

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	18/09/2026 10:13:17 AM AEST
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File Number:	QUD630/2026
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v CLARK FAMILY PTY LTD (ACN 010 281 008)
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

Registrar

Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.



Form 2
(rules 2.2 and 15A.3)

Originating Process

No. QUD of 2026

Federal Court of Australia
District Registry: Queensland
Division: General

IN THE MATTER OF CLARK FAMILY PTY LTD (ACN 010 281 008)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

CLARK FAMILY PTY LTD (ACN 010 281 008)

Defendant

A. DETAILS OF APPLICATION

This application is made under ss 12GBA(1), 12GBB(1), 12GLB(1) and s 12GD(1) of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**). The plaintiff (**ASIC**) seeks declaratory relief, pecuniary penalty orders, adverse publicity orders and injunctive relief in respect of alleged contraventions by the defendant (**Clark Family**) of ss 12DB and 12DF of the ASIC Act.

On the facts stated in the Concise Statement, ASIC seeks:

1. A declaration pursuant to s 21 of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**) or s 12GBA(1) of the ASIC Act that between 18 September 2020 to 18 September 2026 (**Relevant Period**), Clark Family:
 - a. represented that it would compare, or help consumers to compare, rates and options for insurance contracts and credit facilities from multiple insurers and

Filed on behalf of (name & role of party)		Australian Securities and Investments Commission, the plaintiff	
Prepared by (name of person/lawyer)		Stephen Johnson, lawyer	
Law firm (if applicable)		N/A	
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Email	stephen.johnson@asic.gov.au		
Address for service		Level 5, 100 Market Street, Sydney NSW, 2000	
(include state and postcode)			



lenders (**Comparison Representations**), when in fact it did not provide any comparison service, and was unaware of whether the brokers to whom it referred consumers provided any comparison service;

- b. represented that it offered policies and options for insurance contracts and credit facilities that were tailored or customised to suit the consumer's individual needs (**Tailored Representations**), when in fact it did not offer policies or options that were tailored or customised to suit consumers' individual needs, and was unaware of whether the brokers to whom it referred consumers offered such policies or options;

and thereby on each occasion that the Comparison Representations and Tailored Representations were made, Clark Family in trade or commerce:

- c. in connection with the supply or possible supply of financial services (namely, assisting consumers to obtain financial services, products and information online), made a false or misleading representation that the services have performance characteristics, uses or benefits in contravention of s 12DB(1)(e) of the ASIC Act; and
 - d. in relation to financial services (namely, assisting consumers to obtain financial services, products and information online), engaged in conduct which was liable to mislead the public as to the nature, characteristics or suitability of the financial services offered, in contravention of s 12DF(1) of the ASIC Act.
2. An order pursuant to s 12GBB(3) of the ASIC Act that Clark Family pay to the Commonwealth such pecuniary penalty as the Court determines to be appropriate.
 3. An order pursuant to s 12GLB(1)(a) of the ASIC Act that Clark Family publish a written adverse publicity notice stating that it has been ordered to pay a pecuniary



penalty in respect of the conduct described in the Concise Statement and such other matters as the Court determines to be appropriate.

4. An injunction pursuant to s 12GD of the ASIC Act prohibiting Clark Family from making the Comparison Representations and/or Tailored Representations in the circumstances referred to in paragraph 1 above.
5. Costs.
6. Such further or other order as the Court considers appropriate.

Date: 18 September 2026

A handwritten signature in blue ink, appearing to read 'Stephen Johnson', is positioned above the printed name.

.....

Stephen Johnson

Solicitor for the Australian Securities and Investments Commission

This application will be heard by..... at Level 6, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane QLD 4000 at..... on.....

B. NOTICE TO DEFENDANT(S) (IF ANY)

TO: Clark Family Pty Ltd
43 Larch Street
Tallebudgera, QLD, 4228

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

N/A

D. FILING

Date of filing:

.....

Registrar

This originating process is filed by Stephen Johnson for the plaintiff.

E. SERVICE

The plaintiff's address for service is

Place: Level 20
240 Queen Street
Brisbane QLD 4000

Email: stephen.johnson@asic.gov.au

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