



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID288/2022

IN THE MATTER OF THE A TEAM PROPERTY GROUP PTY LTD (ACN 603 138 889)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

SASHA JOAKIM HOPKINS and others named in the schedule

Defendants

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 31 May 2022

WHERE MADE: Melbourne

PENAL NOTICE

TO: SASHA JOAKIM HOPKINS

THE A TEAM PROPERTY GROUP PTY LTD (ACN 603 138 889)

SASH INVESTMENT HOLDINGS PTY LTD (ACN 154 443 768)

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.



OTHER MATTERS:

In this Order the following definitions apply:

Digital Assets: means property, as defined under s 9 of the *Corporations Act 2001* (Cth), that is a digital currency, virtual currency, cryptocurrency or similar.

Property: means property, as defined under s 9 of the *Corporations Act*, and for the avoidance of doubt includes Digital Assets.

THE COURT ORDERS THAT:

Short service orders

1. Upon the Plaintiff's undertaking to pay the usual filing fees, the Plaintiff has leave to file in Court the originating process dated 30 May 2022.
2. Subject to paragraph 3, in the first instance service of this originating process be dispensed with and the prayers for interim relief at paragraphs 9 to 12, 14 to 16, and 18 to 22 of the originating process be made returnable *instanter*.
3. The time for service of this originating process and the supporting affidavit be abridged to 5:00pm AEST on 1 June 2022.
4. The originating process be further returnable before Beach J at 10:15am AEST on 3 June 2022.

Suppression orders

5. Pursuant to s 37AF(1)(a) and (b) and s 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth) and until further order, the publication or disclosure (except to the parties and their legal representatives) of the following is prohibited:
 - (a) the whole of Annexure PEHP-2 to the affidavit of Philip Peck affirmed on 31 May 2022; and
 - (b) Exhibit PEHP-1 to that affidavit in so far as it identifies the information identified in Annexure PEHP-2.



Asset preservation orders

6. Subject to paragraphs 8 and 10 and subject to further order, pursuant to s 23 of the Federal Court of Australia Act and ss 1323(1) and (3) of the Corporations Act, until 5:00pm AEST on 3 June 2022 the First, Second and Third Defendants, by themselves or their agents and employees be restrained from:
 - (a) removing, or causing or permitting to be removed from the State of Victoria and from Australia all or any of their Property;
 - (b) selling, charging, mortgaging or otherwise dealing with, disposing of and/or diminishing the value of all or any of their Property;
 - (c) causing or permitting to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, all or any of their Property;
 - (d) without limiting the terms of sub-paragraphs (a) to (c), incurring liabilities including, without limitations, liabilities incurred either directly or indirectly, through the use of a credit card, a credit facility, a drawdown facility or a re-draw facility; and
 - (e) without limiting the terms of sub-paragraphs (a) to (d), withdrawing, transferring or otherwise disposing of any monies available in any account with any bank, building society, cryptocurrency exchange or other financial institution, in which any Defendant has a legal or equitable interest.

7. Subject to further order and subject to paragraph 10, pursuant to ss 1323(1) and (3) of the Corporations Act, Michael John Hill and Anthony Norman Connelly of McGrath Nicol, Level 15, 175 Eagle Street, Brisbane be appointed, effective on and from 11:59pm AEST on 31 May 2022, as joint and several receivers and managers of the Digital Assets of each of the First, Second and Third Defendants (Receivers of Digital Assets) for the purpose of identifying, collecting and securing the Digital Assets of the First, Second and Third Defendants, with the Receivers of Digital Assets to have and to exercise the powers set out in s 420(2) of the Corporations Act as are necessary to achieve that purpose.



8. Subject to paragraphs 6 and 10, the First, Second and Third Defendants be required to do all things necessary to effect forthwith, or at least before 5:00pm on 2 June 2022, the transfer of control over any and all Digital Assets held by the First, Second and Third Defendants to the Receivers of Digital Assets, including but not limited to providing them with:
 - (a) all relevant credentials and passwords for access to any cryptocurrency held by the First, Second or Third Defendants, including but not limited to, the public and private access keys and / or seed string for any hot or cold wallet held or controlled by the First, Second or Third Defendants;
 - (b) any and all authentication devices required to facilitate access, operation or control of any cryptocurrency held or controlled by the First, Second or Third Defendants;
 - (c) all relevant credentials and passwords for access to the authentication devices or systems, including email, SMS or mobile apps, that facilitate access, operation or control of cryptocurrency held or controlled by the First, Second or Third Defendants; and
 - (d) any hard wallet device containing cryptocurrency held or controlled by the First, Second or Third Defendants together with that device's access code.
9. The information to be provided by the First, Second or Third Defendants as required by paragraph 8 and to give effect to this Order may, amongst other means, be provided to the Receivers of Digital Assets in person, by contacting them by telephone 0409915219 or (07) 3333 9880 or by email addressed to mhill@mcgrathnicol.com or aconnelly@mcgrathnicol.com.
10. The orders in paragraphs 6 to 8 do not prevent:
 - (a) the First, Second or Third Defendants from paying or otherwise incurring a liability for ordinary living and operating expenses up to an amount of two thousand dollars (\$2,000) per week each;



