



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD2204/2016

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**WESTPAC SECURITIES ADMINISTRATION LTD ACN 000 049 472** and another  
named in the schedule

Defendants

**ORDER**

**JUDGE:** JUSTICE O'BRYAN

**DATE OF ORDER:** 23 August 2021

**WHERE MADE:** Melbourne

**THE COURT NOTES THAT:**

- A. Due to the procedures implemented by the Federal Court of Australia in response to the COVID-19 pandemic which include restricting the parties, their legal representatives and members of the public from attending hearings at the Commonwealth Law Courts, Melbourne in person, this hearing is being conducted by video link.
- B. Instructions to enable members of the public to attend the hearing by video link are published on the Federal Court website.

**THE COURT ORDERS THAT:**

1. Pursuant to s 47B of the *Federal Court of Australia Act 1976* (Cth), the parties be permitted to appear before the Court and to make submissions to the Court, whether in person or through a legal representative, by way of video link.
2. Unless the Court otherwise orders, no person, being a member of the public, who is observing the hearing by accessing any video link, audio link or other means may:
  - (a) make any video or audio recording or photography of the hearing or any part of it; or
  - (b) participate in or interrupt the hearing,



provided that nothing in this order shall prevent any person, based on what they have heard during the hearing:

- (c) making their own notes or record of the proceeding; or
  - (d) publishing a fair report of the proceeding.
3. Pursuant to s 1317G(1E) of the *Corporations Act 2001* (Cth) (the **Act**), the first defendant pay to the Commonwealth an aggregate pecuniary penalty of \$7,500,000 in respect of the first defendant's contraventions of s 961K of the Act referred to in declarations 3, 4, and 7 to 14 made by the Full Court on 12 November 2019.
  4. Pursuant to s 1317G(1E) of the Act, the second defendant pay to the Commonwealth an aggregate pecuniary penalty of \$3,000,000 in respect of the second defendant's contraventions of s 961K of the Act referred to in declarations 1, 2, 5 and 6 made by the Full Court on 12 November 2019.
  5. The defendants are to pay the plaintiff's costs of and incidental to the hearing as to penalty and other relief as agreed or assessed.

Date that entry is stamped: 23 August 2021

*Sia Lagos*  
Registrar



**Schedule**

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Second Defendant

BT FUNDS MANAGEMENT LTD ACN 002 916 458