

Certificate of urgency in support of listing before a duty judge

No. _____ of _____

Federal Court of Australia

District Registry: Queensland

Division: General

Defined terms have the same meaning as given in the Duty (Urgent) Applications Interim Practice Note during 3 Region Trial (GPN-DUTY Practice Note).

**delete whichever is inapplicable*

I Scott David Guthrie of Thomsons, Solicitor certify that:

1. ☒ I am the legal representative of the applicants and am authorised to provide this certificate to the Court for the purpose of the Duty Judge determining if the application (in whole or in part) warrants an urgent listing before the Duty Judge.
2. ☒ I have read and thoroughly familiarised myself with the GPN-DUTY Practice Note.
3. ☐ If this application is to seek injunctive relief to prevent the prospective removal of the applicant from Australia under the *Migration Act 1958 (Cth)* which is **scheduled within the next 48 hours** then **proceed to questions 4 and 5**. If not, **proceed to question 6**.
4. I consider that the Federal Court of Australia, and not the Federal Circuit and Family Court of Australia (Division 2), has jurisdiction in relation to this matter:
 - a) ☐ In order to preserve the substance of the following matter(s) extant before the Federal Court: [list file numbers]; or
 - b) ☐ Because this application otherwise invokes the jurisdiction of the Federal Court in the following way:

5. ☐ I have appended the *Notice of Intention to Remove* to this Certificate. (**Proceed to question 22**).
6. Is this application made in an existing proceeding which has been docketed to, or is being case managed by, a Judge? ☒ No ☐ Yes
7. If yes,
 - a) ☐ I have sought to have the matter heard urgently before Justice [insert name of Docket/Case Management Judge] but could not for the following reasons:

-or-

- b) ☐ I have **not** sought to have the matter heard urgently before Justice [insert name of Docket/Case Management Judge] for the following reasons:

8. Is this application related to any other proceeding? ☒ No ☐ Yes
a) If yes, what is the proceeding number and what is the connection to the proceeding?

File number: [Proceeding number]

[Outline connection to proceeding]

9. I provide the following brief description of the dispute that has given rise to this application:

The Plaintiffs are the shareholders and directors of Pioneer Lakes Pty Ltd (Company), whose business is the ownership, undertaking and progressive sale of the Pioneer Lakes Mackay Estate residential subdivision at Mirani, Queensland.

On 21 May 2026 a Share Sale Agreement was entered into with the First to Third Defendants to sell the shares in the Company.

Unbeknowst to the Plaintiffs (until last week) and without any authority to do so, on or about 14 July 2026 the First Defendant effected a change to the register of Company by removing its directors and shareholders from the register and replacing himself as a director and he and his corporate alter egos (the Second and Third Defendants) as shareholders. Additionally, the First Defendant has withdrawn funds from an account maintained by the Company and, despite request, has not taken steps to rectify the register of the Company.

10. The principal final relief that is (or will be) sought in the substantive proceeding is most closely connected to the following National Practice Area of the Court (tick only one NPA, and/or one Sub-area as applicable):

PART 1: General Duty

☐ Administrative and Constitutional Law and Human Rights NPA

☐ Migration

☐ Admiralty & Maritime NPA

☐ Employment & Industrial Relations NPA

☐ Federal Crime & Related Proceedings NPA

☐ General and Personal Insolvency

(Note: applications in this Sub-area of the Commercial and Corporations NPA are to

PART 2: Commercial and Corporations Duty

☒ Commercial & Corporations NPA

☐ Commercial Contracts, Banking, Finance & Insurance

☒ Corporations & Corporate Insolvency

☐ Economic Regulator, Competition & Access

☐ Regulator & Consumer Protection

be made as General Duty Applications and **not** Commercial and Corporations Duty Applications)

☐ Commercial Arbitration

- ☐ Intellectual Property NPA
 - ☐ Patents & Associated Statutes
 - ☐ Trade Marks
 - ☐ Copyright & Industrial Design
- ☐ Native Title NPA
- ☐ Taxation NPA
- ☐ Other Federal Jurisdiction NPA

Note: See [4.8] of the [GPN-DUTY Practice Note](#) for information on identifying the most closely connected NPA and Sub-area.

11. *Only complete this questions for duty applications in **REGION 1 (NSW and ACT)** and **REGION 2 (VICTORIA, QUEENSLAND and TASMANIA)***

Based on my answer to question 10 (i.e.my identification of the NPA that is most closely related to the principal final relief sought in the substantive proceeding) the applicant seeks an urgent hearing before the Commercial and Corporations Duty Judge.

12. I provide the following brief description of the reason why this application (or part of it) is sufficiently urgent to be listed to be heard and determined as a duty application:

The urgency is associated with a concern by the Plaintiffs that the First Defendant is purporting to represent to third parties that he is in control of the Company (including its bank accounts) and may be purporting to deal with the Company's assets (primarily the Pioneer Lakes Mackay Estate residential subdivision).

Urgent injunctive relief will be sought to restrain the First Defendant from purporting to act on behalf of the Company and to swear an affidavit as to his dealings (if any) with property of the Company.

13. ☐ All documents necessary for the Duty Judge to hear and determine this application as a duty application are attached to this application or have been filed or otherwise supplied to the Chambers of the Duty Judge.

-or-

☒ This matter is **so urgent** that it must be listed/heard without all the necessary documents being filed but materials will be provided to the Chambers of the Duty Judge by 10:30am, 5 August 2026 or handed up during hearing.

14. The estimated length of the duty hearing is 1 hour.
15. The duty application will be ready to proceed at 2:00pm.
16. State whether there is any reason which may make the matter unsuitable to proceed as a remote hearing, if in the opinion of the Duty Judge that is a preferable course of action.

N/A

17. The contact details for the applicant(s), including solicitor where retained and counsel where briefed, are as follows:

	Applicant	Solicitor	Counsel
Name:	MICHAEL JOE BOTICA and others	Scott Guthrie Thomsons	Mr Martin Taylor
Email:			
Phone:			

18. Where known, the contact details for the respondent(s), including solicitor where retained and counsel where briefed, are as follows:

	Respondent	Solicitor	Counsel
Name:	Mr Adam Watson		
Email:			
Phone:			

19. ☒ Notice of the duty application has been given to the respondent(s) and/or their legal representatives and any other necessary interested person and or their representatives **when emailing this Certificate.**

-or-

☐ I have considered the need to give notice or to serve any other party or parties or necessary interested persons and at the hearing of the application I will seek to justify the application being made without notice being given to the other party/parties and/or interested persons (that is, on an *ex parte* basis). (**Proceed to question 21**).

20. *Only complete this question if notice of the application has been given.*

☐ At the time of providing this certificate I have **not** received any response from those to whom notice has been given.

-or-

☐ At the time of providing this certificate I have received the following responses from those to whom notice has been given:

[insert brief details of response(s)]

21. *Only complete this question if an application will be made for closed court or confidentiality orders at the hearing of the application*

At the hearing of the application, I will be applying for: *the hearing to proceed in closed court / confidentiality and/or non-publication orders.

22. ☒ At the time of providing this certificate, there is no other information of which I am aware that I ought bring to the Court's attention for the purpose of determining whether the application is appropriate to be heard and determined on an urgent basis before the Duty Judge.
23. ☒ In the event that I become aware of any material information that impacts the information provided in this certificate, I will bring it to the attention of the Chambers of the Duty Judge at the earliest opportunity.
24. ☒ This information is true and correct and is based on having made all necessary enquiries in the time available to me.

Scott David Guthrie

Solicitor

Date: 04/08/2026

