

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 3/06/2016 3:47:08 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:	VID585/2016
File Title:	Australian Securities and Investments Commission v NSG Services Pty Ltd
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Case Management Hearing
Time and date for hearing:	08/07/2016, 9:30 AM
Place:	Court Room Not Assigned, Owen Dixon Commonwealth Law Courts Building Level 7, 305 William Street, Melbourne



A handwritten signature in blue ink that reads 'Warwick Soden'.

Dated: 3/06/2016 4:57:01 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.



**ORIGINATING PROCESS**

No. **of 2016**

**Federal Court of Australia  
District Registry: Victoria  
Division: General**

**IN THE MATTER OF NSG SERVICES PTY LTD (ACN 128 837 285)**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**NSG SERVICES PTY LTD (ACN 128 837 285)**

Defendant

**A. DETAILS OF APPLICATION**

This application is made under sections 961K(2), 961L, 1317E, 1317G(1E) of the *Corporations Act 2001* (Cth) (**Corporations Act**).

The Plaintiff seeks declaratory relief and pecuniary penalties against the defendant (**NSG**), which is the holder of an Australian Financial Services Licence permitting it to provide financial advice to retail clients, in respect of NSG's contraventions of certain of the "best interests obligations" in Division 2 of Part 7.7A of the *Corporations Act*.

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

1. A declaration pursuant to section 1317E of the *Corporations Act* that NSG has contravened section 961K(2) of the *Corporations Act* in respect of the contraventions of sections 961B and 961G of the *Corporations Act* by its representatives, Mustafa Ozak and Van Trinh, in relation to which contraventions NSG was the responsible licensee.

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Filed on behalf of:

Australian Securities & Investments Commission, Plaintiff

Prepared by:

Georgina Thomas, Lawyer, ASIC

Tel

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Email

georgina.thomas@asic.gov.au

**Address for service**

Level 7, 120 Collins Street, Melbourne Vic 3000

Attention: Georgina Thomas



**C. NOTICE TO DEFENDANT****TO:**

NSG SERVICES PTY LTD (ACN 128 837 285)  
Level 9, 608 St Kilda Road  
MELBOURNE VIC 3004

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.

**D. FILING**

Date of filing:

.....  
*Registrar*

This originating process is filed by Georgina Thomas for the Plaintiff.

**E. SERVICE**

The Plaintiff's address for service is:

Australian Securities and Investments Commission  
Level 7, 120 Collins Street  
MELBOURNE VIC 3000

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