



Federal Court of Australia

District Registry: Victoria Registry

Division: General

No: VID1614/2025

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

DIVERSA TRUSTEES LIMITED (ACN 006 421 638)

Defendant

ORDER

JUDGE: JUSTICE MCELWAIN

DATE OF ORDER: 17 February 2026

WHERE MADE: Melbourne

THE COURT ORDERS BY CONSENT THAT:

Pleadings

1. The Plaintiff is to file and serve a Statement of Claim by 4 pm on 13 March 2026.
2. The Defendant is to file and serve a Defence and any cross-claims by 4 pm on 15 May 2026.
3. The Plaintiff is to file and serve any Reply by 4 pm on 29 May 2026.

Document production

4. The Plaintiff is to give notice of these orders to persons, by 4 pm on 20 February 2026:
 - (a) examined pursuant to s 19 of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**), where transcripts of their examination are to be produced pursuant to order 6 (**Examinees**); and
 - (b) issued notices pursuant to s 912C of the *Corporations Act 2001* (Cth) (**Corporations Act**) and ss 30 or 33 of the ASIC Act, where those persons' documents are to be produced pursuant to order 7 (**Third Parties**).



5. Any application by an Examinee or a Third Party in connection with orders 6 and 7 is to be filed and served on the Plaintiff and Defendant by 4 pm on 6 March 2026.
6. The Plaintiff is to produce the following documents to the Defendant, by 4 pm on 13 March 2026:
 - (a) copies of all notices issued pursuant to s 19 of the ASIC Act to the Examinees;
 - (b) copies of transcripts of all examinations conducted pursuant to s 19 of the ASIC Act during the course of the Investigation (as defined below) into the matters the subject of this proceeding; and
 - (c) copies of the documents referred to in those examinations,excluding any transcripts or documents the subject of an extant application by an Examinee under order 5.
7. The Plaintiff is to produce the following documents to the Defendant, by 4 pm on 13 March 2026:
 - (a) copies of all notices issued by the Plaintiff to any person (other than the Defendant) under s 912C of the Corporations Act and ss 30 or 33 of the ASIC Act during the course of the Investigation (as defined below) into the matters the subject of this proceeding; and
 - (b) copies of all documents obtained or received by the Plaintiff (other than from the Defendant) in response to the notices referred to in paragraph 7(a) above,excluding any documents the subject of an extant application by a Third Party under order 5.
8. For the purpose of giving effect to these orders, the Plaintiff is to provide the relevant documents in electronic format by way of a load file suitable for Nuix Discover.

Case management hearing

9. The case management hearing listed at 10.15 am on 20 February 2026 is adjourned to 10.15am on 5 June 2026.



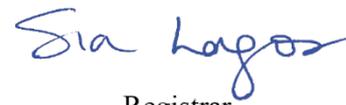
Other matters

10. If artificial intelligence is used to assist in the preparation of any document, there must be disclosure of that fact.
11. Costs are reserved.
12. Liberty to apply.

Definitions

Investigation means the Plaintiff's investigation into suspected contraventions of s 912A of the *Corporations Act 2001* (Cth) and/or a covenant of section 52 of the *Superannuation Industry (Supervision) Act 1993* (Cth) by Diversa Trustees Limited (ACN 006 421 638) in relation to activities concerning the First Guardian Master Fund (ARSN 635 429 113) during the period 2 July 2020 and 8 December 2025.

Date orders authenticated: 17 February 2026


Registrar

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