

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: 24/07/2024 2:52:30 PM AEST
Date Accepted for Filing: 24/07/2024 3:55:08 PM AEST
File Number: VID720/2024
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v
COFCO INTERNATIONAL AUSTRALIA PTY LTD
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.



On the facts stated in the accompanying Concise Statement, 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:
 - (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.
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 1041A and 1041B(1) of the Corporations Act referred to in paragraph 1 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

A handwritten signature in black ink, appearing to read 'Jwf'.

.....
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 on2024.



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:

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Registrar

This 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 originating process on each defendant.