

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/08/2019 10:02:02 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 Application - Form 15 - Rule 8.01(1)
File Number:	NSD1355/2019
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v NATIONAL AUSTRALIA BANK LIMITED ACN 004 044 937
Registry:	NEW SOUTH WALES 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, reading 'Warwick Soden'.

Dated: 23/08/2019 12:13:23 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.

DATE AND TIME TO BE ADVISED BY THE REGISTRY.



## Originating Application

No.

Federal Court of Australia  
District Registry: New South Wales  
Division: General

### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

**NATIONAL AUSTRALIA BANK LTD (ACN 004 044 937)**

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:** Level 17, Law Courts Building, Queens Square, Sydney NSW 2000

Date:

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

Filed on behalf of (name & role of party) Australian Securities and Investments Commission, Applicant

Prepared by (name of person/lawyer) Nicolette Bearup, Litigation Counsel – Civil Litigation

Law firm (if applicable) N/A

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Email nicolette.bearup@asic.gov.au

**Address for service** Level 5, 100 Market Street, Sydney NSW 2000  
(include state and postcode)



### Details of claim

On the grounds stated in accompanying Concise Statement the Applicant claims:

### Declarations

1. Pursuant to ss.166(2) and (3) of the *National Consumer Credit Protection Act 2009* (Cth) (**National Credit Act**) declarations that the Respondent (**NAB**), in relation to each credit contract referred to in column C of Confidential Annexure A, contravened s.31 of the National Credit Act by:
  - (a) engaging in a credit activity within the meaning of the National Credit Act, namely being a credit provider under that credit contract and also by carrying on a business of providing credit to which the National Credit Code applied; and
  - (b) in the course of engaging in that credit activity, conducting business with the person referred to in column G of Confidential Annexure A (the **Introducer**) who:
    - (i) was also engaging in a credit activity within the meaning of the National Credit Act, namely by providing information to NAB about the person referred to in columns A and B of Confidential Annexure A (the **Consumer**) and consequently providing credit assistance to the Consumer or by acting as an intermediary between NAB and the Consumer;
    - (ii) did not hold an Australian credit licence authorising the Introducer to engage in that credit activity, and who was not engaging in that credit activity on behalf of another person who held an Australian credit licence; and
    - (iii) by engaging in the credit activity referred to in sub-paragraph (i) above, in the circumstance referred to in sub-paragraph (ii) above contravened s.29 of the National Credit Act.
2. By reason of the matters referred to in 1 above, NAB contravened ss.47(1)(a) and (d) of the National Credit Act.

### Penalties

3. An order pursuant to s.167(2) of the National Credit Act that the Respondent pay to the Commonwealth a pecuniary penalty in respect of the declared contraventions claimed in paragraph 1.

**Other orders**

4. The Respondent pay the Applicant's costs.
5. Such further or other orders as the Court sees fit.

**Applicant's address**

The Applicant's address for service is:

Place: Australian Securities and Investments Commission  
Level 5  
100 Market Street  
Sydney NSW 2000

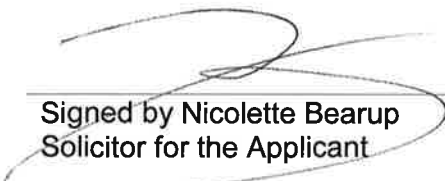
Email: nicollette.bearup@asic.gov.au

The Applicant's address is Level 5, 100 Market Street, Sydney NSW 2000

**Service on the Respondent**

It is intended to serve this application on all Respondents.

Date: 23 August 2019

  
Signed by Nicolette Bearup  
Solicitor for the Applicant