

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 29/07/2021 4:00:18 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:	VID420/2021
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v AMP FINANCIAL PLANNING PROPRIETARY LIMITED (ACN 051 208 327)
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: 29/07/2021 4:14:39 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.



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

Federal Court of Australia

No. VID of 2021

District Registry: Victoria

Division: General

Australian Securities and Investments Commission

Plaintiff

AMP Financial Planning Proprietary Limited (ACN 051 208 327) and others

Defendants

A. DETAILS OF APPLICATION

This application is made under:

- (a) section 12GBA(1) of the *Australian Securities and Investments Commission Act 2001* (Cth), as in force at the time of the contraventions specified below¹ (**ASIC Act**);
- (b) sections 1101B(1) and 1317J(1) of the *Corporations Act 2001* (Cth), as in force at the time of the contraventions specified below (**Corporations Act**); and
- (c) sections 19 and 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**).

On the facts stated in the accompanying concise statement, the Plaintiff (**ASIC**) claims:

Against AMP Financial Planning Proprietary Limited, the First Defendant

1. Declarations, pursuant to sections 1101B(1) or 1317J(1) of the *Corporations Act* and/or section 21(1) of the *FCA Act*, that AMP Financial Planning Proprietary Limited contravened:
 - (a) section 912A(1)(a) of the *Corporations Act*;
 - (b) section 912A(1)(c) of the *Corporations Act*; and
 - (c) section 12DI(3) of the *ASIC Act*.

¹ See ASIC Act, s 322. Alternatively, ASIC makes this application under sections 12GBA and 12GBB of the ASIC Act as they stand at the time it commences this proceeding, and this originating application should be read accordingly.

Filed on behalf of	The Plaintiff, Australian Securities and Investments Commission		
Prepared by	Nick Kelton, Lawyer		
Tel	(03) 8509 3051	Fax	(02) 6267 4466
Email	nicholas.kelton@asic.gov.au		
Address for service	Level 7, 120 Collins Street, Melbourne, Victoria, 3000		



2. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Financial Planning Proprietary Limited pay a pecuniary penalty to the Commonwealth for its contraventions of section 12DI(3) of the ASIC Act, fixed at an amount that the Court considers is appropriate.
3. An adverse publicity order, pursuant to section 12GLB(1) of the ASIC Act, that requires AMP Financial Planning Proprietary Limited:
 - (a) to disclose the contraventions the subject of the declarations in paragraph 1 above, and the circumstances giving rise to those contraventions; and
 - (b) to publish by form, means and channels to be determined by the court, at AMP Financial Planning Limited's own expense, those disclosures.
4. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Financial Planning Proprietary Limited pay the pecuniary penalty to the Commonwealth within 28 days of the date of the order.
5. Costs.
6. Such further or other orders as the Court considers is appropriate.

Against Hillross Financial Services Limited, the Second Defendant

7. Declarations, pursuant to sections 1101B(1) or 1317J(1) of the Corporations Act and/or section 21(1) of the FCA Act, that Hillross Financial Services Limited contravened:
 - (a) section 912A(1)(a) of the Corporations Act;
 - (b) section 912A(1)(c) of the Corporations Act; and
 - (c) section 12DI(3) of the ASIC Act.
8. An order, pursuant to section 12GBA(1) of the ASIC Act, that Hillross Financial Services Limited pay a pecuniary penalty to the Commonwealth for its contraventions of section 12DI(3) of the ASIC Act, fixed at an amount that the Court considers is appropriate.
9. An adverse publicity order, pursuant to section 12GLB(1) of the ASIC Act, that requires Hillross Financial Services Limited:
 - (a) to disclose the contraventions the subject of the declarations in paragraph 7 above, and the circumstances giving rise to those contraventions; and
 - (b) to publish by form, means and channels to be determined by the court, at Hillross Financial Services Limited's own expense, those disclosures.
10. An order, pursuant to section 12GBA(1) of the ASIC Act, that Hillross Financial Services Limited pay the pecuniary penalty to the Commonwealth within 28 days of the date of the order.



11. Costs.
12. Such further or other orders as the Court considers is appropriate.

Against Charter Financial Planning Limited, the Third Defendant

13. Declarations, pursuant to sections 1101B(1) or 1317J(1) of the Corporations Act and/or section 21(1) of the FCA Act, that Charter Financial Planning Limited contravened:
 - (a) section 912A(1)(a) of the Corporations Act;
 - (b) section 912A(1)(c) of the Corporations Act; and
 - (c) section 12DI(3) of the ASIC Act.
14. An order, pursuant to section 12GBA(1) of the ASIC Act, that Charter Financial Planning Limited pay a pecuniary penalty to the Commonwealth for its contraventions of section 12DI(3) of the ASIC Act, fixed at an amount that the Court considers is appropriate.
15. An adverse publicity order, pursuant to section 12GLB(1) of the ASIC Act, that requires Charter Financial Planning Limited:
 - (a) to disclose the contraventions the subject of the declarations in paragraph 13 above, and the circumstances giving rise to those contraventions; and
 - (b) to publish by form, means and channels to be determined by the court, at Charter Financial Planning Limited's own expense, those disclosures.
16. An order, pursuant to section 12GBA(1) of the ASIC Act, that Charter Financial Planning Limited pay the pecuniary penalty to the Commonwealth within 28 days of the date of the order.
17. Costs.
18. Such further or other orders as the Court considers is appropriate.

