



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD847/2023

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Plaintiff

**LGSS PTY LIMITED ACN 078 003 497 AS TRUSTEE FOR LOCAL GOVERNMENT
SUPER ABN 28 901 371 321**

Defendant

ORDER

JUDGE: JUSTICE O'CALLAGHAN

DATE OF ORDER: 07 August 2024

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

1. The matter be listed for hearing at 10.15am on 17 December 2024 for the purpose of determining final orders, including penalty orders, on an estimate of one (1) day.
2. On or before 4pm on 6 September 2024, the defendant is to provide the plaintiff with the documents and information set out in paragraphs 2 to 7 of Schedule A to these orders.
3. On or before 4pm on 27 September 2024, the defendant is to provide the plaintiff with the documents and information set out in paragraph 1 of Schedule A to these orders.
4. On or before 4pm on 9 October 2024, the parties file and serve any statement of agreed facts relating to penalty.
5. On or before 4pm on 22 October 2024, the plaintiff is to file and serve any evidence it relies upon on the question of penalty and costs.
6. On or before 4pm on 5 November 2024, the defendant is to file and serve any evidence it relies upon on the question of penalty and costs.
7. On or before 4pm on 19 November 2024, the plaintiff is to file its written submissions on the question of penalty and costs and a list of authorities.



8. On or before 4pm on 2 December 2024, the defendant is to file its written submissions on the question of penalty and costs and a list of authorities.
9. On or before 4pm on 5 December 2024 the parties file and exchange notices to attend for cross examination.
10. On or before 4pm on 5 December 2024 the parties are to file and serve a document identifying any unresolved objections to any affidavit or document proposed to be adduced in evidence by the other party.
11. On or before 4pm on 9 December 2024, the parties are to confer and agree a court book index.
12. On or before 4pm on 12 December 2024, the plaintiff is to provide the defendant and the Court with:
 - a. an electronic court book; and
 - b. an electronic bundle of authorities,in each case in accordance with the *eBooks Practice Note (GP-eBOOKS)* using Format 1.

Miscellaneous

13. Costs be reserved.
14. There be liberty to apply.

Date orders authenticated: 8 August 2024


Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



SCHEDULE A

1. Copies of the financial statements for the defendant and the Active Super superannuation fund (**Fund**) for the period 1 July 2023 to 30 June 2024;
2. Documents relating to insurance held by the defendant or the Fund in the period 10 August 2023 to date providing coverage for the conduct the subject of the proceeding and upon which the Fund relies, including:
 - a. Certificate(s) of insurance.
 - b. Policy wording(s) and associated schedules.
 - c. Correspondence between the solicitors for the Fund and the Fund's insurer(s) in relation to indemnity for any claim made by the defendant in relation to the proceeding.
3. Documents recording any indemnity in place in connection with the merger between the defendant and Vision Super Pty Ltd (ACN 082 924 561) as the trustee of the Local Authorities Superannuation Fund (ABN 24 496 637 884).
4. A document or documents recording any complaints made in the period 1 February 2021 to date about the Fund investing in companies involved in, or deriving profit from, gambling, Russia, oil tar sands or coal mining.
5. A document or documents recording:
 - a. the number of Active Super members as at 30 June 2024; and
 - b. the amount of assets managed for members as at 30 June 2024.
6. A document or documents recording the time period over which each of the following documents were available to the public:
 - a. SRI Policy version 10;
 - b. SRI Policy version 11; and



- c. SRI Policy version 12.
- 7. For each of the following periods, a document or documents recording the number of times each of the specified documents were accessed or viewed:
 - a. from 25 May 2021 to 1 July 2021:
 - i. 'How we invest your money' PDS Fact Sheet for Accumulation Scheme dated 25 May 2021;
 - ii. 'How we invest your money' PDS Fact Sheet for Defined Benefit Scheme dated 25 May 2021;
 - iii. 'How we invest your money' PDS Fact Sheet for Account Based Pension Plan dated 25 May 2021; and
 - iv. 'How we invest your money' PDS Fact Sheet for Retirement Scheme dated 25 May 2021;
 - b. from 10 August 2022 to 8 February 2023;
 - i. SRI Policy version 8 dated October 2021;
 - c. from 1 July 2022 to 1 May 2023:
 - i. 'How we invest your money' PDS Fact Sheet for Accumulation Scheme dated 1 July 2022;
 - ii. 'How we invest your money' PDS Fact Sheet for Defined Benefit Scheme dated 1 July 2022; and
 - iii. 'How we invest your money' PDS Fact Sheet for Account Based Pension Plan dated 1 July 2022;
 - d. from 4 November 2022 to 1 May 2023:
 - i. 'How we invest your money' PDS Fact Sheet for Defined Benefit Scheme dated 4 November 2022;
 - e. from 8 February 2023 to the date it was removed:



- i. SRI Policy version 10 dated October 2022;
- f. from March 2023 to the date it was removed;
- i. SRI Policy version 11 dated March 2023; and
- g. from June 2023 to the date it was removed:
- i. SRI Policy version 12 dated June 2023.