

## NOTICE OF FILING AND HEARING

### Filing and Hearing Details

Document Lodged: Originating Application - Form 15 - Rule 8.01(1)  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 4/09/2023 3:07:53 PM AEST  
Date Accepted for Filing: 4/09/2023 3:18:19 PM AEST  
File Number: VID695/2023  
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v  
WESTPAC BANKING CORPORATION ACN 007 457 141  
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 15  
Rules 8.01(1); 8.04(1)



## Originating application

No. VID of 2023

Federal Court of Australia  
District Registry: Victoria  
Division: Commercial and Corporations

### Australian Securities and Investments Commission

Applicant

### Westpac Banking Corporation (ACN 007 457 141)

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:** 305 William Street, Melbourne, Victoria 3000.

The Court ordered that the time for serving this application be abridged to

Date: 4 September 2023

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)	Nick Kelton, Lawyer, ASIC
Tel	(03) 9280 4787 Fax 1300 729 000
Email	nicholas.kelton@asic.gov.au
<b>Address for service</b> (include state and postcode)	Level 7, 120 Collins Street, Melbourne, Victoria 3000.



## Details of claim

On the grounds stated in the accompanying concise statement, the Applicant seeks:

1. Declarations pursuant to section 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) and section 166(2) of the *National Consumer Credit Protection Act 2009* (Cth) (**Credit Act**) that the Respondent (**Westpac**) contravened:
  - a. section 72(4) of the *National Credit Code* (being Schedule 1 to the Credit Act) (**Code**); and
  - b. sections 47(1)(a) and 47(4) of the Credit Act (in respect of conduct occurring in the period from 13 March 2019 to 20 March 2022).
2. An order, pursuant to section 167(1) and (2) of the Credit Act, that Westpac pay a pecuniary penalty to the Commonwealth for its contraventions of section 72(4) of the Code and sections 47(1)(a) and 47(4) of the Credit Act, fixed at an amount the Court considers is appropriate.
3. An order, pursuant to section 167(1) and (2) of the Credit Act, that Westpac pay the pecuniary penalty to the Commonwealth within 28 days of the order.
4. An adverse publicity order, pursuant to section 182 of the Credit Act, that requires Westpac to:
  - a. disclose the contraventions the subject of the declarations in paragraph 1 above, and the circumstances giving rise to those contraventions; and
  - b. publish by form, means and channels to be determined by the Court, at Westpac's own expense, those disclosures.
5. Costs.
6. Such further order as the Court considers appropriate.

**Applicant's address**

The Applicant'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

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

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 4 September 2023

A handwritten signature in cursive script that reads 'Nick Kelton'.

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Signed by Nick Kelton  
Lawyer for the Applicant