- (b) the First, Second or Third Defendants from paying or otherwise incurring a liability for costs reasonably incurred in these proceedings and any criminal proceedings arising from the Plaintiff's investigation into the affairs of the First, Second or Third Defendants; and
- (c) any bank, building society or financial institution from exercising any right of set-off which it may have in respect of a facility afforded by it to the First, Second or Third Defendants prior to the date of this Order.

Disclosure orders

11. Except to the extent that a claim of privilege against self-incrimination or exposure to a civil penalty is made, the First Defendant deliver or cause to be delivered to the Plaintiff and any Receivers of Digital Assets by 9:45am AEST on the date which is 14 days after service of this Order, a full and detailed affidavit sworn or affirmed by the First Defendant setting out to the best of the First Defendant's knowledge or belief:
 - (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the First Defendant, together with the number of such accounts, the name of any such account and the balance of any such account;
 - (b) a list of the locations of all cryptocurrency held or controlled by the First Defendant together with the public access keys for any hot or cold wallets held or controlled by the First Defendant and the nature and amount of the cryptocurrency held in any such wallets;
 - (c) a list of all escrow accounts which hold cryptocurrency on behalf of the First Defendant;
 - (d) the name and address of any person or persons indebted to the First Defendant and the amount of the indebtedness;
 - (e) an itemised inventory of the First Defendant's assets and liabilities;



- (f) an itemised inventory of any and all Property whether real or personal owned or controlled by the First Defendant or in which the First Defendant has any legal or beneficial interest; and
 - (g) in respect of any of the Property of the First Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the debt so incurred.
12. Except to the extent that a claim of privilege against self-incrimination or exposure to a civil penalty is made by the First Defendant, the Second Defendant, by its proper officer, deliver or cause to be delivered to the Plaintiff and any Receivers of Digital Assets by 9:45am AEST on the date which is 14 days after service of this Order, a full and detailed affidavit sworn or affirmed by such proper officer setting out:
- (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the Second Defendant, together with the number of such account, the name of such account and the balance of that account;
 - (b) a list of the locations for all cryptocurrency held or controlled by the Second Defendant together with the public access keys for any hot or cold wallets held or controlled by the Second Defendant and the nature and amount of the cryptocurrency held in any such wallets;
 - (c) a list of any escrow accounts which hold cryptocurrency on the Second Defendant's behalf;
 - (d) the name and address of any person or persons indebted to the Second Defendant and the amount of the indebtedness;
 - (e) an itemised inventory of the Second Defendant's assets and liabilities;
 - (f) an itemised inventory of any and all Property whether real or personal owned or controlled by the Second Defendant or in which the Second Defendant has any legal or beneficial interest; and



- (g) in respect of any of the Property of the Second Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the debt so incurred.
13. Except to the extent that a claim of privilege against self-incrimination or exposure to a civil penalty is made by the First Defendant, the Third Defendant, by its proper officer, deliver or cause to be delivered to the Plaintiff and any Receivers of Digital Assets by 9:45am AEST on the date which is 14 days after service of this Order, a full and detailed affidavit sworn or affirmed by such proper officer setting out:
- (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the Third Defendant, together with the number of such account, the name of such account and the balance of that account;
 - (b) a list of the locations for all cryptocurrency held or controlled by the Third Defendant together with the public access keys for any hot or cold wallets held or controlled by the Third Defendant and the nature and amount of the cryptocurrency held in any such wallets;
 - (c) a list of any escrow accounts which hold cryptocurrency on the Third Defendant's behalf;
 - (d) the name and address of any person or persons indebted to the Third Defendant and the amount of the indebtedness;
 - (e) an itemised inventory of the Third Defendant's assets and liabilities;
 - (f) an itemised inventory of any and all Property whether real or personal owned or controlled by the Third Defendant or in which the Third Defendant has any legal or beneficial interest; and
 - (g) in respect of any of the Property of the Third Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the debt so incurred.



