

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing:	FEDERAL COURT OF AUSTRALIA (FCA)
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File Number:	VID1318/2026
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v FALCON CAPITAL LIMITED (IN LIQUIDATION) (ACN 119 204 554) & ORS
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

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.

Form 2 Originating Process

(rules 2.2 and 15A.3)

No. of 2026

Federal Court of Australia

District Registry: Victoria Registry

Division: General

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

FALCON CAPITAL LIMITED (IN LIQUIDATION) (ACN 119 204 554)

and others named in the schedule

Defendants

A. DETAILS OF THE APPLICATION

This application is made under ss 19, 21 and/or 22 of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**), and ss 180, 181, 182, 206C, 208 (as modified by s 601LC), 209 (as modified by s 601LA), 471B, 601FC, 601FD, 601JD, 1021E, 1317E, and 1317G of the *Corporations Act 2001* (Cth) (**Corporations Act**).

The Plaintiff seeks declarations of contraventions of the Corporations Act, pecuniary penalty orders, disqualification orders, injunctive relief and costs.

In this Originating Process, terms defined in the Statement of Claim dated 29 October 2026 have the same meaning as they do in that document.

On the facts stated in the accompanying Statement of Claim, the Plaintiff seeks:

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, Plaintiff		
Prepared by (name of person/lawyer)	Tom Jarvis		
Law firm (if applicable)	Lander & Rogers		
Tel	+61 9269 9894	Fax	+61 9269 9001
Email	tjarvis@landers.com.au		
Address for service	Level 15 Olderfleet, 477 Collins Street		
(include state and postcode)	Melbourne VIC 3000		

A1. Declarations of contravention

A1.1 Falcon

(1) Breaches of duties as RE of the FGMP in relation to the Underlying Funds

1. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon contravened s 601FC(1)(a) and (5) of the Corporations Act, by failing to act honestly in relation to each of:
 - (a) the revised Fox Friday loan agreement and the revised Fox Friday GSA;
 - (b) the Palmer Australia payments and the Palmer loan document;
 - (c) the Briix Property Assignment Agreement;
 - (d) the Briix Founders Sale and Purchase Agreement;
 - (e) the Palmer Assignment Agreement;
 - (f) the Briix Property Facility Document; and
 - (g) the Briix Group Convertible Note.

2. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon contravened s 601FC(1)(b) and (5) of the Corporations Act, by failing to exercise the degree of care and diligence that a reasonable person would have exercised if they were in Falcon's position in relation to each of:
 - (a) the initial Rogue Traders payments and the further Rogue Traders payments made during the Contravention Period;
 - (b) the Fox Friday payments made during the Contravention Period;
 - (c) the Rajomon payments made during the Contravention Period;
 - (d) the Rajomon Fyansford Loan Agreement;
 - (e) the Trulet Australia payments and Trulet Singapore payments made during the Contravention Period;
 - (f) the failures to take all reasonable steps to obtain an equity interest in Trulet Holdings and/or Trulet Singapore;
 - (g) the Maleo Indonesia payments made during the Contravention Period;

- (h) the Maleo Australia payments;
 - (i) the Palmer Australia payments;
 - (j) the Briix Property Assignment Agreement;
 - (k) the Briix Founders Sale and Purchase Agreement;
 - (l) the Palmer Assignment Agreement;
 - (m) the FG Holdings payments made during the Contravention Period;
 - (n) the Aurea payments made during the Contravention Period.
3. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon contravened s 601FC(1)(c) and (5) of the Corporations Act, by failing to act in the best interests of the members of the FGMF in relation to each of:
- (a) the initial Rogue Traders payments and the further Rogue Traders payments made during the Contravention Period;
 - (b) the Fox Friday payments made during the Contravention Period;
 - (c) the Rajomon payments made during the Contravention Period;
 - (d) the Rajomon Fyansford Loan Agreement;
 - (e) the Trulet Australia payments and Trulet Singapore payments made during the Contravention Period;
 - (f) the failures to take all reasonable steps to obtain an equity interest in Trulet Holdings and/or Trulet Singapore;
 - (g) the Maleo Indonesia payments made during the Contravention Period;
 - (h) the Maleo Australia payments;
 - (i) the Palmer Australia payments;
 - (j) the Briix Property Assignment Agreement;
 - (k) the Briix Founders Sale and Purchase Agreement;
 - (l) the Palmer Assignment Agreement;
 - (m) the Briix Property Facility Document;

