



**Originating application starting a representative proceeding under
Part IVA of the Federal Court of Australia Act 1976**

No. of 2014

Federal Court of Australia
District Registry: Victoria
Division:

INNES CREIGHTON

Applicant

AUSTRALIAN EXECUTOR TRUSTEES LIMITED (ACN 007 869 794)

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:

The Court ordered that the time for serving this application be abridged to

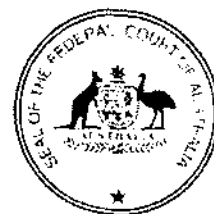
Date:

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

Details of claim

On the grounds stated in the accompanying statement of claim, the Applicant claims:

Filed on behalf of	Mr Innes Creighton, Applicant
Prepared by	Odette McDonald
Law firm	Slater & Gordon Limited
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1. Losses and/or damages pursuant to s 283F of the *Corporations Act 2001*.
2. Damages for anxiety and stress.
3. Interest.
4. Costs.

Questions common to claims of group members

The questions of law or fact common to the claims of the group members are:

1. What was the nature and scope of the Respondent's obligations under s 283DA of the *Corporations Act 2001*?
2. In light of what the Respondent knew, or should have known, about the financial position, performance and assets of Provident Capital Limited (**Provident**) by 31 October 2010, what steps was the Respondent obliged to take?
3. Had the Respondent taken those steps, would Provident have been precluded from issuing further debentures whether because of orders made by a court or stop orders made by the Australian Securities and Investments Commission?

Representative action

The Applicant brings this application as a representative party under Part IVA of the *Federal Court of Australia Act 1976*.

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

- 1.1. were issued debentures by Provident on or after 22 December 2010, but not including any debentures that were funded by a "rollover" or reinvestment of any debenture issued before 22 December 2010;
- 1.2. were holders of those same debentures on 18 September 2012 when Provident entered voluntary administration; and
- 1.3. suffered loss or damage as a result of the Respondent's contraventions of s 283DA of the *Corporations Act 2001* prior to 22 December 2010.

Applicant's address

The Applicant's address for service is:

Place: Slater and Gordon Limited, 485 La Trobe Street, Melbourne, Victoria

Email: odette.mcdonald@slatnergordon.com.au

The Applicant's address is: 30 Lakeland Drive Doreen, Victoria.