

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)
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File Number: WAD403/2025
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v AVZ
MINERALS LIMITED (ACN 125 176 703) & ORS
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.



Originating process

No. of 2025

Federal Court of Australia
District Registry: Perth, Western Australia
Division: General

IN THE MATTER OF AVZ MINERALS LIMITED (ACN 125 176 703)

Australian Securities and Investments Commission

Plaintiff

AVZ Minerals Limited (ACN 125 176 703)

First Defendant

Nigel Munro Ferguson

Second Defendant

Graeme Godsman Johnston

Third Defendant

A. DETAILS OF APPLICATION

This application is made under sections 180(1), 206C, 674(as it stood prior to 14 August 2021), 674A, 1041H, 1309(2),1309(12), 1317E and 1317G of the *Corporations Act 2001* (Cth) (**Act**) and section 21 of the *Federal Court of Australia Act 1976* (Cth).

On the facts stated in the Statement of Claim filed in these proceedings and served with this Originating Process, the Plaintiff claims:

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, Plaintiff		
Prepared by (name of person/lawyer)	Sam Gomersall		
Law firm (if applicable)			
Tel	0466 290 031	Fax	(08) 9261 4227
Email	Sam.Gomersall@asic.gov.au		
Address for service (include state and postcode)	Level 1, 11 Mounts Bay Road, Perth WA 6000 Attention: Sam Gomersall		



Relief against First Defendant

1. Pursuant to section 1317E of the Act, a declaration that, by engaging in the conduct pleaded in paragraph 89 of the Statement of Claim and by reason of the matters pleaded in paragraph 84 and paragraph 88(a)-(d), the First Respondent contravened section 674(2) of the Act (as it stood prior to 14 August 2021).
2. Pursuant to section 1317E of the Act, declarations that, by engaging in the conduct pleaded in paragraphs 90 to 93 of the Statement of Claim and by reason of the matters pleaded in paragraphs 85 to 87 and paragraph 88(a)-(c) and (e), the First Defendant contravened section 674A(2) of the Act.
3. Pursuant to section 21 of the *Federal Court of Australia Act 1976* (Cth), declarations that, by engaging in the conduct pleaded in paragraph 97 of the Statement of Claim, the First Defendant contravened section 1041H of the Act.
4. Pursuant to section 1317G of the Act, an order that the First Defendant pay to the Commonwealth of Australia a pecuniary penalty in such amount as the Court thinks fit for its contraventions of sections 674(2) (as it stood prior to 14 August 2021) and 674A(2) of the Act.
5. Costs.
6. Such further or other orders or relief as the Court thinks fit.

Relief against Second Defendant

7. Pursuant to section 1317E of the Act, a declaration that, by engaging in the conduct pleaded at paragraphs 102, 107 and 109 of the Statement of Claim, the Second Defendant contravened section 180(1) of the Act.
8. Pursuant to section 1317E of the Corporations Act, a declaration that, by engaging in the conduct pleaded at paragraphs 112, 114 and 115 of the Statement of Claim, the Second Defendant contravened section 1309(2) and 1309(12) of the Corporations Act.
9. Pursuant to section 1317G of the Act, an order that the Second Defendant pay to the Commonwealth of Australia a pecuniary penalty in such amount as the Court thinks fit by reason of the matters pleaded at paragraphs 110, 118 and 119



of the Statement of Claim for his contraventions of sections 180(1) and 1309(12) of the Act.

10. Pursuant to section 206C of the Act, an order that the Second Defendant be disqualified from managing corporations for a period that the Court considers appropriate.
11. Costs.
12. Such further or other orders or relief as the Court thinks fit.

Relief against Third Defendant

13. Pursuant to section 1317E of the Act, a declaration that, by engaging in the conduct pleaded at paragraphs 106, 107 and 109 of the Statement of Claim, the Third Defendant contravened section 180(1) of the Act.
14. Pursuant to section 1317E of the Act, a declaration that, by engaging in the conduct pleaded at paragraphs 113, 114 and 116 of the Statement of Claim, the Third Defendant contravened sections 1309(2) and 1309(12) of the Act.
15. Pursuant to section 1317G of the Act, an order that the Third Defendant pay to the Commonwealth of Australia a pecuniary penalty in such amount as the Court thinks fit by reason of the matters pleaded at paragraphs 110, 118 and 119 of the Statement of Claim for his contraventions of sections 180(1) and 1309(12) of the Act.
16. Pursuant to section 206C of the Act, an order that the Third Defendant be disqualified from managing corporations for a period that the Court considers appropriate.
17. Costs.
18. Such further or other orders or relief as the Court thinks fit.

Date: 11 November 2025



A handwritten signature in blue ink, appearing to read 'Sam Gomersall'.

Sam Gomersall
Solicitor for the Australian Securities and Investments Commission

This application will be heard by at
Commonwealth Law Courts, 1 Victoria Avenue, Perth, WA, 6000 at *am/*pm
on

B. NOTICE TO DEFENDANTS

To: AVZ Minerals Limited

At: Unit 35, 4 Ventnor Avenue, West Perth, WA 6005

To: Nigel Munro Ferguson

At: 73 Forrest Street, Cottesloe, WA 6011

To: Graeme Godsman Johnston

At: 98 Discover Drive, Thornlie, WA 6108

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.



D. FILING

Date of filing: 11 November 2025

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Registrar

This originating process is filed by Sam Gomersall for the plaintiff.

E. SERVICE

The plaintiff's address for service is:

Australian Securities and Investments Commission

Level 1, 11 Mounts Bay Road

PERTH WA 6000

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