- (n) the Briix Group Convertible Note;
 - (o) the FG Holdings payments made during the Contravention Period;
 - (p) the Aurea payments made during the Contravention Period.
4. Further or in the alternative to declarations 1 to 3, declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon:
- (a) contravened s 601FC(1)(b) and (5) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in its position; and
 - (b) contravened s 601FC(1)(c) and (5) of the Corporations Act by failing to act in the best interests of the members of the FGMF,

on each occasion that it paid funds of the FGMF into an Underlying Fund during the Contravention Period.

(2) *Related party benefits without member approval*

5. Declarations pursuant to s 21 of the Federal Court Act that Falcon contravened s 208(1) of the Corporations Act (as applied and modified by s 601LC) by:
- (a) making each of the initial Rogue Traders payments and the further Rogue Traders payments during the Contravention Period;
 - (b) making each of the Maleo Indonesia payments during the Contravention Period;
 - (c) making each of the Maleo Australia payments;
 - (d) making each of the Palmer Australia payments;
 - (e) making each of the FG Holdings payments during the Contravention Period; and
 - (f) making each of the Aurea payments during the Contravention Period,

and, in doing so, giving financial benefits to related parties of Falcon (within the meaning and operation of s 228 of the Corporations Act, as applied and modified by s 601LA) without obtaining the approval of the members of the FGMF in relation to the giving of those financial benefits in the way set out in ss 217 to 227 of the Corporations Act (as applied and modified by ss 601LA and 601LD).

(3) Defective disclosure documents

6. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon contravened:

- (a) s 1021E(1)(c)(ii) and (8) of the Corporations Act, by making available each of the Product Disclosure Statements for the Defensive Class, Diversified Class, Growth Class, Australian Development Class and Global Income Class of the FGMF during the Contravention Period to superannuation platforms, financial advisors and/or prospective investors, reckless as to whether those persons would or may rely on the information in them;
- (b) further or alternatively, s 1021E(2) and (8) of the Corporations Act, by giving each of the Product Disclosure Statements for the Defensive Class, Diversified Class, Growth Class, Australian Development Class and Global Income Class of the FGMF during the Contravention Period to superannuation platforms, and/or financial advisors, reckless as to whether those persons would give or make available those Product Disclosure Statements to prospective investors who would or may rely on the information in them,

in circumstances where:

- (c) the Security Representations, Investment Committee Representation, Investment Manager Representation, and Alcohol Investment Representation were misleading and deceptive;
- (d) therefore, the Product Disclosure Statements issued by Falcon for the Defensive Class, Diversified Class, Growth Class, Australian Development Class and Global Income Class of the FGMF during the Contravention Period were defective.

(4) Governance and compliance failures

7. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon contravened s 601FC(1)(a) and (5) of the Corporations Act by failing to act honestly during the Contravention Period by:

- (a) purporting to appoint Hasani as a director of Falcon without his knowledge or consent or without providing him with information about the activities of the board of Falcon; and
- (b) creating false minutes of Board meetings; and

- (c) further or alternatively, failing to accurately record the events of Board meetings of Falcon.
8. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon:
- (a) contravened s 601FC(1)(b) and (5) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in Falcon's position; and
 - (b) contravened s 601FC(1)(c) and (5) of the Corporations Act by failing to act in the best interests of members of the FGMF,
- by failing during the Contravention Period to take any steps to implement and enforce processes for the determination of investments by the FGMF and the Underlying Funds which involved consideration of possible conflicts of interest and review and approval of those determinations by an investment manager and/or investment committee.
9. A declaration pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon contravened s 601FC(1)(c) and (5) of the Corporations Act by failing to act in the best interests of members of the FGMF in relation to the appointment of Sallka as a director of Falcon.
10. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Falcon, during the Contravention Period, contravened s 601FC(1)(h) and (5) of the Corporations Act by failing to comply with the terms of the FGMF's Compliance Plan, in circumstances where Falcon:
- (a) failed to take steps to identify, assess or manage any actual, apparent or perceived conflict of interest arising from any interests held by Anderson in the assets of any of the Underlying Funds;
 - (b) failed to adequately manage the conflicts of interest that were identified in the FGMF's conflicts register; and
 - (c) failed to act in accordance with the terms of its conflicts policy.

