

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 16/09/2014 1:46:52 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 Starting a Representative Proceeding under Part IVA Federal Court of Australia Act 1976 - Form 19 - Rule 9.32
File Number:	NSD937/2014
File Title:	Oztech Pty Ltd ACN 005 907 871 v The Public Trustee of Queensland
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	First Directions
Time and date for hearing:	23/10/2014, 9:30 AM
Place:	Court Room 21B, Level 17 Law Courts Building Queen's Square, Sydney



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

Dated: 16/09/2014 2:23:27 PM AEST

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

No. NSD of 2014

Federal Court of Australia
District Registry: New South Wales
Division: General

OZTECH PTY. LTD.

ACN 005 907 871

Applicant

THE PUBLIC TRUSTEE OF QUEENSLAND

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: Federal Court of Australia, Queens Square, Level 17, Law Courts Building, Queens Square, Sydney NSW 2000

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 the Applicant	
Prepared by Amanda Banton	Ref AKB.SP.388732
Law firm Piper Alderman	
Tel +61 2 9253 9999	Fax +61 2 9253 9900
Email abanton@piperalderman.com.au	
Address for service Level 23, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000	
DX 10216 Sydney Stock Exchange	



Details of Claim

On the grounds stated in the Statement of Claim, the Applicant claims:

1. Damages at common law.
2. Further, or in the alternative, equitable compensation.
3. Further, or in the alternative, compensation pursuant to s 283F of the *Corporations Act 2001* (Cth).
4. Further, or in the alternative, compensation pursuant to s 128 of the *Public Trustee Act 1978* (Qld).
5. Such other orders as the Court thinks fit.
6. Interest.
7. Costs.

Questions Common to Claims of Group Members

The questions of law or fact common to the claims of the Group Members are (using terms as defined in the Statement of Claim filed herein):

1. the structure, operation, characteristics and risks associated with each of the Notes;
2. whether the Respondent owed each of the Group Members the duties pleaded in paragraphs 36 and 37 of the Statement of Claim;
3. whether the Respondent owed each of the Group Members the duty of care pleaded in paragraph 38 of the Statement of Claim;
4. whether the Respondent breached the duties pleaded in paragraph 36 and 37 of the Statement of Claim;
5. whether the Respondent breached its duty of care pleaded in paragraph 38 of the Statement of Claim; and
6. the correct principles for measuring compensable loss and damage for losses suffered as alleged herein.



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 these proceedings relate are those persons who:

1. held Notes as at 25 February 2008; and
2. suffered losses or damage by or resulting from the acts and omissions of the Respondent as pleaded below.

Applicant's address

The Applicant's address for service is:

Piper Alderman Lawyers
Level 23, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000
Email: abanton@piperalderman.com.au

The Applicant's address is:

c/- Piper Alderman Lawyers
Level 23, Governor Macquarie Tower
1 Farrer Place
Sydney NSW 2000
Email: abanton@piperalderman.com.au

Service on the Respondent

It is intended to serve this application on the Respondent.

Date: 16 September 2014

A handwritten signature in cursive script, appearing to read 'A Banton'.

Signed by Amanda Banton
Solicitor for the Applicant