

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 5/04/2017 3:34:49 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:	ACD93/2016
File Title:	Inabu Pty Ltd (ACN 003 657 654) as trustee for the Alidas Superannuation Fund (ABN 38 718 529 455) v CIMIC Group Limited (ACN 004 482 982)
Registry:	AUSTRALIAN CAPITAL TERRITORY REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	Please check Daily Court List for details



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 5/04/2017 3:42:13 PM AEST

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

No. ACD93 of 2016

Federal Court of Australia
District Registry: Australian Capital Territory
Division: General

Inabu Pty Ltd (ACN 003 657 654) as trustee for the Alidas Superannuation Fund (ABN 38 718 529 455)

Applicant

CIMIC Group Limited (ACN 004 482 982)

Respondent

To the Respondent

The Applicant applies 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: Commonwealth Law Courts Building, Childers Street, Canberra City ACT 2601.

The Court ordered that the time for serving this application be abridged to

Date:

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

Filed on behalf of (name & role of party)	Inabu Pty Ltd (ACN 003 657 654) as trustee for the Alidas Superannuation Fund, Applicant		
Prepared by (name of person/lawyer)	Rebecca Gilsenan		
Law firm (if applicable)	Maurice Blackburn Lawyers		
Tel	(02) 9261 1488	Fax	(02) 9261 3318
Email	rgilsenan@mauriceblackburn.com.au		
Address for service	Level 32, 201 Elizabeth Street Sydney NSW 2000		

[Form approved 01/08/2011]



Details of claim

Terms defined in the Statement of Claim carry the same meaning when used in this Originating Application.

On the grounds stated in the accompanying Statement of Claim, the Applicant claims on its own behalf, and on behalf of Group Members:

1. a declaration that the Respondent contravened ASX Listing Rule 3.1 and section 674(2) of the Corporations Act by not informing the ASX immediately of some or all of:
 - (a) the Senior Executive Corruption Taint Risk Information;
 - (b) the Corrupt Business Practices Risk Information;
 - (c) the Corruption Cover-up Risk Information;
 - (d) the Senior Executive Corrupt Contract Procurement Information;
 - (e) the Corrupt Business Practices Information;
 - (f) the Corrupt Cover-up Information; and/or
 - (g) the Ineffective Ethics Compliance Processes Information;
2. an order pursuant to section 1317HA of the Corporations Act that the Respondent pay to the Applicant and Group Members compensation for damage that resulted from or because of the contravention of section 674(2) of the Corporations Act referred to in paragraph 1 above;
3. a declaration that, by reason of the matters pleaded in the Statement of Claim, the Respondent engaged in conduct in contravention of:
 - (a) section 1041H of the Corporations Act;
 - (b) section 12DA(1) of the ASIC Act;
 - (c) section 12 of the FT Act (as in force prior to 1 January 2011); and/or
 - (d) section 18 of the Australian Consumer Law (as in force from 1 January 2011);
4. an order pursuant to:
 - (a) section 1041I of the Corporations Act that the Respondent pays to the Applicant and Group Members compensation for damage suffered by and/or because of conduct of the Respondent in contravention of section 1041H of the Corporations Act referred to in paragraph 3(a) above;
 - (b) sections 12GF and/or 12GM of the ASIC Act that the Respondent pays to the Applicant and Group Members compensation for damage suffered by and/or



because of conduct of the Respondent in contravention of section 12DA(1) of the ASIC Act referred to in paragraph 3(b) above;

- (c) section 46 of the FT Act (as in force prior to 1 January 2011) that the Respondent pays to the Applicant and Group Members compensation for damage suffered by and/or because of conduct of the Respondent in contravention of section 12 of the FT Act referred to in paragraph 3(c) above; and/or
 - (d) section 236 of the Australian Consumer Law that the Respondent pays to the Applicant and Group Members compensation for damage suffered by and/or because of conduct of the Respondent in contravention of section 18 of the Australian Consumer Law referred to in paragraph 3(d) above;
5. such further or other relief as the Court deems fit;
 6. interest on any compensation or monetary amount awarded; and
 7. costs.

Questions common to claims of group members

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

1. when the Respondent became aware (within the meaning of Listing Rule 19.12) of the information referred to in paragraphs 1(a) to 1(g) in the Details of Claim section above;
2. whether the information referred to in paragraphs 1(a) to 1(g) in the Details of Claim section above was:
 - (a) material information;
 - (b) that was not generally available,within the meaning of ASX Listing Rule 3.1 or Chapter 6CA of the Corporations Act that the Respondent was obliged to disclose, but failed to disclose such that the Respondent contravened section 674(2) of the Corporations Act;
3. whether the Respondent contravened section 1041H of the Corporations Act or section 12DA(1) of the ASIC Act or s 12 of the FT Act (as in force prior to 1 January 2011) or section 18 of the Australian Consumer Law (as in force from 1 January 2011) by making, maintaining and/or failing to qualify the:
 - (a) First Ethics Compliance Representation; and/or
 - (b) Second Ethics Compliance Representation;



4. whether the alleged Market Contraventions had the effect that the price of acquisition for the Respondent's Securities was greater than their true value and/or the market price that would have prevailed but for the Market Contraventions and if so:
- (a) whether statutory compensation is recoverable by the Applicant and some or all of the Group Members;
 - (b) the correct measure of the statutory compensation for which the Respondent may be liable to the Applicant and some or all of the Group Members; and
 - (c) whether any, and if so what, relief other than monetary relief should be granted in favour of the Applicant and some or all of the Group Members.

Representative action

The Applicant brings this application as a representative party under Part IVA of the *Federal Court of Australia Act 1976*.

The Group Members to whom this proceeding relates are persons who are defined in paragraph 1 of the Statement of Claim, being those persons who:

- (a) acquired an interest in fully paid ordinary LEI Shares during the period between 23 November 2010 and 3 October 2013;
- (b) suffered loss or damage by reason of the conduct of the Respondent pleaded in the Statement of Claim; and
- (c) were not during any part of the Relevant Period, and are not as at the date of the Statement of Claim, any of the following:
 - (i) a related party (as defined by s 228 of the Corporations Act) of Leighton;
 - (ii) a related body corporate (as defined by s 50 of the Corporations Act) of Leighton;
 - (iii) an associated entity (as defined by s 50AAA of the Corporations Act) of Leighton;
 - (iv) an officer or a close associate (as defined by s 9 of the Corporations Act) of Leighton; or
 - (v) a judge or the Chief Justice of the Federal Court of Australia or a Justice or the Chief Justice of the High Court of Australia.

Applicant's address

The Applicant's address for service is:

Place: Level 32, 201 Elizabeth Street Sydney NSW 2000

Email: rgilsenan@mauriceblackburn.com.au

The Applicant's address is Inabu Pty Ltd, 92 Rusden Street Armidale NSW 2350



The Applicant may be served at the following exchange box in the Sydney Market Street
Document Exchange: Maurice Blackburn, *AUSDOC: D.X. 13002 Sydney Market Street*

Service on the Respondent

It is intended to serve this application on the Respondent's lawyers.

Date: 5 April 2017

A handwritten signature in blue ink, appearing to read 'R. Gilson', with a long horizontal line extending to the right.

Signed by Rebecca Gilson
Lawyer for the Applicant