

Form 2

(rule 2.2)

IN THE SUPREME COURT OF NEW SOUTH WALES  
DIVISION: EQUITY  
REGISTRY: SYDNEY  
CORPORATIONS LIST

No 255957 of 2015

IN THE MATTER OF BANKSIA SECURITIES LIMITED (RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION)

ACN: 004 736 458

ANTHONY GREGORY MCGRATH, JOSEPH DAVID HAYES, MATTHEW WAYNE CADDY AND ROBERT MICHAEL KIRMAN OF MCGRATHNICOL AS THE JOINT AND SEVERAL RECEIVERS AND MANAGERS OF BANKSIA SECURITIES LIMITED (RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION)

Plaintiffs

and

THE TRUST COMPANY (NOMINEES) LIMITED (ACN 000 154 441)

First Defendant

JOHN ROSS LINDHOLM AND PETER DAMIEN MCCLUSKEY OF FERRIER HODGSON AS THE JOINT AND SEVERAL LIQUIDATORS OF BANKSIA SECURITIES LIMITED (RECEIVERS AND MANAGERS APPOINTED) (IN LIQUIDATION)

Second Defendant

FILED

1 SEP 2015



ORIGINATING PROCESS

Date of Document: 1 September 2015  
Filed on behalf of: The Plaintiffs  
Prepared by:  
**Ashurst Australia**  
Level 26  
181 William Street  
Melbourne VIC 3000

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**A. DETAILS OF APPLICATION**

This application is made by the Plaintiffs (**Receivers**) under section 424 of the *Corporations Act 2001* (Cth) and the Court's inherent jurisdiction for directions, and if thought appropriate by this Honourable Court, orders to appoint Messrs John Ross Lindholm and Peter Damien McCluskey, joint and several liquidators (**Liquidators**) of Banksia Securities Limited (Receivers and Managers Appointed) (In Liquidation) (**BSL**) as additional joint and several special purpose receivers of BSL for the purpose of conducting BSL's claims in Supreme Court of Victoria Proceeding No. SCI 2014 05875 and BSL's defence and related claims in

Supreme Court of Victoria Proceeding No. S CI 2012 07185 (**Proceedings**), together with Supreme Court of Victoria Proceeding No. S CI 2015 01384.

On the facts stated in the supporting affidavit, the Receivers claim:

1. A direction that the Receivers are justified in applying to this Court and obtaining the relief sought in paragraphs 2 to 4 of this Originating Process.
2. An order that the Liquidators be appointed as joint and several special purpose receivers of BSL and be responsible for conducting, prosecuting and settling the claims and defences in the Proceedings as they may be advised.
3. A declaration that the Receivers shall have no power, authority, function or responsibility for the conduct, prosecution and settling of the claims and defences in the Proceedings but shall otherwise be responsible for all remaining matters arising in the receivership of BSL.
4. Such other order(s) as the Court considers appropriate.

Date: 1 September 2015

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 Michael Sloan, Ashurst Australia  
 Solicitor for the Plaintiffs

This application will be heard, together with Supreme Court of New South Wales Proceeding No. 252832 of 2015 by the Supreme Court of New South Wales at Law Courts Building, Queens Square, 184 Phillip Street, Sydney at 9.00am on 14 September 2015.

**B. NOTICE TO DEFENDANTS**

TO: John Ross Lindholm and Peter Damien McCluskey of Ferrier Hodgson as the joint and several liquidators of Banksia Securities Limited (Receivers and Managers Appointed) (In Liquidation)

The Trust Company (Nominees) Limited (ACN 000 154 441)

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.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the Plaintiffs in the originating process.

**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**

This originating process is filed by Ashurst Australia, solicitors for the Plaintiffs.

**D. SERVICE**

The Plaintiffs' address for service is: c/- Ashurst Australia  
Lawyers  
Level 26  
181 William Street  
Melbourne VIC 3000  
Ref: 03 3000 9288

It is intended to serve a copy of this originating process on each defendant and on any person listed below:

John Ross Lindholm and Peter Damien McCluskey of Ferrier Hodgson as the joint and several liquidators of Banksia Securities Limited (Receivers and Managers Appointed) (In Liquidation), c/- Maddocks, 140 William Street, Melbourne, Victoria 3000.

The Trust Company (Nominees) Limited (ACN 000 154 441), c/- Clayton Utz, Level 15, 1 Bligh Street, Sydney, NSW 2000.

Australian Securities and Investments Commission, Level 5, 100 Market Street, Sydney NSW 2000.