

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 14/06/2018 1:58:19 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: NSD1030/2018
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v WESTPAC BANKING CORPORATION ACN 007 457 141
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: First Case Management Hearing
Time and date for hearing: 19/07/2018, 9:30 AM
Place: Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



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

Dated: 15/06/2018 11:30:11 AM 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.



Form 2
(rules 2.2 and 15A.3)

Originating process

Federal Court of Australia

No.NSD of 2018

District Registry: New South Wales

Division: General

IN THE MATTER OF WESTPAC BANKING CORPORATION (ACN 007 457 141)

Australian Securities and Investments Commission

Plaintiff

Westpac Banking Corporation (ACN 007 457 141)

Defendant

A. DETAILS OF APPLICATION

This application is made under section 21 of the *Federal Court of Australia Act 1976 (Cth)* (**FCA**) and sections 912A(1)(a), 912A(1)(c), 961K(2), 1101B, 1317E and 1317G of the *Corporations Act 2001 (Cth)* (**the Corporations Act**).

On the facts stated in Statement of Claim annexed to the affidavit of Nicholas James Kelton sworn on 14 June 2018, the Plaintiff seeks orders as follows:

1. An order that the matter proceed by way of pleadings.
2. A declaration pursuant to s 1317E(1) of the Corporations Act that the defendant (**Westpac**) has contravened section 961K(2) of the Corporations Act in respect of

Filed on behalf of (name & role of party)	Plaintiff, Australian Securities & Investments Commission		
Prepared by (name of person/lawyer)	Nick Kelton		
Law firm (if applicable)	Australian Securities & Investments Commission		
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Email	nicholas.kelton@asic.gov.au		
Address for service (include state and postcode)	Level 5, 100 Market Street, Sydney, NSW 2000		



each contravention of sections 961B, 961G, 961H and 961J of the Corporations Act by its representative, Mr Sudhir Sinha, in relation to which contraventions Westpac was the responsible licensee.

3. Orders pursuant to s 1317G(1E) of the Corporations Act that Westpac pay pecuniary penalties in respect of its contraventions of s 961K(2) of the Corporations Act in such amount as the Court considers appropriate.
4. A declaration pursuant to s 21 of the FCA that during the period 1 July 2013 to 10 November 2014, in contravention of s 912A(1)(a) of the Corporations Act, Westpac failed to do all things necessary to ensure that the financial services covered by the licence (being those services relating to the provision of the advice referred to the Statement of Claim) were provided efficiently, honestly and fairly.
5. A declaration pursuant to s 21 of the FCA that during the period 1 July 2013 to 10 November 2014, in contravention of s 912A(1)(c) of the Corporations Act, Westpac failed to comply with the financial services laws (being s 961K(2) of the Corporations Act).
6. Costs.
7. Such further or other order as the Court sees fit.

Date: 14/6/18

..... Nick Kelton

Nick Kelton
Solicitor for the Australian Securities & Investments Commission

This application will be heard by at [address of Court] at *am/*pm on

B. NOTICE TO DEFENDANT

TO:

Westpac Banking Corporation
275 Kent Street
SYDNEY NSW 2000



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: *[date of filing to be entered by Registrar]*

.....
Registrar

This originating process is filed by Nick Kelton for the plaintiff.

D. SERVICE

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

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