

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 10/08/2020 5:59:25 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 Application - Form 15 - Rule 8.01(1)
File Number:	VID532/2020
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v GOGETTA EQUIPMENT FUNDING PTY LTD
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



Dated: 11/08/2020 4:46:52 PM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

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.



Originating application

No. of 2020

Federal Court of Australia
District Registry: Victoria
Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

GOGETTA EQUIPMENT FUNDING PTY LTD (ACN 124 102 647)

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: Commonwealth Law Courts Building, 305 William Street, Melbourne, VIC, 3000

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) Tina Beltrame, Litigation Counsel, ASIC

Law firm (if applicable) N/A

Tel +61 402 955 439 Fax +61 1300 720 000

Email tina.beltrame@asic.gov.au and lucy.reesgraham@asic.gov.au

Address for service 7/120 Collins Street
(include state and postcode) Melbourne VIC 3000 c/o Tina Beltrame and Lucy Rees-Graham



Details of claim

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

1. In respect of each rental agreement entered into by the Respondent and described in a row of Annexure A, Table 1 of the Concise Statement filed in this proceeding:
 - (a) a declaration, pursuant to s 166 of the *National Consumer Credit Protection Act 2009* (Cth) (the **National Credit Act**), that the Respondent contravened:
 - (i) s 29 of the National Credit Act, by being a lessor under 10 consumer leases, and thereby engaging in the credit activity described in item 3(a) of s 6(1) of the National Credit Act, when it did not hold a licence under that Act authorising it to engage in that credit activity;
 - (ii) s 29 of the National Credit Act, by exercising its rights as lessor under 10 consumer leases, and thereby engaging in the credit activity described in item 3(c) of s 6(1) of the National Credit Act, when it did not hold a licence under that Act authorising it to engage in that credit activity;
 - (iii) s 32 of the National Credit Act, by demanding, receiving, and/or accepting fees, charges or other amounts from each of the consumers who were parties to each consumer lease (as particularised in Annexure A, Table 2 of the Concise Statement) for engaging in a credit activity, when it did not hold a licence under that Act authorising it to engage in that credit activity; and
 - (b) an order, pursuant to s 167 of the National Credit Act, that the Respondent pay to the Commonwealth pecuniary penalties for contravening ss 29 and 32 of that Act.
2. The Respondent pay the Applicant's costs.
3. 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 7, 120 Collins Street, Melbourne, VIC, 3000

Email: tina.beltrame@asic.gov.au and lucy.reesgraham@asic.gov.au

The Applicant's address is Level 7, 120 Collins Street, Melbourne, VIC, 3000.



Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 10 August 2020

A handwritten signature in blue ink, appearing to be "Tina Beltrame", written over a horizontal line.

Signed by Tina Beltrame
Lawyer for the Applicant