A1.2 Anderson

(1) Breaches in relation to investments through Underlying Funds

11. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened s 601FD(1)(a) and (3) of the Corporations Act by failing to act honestly in relation to each of:
 - (a) the creation of the revised Fox Friday loan agreement or revised Fox Friday GSA;
 - (b) Falcon's dealings with Maleo Indonesia, Maleo Australia and Palmer Australia;
 - (c) Falcon's entry into the Briix Property Assignment Agreement, Briix Founders Sale and Purchase Agreement, and Palmer Assignment Agreement; and
 - (d) the creation of the Briix Property Facility Document and the Briix Group Convertible Note.

12. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:
 - (a) s 180(1) of the Corporations Act; and
 - (b) s 601FD(1)(b) and (3) of the Corporations Act,

by failing to act with the degree of care and diligence that a reasonable person would exercise if they were in his position, in relation to each of:

 - (c) Falcon's dealings with Rogue Traders Group;
 - (d) Falcon's dealings with Fox Friday Brewing;
 - (e) the Rajomon payments made during the Contravention Period and the Rajomon Fyansford Loan Agreement;
 - (f) Falcon's dealings with Trulet Australia, Trulet Holdings and Trulet Singapore;
 - (g) Falcon's dealings with Maleo Indonesia, Maleo Australia and Palmer Australia;
 - (h) Falcon's entry into the Briix Property Assignment Agreement, Briix Founders Sale and Purchase Agreement, and Palmer Assignment Agreement;
 - (i) Falcon's dealings with FG Holdings.

13. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:

- (a) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon; and
- (b) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of the members of the FGMF,

in relation to each of:

- (c) Falcon's dealings with Rogue Traders Group;
- (d) Falcon's dealings with Fox Friday Brewing;
- (e) the Rajomon payments made during the Contravention Period and the Rajomon Fyansford Loan Agreement;
- (f) Falcon's dealings with Trulet Australia, Trulet Holdings and Trulet Singapore;
- (g) Falcon's dealings with Maleo Indonesia, Maleo Australia and Palmer Australia;
- (h) Falcon's entry into the Briix Property Assignment Agreement, Briix Founders Sale and Purchase Agreement, and Palmer Assignment Agreement;
- (i) the creation of the Briix Property Facility Document and the Briix Group Convertible Note; and
- (j) Falcon's dealings with FG Holdings.

14. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:

- (a) s 182(1) of the Corporations Act; and
- (b) s 601FD(1)(e) and (3) of the Corporations Act.

by making improper use of his position as a director and officer of Falcon to gain, directly or indirectly, an advantage for himself or for another person, in relation to each of:

- (c) Falcon's dealings with Rogue Traders Group;
- (d) Falcon's dealings with Fox Friday Brewing;

- (e) Falcon's dealings with Maleo Indonesia, Maleo Australia and Palmer Australia; and
 - (f) Falcon's entry into the Briix Property Assignment Agreement, Briix Founders Sale and Purchase Agreement, and Palmer Assignment Agreement.
15. Declarations pursuant to s 1317E(1) of the Corporations Act that Anderson contravened s 209(2) of the Corporations Act (as modified and applied by s 601LA), by reason of his involvement in each of the contraventions by Falcon of s 208(1) (as modified and applied by s 601LC) in relation to the following financial benefits that were given to related parties of Falcon without obtaining the approval of the members of the FGMF:
- (a) the initial Rogue Traders payments and the further Rogue Traders payments made during the Contravention Period;
 - (b) the Maleo Indonesia payments made during the Contravention Period;
 - (c) the Maleo Australia payments;
 - (d) the Palmer Australia payments; and
 - (e) the FG Holdings payments made during the Contravention Period.