14. In the event that the First, Second or Third Defendants wishes to object to compliance with the orders in paragraphs 11 to 13 (as the case may be), on the basis that compliance may tend to incriminate the First Defendant or make the First Defendant liable to a civil penalty, the relevant Defendant must, in accordance with s 128A of the *Evidence Act 1995* (Cth):
- (a) prepare, file and serve on the Plaintiff an affidavit disclosing so much of the information required to be disclosed by paragraphs 11 to 13 (as the case may be) to which no objection is taken;
 - (b) prepare an affidavit containing so much of the information required to be disclosed by paragraphs 11 to 13 (as the case may be) to which objection is taken and deliver it to the Court in a sealed envelope; and
 - (c) prepare, file and serve on the Plaintiff a separate affidavit setting out the basis of the objection.

Travel restraint orders

15. Pursuant to ss 1323(1) and (3) of the Corporations Act and subject to further order, until 5:00pm AEST on 3 June 2022 the First Defendant be prohibited from leaving Australia or attempting to leave Australia.
16. Pursuant to ss 1323(1) and (3) of the Corporations Act, by Noon AEST on 2 June 2022 the First Defendant deliver up to either the Melbourne Registry or the Sydney Registry of this Court:
- (a) all passports in his name which are in his possession, custody or control;
 - (b) any tickets in his name concerning any international travel arrangements made for the twelve (12) month period (or any part thereof) commencing from the date of this Order;
 - (c) any copy in his possession, custody or control of any application in his name made to the Australian Border Force or any other government authority for travel or an exemption permitting travel outside Australia; and



- (d) any copy in his possession, custody or control of any application in his name for a passport, replacement passport or other document permitting international travel made to the authorities of any country on or after the date of this Order.
17. The passports and other material referred to in paragraph 16 are to be held by the Court until 5:00pm AEST on 3 June 2022 subject to further order.
18. In the event that the First Defendant cannot locate any passport or other document permitting international travel, he must promptly:
- (a) give notification to the Australian Passport Office, or other relevant authorities responsible for the issue and control of Australian passports or travel documents, or, in the case of a foreign passport or travel document, the relevant authority responsible for the issue and control of such passports or travel documents, confirming that he has lost his passport or travel document; and
 - (b) file and serve an affidavit stating that fact and exhibiting a copy of the above notification sent.
19. Subject to further order and pursuant to s 23 of the Federal Court of Australia Act, until 5:00pm AEST on 3 June 2022 the First Defendant shall not apply for the issue of any passport.

Service of Order on third parties

20. To the extent necessary, the Plaintiff has leave to give notice of this Order, by delivering a copy of a minute of this Order to a person apparently in the employ of the following entities or persons, namely, to:
- (a) the relevant authorities that record, control and regulate the ownership of real property;
 - (b) the relevant authorities that record, control and regulate the ownership of motor vehicles;



- (c) the relevant authorities that record, control and regulate the ownership of maritime vessels and craft;
- (d) any bank, building society or other financial institution;
- (e) any other person or entity holding or controlling property; and
- (f) the relevant authorities that issue and control passports, the Australian Border Force or any other entity referred to in paragraphs 16(c) and (d).

General orders

- 21. The Plaintiff forthwith file and serve on the Defendants a copy of this Order, the originating process and all affidavits in support together with annexures.
- 22. The Plaintiff provide the First, Second and Third Defendants with a copy of the transcript of the interlocutory hearing before Beach J on 31 May 2022 within a reasonable time after it becomes available.
- 23. There be a case management hearing at 10:15am AEST on 3 June 2022.
- 24. There be liberty to any party to apply to Beach J or any other Corporations Duty Judge on reasonable notice.
- 25. Subject to further order, the costs and expenses of the Receivers of Digital Assets shall in the first instance be payable by the Plaintiff.
- 26. Costs are otherwise reserved.

Date that entry is stamped: 31 May 2022

Sia Lagos
Registrar



Schedule

No: VID288/2022

Federal Court of Australia

District Registry: Victoria

Division: General

Second Defendant THE A TEAM PROPERTY GROUP PTY LTD (ACN 603 138
889)

Third Defendant SASH INVESTMENT HOLDINGS PTY LTD (ACN 154 443 768)