

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:	12/09/2025 5:16:33 PM AEST
Date Accepted for Filing:	12/09/2025 5:22:02 PM AEST
File Number:	VID1209/2025
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED ACN 005 357 522
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.



Originating application

No. VID of 2025

Federal Court of Australia
District Registry: Victoria
Division: General

Australian Securities and Investments Commission

Applicant

Australia and New Zealand Banking Group Limited (ACN 005 357 522)

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 VIC 3000

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

Date:

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



Details of claim

For the purposes of this application:

ANZ means the Respondent, Australia and New Zealand Banking Group Limited (ACN 005 357 522).

ASIC means the Applicant, the Australian Securities and Investments Commission.

Credit Code means the *National Credit Code* (being Schedule 1 to the Credit Act).

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

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

Frontline Channels means ANZ's:

- (a) Australian Branch Network;
- (b) Customer Contact Centre, which relevantly comprises:
 - (i) ANZ staff members in call centres; and
 - (ii) ANZ staff members who respond to messages sent by customers via the Message Us function on the ANZ App (the **Message Us channel**); and
- (c) external Mobile Lending representatives.

Hardship notice means a notice within the meaning of s 72(1) of the Credit Code.

Response notice means a notice within the meaning of s 72(4) of the Credit Code.

This application is made by ASIC under ss 166, 167 and 182 of the Credit Act and s 21 of the Federal Court Act to obtain the declarations, payment of pecuniary penalties and other relief sought below, arising from contraventions by ANZ of s 47(1)(a) of the Credit Act and s 72(4) of the Credit Code.

On the facts stated in the Statement of Agreed Facts and Admissions dated 12 September 2025, ASIC seeks the following relief:

Declarations

1. A declaration pursuant to s 166(2) of the Credit Act or s 21 of the Federal Court Act that ANZ contravened s 47(1)(a) of the Credit Act by failing to have adequate processes in place between September 2019 and September 2023 to record and respond to Hardship notices received through its Frontline Channels.
2. A declaration pursuant to s 166(2) of the Credit Act or s 21 of the Federal Court Act that, in respect of Hardship notices received through the Message Us channel between May

2022 and September 2024, ANZ contravened s 72(4) of the Credit Code on at least 488 occasions (and on as many as 668 occasions) by failing to give the debtor a Response notice before the end of the period specified by s 72(5) of the Credit Code.

3. A declaration pursuant to s 166(2) of the Credit Act or s 21 of the Federal Court Act that, in respect of Hardship notices received through the Message Us channel between May 2022 and September 2024, by operation of s 175A of the Credit Act, ANZ contravened s 72(4) of the Credit Code on at least 185,283 occasions (and on as many as 248,546 occasions) by failing to give the debtor a Response notice on the day after ANZ contravened s 72(4) of the Credit Code as referred to in paragraph 2 above and on each day thereafter until the date on which ANZ gave the debtor a Response notice.

Pecuniary penalties

4. An order pursuant to s 167(2) of the Credit Act that ANZ pay to the Commonwealth within 30 days of the order a pecuniary penalty fixed at an amount that the Court determines to be appropriate in respect of the contravention of s 47(1)(a) of the Credit Act the subject of the declaration in paragraph 1 above.
5. An order pursuant to s 167(2) of the Credit Act that ANZ pay to the Commonwealth within 30 days of the order a pecuniary penalty fixed at an amount that the Court determines to be appropriate in respect of the contraventions of s 72(4) of the Code the subject of the declarations in paragraphs 2 and 3 above.

Adverse publicity order

6. An order, pursuant to s 182 of the Credit Act, that within 30 days of the order, ANZ at its own expense cause a notice to be published in a form and by a method or methods, or at a location or locations, that the Court deems appropriate in terms to be determined by the Court.

Costs

7. An order that ANZ pay ASIC's costs of and incidental to the proceeding.
8. Such further or other orders as the Court thinks fit.

Applicant's address

The Applicant's address for service is:

Place: Level 7, 120 Collins Street, Melbourne VIC 3000

Email: georgina.thomas@asic.gov.au



Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 12 September 2025

A handwritten signature in blue ink, appearing to read "G. Thomas", is positioned above a dotted line.

Signed by Georgina Thomas
Lawyer for the Applicant