

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
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File Number:	WAD463/2025
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v BDO AUDIT (WA) PTY LTD (ACN 112 284 787) & ANOR
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*Sia Lagos*

Registrar

### Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Form 2  
Rules 2.2 and 15A.3

### ORIGINATING PROCESS

FEDERAL COURT OF AUSTRALIA

No. WAD

OF 2025

DISTRICT REGISTRY: WESTERN AUSTRALIA

DIVISION: GENERAL

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

**BDO AUDIT (WA) PTY LTD (ACN 112 284 787)**

First Defendant

**DEAN NEVILLE JUST**

Second Defendant

### A. DETAILS OF APPLICATION

This application is made under ss 19 and 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) and ss 1308(5), 1317E and 1317G(1) of the *Corporations Act 2001* (Cth) (**the Act**).

The Plaintiff (**ASIC**) seeks declarations of contraventions of the Act, pecuniary penalty orders, and ancillary orders, including costs.

In this originating process, terms which are defined in the Concise Statement dated 22 December 2025 have the same meaning as they do in that document.

On the facts stated in the accompanying Concise Statement, ASIC seeks:

### Declarations

1. A declaration under s 1317E of the Act and s 21 of the FCA Act that the First Defendant (**BDO**) and Second Defendant (**Mr Just**) contravened s 1308(5) of the Act by reason that:

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, Plaintiff
Prepared by (name of person/lawyer)	Sam Gomersall, ASIC
Law firm (if applicable)	
Tel 08 8202 8432	Fax
Email sam.gomersall@asic.gov.au	
Address for service	Level 1, 11 Mounts Bay Road, Perth WA 6000
(include state and postcode)	

- 1.1. on 30 October 2020, in the FY2020 Audit Report each of BDO and Mr Just made statements to the effect that:
  - a) in their opinion the financial report of the Dubber Group was in accordance with the Act, including giving a true and fair view of the Dubber Group's financial position as at 30 June 2020 and of its financial performance for the year ended on that date;
  - b) BDO had conducted the FY2020 Audit in accordance with the ASAs;
  - c) BDO believed that the audit evidence it had obtained was sufficient and appropriate to provide a basis for its opinion;
  - d) impliedly, that the FY2020 Audit had been carried out with due care and skill;
  - e) impliedly, that there were reasonable grounds for the opinion alleged in subparagraph (a) and the belief alleged in subparagraph (c).
- 1.2. the statements in paragraphs 1.1(b), (d) and (e) above (**FY2020 Statements**) were false and made the FY2020 Audit Report materially false or misleading because:
  - a) the financial report of the Dubber Group was not in accordance with the Corporations Act and did not give a true and fair view of the Dubber Group's financial position as at 30 June 2020;
  - b) BDO had not conducted the FY2020 Audit in accordance with the ASAs;
  - c) BDO had not carried out the FY2020 Audit with due care and skill; and
  - d) there were therefore not reasonable grounds for the opinions alleged in subparagraphs 1.1 (a) and the belief alleged in subparagraph (c).
- 1.3. the FY2020 Audit Report was on 30 October 2020 lodged with ASIC as part of Dubber Group's FY2020 Annual Report;
- 1.4. the FY2020 Audit Report was materially false or misleading because of the FY2020 Statements;
- 1.5. BDO and Mr Just did not take all reasonable steps to ensure that the FY2020 Audit Report was not materially false or misleading because of the FY2020 Statements.

2. A declaration under s 1317E of the Act and s 21 of the FCA Act that BDO and Mr Just contravened s 1308(5) of the Act by reason that:

2.1. on or about 29 October 2021, in the FY2021 Audit Report each of BDO and Mr Just made statements to the effect that:

- a) in their opinion the financial report of the Dubber Group was in accordance with the Act, including giving a true and fair view of the Dubber Group's financial position as at 30 June 2021 and of its financial performance for the year ended on that date;
- b) BDO had conducted the FY2021 Audit in accordance with the ASAs;
- c) BDO believed that the audit evidence it had obtained was sufficient and appropriate to provide a basis for its opinion;
- d) impliedly, that the FY2021 Audit had been carried out with due care and skill;
- e) impliedly, that there were reasonable grounds for the opinion alleged in subparagraph (a) and the belief alleged in subparagraph (c).

