SUPREME COURT VICTORIA
Case: S ECI 2026 07991
Filed on: 26/11/2026 09:49 AM

FORM 2

Rules 2.2 and 15A.3

IN THE SUPREME COURT OF VICTORIA
COMMERCIAL COURT
REGULATORY AND CIVIL PENALTIES LIST

S ECI

IN THE MATTER OF AIG AUSTRALIA LIMITED (ACN 004 727 753)

BETWEEN
AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

and
AIG AUSTRALIA LIMITED (ACN 004 727 753)

Defendant

ORIGINATING PROCESS

Date of Document: 26 November 2026

Filed on behalf of: Australian Securities and Investments Commission, the Plaintiff

Solicitors Code:
Telephone: [redacted]
Prepared by: Nick Kelton, Lawyer
Email: [redacted]

A. DETAILS OF APPLICATION

This application is made under ss 1101B, 1317E and 1317G of the *Corporations Act 2001* (Cth) (**Corporations Act**).

The Plaintiff seeks declarations of contravention of ss 912A(1)(g) (as modified by s 7(1) of the *ASIC Corporations, Credit and Superannuation (Internal Dispute Resolution) Instrument 2020/98* (**IDR Instrument**)) and 912A(5A) of the Corporations Act, pecuniary penalty orders, other orders, and an order the Defendant pay the Plaintiff's costs of the proceeding.

On the facts stated in the accompanying Concise Statement, the Plaintiff seeks:

Declarations

1. Pursuant to s 1317E(1) of the Corporations Act, a declaration that between 5 October 2021 and 19 December 2025 (**Relevant Period**) the Defendant:

   (a) failed to comply with its internal dispute resolution (**IDR**) procedure by failing, in **534** instances, to provide an IDR response within the maximum timeframe for doing

so (30 days), and thereby contravened s 912A(1)(g)(ia) and therefore s 912A(5A) of the Corporations Act; and

(b) in each case, committed a separate contravention for each day on which the IDR response was due but not provided, pursuant to s 1317QA(2) of the Corporations Act.

2. Pursuant to s 1317E(1) of the Corporations Act, a declaration that during the Relevant Period, the Defendant failed to comply with its IDR procedure by failing, in **179** instances, to inform the complainant that they have a right to pursue their complaint with the Australian Financial Complaints Authority (**AFCA**) and to provide details about how to access AFCA and in each case thereby contravened s 912A(1)(g)(ia) and therefore s 912A(5A) of the Corporations Act.

3. Pursuant to s 1317E(1) of the Corporations Act, a declaration that during the Relevant Period, the Defendant failed to comply with its IDR procedure by failing to have an effective system for recording information about complaints and/or failing to have a system that enabled it to keep track of the progress of each complaint, and thereby contravened s 912A(1)(g)(ia) and therefore s 912A(5A) of the Corporations Act.

Pecuniary penalties

4. Pursuant to s 1317G(1) of the Corporations Act, an order that the Defendant pay to the Commonwealth a pecuniary penalty or pecuniary penalties in relation to the conduct declared to be in contravention of s 912A(5A) of the Corporations Act, in an amount or amounts to be fixed by the Court.

Other orders

5. Pursuant to s 1101B(1) of the Corporations Act, an order that the Defendant publish at its own expense a notice stating the findings, declarations and orders made in this proceeding, in the terms and in the manner that the Court considers appropriate.

6. Pursuant to s 1101B(1) of the Corporations Act, an order that the Defendant, within such time and in such a manner as the Court considers appropriate:

(a) engage an independent expert, the identity of whom is to be agreed with the Plaintiff, or in the absence of agreement, to be determined by the Court, who will be required to, within two months of the order;

(i) identify the root causes of the Defendant's failure to comply with its IDR procedure as set out in paragraphs 1, 2 and/or 3 above;

(ii) assess whether steps taken by the Defendant since the end of the Relevant Period have adequately addressed the root causes;

(iii) make any recommendations that the independent expert considers necessary and appropriate to ensure the Defendant's compliance with its IDR procedure, including in relation to its system for recording complaints and keeping track of their progress; and

(iv) prepare a written report setting out the results of the review and recommendations referred to above, and deliver a copy of the report to the Plaintiff and Defendant (**Compliance Report**);

(b) implement all recommendations of the Compliance Report; and

(c) engage the independent expert to, following receipt by the Plaintiff and Defendant of the Compliance Report, prepare a short written report opining on the adequacy of the Defendant's implementation of the recommendations in the Compliance Report (**Implementation Report**) and deliver a copy of the Implementation Report to the Plaintiff and Defendant; and

(d) pay the costs of the independent expert.

7. An order that the Defendant pay the Plaintiff's costs of and incidental to the proceeding.

8. Such further or other orders as the Court considers appropriate.

Date: 26 November 2026

[redacted]

Signature of plaintiff's legal practitioner, Nick Kelton

This application will be heard by a Judge at Supreme Court of Victoria, ~~450 Little Bourke Street, Melbourne Victoria 3000 at~~ ~~*am/*pm on [*insert date*]~~. on a date to be fixed.

B. NOTICE TO DEFENDANT(S)

TO: AIG AUSTRALIA LIMITED
Level 19, 2 Park 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 office of the Prothonotary and serve a copy of it on the plaintiff.

Note: Except with the leave of the Court, a defendant that is a corporation cannot appear at a hearing otherwise than by a legal practitioner.

C. FILING

Date of filing: 26 November 2026

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Prothonotary

This originating process is filed by Nick Kelton for the plaintiff.

D. SERVICE

The plaintiff's address for service is:

Australian Securities and Investments Commission
Level 7, 120 Collins Street, Melbourne, VIC, 3000
Email: [redacted]

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