

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 3/09/2020 7:54:54 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 process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
File Number:	VID595/2020
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v DIXON ADVISORY & SUPERANNUATION SERVICES 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



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

Dated: 4/09/2020 8:50:44 AM 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

No. _____ of 2020

Federal Court of Australia
District Registry: Victoria
Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

DIXON ADVISORY & SUPERANNUATION SERVICES LTD (ACN 103 071 665)

Defendant

A. DETAILS OF APPLICATION

- 1 This application is made under sections 1101B, 1317E, 1317G and 1324 of the *Corporations Act 2001 (Cth)* (**Corporations Act**) and section 21 of the *Federal Court of Australia Act 1976 (Cth)* (**Federal Court Act**).

- 2 The Plaintiff seeks declarations of contraventions, pecuniary penalties and other relief against the Defendant (**DASS**), which is the holder of an Australian Financial Services Licence permitting it to carry on a financial services business to, amongst other things, provide financial product advice (including personal advice within the meaning of s 766B(3) of the Corporations Act) to retail clients, in respect of contraventions of certain of the “best interests obligations” in Division 2 of Part 7.7A of the Corporations Act.

Filed on behalf of:	Australian Securities & Investments Commission, Plaintiff
Prepared by:	Georgina Thomas, Lawyer, ASIC
Tel	(03) 9280 4107
Email	georgina.thomas@asic.gov.au
Address for service	Level 7, 120 Collins Street, Melbourne Vic 3000 Attention: Georgina Thomas



B. ORDERS SOUGHT

On the facts stated in the Concise Statement, the Plaintiff seeks the following orders:

- 3 Declarations pursuant to s 1317E(1) of the Corporations Act that, during the period from 2 September 2015 to 31 May 2019 (**Relevant Period**), DASS contravened s 961K(2) of the Corporations Act by being the responsible licensee for the contravening conduct of its representatives, who, in providing financial product advice to each of the clients identified in the Schedule that was personal advice within the meaning of s 766B(3) of the Corporations Act, contravened:
 - (a) section 961B by failing to act in the best interests of the client;
 - (b) section 961G by providing advice in circumstances where it was not reasonable to conclude that the advice was appropriate to the client, had the provider satisfied the duty under section 961B to act in the best interests of the client; and
 - (c) section 961J by not giving priority to the client's interests when giving the advice in circumstances where the representative knew, or ought reasonably to have known, that there was a conflict between the interests of the client and the interests of DASS and/or an associate of DASS,as set out in the Schedule.
- 4 An order pursuant to s 1317G(1) of the Corporations Act that DASS pay to the Commonwealth pecuniary penalties in respect of its contraventions of s 961K(2) of the Corporations Act.
- 5 Orders pursuant to s 1101B(1) of the Corporations Act requiring DASS, within such time and in such manner as the Court sees fit, to:
 - (a) have in place appropriate systems, policies and procedures to ensure that its representatives comply with ss 961B, 961G and 961J of the Corporations Act; and
 - (b) provide ASIC with a written report of an independent expert confirming the Defendant's compliance with paragraph 6(a) above.



B. NOTICE TO DEFENDANT

TO:

DIXON ADVISORY & SUPERANNUATION SERVICES LIMITED of Suite 1502, 100 Pacific Highway, North Sydney, NSW 2060.

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:

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Registrar

This originating process is filed by Georgina Thomas, solicitor for the plaintiff.

D. 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.



SCHEDULE TO ORIGINATING PROCESS

Client A

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client A	25 August 2016	X	X	X
2.	Client A	31 January 2017	X	X	X
3.	Client A	1 November 2017	X	X	N/a
4.	Client A	5 December 2017	X	X	X
5.	Client A	21 September 2018	X	X	N/a

Client B

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client B	16 September 2015	X	X	X
2.	Client B	24 August 2016	X	X	X
3.	Client B	4 November 2016	X	X	N/a
4.	Client B	31 January 2017	X	X	X
5.	Client B	14 September 2017	X	X	N/a
6.	Client B	13 November 2017	X	X	N/a

Client C

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client C	6 October 2015	X	X	X
2.	Client C	25 August 2016	X	X	X
3.	Client C	31 January 2017	X	X	X
4.	Client C	27 November 2017	X	X	N/a
5.	Client C	5 December 2017	X	X	X
6.	Client C	22 October 2018	X	X	N/a
7.	Client C	12 April 2019	X	X	N/a



Client D

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client D	4 September 2015	X	X	N/a
2.	Client D	24 August 2016	X	X	X
3.	Client D	24 October 2016	X	X	N/a
4.	Client D	31 January 2017	X	X	X
5.	Client D	29 August 2017	X	X	N/a
6.	Client D	20 October 2017	X	X	N/a
7.	Client D	5 December 2017	X	X	X
8.	Client D	29 May 2018	X	X	N/a

Client E

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client E	25 August 2016	X	X	X
2.	Client E	16 September 2016	X	X	N/a
3.	Client E	5 December 2016	X	X	N/a
4.	Client E	31 January 2017	X	X	X
5.	Client E	5 December 2017	X	X	X
6.	Client E	30 April 2018	X	X	N/a

Client F

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client F	25 August 2016	X	X	X
2.	Client F	31 January 2017	X	X	X
3.	Client F	24 May 2017	X	X	N/a
4.	Client F	5 December 2017	X	X	X
5.	Client F	26 February 2018	X	X	N/a
6.	Client F	26 April 2018	X	X	N/a



7.	Client F	8 April 2019	X	X	N/a
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Client G

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client G	6 January 2016	X	X	N/a
2.	Client G	24 August 2016	X	X	X
3.	Client G	30 January 2017	X	X	X
4.	Client G	5 December 2017	X	X	X
5.	Client G	10 August 2018	X	X	N/a
6.	Client G	17 December 2018	X	X	N/a
7.	Client G	31 May 2019	X	X	N/a

Client H

No	Client	Date of Advice	s 961B	s 961G	s 961J
1.	Client H	6 October 2015	X	X	X
2.	Client H	24 August 2016	X	X	X
3.	Client H	19 October 2017	X	X	N/a
4.	Client H	7 March 2018	X	X	N/a
5.	Client H	30 May 2018	X	X	N/a

Dated: 3 September 2020