

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/11/2016 7:44:21 AM AWST 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:	WAD540/2016
File Title:	Australian Securities and Investment Commission v State One Stockbroking Limited ACN 092 989 083
Registry:	WESTERN AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	First Case Management Hearing
Time and date for hearing:	01/12/2016, 9:45 AM
Place:	Court Room Not Assigned, Peter Durack Commonwealth Law Courts Building Level 6, 1 Victoria Avenue, Perth



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 21/11/2016 10:27:41 AM AWST

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            Originating Process**

(rules 2.2 and 15A.3 of the Federal Court (Corporations) Rules 2000 (Cth))

No.    WAD            of 2016

Federal Court of Australia  
District Registry: Western Australia  
Division: General

**IN THE MATTER OF STATE ONE STOCKBROKING LIMITED  
ACN 092 989 083**

**Australian Securities and Investments Commission**

Plaintiff

**State One Stockbroking Limited ACN 092 989 083**

Defendant

**A.            DETAILS OF APPLICATION**

This application is made under sections 798H(1), 1317E(1) and 1317G(1C) of the *Corporations Act 2001* (Cth) (the **Act**) and sections 21 and 23 of the *Federal Court of Australia Act 1976* (Cth).

The Plaintiff claims that the Defendant contravened section 798H(1) of the Act by failing to comply with Rules 5.7(1)(b)(iii) and 5.5.2(b) of the Australian Securities and Investments Commission Market Integrity Rules (ASX Market) 2010 (the **Market Integrity Rules**).

Terms in this Originating Process bear the same definitions given to them in the Concise Statement filed and served with this Originating Process (**Concise Statement**).

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, the Plaintiff
Prepared by (name of person/lawyer)	Kim Turner, Solicitor for the Plaintiff
Tel    (02) 9911 2230	Fax    (02) 911 5415
Email <a href="mailto:kim.turner@asic.gov.au">kim.turner@asic.gov.au</a>	
Address for service	Level 5, 100 Market Street, Sydney NSW 2000

Reference            14-20050



On the facts stated in the Concise Statement and to be supplemented by affidavits and expert evidence, the Plaintiff claims:

1. Declarations of contravention under section 1317E(1) of the Act specifying that the Defendant has contravened section 798H(1) of the Act by failing to comply with:
  - a. Rule 5.7.1(b)(iii) of the Market Integrity Rules on 1 and 2 March 2011 by making the Relevant Bids where, taking into account the circumstances of the Relevant Orders, the Defendant ought reasonably have suspected that Tang had placed the Relevant Orders with the intention of creating a false or misleading appearance with respect to the market for, or the price of, TIS;
  - b. Rule 5.5.2(b) of the Market Integrity Rules in the period 10 February 2011 to 9 May 2011 by failing to maintain the necessary organisational and technical resources with respect to post-trade alert systems to ensure that it complied with Rule 5.7.1(b)(iii) of the Market Integrity Rules.
2. An order pursuant to subsection 1317G(1C) of the Act that the Defendant pay to the Commonwealth a pecuniary penalty in respect of each civil penalty contravention alleged against it, in an amount to be fixed by the Court.
3. Costs.
4. Such further or other orders or relief as the Court thinks fit.

Date: 18 November 2016

A handwritten signature in blue ink, appearing to read 'Kim Turner', written over a dotted line.

Kim Turner  
Plaintiff's legal practitioner

This application will be heard by ..... at Peter Durack Commonwealth Law Courts Building, 1 Victoria Avenue, Perth WA 6000 at ..... \*am/\*pm on .....



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

TO:

State One Stockbroking Limited

ACN 092 989 083

Level 14

172-176 St Georges Terrace

Perth, Western Australia

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:

.....

*Registrar*

This originating process is filed by the plaintiff.



**D. SERVICE**

The plaintiff's address for service is Level 5, 100 Market Street, Sydney NSW 2000.

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