



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID532/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION

Applicant

GOGETTA EQUIPMENT FUNDING PTY LTD

Respondent

ORDER

JUDGE: JUSTICE DAVIES

DATE OF ORDER: 26 April 2021

WHERE MADE: MELBOURNE

THE COURT ORDERS THAT:

1. Pursuant to s 166 of the *National Consumer Credit Protection Act 2009* (Cth) (the *National Credit Act*), the Court declares that the Respondent contravened:
 - (a) section 29 of the *National Credit Act* on 10 occasions, on each occasion by engaging in the credit activity described in item 3(a) of s 6(1) of the *National Credit Act*, by being the lessor under the rental agreements (being consumer leases) (as particularised in Annexure A) (**Agreement**), when it did not hold a licence under the *National Credit Act* authorising it to engage in that credit activity; and
 - (b) section 32 of the *National Credit Act* on 295 occasions, on each occasion by demanding, receiving, and/or accepting fees, charges or other amounts from a consumer who was a party to an Agreement (as particularised in Annexure B) for engaging in the credit activity described in item 3(a) of s 6(1) of the *National Credit Act*, when it did not hold a licence under that Act authorising it to engage in that credit activity.
2. Pursuant to s 167(2) of the *National Credit Act*, the Court orders that the Respondent pay to the Commonwealth pecuniary penalties totalling \$750,000 in respect of the



declarations in Order 1 that the Respondent has contravened ss 29 and 32 of the *National Credit Act*.

3. The Respondent pay the Applicant's costs in a sum that has been agreed between the parties.

Date that entry is stamped: 27 April 2021.

Sia Lagos
Registrar