

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 26/08/2021 3:07:51 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 process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
File Number:	NSD864/2021
File Title:	GUY ABRAHAMS & KIM ABRAHAMS AS TRUSTEE FOR THE GUY & KIM ABRAHAMS FAMILY TRUST v COMMONWEALTH BANK OF AUSTRALIA ACN 123 123 124
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



*Sia Lagos*

Dated: 27/08/2021 8:14:20 AM 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 2 Originating process

(rules 2.2 and 15A.3)

No. of 2021

Federal Court of Australia  
District Registry: New South Wales  
Division: Corporations

### IN THE MATTER OF COMMONWEALTH BANK OF AUSTRALIA

ABN 48 123 123 124

**Guy Abrahams and another named in the schedule as trustees of the Guy & Kim  
Abrahams Family Trust**  
Plaintiffs

**Commonwealth Bank of Australia**  
Defendant

#### A. DETAILS OF APPLICATION

This application is made under section 247A of the *Corporations Act 2001* (Cth) (**Corporations Act**).

On the facts stated in the supporting affidavit, the plaintiffs seek the following orders:

1. Pursuant to section 247A of the Corporations Act, the plaintiffs be authorised to inspect, and to make copies of, the following books:

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Filed on behalf of (name & role of party)	Guy Abrahams and Kim Abrahams as trustees of the Guy & Kim Abrahams Family Trust, Plaintiffs		
Prepared by (name of person/lawyer)	David Barnden, lawyer for the Plaintiffs		
Law firm (if applicable)	Equity Generation Lawyers		
Tel	03 9607 8300	Fax	03 9088 9445
Email	david@equitygenerationlawyers.com		
<b>Address for service</b> (include state and postcode)	L36 1 Macquarie Place, Sydney NSW 2000		

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(a) all documents created by the defendant in relation to the CBA's Gas Projects and CBA's Further Fossil Fuel Projects (as defined in the Affidavit of Guy Marcel Abrahams affirmed 26 August 2021 (**Abrahams Affidavit**)), being the:

- i. Permian Highway Pipeline to carry natural gas in the USA;
- ii. Gaslog Ltd's new LNG vessels;
- iii. FLEX LNG Ltd's new LNG vessels;
- iv. Energy Infrastructure Investments' Tipton West coal seam gas project in Queensland;
- v. Siccar Point Energy E&P Limited's Cambo oil field development;
- vi. Euronav NV's very large crude carriers;
- vii. Santos Limited's acquisition of the Barossa Gas Field,

(together, **the Projects**) for the purpose of complying with the requirements of the E&S Framework and the E&S Policy (as defined in the Abrahams Affidavit), including:

- viii. all documents created by the defendant in order to carry out an assessment of the environmental, social and economic impacts of the Projects;
  - ix. all documents created by the defendant in order to carry out an assessment of whether the Projects are in line with the goals of the Paris Agreement; and
  - x. all documents created by the defendant in order to discharge any obligation or responsibility that any unit, division or employee of the defendant has under the E&S Policy.
- (b) all documents created by the defendant for the purposes of implementing, assessing or reporting on the implementation of, CBA's Banking and Financing Commitment (as defined in the Abrahams Affidavit);
- (c) all documents created by the defendant that record considerations as to whether the 2021 Commitments (as defined in the Abrahams Affidavit) should be adopted or implemented by the defendant, including (without limitation) any documents provided to the defendant's board.



2. The defendant pay the plaintiffs' costs.
3. Such further or other orders as the Court thinks fit.

Date: 26 August 2021

A handwritten signature in blue ink, appearing to read 'DBO', followed by a horizontal line.

David Barnden  
Lawyer for the plaintiffs

This application will be heard by ..... at [address of Court]  
at ..... \*am/\*pm on .....

**B. NOTICE TO DEFENDANT**

TO: Commonwealth Bank of Australia  
Tower 1, 201 Sussex Street  
Sydney NSW 2000

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. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

*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. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

Not applicable



**D. FILING**

Date of filing: *[date of filing to be entered by Registrar]*

.....

*Registrar*

This originating process is filed by Equity Generation Lawyers for the plaintiff.

**E. SERVICE**

The plaintiff's address for service is:

Level 36, 1 Macquarie Place  
Sydney NSW 2000

\* It is intended to serve a copy of this originating process on the defendant



## Schedule

No. of 2021

Federal Court of Australia

District Registry: New South Wales

Division: Corporations

**IN THE MATTER OF COMMONWEALTH BANK OF AUSTRALIA**

**ABN 48 123 123 124**

### **Plaintiffs**

Second Plaintiff: Kim Abrahams as trustee for the Guy & Kim Abrahams Family Trust