(2) Breaches in relation to governance and compliance

16. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:
- (a) s 601FD(1)(a) and (3) by failing to act honestly;
 - (b) ss 180(1) and 601FD(1)(b) and (3) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position;
 - (c) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon;
 - (d) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF;
 - (e) s 191(1) of the Corporations Act by failing to give notice to the other directors of Falcon of his material personal interests; and

- (f) s 601FD(1)(f) and (3) of the Corporations Act by failing to take all reasonable steps to ensure that Falcon complied with the Corporations Act and its Compliance Plan,

by reason of each of his failures to disclose to the other directors of Falcon, the Compliance Committee, the Investment Committee or the members of the FGMF:

- (g) any of the material personal interests held by him in Rogue Traders Group, Fox Friday Brewing, Maleo Indonesia, Maleo Australia, Maleo Singapore, Briix Founders Singapore, Briix Property, Briix Group, or the Anderson Indonesia Interests; or
- (h) any of the Anderson Rogue Traders conflicts, the Anderson Fox Friday conflicts, the Anderson Maleo Indonesia conflicts, Anderson Maleo Australia conflicts, the Anderson Indonesian Interests conflicts, the Anderson Briix Property conflicts, the Anderson Briix Founders conflicts, the Anderson Maleo Singapore conflict or the Anderson FG Holdings conflicts.

17. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:

- (a) ss 180(1) and 601FD(1)(b) and (3) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position;
- (b) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon; and
- (c) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF,

in relation to the making of each of the Anderson determinations.

18. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened s 601FD(1)(a) and (3) of the Corporations Act by failing to act honestly in relation to:

- (a) the appointment of Hasani as a director of Falcon; and
- (b) the recording of minutes of the meetings of the Board of Falcon.

19. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:

- (a) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon; and
- (b) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF,

in relation to the appointment of Sallka as a director of Falcon.

(3) *Transfers into Underlying Funds*

20. Further or in the alternative to the declarations in paragraphs 11–14 above, declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Anderson contravened:

- (a) s 601FD(1)(a) and (3) of the Corporations Act by failing to act honestly;
- (b) s 601FD(1)(b) and (3) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position; and
- (c) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF,

by causing Falcon to make each of the payments of funds of the FGMF into the Underlying Funds during the Contravention Period.

A1.3 *Selimaj*

(1) *Breaches in relation to investments through Underlying Funds*

21. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened:

- (a) s 180(1) of the Corporations Act; and
- (b) s 601FD(1)(b) and (3) of the Corporations Act,

by failing to act with the degree of care and diligence that a reasonable person would exercise if they were in his position, in relation to each of:

- (c) the Rajomon payments made during the Contravention Period; and

- (d) Falcon's dealings with Aurea and the Aurea payments made during the Contravention Period.

22. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened:

- (a) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon; and
- (b) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of the members of the FGMF,

in relation to each of:

- (c) the Rajomon payments made during the Contravention Period; and
- (d) Falcon's dealings with Aurea and the Aurea payments made during the Contravention Period.

23. Declarations pursuant to s 1317E(1) of the Corporations Act that Selimaj contravened s 209(2) of the Corporations Act (as modified and applied by s 601LA), by reason of his involvement in each of the contraventions by Falcon of s 208(1) (as modified and applied by s 601LC) in relation to the Aurea payments made during the Contravention Period without obtaining the approval of the members of the FGMF.

(2) Breaches in relation to governance and compliance

24. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened:

- (a) ss 180(1) and 601FD(1)(b) and (3) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position;
- (b) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon; and
- (c) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF,

in relation to his failures to monitor, review, obtain information about or participate in decisions about investments made by Falcon through the Underlying Funds, including

in respect of each of Falcon's investments in, payments to or purported transactions with:

- (d) Rogue Traders Group;
 - (e) Fox Friday Brewing;
 - (f) Rajomon, Rajomon Asset Management, Tax E and Rajomon Fyansford;
 - (g) Trulet Australia and Trulet Singapore;
 - (h) Maleo Indonesia, Maleo Australia and Palmer Australia;
 - (i) Maleo Singapore, Briix Property Indonesia, and Briix Group Indonesia; or
 - (j) FG Holdings.
25. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened s 601FD(1)(a) and (3) of the Corporations Act by failing to act honestly in relation to:
- (a) the appointment of Hasani as a director of Falcon; and
 - (b) the recording of minutes of the meetings of the Board of Falcon.
26. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened ss 180(1) and 601FD(1)(b) and (3) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position in relation to the composition and functioning of the Board of Falcon.
27. Declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened:
- (a) s 181(1) of the Corporations Act by failing to act in good faith in the best interests of Falcon; and
 - (b) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF,

in relation to the appointment of Sallka as a director of Falcon.

