

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 27/06/2018 9:36:35 AM 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: NSD1124/2018
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v AMP FINANCIAL PLANNING PTY LTD ACN 051 208 327
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: First Case Management Hearing
Time and date for hearing: 27/07/2018, 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: 27/06/2018 2:03:16 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.



Form 2
(rules 2.2 and 15A.3)

Originating process

Federal Court of Australia

NSD

of 2018

District Registry: New South Wales

Division: General

IN THE MATTER OF AMP FINANCIAL PLANNING PTY LTD (ACN 051 208 327)

Australian Securities and Investments Commission

Plaintiff

AMP Financial Planning Pty Ltd (ACN 051 208 327)

Defendant

A. DETAILS OF APPLICATION

This application is made under section 21 of the *Federal Court of Australia Act 1976* (Cth) (**the Federal Court Act**) and sections 1101B, 1317E and 1317G of the *Corporations Act 2001* (Cth) (**the Corporations Act**).

On the facts stated in the accompanying Concise Statement the plaintiff claims:

1. A declaration pursuant to s 1317E(1) of the Corporations Act that during the period 1 July 2013 to 31 August 2014, in contravention of s 961L of the Corporations Act, AMP Financial Planning Pty Ltd ACN 051 208 327 (**AMPFP**) failed to take reasonable steps to ensure that one of AMPFP's representatives, Rommel Panganiban (**Mr Panganiban**), complied with s 961B of the Corporations Act.

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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(include state and postcode)



2. A declaration pursuant to s 1317E(1) of the Corporations Act that during the period 1 July 2013 to 31 August 2014, in contravention of s 961L of the Corporations Act, AMPFP failed to take reasonable steps to ensure that Mr Panganiban complied with s 961G of the Corporations Act.
3. A declaration pursuant to s 1317E(1) of the Corporations Act that during the period 1 July 2013 to 31 August 2014, in contravention of s 961L of the Corporations Act, AMPFP failed to take reasonable steps to ensure that Mr Panganiban complied with s 961J of the Corporations Act.
4. A declaration pursuant to s 1317E(1) of the Corporations Act that during the period 1 July 2013 to 30 June 2015, in contravention of s 961L of the Act, AMPFP failed to take reasonable steps to ensure that its representatives complied with s 961B of the Corporations Act.
5. A declaration pursuant to s 1317E(1) of the Corporations Act that during the period 1 July 2013 to 30 June 2015, in contravention of s 961L of the Act, AMPFP failed to take reasonable steps to ensure that its representatives complied with s 961G of the Corporations Act.
6. A declaration pursuant to s 1317E(1) of the Corporations Act that during the period 1 July 2013 to 30 June 2015, in contravention of s 961L of the Act, AMPFP failed to take reasonable steps to ensure that its representatives complied with s 961J of the Corporations Act.
7. A declaration pursuant to s 21 of the Federal Court Act that during the period 1 July 2013 to 30 June 2015, in contravention of s 912A(1)(a) of the Corporations Act, AMPFP failed to do all things necessary to ensure that the financial services covered by the licence were provided efficiently, honestly and fairly.
8. A declaration pursuant to s 21 of the Federal Court Act that during the period 1 July 2013 to 30 June 2015, in contravention of s 912A(1)(c) of the Act, AMPFP failed to comply with the financial services laws (being s 961L of the Corporations Act).
9. A declaration pursuant to s 21 of the Federal Court Act that during the period 1 July 2013 to 30 June 2015, in contravention of s 912A(1)(ca) of the Act, AMPFP failed to take reasonable steps to ensure that its representatives complied with the financial services laws (being ss 961B, 961G and 961J of the Corporations Act).



10. Orders pursuant to s 1317G(1E) of the Corporations Act that AMPF Pay pecuniary penalties in respect of its contraventions of s 961L of the Corporations Act in such amount as the Court considers appropriate.
11. Costs.
12. Such further or other order as the Court sees fit.

Date: 27 June 2018

..... 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: AMP Financial Planning Pty Ltd, 33 Alfred 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]

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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.

