

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	VID448/2025
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v HOLLARD INSURANCE PARTNERS LIMITED (ACN 067 524 216)
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



Sia Lagos

Registrar

Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.



Form 2
Rule 2.2

ORIGINATING PROCESS

No. of 2025

Federal Court of Australia
District Registry: Victoria
Division: General

IN THE MATTER OF HOLLARD INSURANCE PARTNERS LIMITED (ACN 067 524 216)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Plaintiff

HOLLARD INSURANCE PARTNERS LIMITED (ACN 067 524 216)
Defendant

A. DETAILS OF APPLICATION

This application is made under ss 75A and 75B of the *Insurance Contracts Act 1984* (Cth) (the **Act**).

The plaintiff, the Australian Securities and Investments Commission (**ASIC**), seeks declarations of contravention of s 13 of the Act, pecuniary penalties, and costs against the defendant, **Hollard**.

In this Originating Process, capitalised terms have the meanings given in the Concise Statement dated 10 April 2025 (**Concise Statement**).

On the facts stated in the Concise Statement, ASIC claims:

Declarations

1. A declaration under s 75A of the Act that Hollard failed to comply with the provision implied by s 13(1) of the Act in Home Insurance **Policy** No HOM1612182, requiring Hollard to act towards the **Insured** with the utmost good faith in respect of a claim by the Insured for indemnity under the Policy in relation to damage caused by storm, and thereby contravened s 13(2A) of the Act, by (each or in combination):
 - (a) between at least 24 December 2021 and late June or early July 2022, delaying in arranging further emergency works to the Insured's home, to protect the building against further loss or damage, after being

Filed on behalf of	Australian Securities and Investments Commission, the Plaintiff		
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Address for service	Level 7, 120 Collins St Melbourne VIC 3000		



notified that the original make-safe works had failed to stop water ingress, and subsequently also delayed in providing repairs to address growing mould;

- (b) between 15 November 2021 and 26 July 2022, failing to promptly engage a structural engineer for expert opinion in assessing the damage caused by storm to the roof of the Insured's home;
- (c) from about early October 2022, determining and proceeding with an assessment of the cause of damage to the roof, ignoring two written expert reports and an inspection report prepared by Hollard's appointed claim manager, and instead acting on the basis of a non-expert opinion, which was not written or appropriately qualified, and without reasoning or proper basis;
- (d) between early October 2022 and 28 April 2023, having made a decision to decline cover for damage requiring replacement of the roof, failing to communicate promptly, clearly and in writing with the Insured about what damage it declined, the reasoning and basis for that decision, and the value of the cash settlement that was offered;
- (e) between early September 2022 and 31 March 2023, delaying in providing temporary accommodation to the Insured; and
- (f) between 9 February and 13 November 2022, failing to assess correctly, and delaying in rectifying its mistake, as to the extent of the boundary fence which needed to be repaired.

Pecuniary penalties

2. In respect of each contravention of s 13(2A) of the Act the subject of a declaration under s 75A as set out in each of subparagraphs 1(a)-(f) above, an order pursuant to s 75B that Hollard pay a pecuniary penalty.

Other orders

3. An order that Hollard pay ASIC's costs of and incidental to the proceeding.
4. Such further or other orders as to Court considers appropriate.

Date: 10 April 2025

A handwritten signature in blue ink, appearing to be 'S. J. ...', is written above the electronic signature line.

.....

(Electronic) Signature of plaintiff's legal practitioner



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

B. NOTICE TO DEFENDANT

TO:

HOLLARD INSURANCE PARTNERS LIMITED (ACN 067 524 216)

Level 5 of 100 Mount Street, 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 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: 10 April 2025

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Registrar

This originating process is filed by 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.