

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/01/2018 8:47:35 AM AEDT 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 Application - Form 15 - Rule 8.01(1)
File Number:	VID35/2018
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED ACN 005 357 522
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Case Management Hearing
Time and date for hearing:	02/02/2018, 10:15 AM
Place:	Court Room Not Assigned, Owen Dixon Commonwealth Law Courts Building Level 7, 305 William Street, Melbourne



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

Dated: 18/01/2018 12:15:46 PM AEDT

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 application

No.      VID      of 2018

Federal Court of Australia  
District Registry: Victoria  
Division: General

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

### AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED (ACN 005 357 522)

Respondent

To the Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

**Time and date for hearing:**

**Place:** 305 William Street, Melbourne, VIC, 3000

The Court ordered that the time for serving this application be abridged to:

Date:

Signed by an officer acting with the authority  
of the District Registrar

Filed on behalf of (name & role of party)	<b>Australian Securities and Investments Commission, Applicant</b>
Prepared by (name of person/lawyer)	Georgina Thomas
Law firm (if applicable)	N/A
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## Details of claim

On the grounds stated in the Affidavit of Peter David Komorowski, sworn on 17 January 2018 (the **Affidavit in Support**), the Applicant claims:

1. Declarations, pursuant to s 166 of the *National Consumer Credit Protection Act 2009* (Cth) (the **Act**), in the following the following terms:

### Contraventions of s 128 of the Act

- a. The Respondent (**ANZ**) contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 1 (as identified in the Statement of Agreed Facts and Admissions that is annexure PDK1 to the Affidavit in Support (the **SOAF**)) on 30 July 2013, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- b. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 2 (as identified to in the SOAF) on 6 January 2014, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- c. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 3 (as identified in the SOAF) on 25 March 2014, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- d. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 4 (as identified in the SOAF) on 10 April 2014, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- e. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 5 (as identified in the SOAF) on 3 July 2014, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- f. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 6 (as identified in the SOAF) on 29 September 2014, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- g. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 7 (as identified in the SOAF) on 8 November 2014, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.



- h. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 8 (as identified in the SOAF) on 29 January 2015, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- i. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 9 (as identified in the SOAF) on 4 March 2015, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- j. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 10 (as identified in the SOAF) on 15 April 2015, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- k. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 11 (as identified in the SOAF) on 29 April 2015, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.
- l. ANZ contravened s 128(a) and (d) of the Act by entering into a credit contract with Consumer 12 (as identified in the SOAF) on 12 May 2015, without having first taken reasonable steps to verify the consumer's financial situation, as required by s 130(1)(c) of the Act.

#### **Contraventions of s 130(1) of the Act**

- m. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 1 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 30 July 2013 in respect of the credit contract entered with that consumer.
- n. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 2 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 6 January 2014 in respect of the credit contract entered with that consumer.
- o. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 3 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 25 March 2014 in respect of the credit contract entered with that consumer.
- p. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 4 (as identified in the SOAF), as required by s 130(1)(c) of the



- Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 10 April 2014 in respect of the credit contract entered with that consumer.
- q. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 5 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 3 July 2014 in respect of the credit contract entered with that consumer.
- r. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 6 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 29 September 2014 in respect of the credit contract entered with that consumer.
- s. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 7 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 8 November 2014 in respect of the credit contract entered with that consumer.
- t. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 8 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 29 January 2015 in respect of the credit contract entered with that consumer.
- u. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 9 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 4 March 2015 in respect of the credit contract entered with that consumer.
- v. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 10 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 15 April 2015 in respect of the credit contract entered with that consumer.
- w. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 11 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 29 April 2015 in respect of the credit contract entered with that consumer.
- x. ANZ contravened s 130(1) of the Act by failing to take reasonable steps to verify the income of Consumer 12 (as identified in the SOAF), as required by s 130(1)(c) of the Act, before making the assessment required by ss 128(c) and 129 of the Act on or before 12 May 2015 in respect of the credit contract entered with that consumer.

