

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/06/2021 12:22:08 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
File Number:	VID972/2018
File Title:	HOLLY SOUTHERNWOOD & ANOR V BRAMBLES LIMITED
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



Dated: 25/06/2021 12:51:38 PM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

Registrar

Important Information

As required by the Court's Rules, 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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 19
Rule 9.32

**Amended Consolidated Originating application starting a
representative proceeding under Part IVA of the Federal Court of
Australia Act 1976**

Amended on 25 June 2021 pursuant to leave granted by the Honourable Justice Murphy on 21 June
2021

No. VID972 of 2018

Federal Court of Australia
District Registry: Victoria
Division: General

HOLLY SOUTHERNWOOD

First Applicant

**WILLIAM VINCENT KIDD AND MARY AGNES COLLUM AS TRUSTEES FOR THE
MAGNESS-BENNETT SUPERANNUATION FUND**

Second Applicants

BRAMBLES LIMITED (ACN 118 896 021)

Respondent

To the Respondent

The Applicants apply for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne

Filed on behalf of (name & role of party) Holly Southernwood & another named in the Schedule (Applicants)
Prepared by (name of person/lawyer) Andrew Paull, Slater and Gordon Lawyers
Law firm (if applicable) Slater and Gordon Lawyers
Tel (03) 9602 6964 Fax (03) 9600 0290
Email Andrew.Paull@slatergordon.com.au
Address for service 485 La Trobe Street, Melbourne, VIC, 3000

[Form approved 01/08/2011]



Date: 25 June 2021

Signed by an officer acting with the authority
of the District Registrar

Details of claim

On the grounds stated in the accompanying Amended Consolidated Statement of Claim, the Applicants claim, on their own behalf and on behalf of Group Members (as defined below):

1. A declaration pursuant to section 21 alternatively section 33ZF of the *Federal Court of Australia Act 1976* (Cth) that the Respondent (**Brambles**) contravened section 674(2) of the *Corporations Act 2001* (Cth) (**Corporations Act**) by failing to inform the Australian Stock Exchange (**ASX**) of some or all of:
 - (a) the August Information as defined in paragraph 35A6 of the Amended Consolidated Statement of Claim;
 - (aa) the Alternative August Information as defined in paragraph 37A of the Amended Consolidated Statement of Claim;
 - (b) the October Information as defined in paragraph 45A of the Amended Consolidated Statement of Claim;
 - (ba) the Alternative October Information as defined in paragraph 47A of the Amended Consolidated Statement of Claim;
 - (c) the November Information as defined in paragraph 54A of the Amended Consolidated Statement of Claim;
 - (d) the Alternative November Information as defined in paragraph 56A of the Amended Consolidated Statement of Claim,

as it became aware, for the purposes of ASX Listing Rules 3.1 and 19.12, of that information.

2. A declaration that for the purposes of section 1317HA of the *Corporations Act*, the Applicants and Group Members suffered loss or damage as a result of Brambles' contravention or contraventions of section 674(2) of the *Corporations Act*.
3. An order, pursuant to section 1317HA and/or section 1325 of the *Corporations Act*, that Brambles compensate the Applicants and the Group Members for the damage suffered by them which resulted from Brambles' contraventions of section 674(2) of the *Corporations Act*.



4. A declaration pursuant to section 21, alternatively section 33ZF, of the *Federal Court of Australia Act 1976* (Cth), that by making some or all of the:
 - (a) August Representations as defined in paragraph 25 of the Amended Consolidated Statement of Claim;
 - (b) October Representations as defined in paragraph 43 of the Amended Consolidated Statement of Claim;
 - (c) November Representations as defined in paragraph 52 of the Amended Consolidated Statement of Claim;
 - (d) January Representations as defined in paragraph 60C of the Amended Consolidated Statement of Claim,

Brambles engaged in conduct in contravention of section 1041H(1) of the Corporations Act, section 12DA(1) of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**) and/or section 18 of the Australian Consumer Law as applicable pursuant to section 131 of the *Competition and Consumer Act 2010* (Cth) and/or section 8 of the *Australian Consumer Law and Fair Trading Act 2012* (Vic) (**ACL**).

