

## 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:	25/11/2025 5:19:55 PM AEDT
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File Number:	ACD105/2025
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v ELECTRO OPTIC SYSTEMS HOLDINGS LIMITED ACN 092 708 364
Registry:	AUSTRALIAN CAPITAL TERRITORY 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.



## ORIGINATING PROCESS

**FEDERAL COURT OF AUSTRALIA**  
**DISTRICT REGISTRY: AUSTRALIAN CAPITAL TERRITORY**  
**DIVISION: GENERAL**

**No ACD of 2025**

### **AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

### **ELECTRO OPTIC SYSTEMS HOLDINGS LIMITED ACN 092 708 364**

Defendant

#### **A. DETAILS OF APPLICATION**

This application is made under sections 19 and 21 of the *Federal Court of Australia Act 1976* (Cth) and under sections 1317E(1) and 1317G(1) of the Act.

The Plaintiff seeks declarations of contraventions of the Act, pecuniary penalty orders and costs.

The definitions used in this Originating Process are set out in the notation at the end of the document.

On the facts set out in the SAFA and the Marshall Affidavit, the Plaintiff seeks:

1. A declaration, pursuant to s 1317E of the Act, that the Defendant contravened s 674A(2) of the Act on 25 July 2022 and, by virtue of s 1317QA of the Act, on each subsequent day until 31 October 2022, by failing to notify the ASX during that period of the July 2022 Forecast Information.
2. An order under s 1317G(1) of the Act that the Defendant pay to the Commonwealth a pecuniary penalty in relation to the contraventions referred to in paragraph 1 above.
3. An order that the Defendant pay the Plaintiff's costs of and incidental to the proceeding.
4. Such further or other orders as the Court thinks fit.

#### **Definitions**

The capitalised terms used in this Originating Process have the following meaning:

**Act** means the *Corporations Act 2001* (Cth).



**ASX** means the Australian Securities Exchange Limited.

**July 2022 Forecast Information** means the July 2022 Forecast Information referred to in paragraph 82 of the SAFA.

**Marshall Affidavit** means the affidavit of Jody Maree Marshall affirmed on 25 November 2025.

**SAFA** means the Statement of Agreed Facts and Admissions dated 25 November 2025 annexed as JMM-1 to the Marshall Affidavit.

Date: 25 November 2025

A handwritten signature in cursive script, appearing to read 'J Marshall', is written over a dotted line.

Jody Marshall

AGS lawyer

for and on behalf of the Australian Government Solicitor

Lawyer for the Plaintiff

This application will be heard by ..... at Nigel Bowen Commonwealth Law Courts Building, Childers Street, Canberra City ACT 3601 at ..... \*am/\*pm on .....

**B. NOTICE TO DEFENDANT**

TO: ELECTRO OPTIC SYSTEMS HOLDINGS LIMITED of 18 Wormald Street, Symonston ACT 2609

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 originating process is filed by the Australian Government Solicitor for the Plaintiff.

**D. SERVICE**

The plaintiff's address for service is:

Australian Government Solicitor

Level 33, 300 George St, Brisbane, QLD 4000

Email: [Jody.Marshall@ags.gov.au](mailto:Jody.Marshall@ags.gov.au)

The Australian Government Solicitor's telephone, facsimile and document exchange numbers are:

Tel: 07 3360 5600

Fax: 07 3360 5795

DX 119 Brisbane

It is intended to serve a copy of this originating process on the Defendant.