

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 28/10/2021 1:26:36 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:	QUD354/2021
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v ULTIQA LIFESTYLE PROMOTIONS LIMITED (IN LIQUIDATION) (ACN 096 169 256)
Registry:	QUEENSLAND 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: 1/11/2021 1:08:26 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 2
RULE 2.2 AND 15A.3

ORIGINATING PROCESS

No. of 2021

Federal Court of Australia
District Registry: Queensland
Division: General

IN THE MATTER OF ULTIQA LIFESTYLE PROMOTIONS LIMITED (In Liquidation)
(ACN 096 169 256)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Plaintiff

ULTIQA LIFESTYLE PROMOTIONS LIMITED (In Liquidation) (ACN 096 169 256)
Defendant

A. DETAILS OF APPLICATION

This is an application made under sections 471B, 1101B, 1317E, 1317G and 1324 of the *Corporations Act 2001* (Cth) (**the Act**) and section 21 of the *Federal Court of Australia Act 1976* (Cth) (**the Federal Court Act**) seeking declarations of contraventions of the Act, pecuniary penalty orders, and ancillary orders, including costs.

On the grounds stated in the concise statement, accompanying affidavit or other document prescribed by the Rules, the Plaintiff claims:

1. An order pursuant to section 471B of the Act that the Plaintiff be granted leave to commence this proceeding against the Defendant *nunc pro tunc* on such terms as the Court deems fit.
2. A declaration pursuant to section 1317E of the Act that, during the period 5 October 2017 to 21 March 2019 (**Relevant Period**), the Defendant contravened section 961L of the Act by failing to take reasonable steps to ensure that its authorised representatives complied with section 961B of the Act in providing advice to the persons listed at schedule A to the concise statement.
3. A declaration pursuant to section 1317E of the Act that, during the Relevant Period, the Defendant contravened section 961L of the Act by failing to take reasonable steps to ensure that its authorised representatives complied with section 961G of the Act in providing advice to the persons listed at schedule A to the concise statement.
4. A declaration pursuant to section 1317E of the Act that, during the Relevant Period, the Defendant contravened section 961L of the Act by failing to take reasonable steps to ensure that its

Filed on behalf of:	Australian Securities and Investments Commission, Plaintiff
Prepared by:	Hugh Copley, Litigation Counsel
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authorised representatives complied with section 961J of the Act in providing advice to the persons listed at schedule A to the concise statement.

- 5. Declarations pursuant to section 1101B of the Act and/or section 21 of the Federal Court Act that by reason of the matters set out in paragraphs 2, 3 and 4 above the Defendant breached its obligation to:
 - (a) do all things necessary to ensure that the financial services covered by its financial services licence were provided efficiently, honestly and fairly, in contravention of section 912A(1)(a) of the Act;
 - (b) comply with the financial services laws, in contravention of section 912A(1)(c) of the Act; and
 - (c) to ensure that its representatives complied with the financial services laws, in contravention of section 912A(1)(ca) of the Act.
- 6. An order pursuant to section 1317G of the Act that the Defendant pay a pecuniary penalty in respect of the contraventions of section 961L of the Act set out in paragraphs 2, 3 and 4 above in such amount as the Court considers appropriate.
- 7. An injunction pursuant to section 1101B and/or 1324 of the Act restraining the Defendant:
 - (a) from further contraventions of sections 961L, 912A(1)(a), 912A(1)(c) and 912A(1)(ca) and of the Act; and
 - (b) carrying on a financial services business for a period the Court see fits; and
- 8. Costs.
- 9. Such further or other orders as the Court sees fit.

Date: 28 October 2021

Hugh Copley
Legal Practitioner for ASIC

This application will be heard by at the Harry Gibbs Commonwealth Law Courts Building, 119 North Quay Brisbane QLD 4000 at *am/*pm on



B. NOTICE TO DEFENDANT

TO: ULTIQA LIFESTYLE PROMOTIONS LIMITED (In Liquidation)
 c/- Tracy Knight
 Bentleys
 Level 9, 123 Albert Street
 BRISBANE QLD 4000

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. FILING

Date of filing:

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 Registrar

This originating process is filed by Hugh Copley, Legal Practitioner for the Australian Securities and Investments Commission.

D. SERVICE

The plaintiff's address for service is:

Name:	Australian Securities and Investments Commission
Plaintiff's address:	Level 20, 240 Queen Street, Brisbane, Queensland, 4000
Plaintiff's solicitor's name:	Hugh Copley
Telephone:	(07) 3867 4700
Facsimile:	(07) 3867 4790
Email:	hugh.copley@asic.gov.au

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