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:	24/09/2025 6:39:40 PM AEST
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File Number:	VID1280/2025
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v MACQUARIE INVESTMENT MANAGEMENT LIMITED (ACN 002 867 003) IN ITS CAPACITY AS TRUSTEE OF THE MACQUARIE SUPERANNUATION PLAN
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

SEAL OF THE FEDERAL COURT OF AUSTRALIA

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. VID of 2025
District Registry: Victoria
Division: General

IN THE MATTER OF MACQUARIE INVESTMENT MANAGEMENT LTD (ACN 002 867 003) IN ITS CAPACITY AS TRUSTEE OF THE MACQUARIE SUPERANNUATION PLAN

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Plaintiff

MACQUARIE INVESTMENT MANAGEMENT LTD (ACN 002 867 003) IN ITS CAPACITY AS TRUSTEE OF THE MACQUARIE SUPERANNUATION PLAN
Defendant

A. DETAILS OF APPLICATION

This application is made under s 21 of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**) and ss 912A(1)(a), 912A(5A), 1101B and 1317E of the *Corporations Act 2001* (Cth) (**Corporations Act**).

Capitalised terms in this Originating Process have the same meaning as in the Statement of Agreed Facts and Admissions dated 24 September 2025 (**SAFA**).

The plaintiff (**ASIC**) seeks against the defendant (**MIML**):

1. Declarations of contraventions of s 912A(1)(a) of the Corporations Act under s 21 of the Federal Court Act and/or s 1101B(1)(a) of the Corporations Act.

2. Declarations of contraventions of s 912A(5A) of the Corporations Act under s 1317E of the Corporations Act and/or s 1101B(1)(a) of the Corporations Act.

3. Costs.

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
Law firm	Australian Securities and Investments Commission		
Tel	+61 2 9911 5745	Fax	
Email	nicolette.bearup@asic.gov.au	Ref	CAS-141099-B4W4V2
Address for Service	**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION** Level 10, 100 Market St, Sydney NSW 2000 Email: nicolette.bearup@asic.gov,au		

On the facts set out in the SAFA, ASIC seeks the following relief:

Declarations

4. A declaration that by 1 March 2022 (being the date on which the Conservative, Balanced and Growth classes of the SMF were added to Wrap), MIML ought to have placed each of those classes of the SMF on a watch list, such as the Watch List referred to in the IGF, in order that they could be subject to further monitoring action, including in accordance with the provisions of the IGF, additional reporting, due diligence, performance monitoring or other follow up action, but did not do so.

5. A declaration that in the period between 1 March 2022 and 5 June 2023 (being the period during which the Conservative, Balanced and Growth classes of the SMF were investment options on Wrap), MIML ought to have placed each of those classes of the SMF on a watch list, such as the Watch List referred to in the IGF, in order that they could be subject to further monitoring action, including in accordance with the provisions of the IGF, additional reporting, due diligence, performance monitoring or other follow up action, but did not do so.

6. A declaration that by 6 May 2022 (being the date on which the High Growth class of the SMF was added to Wrap), MIML ought to have placed that class of the SMF on a watch list, such as the Watch List referred to in the IGF, in order that it could be subject to further monitoring action, including in accordance with the provisions of the IGF, additional reporting, due diligence, performance monitoring or other follow up action, but did not do so.

7. A declaration that in the period between 6 May 2022 and 5 June 2023 (being the period during which the High Growth class of the SMF was an investment option on Wrap), MIML ought to have placed that class of the SMF on a watch list, such as the Watch List referred to in the IGF, in order that it could be subject to further monitoring action, including in accordance with the provisions of the IGF, additional reporting, due diligence, performance monitoring or other follow up action, but did not do so.

8. A declaration that by reason of the matters referred to in each of paragraphs 4, 5, 6 and 7 above, at all times between 1 March 2022 and 5 June 2023, MIML failed to do all things necessary to ensure that the financial services covered by its financial services licence were provided efficiently, honestly and fairly, and MIML thereby contravened s 912A(1)(a) of the Corporations Act.

9. A declaration that by reason of each of the contraventions referred to in paragraph 8 above, MIML contravened s 912A(5A) of the Corporations Act.

Other orders

10. An order that MIML pay ASIC's costs in an amount to be agreed between the parties or, in the absence of agreement, as taxed.

11. Such further or other orders as the Court thinks fit.

Dated: 24 September 2025

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Signed by Nicolette Bearup
Lawyer for the Plaintiff

This application will be heard by the Federal Court of Australia at Level 7, Commonwealth Law Courts, 305 William Street, Melbourne in the State of Victoria at am/pm on

B. NOTICE TO DEFENDANT(S) (IF ANY)

TO: Macquarie Investment Management Limited (ACN 055 641 757) in its capacity as trustee of the Macquarie Superannuation Plan, Level 1, 1 Elizabeth Street, Sydney, NSW 2000

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. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY

Not applicable

D. FILING

Date of filing: 24 September 2025

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Registrar

This originating process is filed by Nicolette Bearup of Australian Securities and Investments Commission, solicitor for the Plaintiff.

E. SERVICE

The Plaintiff's address for service is:

C/- Australian Securities and Investments Commission
Level 5, 100 Market Street
Sydney NSW 2000

Email: nicolette.bearup@asic.gov.au

The Plaintiff's address is Level 5, 100 Market Street, Sydney NSW 2000.

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