



Federal Court of Australia  
District Registry: Victoria  
Division: General

No: VID1367/2017

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**  
Plaintiff

**FINANCIAL CIRCLE PTY LTD**  
Defendant

**ORDER**

**JUDGE:** JUSTICE MOSHINSKY

**DATE OF ORDER:** 10 January 2018

**WHERE MADE:** Melbourne

**PENAL NOTICE**

**TO: THE DEFENDANT**

IF YOU:

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR
  - (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU TO ABSTAIN FROM DOING,
- YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.



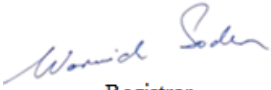
**THE COURT ORDERS THAT:**

1. Pursuant to ss 1101B(5) and 1324(4) of the *Corporations Act 2001* (Cth) and s 12GD(3) of the *Australian Securities and Investments Commission Act 2001* (Cth) (the **ASIC Act**), the defendant, by itself, its servants, agents or employees, until the hearing and determination of this proceeding or further order, be restrained from:
  - a. carrying on a financial services business;
  - b. carrying on a business related to, concerning or directed to financial products or financial services within the meaning of s 761A of the *Corporations Act*;
  - c. providing any of the following services:
    - i. providing financial product advice within the meaning of s 761A of the *Corporations Act*;
    - ii. dealing in financial products within the meaning of s 761A of the *Corporations Act*;
    - iii. entering into credit contracts as a credit provider within the meaning of s 6(1) of the *National Consumer Credit Protection Act 2009* (Cth) (the **National Credit Act**);
  - d. in any way holding itself out as being involved in the matters referred to in subparagraphs (a) to (c) above;
  - e. promoting, advertising or offering loans or cash payments (including cash rebates) to prospective retail clients, on all internet websites within the power or control of the defendant (by any of its servants, agents or employees), in particular but not limited to the website conducted with the domain name <http://www.financialcircle.com.au>;
  - f. promoting, advertising or marketing any business or service that involves the offer of loans or cash payments (including cash rebates) to prospective retail clients in connection with financial products and/or financial services including all internet websites within the power or control of the defendant (by any of its servants, agents or employees), in particular but not limited to the website conducted with the domain name <http://www.financialcircle.com.au>;
  - g. making any offer to enter into a credit contract or to make a cash payment (including a cash rebate) to prospective retail clients in connection with:



- i. the provision of financial advice;
    - ii. the switching of superannuation; and/or
    - iii. the purchase of insurance products; and
  - h. entering into a credit contract or arrangement for the payment of cash or a cash rebate with prospective retail clients, or assisting prospective retail clients to enter into a credit contract or arrangement for the payment of cash or a cash rebate in connection with:
    - i. the provision of financial advice;
    - ii. the switching of superannuation; and/or
    - iii. the purchase of insurance products.
2. Pursuant to s 177 of the National Credit Act, the defendant, by itself, its servants, agents or employees, until the hearing and determination of this proceeding or further order, be restrained from providing credit or otherwise entering into a credit contract as a credit provider within the meaning of s 6(1) of that Act.
3. There be liberty to apply.
4. Costs be reserved.

Date that entry is stamped: 10 January 2018

  
Registrar