

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 6/06/2022 8:29:39 AM 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 Application - Form 15 - Rule 8.01(1)
File Number:	QUD190/2022
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v SUNSHINELOANS PTY LTD (ACN 092 821 960)
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



Dated: 6/06/2022 2:53:45 PM AEST

A handwritten signature in blue ink that reads 'Sia Lagos'.

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 15
Rules 8.01(1); 8.04(1)

ORIGINATING APPLICATION

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: QUEENSLAND
DIVISION: GENERAL

No. QUD of

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

SUNSHINELOANS PTY LTD (ACN 092 821 960)

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: Commonwealth Law Courts Building, 119 North Quay, Brisbane

Date:

.....
Signed by an officer acting with the authority
of the District Registrar

Filed on behalf of the Australian Securities and Investments Commission, Applicant

Prepared by Hugh Copley

Tel (07) 3876 4700

Fax (07) 3867 4725

Email hugh.copley@asic.gov.au

Address for service: Level 20
240 Queen Street
BRISBANE QLD 4000



Details of application

For the purposes of this application:

Credit Act means the *National Consumer Credit Protection Act 2009* (Cth).

Credit Code means the *National Credit Code* at schedule 1 to the Credit Act.

Federal Court Act means the *Federal Court of Australia Act 1976* (Cth).

1. This application is made by the Applicant under sections 166, 167 and 177 of the Credit Act and section 21 of the Federal Court Act to obtain the declarations, injunction and the payment of pecuniary penalties set out below, arising from the contraventions by the Respondent of:
 - (a) sections 23A(1), 24(1A), 31A(1) and s31B of the Credit Code, and
 - (b) section 47(1)(d) of the Credit Act.
2. On the grounds stated in the Concise Statement, the Applicant seeks the following orders:
 - (a) a declaration that between 1 July 2016 and 2 November 2020 the Respondent contravened section 24(1A)(a) of the Credit Code on 670,609 occasions by entering into SACCs on terms which imposed a monetary liability prohibited by section 23A(1) of the Code, being the Amendment Fee, which was not permitted under section 31A(1) of the Code.
 - (b) a declaration that by reason of the conduct identified in declaration (a) above, the Respondent also contravened section 47(1)(d) of the Credit Act.
 - (c) a declaration that between 1 July 2016 and 2 November 2020 the Respondent contravened section 24(1A)(b) of the Credit Code on 12,693 occasions by requiring payment of an amount in respect of a monetary liability that cannot be imposed consistently with the Credit Code, being the Amendment Fee which was a monetary liability prohibited by section 23A(1) of the Credit Code, and not permitted under section 31A(1) of the Credit Code.



- (d) a declaration that by reason of the conduct identified in declaration (c) above, the Respondent also contravened section 47(1)(d) of the Credit Act.
- (e) a declaration that between 1 July 2016 and 2 November 2020 the Respondent contravened section 24(1A)(b) of the Credit Code on 9,367 occasions by accepting payment of an amount in respect of a monetary liability that cannot be imposed consistently with the Credit Code, being the Amendment Fee which was a monetary liability prohibited by section 23A(1) of the Credit Code, and not permitted under section 31A(1) of the Credit Code.
- (f) a declaration that by reason of the conduct identified in declaration (e) above, the Respondent also contravened section 47(1)(d) of the Credit Act.
- (g) an order that the Respondent pay pecuniary penalties in respect of its contraventions of sections 24(1A)(a) and 24(1A)(b) of the Credit Code.
- (h) an injunction pursuant to section 177(1) of the Credit Act restraining the Respondent from further contraventions of 23A(1), 24(1A), 31A(1) and s31B of the Credit Code and section 47(1)(d) of the Credit Act.
- (i) costs.

**Applicant's address**

The Applicant's address for service is:

Australian Securities and Investments Commission
Level 20, 240 Queen Street
Brisbane Qld 4000
DX 322 Brisbane
Hugh.Copley@asic.gov.au

The Applicant's address is - Level 20, 240 Queen Street, Brisbane in the State of Queensland

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 3 June 2022

A handwritten signature in blue ink, appearing to read "H. Copley", written over a horizontal line.

Signed by Hugh Copley
Solicitor for the Applicant