

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 22/03/2017 2:46:41 PM AEDT 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 Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
File Number:	VID811/2010
File Title:	John Andrews & Ors v ANZ Banking Group Limited
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Directions
Time and date for hearing:	21/04/2017, 10:15 AM
Place:	Please check Daily Court List for details



Dated: 22/03/2017 3:00:03 PM AEDT

Registrar

A handwritten signature in blue ink, reading "Warwick Soden".

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 19
Rule 9.32

Further amended originating application starting a representative proceeding under Part IVA of the Federal Court of Australia Act 1976
(Filed pursuant to leave granted by the Honourable Justice Middleton on 17 March 2017)

VID 811 of 2010

Federal Court of Australia
District Registry: Victoria
Division: General

JOHN ANDREWS and anothers named in Schedule A
Applicants

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (ACN 005 357 522)
Respondent

To the Respondent

The Applicants apply 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: Owen Dixon Commonwealth Law Courts Building, 305 William Street, Melbourne

Date: 22 March 2017

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

Filed on behalf of (name & role of party)	John Andrews & Anor – Applicants		
Prepared by (name of person/lawyer)	Steven Foale		
Law firm (if applicable)	Maurice Blackburn		
Tel	(03) 8102 2007	Fax	(03) 9258 9600
Email	SFoale@mauriceblackburn.com.au		
Address for service (include state and postcode)	Level 10, 456 Lonsdale Street Melbourne Vic 3000		

Details of claim

On the grounds stated in the accompanying Further Amended Fast Track Statement of Claim the applicants claim, on behalf of themselves and group members:

(a) – (c) [deleted]

(d) a declaration pursuant to section 21 of the Federal Court of Australia Act 1976 (Cth) (**FC Act**) that:

i. the applicants and Group Members are entitled to be repaid the PPN Exception Fees (as that term is defined in the Further Amended Statement of Claim) together with any interest charged to the applicants and Group Members on the PPN Exception Fees; or

ii. ~~in the alternative to (d)(i), the applicants and Group Members are entitled to be repaid the amount by which the Exception Fees exceeded ANZ's actual damage as a result of the events giving rise to the charging of Exception Fees, together with any interest charged to the applicants and Group Members on that part of the Exception Fees that exceeded ANZ's actual damage as a result of the events giving rise to the charging of Exception Fees;~~

(e) - (h) [deleted]

(i) further, orders pursuant to Rule 30.51 Order 39(1) of the Federal Court Rules 2011 (Cth) (**FCR**) that:

i. an account be taken to determine the amount payable by Australia and New Zealand Banking Group Ltd (ANZ) to the applicants and Group Members as a consequence of the above declarations and orders; and

ii. any amount certified on taking the account to be due to the applicants and Group Members be paid by ANZ to the applicants and Group Members;

(j) further, interest (to be assessed), pursuant to section 51A of the FC Act on the whole of any amounts paid by the applicants and Group Members or suffered to be charged in the mistaken belief that they were under a legal obligation to pay or suffer them (being money had and received by ANZ to the use of the applicants and Group Members) or otherwise found to be owing to the applicants and Group Members less any credit for any amount representing a purported refund of PPN Fees paid by ANZ since the commencement of this proceeding;

- (k) *further*, such order or further relief, including all necessary or appropriate accounts, inquiries, directions or referrals;
- (l) in the alternative, orders pursuant to s 33ZA of the FC Act for the constitution and administration of a fund consisting of the money to be distributed to Group Members being the whole of the amount of PPN Fees and interest on those sums received by ANZ from Group Members less any amount representing a purported refund of PPN Fees paid by ANZ since the commencement of this proceeding.

Questions common to claims of group members

The questions of law or fact common between the claims of the applicants and the Group Members ~~include but are not limited to the matters set out in paragraphs 2 and 4 to 7 of the Fast Track Further Amended Statement of Claim.~~

Claim for interlocutory relief

~~The Applicants also claim interlocutory relief.~~

- ~~(a) they have leave to file in this proceeding, in addition to this Amended Fast Track Application and the Amended Fast Track Statement filed by them on 3 March 2011 (together the Unredacted Documents), the following documents:~~
- ~~i. Amended Fast Track Application (Redacted Version); and~~
 - ~~ii. Amended Fast Track Statement (Redacted Version);~~
- ~~(b) until further order, the Unredacted Documents (including the various schedules to those documents) remain confidential for the purposes of Order 46 rule 6 inspection, and no person (other than a party to the proceeding) may inspect or copy the Unredacted Documents without leave of the Court or a Judge; and~~
- ~~(c) any applicant for leave to inspect the Unredacted Documents must provide the solicitors for the applicants written notice of the application for leave at least 48 hours prior to the hearing of the application for leave.~~

Representative action

The applicants bring this application as representative parties under Part IVA of the FC Act~~Federal Court of Australia Act 1976~~.

The group members to whom this proceeding relates are those persons who:

- (a) at some time in or after May 2004:
- i. were customers of the respondent, ~~Australia and New Zealand Banking Group Limited (ANZ)~~;
 - ii. held and operated banking facilities with ANZ; and
 - iii. were charged by ANZ ~~PPN~~Exception Fees (as that term is defined in the accompanying Further Amended Fast Track Statement of Claim (~~Fast Track Statement~~)); and
- (b) are listed in a compact disc which comprises Schedule 'B' to this application (**Group Members**).

Applicants' address

The applicants' address for service is:

Place: Maurice Blackburn, Level 10, 456 Lonsdale Street, Melbourne Vic 3000

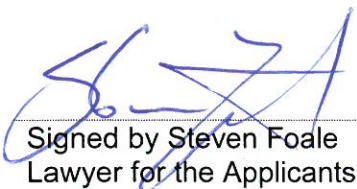
Email: SFoale@mauriceblackburn.com.au

The applicant's address is c/- Maurice Blackburn Lawyers, Level 10, 456 Lonsdale Street, Melbourne Vic 3000.

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 22 March 2017



Signed by Steven Foale
Lawyer for the Applicants



Schedule A

VID 811 of 2010

Federal Court of Australia
District Registry: Victoria
Division: General

Applicants

~~Second Applicant: ANGELO JULIAN SALIBA~~

Third Applicant: **GEOFFREY ALLAN FIELD**

Date: 22 March 2017

**Schedule B**

Comprises the compact disc accompanying the application filed on 22 September 2010 in this proceeding (as subsequently amended pursuant to orders made on 5 May 2011 and 28 July 2011).