties are to confer with a Registrar for the purposes of narrowing the objections to evidence.

18. By 22 March 2027, the Applicant is to file and serve a consolidated schedule of objections that contains:

- a. a list of objections to evidence that are pressed by the Applicant and the Respondent and, in respect of each such objection, the grounds of the objection and the Applicant's and Respondent's response to those grounds;
- b. a list of any evidentiary rulings in respect of evidence that are agreed between the parties;

Witnesses

19. By 22 February 2027, the Applicant and the Respondent are to exchange a list of deponents who are required for cross-examination.

Submissions

20. By 15 March 2027, the Applicant is to file and serve its written opening and a List of Authorities (in accordance with the Federal Court's Lists of Authorities and Citations Practice Note published 21 September 2022 (GPN-AUTH)) for the purposes of the hearing on liability.



21. By 22 March 2027, the Respondent is to file and serve its written opening and a List of Authorities (in accordance with GPN-AUTH) for the purposes of the hearing on liability.

Court eBook

22. The Court eBook is to be provided to the Court in electronic format, comply with GPN-eBooks and comprise:
- a. as Part A, the latest version only of the pleadings relied upon by the parties;
 - b. as Part B, the Applicant's and Respondent's outline of opening submissions;
 - c. as Part C, the Applicant's and Respondent's Tender Bundles; and
 - d. as Part D, the affidavits which the Applicant and Respondent intend to read.
23. By 8 March 2027, the Applicant is to provide the Respondent with a draft index to the Court eBook.
24. By 15 March 2027, the Respondent is to notify the Applicant of any proposed additions or amendments to the draft index to the Court eBook.
25. By 22 March 2027, the Applicant is to provide to the Associate to Downes J and serve on the Respondent the Court eBook.

Case Management Hearing

26. The matter be listed for a case management hearing at 9.30 am AEST on 18 February 2027.



General

27. Costs of each case management hearing are costs in the cause.

Date orders authenticated: 6 July 2026

Sia Lagos
Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: QUD755/2024

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Applicant

AUSTRALIAN SECURITIES & INVESTMENTS
COMMISSION

ASSISTED DISPUTE RESOLUTION

Respondent

AUSFINANCIAL PTY LTD (ACN 118 176 631)