

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 14/09/2018 11:59:22 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:	VID1153/2018
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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

Dated: 14/09/2018 12:16:13 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**                    **ORIGINATING PROCESS**  
(rules 2.2 and 15A.3)

FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: VICTORIA  
DIVISION: GENERAL

NO.            OF 2018

IN THE MATTER OF AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED  
ACN: 005 357 522

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED**

**ACN: 005 357 522**

Defendant

**A.            DETAILS OF APPLICATION**

This application is made under sections 1317E and 1317G(1A) of the *Corporations Act 2001* (Cth) (Corporations Act).

The plaintiff seeks a declaration of contravention of the Corporations Act, pecuniary penalty and ancillary orders, including costs.

In this Originating Process, terms which are defined in the Concise Statement dated 14 September 2018 have the same meaning as they do in that document.

On the facts stated in the accompanying Concise Statement, the plaintiff seeks:

1. Pursuant to section 1317E of the Corporations Act, a declaration that the Australia and New Zealand Banking Group Limited (“ANZ”) contravened section 674(2) of the Corporations Act by failing to notify the Australian Securities Exchange (“the ASX”) of the Underwriter Acquisition and/or that the Underwriters had been allocated and were to acquire a significant proportion of the Placement Shares, on:
  - a) 6 August 2015; or, alternatively
  - b) prior to the recommencement of trading in ANZ shares on 7 August 2015.
2. An order pursuant to section 1317G(1A) of the Corporations Act that ANZ pay a pecuniary penalty in such amount as the Court considers appropriate in respect of the contravention referred to in paragraph 1.

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Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, the plaintiff		
Prepared by (name of person/lawyer)	Savas Miriklis		
Law firm (if applicable)	.....		
Tel	03 9280 3200	Fax	03 9280 3402
Email	Savas.miriklis@asic.gov.au		
<b>Address for service</b> (include state and postcode)	Level 7, 120 Collins Street, Melbourne, VIC 3000		

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- 3. An order that ANZ pay the plaintiff's costs.
- 4. Such other order as the Court sees fit.

Date: 14 September 2018

*Signature of plaintiff or  
plaintiff's legal practitioner*

This application will be heard by ..... at Owen  
Dixon Commonwealth Law Courts Building 305 William Street Melbourne VIC 3000 at  
..... \*am/\*pm on .....

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

TO: Australia and New Zealand Banking Group Limited  
ANZ Centre Melbourne, Level 9, 833 Collins Street, Docklands, VIC 3008

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 Savas Miriklis for the plaintiff.

**E. SERVICE**

The plaintiff's address for service is Level 7, 120 Collins Street, Melbourne, VIC 3000  
It is intended to serve a copy of this originating process on the defendant.