2.2. the statements in paragraphs 2.1(b), (d) and (e) above (**FY2021 Statements**) made the FY2021 Audit Report materially false or misleading because:

- a) the financial report of the Dubber Group was not in accordance with the Corporations Act and did not give a true and fair view of the Dubber Group's financial position as at 30 June 2021;
- b) BDO had not conducted the FY2021 Audit in accordance with the ASAs;
- c) BDO had not carried out the FY2021 Audit with due care and skill; and
- d) there were therefore not reasonable grounds for the opinion alleged in subparagraph 2.1 (a) and the belief alleged in subparagraph (c).

2.3. the FY2021 Audit Report was on 1 November 2021 lodged with ASIC as part of Dubber Group's FY2021 Annual Report;

2.4. the FY2021 Audit Report was materially false or misleading because of the FY2021 Statements;

2.5. BDO and Mr Just did not take all reasonable steps to ensure that the FY2021 Audit Report was not materially false or misleading because of the FY2021 Statements.

3. A declaration under s 1317E of the Act and s 21 of the FCA Act that BDO and Mr Just contravened s 1308(5) of the Act by reason that:

3.1. on or about 7 October 2022, in the FY2022 Audit Report each of BDO and Mr Just made statements to the effect that:

- a) in their opinion the financial report of the Dubber Group was in accordance with the Act, including giving a true and fair view of the Dubber Group's financial position as at 30 June 2022 and of its financial performance for the year ended on that date;
- b) BDO had conducted the FY2022 Audit in accordance with the ASAs;
- c) BDO believed that the audit evidence it had obtained was sufficient and appropriate to provide a basis for its opinion;
- d) impliedly, that the FY2022 Audit had been carried out with due care and skill;
- e) impliedly, that there were reasonable grounds for the opinions alleged in subparagraph (a) and the belief alleged in subparagraph (c).

3.2. the statements in paragraphs 3.1(b), (d) and (e) above (**FY2022 Statements**) were false and made the FY2022 Audit Report materially false or misleading because:

- a) the financial report of the Dubber Group was not in accordance with the Corporations Act and did not give a true and fair view of the Dubber Group's financial position as at 30 June 2022;
- b) BDO had not conducted the FY2022 Audit in accordance with the ASAs;
- c) BDO had not carried out the FY2022 Audit with due care and skill; and
- d) there were therefore not reasonable grounds for the opinion alleged in subparagraphs 3.1 (a) and the belief alleged in subparagraph (c).

3.3. the FY2022 Audit Report was on 7 October 2022 lodged with ASIC as part of its FY2022 Annual Report;

3.4. the FY2022 Audit Report was materially false or misleading because of the FY2022 Statements;



- 3.5. BDO and Mr Just did not take all reasonable steps to ensure that the FY2022 Audit Report was not materially false or misleading because of the FY2022 Statements.

### Penalties

4. An order, pursuant to section 1317G of the Act, that BDO and Mr Just pay to ASIC on behalf of the Commonwealth a pecuniary penalty or pecuniary penalties of an amount or amounts to be fixed by the Court.

### Other orders

5. An order that BDO and Mr Just pay ASIC's costs.  
6. Such other order as the Court sees fit.

Date: 22 December 2025

A handwritten signature in blue ink, appearing to read "Sam Gomersall", is written over a dotted line.

Sam Gomersall, Legal Practitioner for ASIC

This application will be heard by ..... at the Federal Court of Australia at Peter Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth, ..... Western ..... Australia ..... 6000  
at ..... \*am/\*pm on .....

### B. NOTICE TO DEFENDANTS

TO: **BDO Audit (WA) Pty Ltd** (ACN 112 284 787)  
C/- Mills Oakley  
Level 21, 240 St Georges Terrace  
Perth WA 6000

**Dean Neville Just**  
C/- A&O Shearman



Level 12, Exchange Tower  
2 The Esplanade  
Perth WA 6000

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

*Note* Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

#### **C. FILING**

Date of filing: 22 December 2025

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*Registrar*

#### **D. SERVICE**

The plaintiff's address for service is

Level 1  
11 Mounts Bay Road  
PERTH WA 6000  
Email: sam.gomersall@asic.gov.au

It is intended to serve a copy of this originating process on each defendant.