Against AMP Superannuation Limited, the Fourth Defendant

19. Declarations, pursuant to sections 1101B(1) or 1317J(1) of the Corporations Act and/or section 21(1) of the FCA Act, that AMP Superannuation Limited:
 - (a) contravened section 912A(1)(a) of the Corporations Act;
 - (b) contravened section 912A(1)(c) of the Corporations Act; and
 - (c) was involved in contraventions of, and is taken to have contravened, section 12DI(3) of the ASIC Act.
20. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Superannuation Limited pay a pecuniary penalty to the Commonwealth for its involvement in the contraventions of section 12DI(3) of the ASIC Act, fixed at an amount that the Court



considers is appropriate.

21. An adverse publicity order, pursuant to section 12GLB(1) of the ASIC Act, that requires AMP Superannuation Limited:
 - (a) to disclose the contraventions the subject of the declarations in paragraph 19 above, and the circumstances giving rise to those contraventions; and
 - (b) to publish by form, means and channels to be determined by the court, at AMP Superannuation Limited's own expense, those disclosures.
22. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Superannuation Limited pay the pecuniary penalty to the Commonwealth within 28 days of the date of the order.
23. Costs.
24. Such further or other orders as the Court considers is appropriate.

Against AMP Life Limited, the Fifth Defendant

25. A declaration, pursuant to section 21(1) of the FCA Act, that AMP Life Limited was involved in contraventions of, and is taken to have contravened, section 12DI(3) of the ASIC Act.
26. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Life Limited pay a pecuniary penalty to the Commonwealth for its involvement in the contraventions of section 12DI(3) of the ASIC Act, fixed at an amount that the Court considers is appropriate.
27. An adverse publicity order, pursuant to section 12GLB(1) of the ASIC Act, that requires AMP Life Limited:
 - (a) to disclose the contraventions the subject of the declarations in paragraph 25 above, and the circumstances giving rise to those contraventions; and
 - (b) to publish by form, means and channels to be determined by the court, at AMP Life Limited's own expense, those disclosures.
28. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Life Limited pay the pecuniary penalty to the Commonwealth within 28 days of the date of the order.
29. Costs.
30. Such further or other orders as the Court considers is appropriate.

Against AMP Services Limited, the Sixth Defendant

31. A declaration, pursuant to section 21(1) of the FCA Act, that AMP Services Limited was



involved in contraventions of, and is taken to have contravened, section 12DI(3) of the ASIC Act.

32. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Services Limited pay a pecuniary penalty to the Commonwealth for its involvement in the contraventions of section 12DI(3) of the ASIC Act, fixed at an amount that the Court considers is appropriate.
33. An adverse publicity order, pursuant to section 12GLB(1) of the ASIC Act, that requires AMP Services Limited:
 - (a) to disclose the contraventions the subject of the declarations in paragraph 31 above, and the circumstances giving rise to those contraventions; and
 - (b) to publish by form, means and channels to be determined by the court, at AMP Services Limited's own expense, those disclosures.
34. An order, pursuant to section 12GBA(1) of the ASIC Act, that AMP Services Limited pay the pecuniary penalty to the Commonwealth within 28 days of the date of the order.
35. Costs.
36. Such further or other orders as the Court considers is appropriate.

Date: 29 July 2021

Nick Kelton

Nick Kelton
Litigation Counsel, Chief Legal Office
For and on behalf of ASIC

This application will be heard by at at *am/*pm on

**B. NOTICE TO DEFENDANTS**

TO:

AMP Financial Planning Proprietary
Limited (ACN 051 208 327)
AMP Sydney Cove Building
33 Alfred Street
SYDNEY NSW 2000

Hillross Financial Services Limited (ACN 003 323
055)
AMP Sydney Cove Building
33 Alfred Street
SYDNEY NSW 2000

Charter Financial Planning Limited (ACN
002 976 294)
AMP Sydney Cove Building
33 Alfred Street
SYDNEY NSW 2000

AMP Superannuation Limited (ACN 008 414 104)
AMP Sydney Cove Building
33 Alfred Street
SYDNEY NSW 2000

AMP Life Limited (ACN 079 300 379)
L20, 400 George Street
SYDNEY NSW 2000

AMP Services Limited (ACN 081 143 786)
AMP Sydney Cove Building
33 Alfred 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 the prescribed form, in the Registry and serve a copy of it on ASIC.

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.

**D. FILING**

Date of filing: 29 July 2021

.....
Registrar

This originating process is filed by Nick Kelton, for and on behalf of ASIC.

E. SERVICE

ASIC's address for service is:

Place: Australian Securities and Investments Commission, Level 7, 120 Collins Street,
Melbourne, Victoria, 3000

Email: nicholas.kelton@asic.gov.au

It is intended to serve a copy of this originating process on each defendant.

Schedule of Parties



Federal Court of Australia
 District Registry: Victoria
 Division: General

No. VID of 2021

Defendants

Second Defendant: Hillcross Financial Services Limited (ACN 003 323 055)
 Third Defendant: Charter Financial Planning Limited (ACN 002 976 294)
 Fourth Defendant: AMP Superannuation Limited (ACN 008 414 104)
 Fifth Defendant: AMP Life Limited (ACN 079 300 379)
 Sixth Defendant: AMP Services Limited (ACN 081 143 786)

Date: 29 July 2021

Filed on behalf of	The Plaintiff, Australian Securities and Investments Commission		
Prepared by	Nick Kelton, Lawyer		
Tel	(03) 9280 4787	Fax	1300 729 000
Email	nicholas.kelton@asic.gov.au		
Address for service	Level 7, 120 Collins Street, Melbourne, Victoria, 3000		