

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:	21/05/2025 4:11:00 PM AEST
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File Number:	VID647/2025
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v WALKER STORES PTY LTD ACN 007 973 962
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



A handwritten signature in blue ink that reads "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 2025

Federal Court of Australia
District Registry: Victoria
Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

WALKER STORES PTY LTD ACN 007 973 962

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:

Date:

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)	John Fogarty
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(include state and postcode)	



Details of claim

This application is made under sections 21 and 43 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), sections 166, 167 and 182 of the *National Consumer Credit Protection Act 2009* (Cth) (**NCCP Act**), and section 112 of the *National Consumer Code* (**Code**), being Schedule 1 to the NCCP Act.

Defined terms in this Originating Application have the same meaning as those in the Concise Statement dated 21 May 2025 which accompanies the Originating Application.

On the facts stated in the Concise Statement, the Applicant seeks:

Declarations

1. A declaration pursuant to s 113(1) of the Code and/or s 21 of the FCA Act that the Respondent entered into each of Contracts A, B, and C that were credit contracts with an Annual Cost Rate that exceeded 48% (the **Rate Cap**), in contravention of s 32A(1) of the Code.
2. A declaration pursuant to s 166(2) of the NCCP Act and/or s 21 of the FCA Act that the Respondent contravened s 24(1)(a) of the Code by entering into Contracts A, B, and C on terms imposing a monetary liability prohibited by s 23(1) of the Code in that the amount payable under each contract exceeded the Rate Cap.
3. A declaration pursuant to s 166 of the NCCP Act and/or s 21 of the FCA Act that the Respondent contravened s 24(1)(b) of the Code, by requiring or accepting payment under each of Contracts A, B, and C where the total of those payments exceeded the Rate Cap.
4. A declaration pursuant to s 113(1) of the Code and/or s 21 of the FCA Act that the Respondent contravened s 17(3)(a)(i) of the Code by entering into each of Contracts A, B, and C where the contract document did not contain the amount of credit to be provided under the credit contract.
5. A declaration pursuant to s 113(1) of the Code and/or s 21 of the FCA Act that the Respondent contravened s 17(3)(c) of the Code by entering into each of Contracts A, B, and C where the contract document did not contain the cash price of the goods supplied under the credit contract.
6. A declaration pursuant to s 166(2) of the NCCP Act and/or s 21 of the FCA Act that between September 2021 and 27 February 2025, the Respondent contravened s 24(1)(a) of the Code by entering into 40,430 credit contracts (including Contracts A, B, and C) on terms imposing a monetary liability prohibited by s 23(1) of the Code in that each contract applied an interest rate on the total contract amount rather than the unpaid amount owing at any given time, contrary to s 28 of the Code.
7. A declaration pursuant to s 166(2) of the NCCP Act and/or s 21 of the FCA Act that between September 2021 and 27 February 2025 the Respondent contravened s 24(1)(b) of the Code, by requiring or accepting payment of interest under each of 40,430 credit contracts (including Contracts A, B, and C), where that interest was calculated on the total contract



amount, rather than the unpaid amount owing at any given time, resulting in an amount greater than that permitted under s 28 of the Code.

Injunctions

8. An injunction pursuant to s 177(1)(a) of the NCCP Act, alternatively to s 23 of the FCA Act, requiring that the Respondent to:
 - a. calculate the outstanding amount under each of Contracts A, B and C permitted to be recovered in accordance with the Rate Cap and cease or refrain from requiring or accepting any greater amount than that from each debtor;
 - b. for each of its current credit contracts including Contracts A, B and C, cease recovering interest payments which exceed the amount of interest calculated in accordance with s 28 of the Code (applying the same interest rate as stipulated by each contract); and
 - c. review each of its current credit contracts and, to the extent any require an amount to be paid by the consumer in excess of the Rate Cap, refrain from requiring or accepting that amount.

Penalties

9. Pursuant to s 113(2) of the Code the Respondent pay such pecuniary penalties as the Court determines to be appropriate in respect of its contraventions of s 17 of the Code.
10. Pursuant to s 167 of the NCCP Act the Respondent pay such pecuniary penalties as the Court determines to be appropriate in respect of its contraventions of s 24(1) of the Code by reason of its contraventions of:
 - (a) s 32A of the Code in respect of Contracts A, B and C; and
 - (b) s 28 of the Code.

Other orders

11. An order under s 182 of the NCCP Act that, within 30 days of the date of the order, the Respondent publish at its own expense an advertisement stating that it has contravened the NCCP Act and the Code, and has been ordered to pay pecuniary penalties, in the terms and in the manner which the Court determines to be appropriate.
12. The Respondent pay the Applicant's costs of the proceeding.
13. Such further or other orders as the Court considers appropriate.

Applicant's address

The Applicant's address for service is:

Place: DLA Piper Australia

Email: John.Fogarty@dlapiper.com

The Applicant's address is Level 14, 80 Collins Street, Melbourne VIC 3000.

**Service on the Respondent**

It is intended to serve this application on the Respondent.

Date: 21 May 2025

A handwritten signature in black ink, appearing to read "Jwf", is written above a horizontal dotted line.

Signed by John Fogarty

Lawyer for the Applicant