

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 15/12/2022 10:53:55 AM AEDT
Date Accepted for Filing: 15/12/2022 12:19:28 PM AEDT
File Number: NSD1102/2022
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v
FINDER WALLET PTY LTD (ACN 149 012 653)
Registry: NEW SOUTH WALES 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 2022

Federal Court of Australia
District Registry: New South Wales
Division: General

Australian Securities and Investments Commission

Plaintiff

Finder Wallet Pty Ltd (ACN 149 012 653)

Defendant

A. DETAILS OF APPLICATION

This application is made under sub-sections 1101B(1), 1317E, 1317J, 1317G(1)(a) and 1324(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**), and sections 19 and 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**).

On the facts stated in the accompanying concise statement, the Plaintiff (**ASIC**) claims:

Offering debenture without disclosure document

1. A declaration pursuant to sections 1101B, 1317E or 1324 of the Corporations Act or section 21 of the FCA Act that the Defendant (**Finder Wallet**) has:
 - (a) contravened sub-sections 727(1) and 727(6) of the Corporations Act by making an offer of a debenture, in the form of its Finder Earn product, that needs disclosure to investors under Part 6D.2 without lodging a disclosure document with ASIC; and
 - (b) contravened sub-sections 727(2) and 727(6) of the Corporations Act by making an offer of a debenture, in the form of its Finder Earn product, that needs disclosure to investors under Part 6D.2 without an accompanying disclosure document.

Filed on behalf of (name & role of party)

The Plaintiff, Australian Securities and Investments Commission

Prepared by (name of person/lawyer)

Anna Ross, Lawyer

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Address for service

Corrs Chambers Westgarth, Level 37, Quay Quarter Tower, 50 Bridge Street,
Sydney NSW 2000



2. Orders pursuant to section 1317G(1)(a) of the Corporations Act that Finder Wallet pay to the Commonwealth of Australia such pecuniary penalties as the Court determines to be appropriate in respect of Finder Wallet's contraventions of the Corporations Act which are the subject of the declarations at prayer 1 above, within 28 days.

Failure to make a target market declaration

3. A declaration pursuant to sections 1101B, 1317E or 1324 of the Corporations Act or section 21 of the FCA Act that Finder Wallet has contravened sub-section 994B(2) of the Corporations Act because it failed to make a target market declaration as required by sub-section 994B(1) before it engaged in retail product distribution conduct with respect to its Finder Earn product.
4. Orders pursuant to sub-section 1317G(1)(a) of the Corporations Act that Finder Wallet pay to the Commonwealth of Australia such pecuniary penalties as the Court determines to be appropriate in respect of Finder Wallet's contraventions of the Corporations Act which are the subject of the declaration at prayer 3 above, within 28 days.

Failure to hold an AFSL

5. A declaration pursuant to sections 1101B, 1317E or 1324 of the Corporations Act or section 21 of the FCA Act that Finder Wallet has contravened sub-sections 911A(1) and 911A(5B) of the Corporations Act, because it has carried on a financial services business without holding an Australian financial services licence covering the provision of financial services with respect to the Finder Earn product.
6. Orders pursuant to sub-section 1317G(1)(a) of the Corporations Act that Finder Wallet pay to the Commonwealth of Australia such pecuniary penalties as the Court determines to be appropriate in respect of Finder Wallet's contraventions of the Corporations Act which are the subject of the declaration at prayer 5 above, within 28 days.

Other

7. Costs.
8. Such further or other orders as the Court considers is appropriate.

Date: 15 December 2022

A handwritten signature in blue ink, consisting of a stylized 'A' followed by a cursive flourish.

.....



Signature of plaintiff or
plaintiff's legal practitioner

This application will be heard by at
[address of Court] at *am/*pm on

B. NOTICE TO DEFENDANT(S) (IF ANY)

TO: Finder Wallet Pty Ltd (ACN 149 012 653)
Level 10, 99 York Street
SYDNEY NSW 2000

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.



D. FILING

Date of filing: *[date of filing to be entered by Registrar]*

.....
Registrar

This originating process is filed by Corrs Chambers Westgarth, solicitors for the plaintiff.

E. SERVICE

The plaintiff's address for service is:

Australian Securities and Investments Commission
c/- Corrs Chambers Westgarth
Quay Quarter Tower
Level 37, 50 Bridge Street
SYDNEY NSW 2000

~~*It is not intended to serve a copy of this originating process on any person.~~

~~OR~~

~~*It is intended to serve a copy of this originating process on each defendant and on any person listed below:~~

- ~~1. Finder Wallet Pty Ltd (ACN 149 012 653)
Level 10, 99 York Street
SYDNEY NSW 2000~~

~~**[Complete the following section if the time for service has been abridged]**~~

~~The time by which a copy of this originating process is to be served has been abridged by order made by *[name of Judge or other Court officer]* on *[date]* to *[time and date]*.~~

* *Omit if not applicable*