

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 11/04/2022 10:54:49 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:	QUD116/2022
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v LAYAWAY DEPOT PTY LTD (ACN 165 233 947)
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: 11/04/2022 12:39:24 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 2022

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

LAYAWAY DEPOT PTY LTD (ACN 165 233 947)

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: April 2022

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

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Email hugh.copley@asic.gov.au

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



Details of claim

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)

On the grounds stated in the concise statement, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

1. a declaration pursuant to section 166 of the Credit Act and/or section 21 of the Federal Court Act that the respondent, by entering into the contracts set out in schedule 1 to the concise statement (the **Schedule 1 Contracts**), engaged in credit activity without holding an Australian Credit Licence, in contravention of section 29 of the Credit Act;
2. a declaration pursuant to section 113(1) of the Credit Code and/or section 21 of the Federal Court Act that the respondent entered into the Schedule 1 Contracts that were credit contracts that exceeded an annual cost rate of 48% (the **Rate Cap**), in contravention of section 32A(1) of the Credit Code;
3. a declaration pursuant to section 113(1) of the Credit Code and/or section 21 of the Federal Court Act that the respondent entered into the Schedule 1 Contracts that were credit contracts that exceeded the Rate Cap, being a monetary liability exceeding the amount that may be charged consistently with the Credit Code, in contravention of section 23(1) of the Credit Code;
4. a declaration pursuant to section 166 of the Credit Act and/or section 21 of the Federal Court Act that the respondent by entering into the Schedule 1 Contracts, entered into credit contracts imposing a monetary liability prohibited by section 23(1) of the Credit Code, in contravention of section 24(1) of the Credit Code;
5. an order pursuant to section 167 of the Credit Act and/or section 113(2) of the Credit Code that the respondent pay a pecuniary penalty in respect of the contraventions of section 29 of the Credit Act and sections 32A, 23(1) and 24(1) of the Credit Code;



6. an injunction pursuant to section 177 of the Credit Act restraining the respondent from further contraventions of section 29 of the Credit Act, and sections 32A, 23(1) and 24(1) of the Credit Code;
7. costs; and
8. such further or other orders as the Court considers appropriate.

Applicant's address

The Applicant's address for service is:

Australian Securities and Investments Commission
Level 20, 240 Queen Street
Brisbane Qld 4000
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: 8 April 2022

A handwritten signature in blue ink, appearing to read 'H. Copley'.

Signed by Hugh Copley
Solicitor for the Applicant