5. A declaration that for the purposes of section 1041I of the Corporations Act and/or section 12GF and/or section 12GM of the ASIC Act and/or section 18 of the ACL, the Applicants and Group Members have suffered loss or damage as a result of Brambles' contraventions of section 1041H(1) of the Corporations Act, section 12DA(1) of the ASIC Act and section 18 of the ACL respectively.
6. An order that Brambles pay to the Applicants and the Group Members statutory compensation pursuant to:
 - (a) section 1041I of the Corporations Act;
 - (b) section 12GF and/or section 12GM of the ASIC Act; and/or
 - (c) section 236 of the ACL.
7. Interest pursuant to section 51A of the *Federal Court of Australia Act 1976* (Cth).
8. Costs.
9. Such further or other relief as the Court determines is appropriate.



Questions common to claims of Group Members

Capitalised terms have the same meaning as in the Amended Consolidated Statement of Claim.

The questions of law or fact common to the claims of the Group Members are:

10. Whether Brambles made and/or failed to correct or qualify the:
 - ~~(a) — FY2016 Strong Foundations Representation;~~
 - (b) August Sales Revenue Forecast;
 - (c) August Underlying Profit Forecast;
 - (d) August Costs Representations;
 - (e) August Price Representation;
 - (f) August ROCI Forecast;
 - (g) Medium-Term Targets;
 - (h) August Implied Representations;
 - (i) October Revenue Representation;
 - (j) October Underlying Profit Representation;
 - (k) October Medium-Term Outlook Representation;
 - (l) October Implied Representations;
 - (m) October Costs Representation;
 - (n) November AGM Representations;
 - (o) November Implied Representations;
 - (p) 23 January Representations;
 - (q) January Implied Representations,and if so, whether, by doing so, it contravened section 1041H(1) of the Corporations Act, section 12DA(1) of the ASIC Act and/or section 18 of the ACL.
11. At what time or times did Brambles become aware, within the meaning of ASX Listing Rules 3.1 and 19.12 of the:
 - (a) August Information;
 - (aa) Alternative August Information;
 - (b) October Information; ~~and~~
 - (ba) Alternative October Information;
 - (c) November Information; and
 - (d) Alternative November Information.
12. Whether Brambles, throughout all or part (and if so, which part) of the Relevant Period, contravened section 674(2) of the Corporations Act by not immediately telling the ASX the:



- (a) August Information;
 - (aa) Alternative August Information;
 - (b) October Information; ~~and~~
 - (ba) Alternative October Information;
 - (c) November Information; and
 - (d) Alternative November Information.
13. Whether and ~~if~~, if so, what conduct of Brambles had the effect that prices for Brambles Shares (as defined below) during the Relevant Period were higher than they would have otherwise been, and if so, by how much.
14. If the conduct of Brambles had that effect, whether compensation is recoverable by the Applicants and Group Members.
15. Whether for days during and after the Relevant Period the price of Brambles Shares fell resulting from conduct of Brambles, and if so to what extent.
16. The correct measure of the compensation for which Brambles may be liable to the Applicants and the Group Members.

Representative action

The Applicants bring this application as representative parties under Part IVA of the *Federal Court of Australia Act 1976* (Cth).

The Group Members to whom this proceeding relates are people who:

- (a) at some stage between the period 18 August 2016 to 17 February 2017 inclusive (**Relevant Period**) entered into a contract to acquire an interest in ordinary shares in Brambles (**Brambles Shares**);
- (b) allege they have suffered loss or damage by or resulting from the conduct of Brambles pleaded in the Amended Consolidated Statement of Claim; and
- (c) are not within the classes of excluded persons referred to in paragraph 1(c) of the Amended Consolidated Statement of Claim.

Applicants' address

The Applicants' address for service is:

Place: 485 La Trobe Street, Melbourne, Vic, 3000

Email: service@bramblesaction.com

The Applicants' address is c/- Maurice Blackburn and Slater and Gordon Lawyers, 485 La Trobe Street, Melbourne, Vic, 3000



Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 25 June 2021

A stylized, cursive signature in black ink, appearing as a series of overlapping horizontal strokes.

Signed by Ben Hardwick
Lawyer for the First Applicant

A cursive signature in black ink, clearly legible as "Steven Foale".

Signed by Steven Foale
Lawyer for the Second Applicants