### NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 13/12/2018 5:49:57 PM 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 process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
File Number:	VID1603/2018
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v AMP LIMITED & ANOR
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	First Case Management Hearing
Time and date for hearing:	08/02/2019, 9:30 AM
Place:	Please check Daily Court List for details



Dated: 14/12/2018 4:08:55 PM AEDT

#### **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.

Wormich Soden

Registrar



Form 2 Originating process (rules 2.2 and 15A.3)

No. VID

of 2018

Federal Court of Australia District Registry: Victoria Division: General

IN THE MATTER OF AMP LIMITED (ACN 079 354 519)

Australian Securities and Investments Commission Plaintiff

AMP Limited (ACN 079 354 519)

First Defendant

Clayton Utz (a firm)

Second Defendant

# A. DETAILS OF APPLICATION

This application is made under ss 12HD and 70 of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**), s 39B of the *Judiciary Act 1903* (Cth) and/or s 21 of the *Federal Court of Australia Act 1976* (Cth) in relation to a notice issued by the Plaintiff pursuant to section 33 of the ASIC Act.

On the facts stated in the supporting affidavit of Cathy Lee sworn on 13 December 2018 (Lee Affidavit), the Plaintiff seeks the following relief against the Defendants:

1. A declaration that the documents listed in annexure "CL-14" to the Lee Affidavit are not subject to legal professional privilege of the First Defendant, or alternatively,

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				
Tel (03) 9280 4787			Fax	(03) 9280 3444	
Email nicholas.kelton@asic.gov.au					
Address for service (include state and postcode)	Level 7, 1	20 Collins Street, Me	lbourne,	, VIC 3000	



that the First Defendant has waived legal professional privilege.

- 2. An order requiring the Second Defendant to produce to the Plaintiff the documents listed in annexure "CL-14" to the Lee Affidavit.
- 3. Costs.
- 4. Such further or other order as the Court sees fit.
- Date: 13 December 2018

With helpon

Nick Kelton Solicitor for the Australian Securities and Investments Commission

This application will be heard by ..... at the Federal Court of Australia at Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne, Victoria at ...... \*am/\*pm on ......

## B. NOTICE TO DEFENDANTS

TO: The First Defendant AMP Limited 33 Alfred Street Sydney NSW 2000

> The Second Defendant Clayton Utz (a firm) Level 15 1 Bligh 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 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 Nick Kelton, Legal Practitioner for the Plaintiff.

## D. SERVICE

The Plaintiff's address for service is:

Australian Securities and Investments Commission Level 7 120 Collins Street Melbourne VIC 3000

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