

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	24/06/2025 2:26:06 PM AEST
Date Accepted for Filing:	24/06/2025 2:37:55 PM AEST
File Number:	VID720/2024
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v COFCO INTERNATIONAL AUSTRALIA PTY LTD & ANOR
Registry:	VICTORIA 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  
Rule 2.2

### **Amended originating process**

Federal Court of Australia

No. VID720 of 2024

District Registry: Victoria

Division: General

Commercial and Corporations NPA

#### **Australian Securities and Investments Commission**

Plaintiff

#### **COFCO International Australia Pty Ltd (ACN 001 069 423)**

First Defendant

#### **COFCO Resources SA**

Second Defendant

### **Amendments to originating process**

The amendments to this originating process as denoted in underline and strikethrough were made on 24 June 2025 pursuant to the order of the Court of 23 June 2025.

#### **A. Details of application**

This application is made under sections 1317E and 1317G(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**).

The plaintiff seeks declarations of contraventions of the Corporations Act, pecuniary penalty orders and ancillary orders, including costs.

For the purposes of this Originating Process, the following terms have the following meanings:

- A. **ASX** means Australian Securities Exchange Limited (ACN 000 943 377).
- B. **ASX 24** means the electronic trading platform known as “ASX 24” operated by ASX in Australia for the trading of, among other things, WMF3 contracts.

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission (Plaintiff)		
Prepared by (name of person/lawyer)	John Fogarty		
Law firm (if applicable)	DLA Piper		
Tel	+61 3 9274 5080	Fax	+61 3 9274 5111
Email	john.fogarty@dlapiper.com		
<b>Address for service</b>	80 Collins Street		
(include state and postcode)	MELBOURNE VIC 3000		

- C. **DSP** means the Daily Settlement Price for WMF3 contracts as calculated by ASX on each trading day, immediately following the close of the Day Session at 4:30pm, for the purpose of margining and settling by ASX Clear (Futures) Pty Ltd.
- D. **WMF3 contract** means an Eastern Australia Wheat Futures Contract for wheat deliverable in January 2023, as authorised by ASX for trading on ASX 24.

On the facts ~~stated~~ alleged in the ~~accompanying Concise~~ Statement of Claim, the plaintiff claims:

1. Declarations pursuant to section 1317E of the Corporations Act that each of the defendants, between 17 January 2022 and 3 March 2022, on each of the occasions specified in the Annexure to the ~~Concise~~ Statement of Claim:

- (a) caused an offer to be made for the second defendant to enter into a WMF3 contract, as seller, through ASX 24, on which platform ASX operated a financial market for trading WMF3 contracts; and
- (b) did so for a sole or dominant purpose, or alternatively a purpose, being to affect the outcome of ASX's calculation of the DSP, such that the DSP would be lower than it otherwise would be, which purpose was not disclosed,

and thereby contravened:

- (c) section 1041A of the Corporations Act, by taking part in, or carrying out, a transaction that had or was likely to have the effect of creating an artificial price for trading, or maintaining at a level that was artificial a price for trading, in WMF3 contracts on ASX 24; and
- (d) section 1041B(1) of the Corporations Act, by doing, or omitting to do, an act that had or was likely to have the effect of creating, or causing the creation of, a false or misleading appearance with respect to the market for, or the price for trading in, WMF3 contracts on ASX 24.

- 1A. A declaration pursuant to section 1317E of the Corporations Act that each of the defendants, between 17 January 2022 and 3 March 2022, on each of the occasions specified in the Annexure to the Statement of Claim:

- (a) caused an offer to be made for the second defendant to enter into a WMF3 contract, as seller, through ASX 24, which offer had or was likely to have the effect of influencing the level at which a financial benchmark, namely the DSP, was generated or administered; and

- (b) intended for the making of that offer to have that effect.

and thereby contravened section 908DA(1) of the Corporations Act.

2. An order pursuant to section 1317G(1) of the Corporations Act that each of the defendants pay to the Commonwealth such pecuniary penalties as the Court determines appropriate in relation to the contraventions of sections 908DA(1), 1041A and 1041B(1) of the Corporations Act referred to in paragraphs 1 and 1A above.
3. An order that the defendants pay the plaintiff's costs of, and incidental to, this proceeding.
4. Such further or other orders as the Court considers appropriate.



Date: ~~24 July 2024~~ 24 June 2025

A handwritten signature in black ink, appearing to read "Jwf", is positioned above a dotted line.

.....  
John Fogarty  
for and on behalf of DLA Piper  
Lawyer for the Plaintiff

This application will be heard by the Federal Court of Australia at 305 William Street  
Melbourne at ..... \*am/\*pm on .....2025.



## B. NOTICE TO DEFENDANTS

TO: COFCO International Australia Pty Ltd  
c/- MinterEllison  
Level 20, Collins Arch  
447 Collins Street  
Melbourne, VIC 3000

COFCO Resources SA  
c/- MinterEllison  
Level 20, Collins Arch  
447 Collins Street  
Melbourne, VIC 3000

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:

.....  
Registrar

This amended originating process is filed by DLA Piper for the plaintiff.



#### **D. SERVICE**

The plaintiff's address for service is:

Place: DLA Piper

80 Collins Street

Melbourne VIC 3000

Email: john.fogarty@dlapiper.com

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