

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 12/04/2021 12:41:35 PM 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:	QUD114/2021
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v LIGHTSPEED FINANCE PTY LTD ACN 148 868 786 & ANOR
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: 15/04/2021 1:33:43 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.



Originating application

No. _____ of 20____

Federal Court of Australia
District Registry: QUEENSLAND
Division: GENERAL

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

LIGHTSPEED FINANCE PTY LTD ACN 148 868 786 AND ANOTHER REFERRED TO IN THE SCHEDULE

Respondents

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: Harry Gibbs Commonwealth Law Courts Building, 119 N Quay, Brisbane City QLD 4000

The Court ordered that the time for serving this application be abridged to [Registry will insert date, if applicable].

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

Prepared by (name of person/lawyer) Hugh Copley

Law firm (if applicable) ASIC

Tel 07 3867 4892

Fax _____

Email hugh.copley@asic.gov.au

Address for service
(include state and postcode) Level 20, 240 Queen Street, Brisbane Qld 4000



Details of claim

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

1. Declarations, pursuant to section 166 of the *National Consumer Credit Protection Act 2009 (Act)*, or pursuant to section 21 of the *Federal Court of Australia Act 1976*, that the first respondent breached section 47(1)(m) of the Act by failing to give effect to the determination of the Australian Financial Complaints Authority made on 12 July 2019 in respect of the first respondent being an obligation prescribed by regulation, namely Regulation 11A(2)(c) to the National Consumer Credit Protection Regulations 2010 (**Regulations**).
2. An order pursuant to sections 178 and 179 of the Act that the first respondent pay compensation to Christopher Nelson Birnie and Nabilla Elghalemi in respect of the first respondent's breach of section 47(1)(m) of the Act.
3. An order pursuant to sections 167(1) and 167(2) of the Act that the first respondent pay to the Commonwealth a pecuniary penalty by reason of the first respondent's contravention referred to in paragraph 1, being a contravention of a civil penalty provision.
4. Declarations, pursuant to section 166 of the Act, or section 21 of the *Federal Court of Australia Act 1976*, that the second respondent:
 - a. was involved in the contravention by the first respondent of section 47(1)(m) of the Act, referred to in paragraph 1; and
 - b. is taken, by reason of section 169(b) of the Act to have contravened section 47(1)(m) of the Act in the way referred to in paragraph 1.
5. An order pursuant to sections 178 and 179 of the Act that the second respondent pay compensation to Christopher Nelson Birnie and Nabilla Elghalemi in respect of second respondent's breach of section 47(1)(m) of the Act.
6. An order pursuant to sections 167(1) and 167(2) of the Act that the second respondent pay to the Commonwealth a pecuniary penalty by reason of the second respondent's contravention referred to in paragraph 4(b), being a contravention of a civil penalty provision.

Claim for interlocutory relief

The Applicant does not claim interlocutory relief.

**Applicant's address**

The Applicant's address for service is:

Place: Australian Securities and Investments Commission

Email: hugh.copley@asic.gov.au

The Applicant's address is: Level 20, 240 Queen Street, Brisbane Qld 4000

Service on the Respondent

It is intended to serve this application on all Respondents.

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

Signed by Hugh Copley
Lawyer for the Applicant

Date: 12 April 2021



Schedule

No. of 20

Federal Court of Australia

District Registry: QLD

Division: GENERAL

Second Respondent: Mark James Fitzpatrick

Date: 12 April 2021