

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment:	1/09/2025 7:33:45 PM AEST
Date Accepted for Filing:	2/09/2025 11:45:38 AM AEST
File Number:	VID1368/2024
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v HSBC BANK AUSTRALIA LIMITED ACN 006 434 162
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.



Interlocutory application

No. VID1368 of 2024

Federal Court of Australia
District Registry: Victoria
Division: General

Australian Securities and Investments Commission

Plaintiff

HSBC Bank Australia Limited (ACN 006 434 162)

Defendant

To the Plaintiff

The Defendant applies for the interlocutory orders 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.

Time and date for hearing:

Place: 305 William St, 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

Filed on behalf of (name & role of party) HSBC Bank Australia Limited (ACN 006 434 162), Defendant
Prepared by (name of person/lawyer) Felicity Healy
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(include state and postcode)



Interlocutory orders sought

1. Pursuant to rr 20.11 and 20.15 of the *Federal Court Rules 2011 (FCR)*, by 7 November 2025, the Plaintiff give discovery of documents falling within the categories contained in Annexure A to this application.
2. Pursuant to rr 20.15(1)(d) and (2)(b) of the FCR, the Plaintiff produce the discovered documents electronically in a searchable document format.
3. Documents produced by the Plaintiff pursuant to order 1 and falling within category 1 in Annexure A to this application (**Confidential Documents**):
 - a. may only be inspected by, or disclosed to:
 - i. the Defendant's internal and external solicitors and barristers (including the support staff of those solicitors and barristers);
 - ii. any independent experts retained by the Defendant for the purpose of this proceeding; and
 - iii. the Court (and any Court staff or any other person assisting the Court); and
 - b. will not be included in any non-confidential part of any pleading, affidavit or written submission and will not be open for public inspection, disclosed in open Court or disclosed in an open part of any Court transcript.
4. Costs.
5. Such further or other orders or directions as the Court considers appropriate.

Service on the Plaintiff

It is intended to serve this application on the Plaintiff.

Date: 1 September 2025

A handwritten signature in grey ink, appearing to be "Felicity Healy", is written over a horizontal dotted line.

Signed by Felicity Healy
Lawyer for the Defendant



ANNEXURE A: Categories of Discovery

Definitions

Capitalised terms have the meaning set out in the Amended Statement of Claim dated 4 April 2025 and filed by the Plaintiff on 29 May 2025 (**ASOC**) and/or the Defence filed by the Defendant on 13 June 2025 (**Defence**), as appropriate, unless otherwise defined in this document below.

Term	Definition
ASIC	Australian Securities and Investments Commission.
document	has the meaning given in Schedule 1 to the <i>Federal Court Rules 2011</i> (Cth).
HSBC	HSBC Bank Australia Limited (ACN 006 434 162).
REP761	Report 761 Scam prevention, detection and response by the four major banks published by ASIC in April 2023.
REP790	Report 790 Anti-scam practices of banks outside the four major banks published by ASIC in August 2024.

Categories

1. All documents provided to ASIC by banks other than HSBC in connection with ASIC's review of scam related activities that culminated in the publication of REP761 and REP790 relating to the use by such banks during the Relevant Period of:
 - a. customer authentication and access controls, including the use of digital fraud biometrics and digital fraud device identification capabilities for mobile and online banking, such as BioCatch and ThreatMetrix;
 - b. real time fraud payment monitoring, including transaction interception capabilities to identify and block suspicious activity; and
 - c. rules to detect potentially fraudulent activity.
2. Not used.
3. All documents comprising or recording communications between ASIC and any HSBC customer identified in the ASOC and/or the Defence referring to matters which are the subject of this proceeding, which are:
 - a. Reports of Misconduct (ROMs) and any documents attached to the ROMs; or
 - b. communications other than ROMs which are dated before 13 December 2024.
4. Not used.