

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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File Number: QUD100/2026
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v AUTO & GENERAL SERVICES PTY LTD ACN 003 617 909
Registry: QUEENSLAND 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 **Originating process**

(rules 2.2 and 15A.3)

No. of 2026

Federal Court of Australia

District Registry: Queensland

Division: General

IN THE MATTER OF AUTO & GENERAL SERVICES PTY LTD ACN 003 617 909

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

AUTO & GENERAL SERVICES PTY LTD ACN 003 617 909

Defendant

A. DETAILS OF APPLICATION

This is an application by the Plaintiff, the Australian Securities and Investments Commission (**ASIC**), for:

(a) declaratory relief pursuant to s 12GBA(1) of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**); and

(b) orders for pecuniary penalties pursuant to s 12GBB(3) of the ASIC Act,

in respect of false or misleading representations made by Auto & General Services Pty Ltd, the Defendant (**Auto & General**), on an unquantifiable number of occasions to consumers and further or alternatively to approximately 39,661 customers who made amendments to those policies during the first year of cover, in relation to the application of an online

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, Plaintiff
Prepared by (name of person/lawyer)	Anne Gubbins
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discount for policies initiated or purchased online, during the period 1 March 2020 to 16 July 2024, in contravention of sections 12DB(1)(a) and/or 12DB(1)(g) of the ASIC Act.

On the grounds of the accompanying Concise Statement, ASIC seeks:

1. Declarations pursuant to s 12GBA(1) of the ASIC Act that Auto & General, in trade or commerce, made false or misleading representations, in connection with the supply or possible supply of financial services, or in connection with the promotion by any means of the supply or use of financial services, in contravention of ss 12DB(1)(a) and / or 12DB(1)(g) of the ASIC Act, in that, during the period 1 March 2020 to 16 July 2024:
 - (a) on an unquantifiable number of occasions, but to over 17 million unique visitors to its **Budget Direct Website** with at least 29 million website views, Auto & General represented to consumers that if they initiated the purchase of, or purchased certain types of car (namely comprehensive car insurance, third party property, fire and theft cover insurance and third party property only car insurance), home (namely combined home and contents insurance, home building insurance and contents insurance) or motorcycle insurance online, they would receive a percentage discount on the premium for the first year of cover (**Online Discount**); and
 - (b) by that conduct, Auto & General represented to each consumer, expressly, a representation as to a future matter, that new customers would receive the Online Discount on the whole of the first year's insurance policy premium (before government charges, taxes, levies and fees) if they initiated the purchase of certain types of car, home or motorcycle insurance online within the terms and conditions (the **Policy Commencement Representations**);
 - (c) the Policy Commencement Representations were false or misleading representations with respect to the price, or further or alternatively the standard, quality, value or grade of the services because:
 - (i) Auto & General had configured its pricing systems to not apply the Online Discount (**Pricing System's Configuration**) following certain types of policy amendments (namely (a) for car insurance, change to the insured vehicle, change to the insured address to an interstate address and change to premium payment frequency; (b) for motorcycle insurance, change to the insured vehicle and change to the insured address to an interstate address; (c) for home insurance, change to the insured address and change to premium payment frequency) (**Relevant Amendments**); and
 - (ii) Auto & General did not have reasonable grounds for making the representations as it was aware by its relevant staff of the Pricing System's Configuration and it did not and could not know whether a customer would make a Relevant Amendment during the first year of the policy.
2. Declarations pursuant to s 12GBA(1) of the ASIC Act that Auto & General, in trade or commerce, made false or misleading representations, in connection with the supply or possible supply of financial services, or in connection with the promotion by any means of the supply or use of financial services, in contravention of s 12DB(1)(g) of the ASIC Act, in that, during the period 1 March 2020 to 16 July 2024:



- (a) on approximately 39,661 occasions, customers who sought to make Relevant Amendments to their policies of insurance within the first year of the policy were provided with post-amendment premiums for the remainder of the first year of the policy which did not include the Online Discount and were not informed that the Online Discount was not applied to the post-amendment premiums;
 - (b) by that conduct, Auto & General represented to each such customer, by its silence, that the post-amendment premium for the Relevant Product continued to apply the Online Discount (the **Policy Amendment Representations**); and
 - (c) the Policy Amendment Representations were false or misleading representations with respect to the price of the services because:
 - (i) Auto & General had not configured its pricing systems to offer the Online Discount following Relevant Amendments; and
 - (ii) the Online Discount was not applied to post-amendment premiums quoted to customers.
3. Orders pursuant to s 12GBB of the ASIC Act, by reference to maximum penalties calculated in accordance with s 12GBCA(2)(a), (b) or (c) of the ASIC Act, that Auto & General pay to the Commonwealth of Australia pecuniary penalties in such an amount as the Court determines to be appropriate in respect of the contraventions of ss 12DB(1)(a) and/or 12DB(1)(g) of the ASIC Act identified in paragraphs 1 and 2 above.
 4. An order pursuant to s 43 of the *Federal Court of Australia Act 1976* (Cth) that Auto & General pay ASIC's costs of and incidental to this proceeding.
 5. Such further or other orders as the Court considers appropriate.

Date: 27 February 2026

Anne Gubbins

Legal Practitioner of the

Australian Securities and Investments Commission

This application will be heard by the Federal Court of Australia at the Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane Qld 4000 at am/pm on

B. NOTICE TO DEFENDANT

To: AUTO & GENERAL SERVICES PTY LTD ACN 003 617 909

Level 13, Toowong Tower, 9 Sherwood Road, Toowong QLD 4066



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 Anne Gubbins, legal practitioner for the Plaintiff.

D. SERVICE

The Plaintiff's address for service is:

Place: Australian Securities and Investments Commission

Level 20, 240 Queen Street

Brisbane Qld 4000

Attn: Anne Gubbins

Email: anne.gubbins@asic.gov.au

It is intended to serve a copy of this originating process on the Defendant at Level 13, Toowong Tower, 9 Sherwood Road, Toowong QLD 4066.