28. Declarations pursuant to s 1317E(1) and/or s 21 of the Federal Court Act of the Corporations Act that Selimaj contravened:

- (a) s 180(1), 601FD(1)(b) and (3) and 601JD(1)(b) and (3) of the Corporations Act, by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position; and
- (b) s 601FD(1)(f) and (3) of the Corporations Act, by failing to take all reasonable steps to ensure that Falcon complied with its Compliance Plan,

in relation to each of his failures to satisfy himself as to Falcon's compliance with the controls for monitoring conflicts provided for in the Compliance Plan.

(3) Transfers into Underlying Funds

29. Further or in the alternative to the declarations in paragraph 24 above, declarations pursuant to s 1317E(1) of the Corporations Act and/or s 21 of the Federal Court Act that Selimaj contravened:

- (a) s 601FD(1)(b) and (3) of the Corporations Act by failing to exercise the degree of care and diligence that a reasonable person would exercise if they were in his position; and
- (b) s 601FD(1)(c) and (3) of the Corporations Act by failing to act in the best interests of members of the FGMF,

by permitting Falcon to pay, alternatively failing to take steps to prevent Falcon from paying, the funds of the FGMF into the Underlying Funds during the Contravention Period on each occasion that it did so.

A2. Pecuniary penalties

A2.1 Falcon

30. An order pursuant to s 1317G(1) of the Corporations Act that Falcon pay to the Commonwealth a pecuniary penalty in such amount as the Court considers appropriate in respect of each of the declared contraventions by Falcon of ss 601FC(5) and 1021E(8) of the Corporations Act.

A2.2 Anderson

31. An order pursuant to s 1317G(1) of the Corporations Act that Anderson pay to the Commonwealth a pecuniary penalty in such amount as the Court considers appropriate

in respect of each of the declared contraventions by Anderson of ss 180(1), 181(1), 182(1), 209(2) and 601FD(3) of the Corporations Act.

A2.3 Selimaj

32. An order pursuant to s 1317G(1) of the Corporations Act that Selimaj pay to the Commonwealth a pecuniary penalty in such amount as the Court considers appropriate in respect of each of the declared contraventions by Selimaj of ss 180(1), 181(1), 209(2), 601FD(3), and 601JD(3) of the Corporations Act.

A3. Disqualification and injunctions

A3.1 Anderson

33. An order pursuant to s 206C(1)(a)(i) of the Corporations Act disqualifying Anderson from managing corporations for such period as the Court considers appropriate, on the basis of the declared contraventions by Anderson of the Corporations Act.
34. Pursuant to s 1101B(1) and (5) and/or s 1324(1) and (4) of the Corporations Act, orders on an interim and final basis restraining Anderson, whether by himself or through any servants, agents, employees or others, either directly or indirectly, from:
 - (a) carrying on a business relating to, concerning or directed to financial products (within the meaning of s 763A of the Corporations Act) or financial services (within the meaning of s 766A of the Corporations Act;
 - (b) soliciting, receiving, taking, or accepting funds from any person in Australia in connection with any financial product;
 - (c) advertising, promoting or marketing to persons in Australia any financial product;
 - (d) causing or arranging for any other person, including any associate or associated entity, to engage in the conduct in (a) to (c) above on his behalf,

for such period as the Court considers appropriate, on the basis that Anderson has engaged in conduct that constituted the declared contraventions of the Corporations Act in paragraphs 11–20 above.

A3.2 Selimaj

35. An order pursuant to s 206C(1)(a)(i) of the Corporations Act disqualifying Selimaj from managing corporations for such period as the Court considers appropriate, on the basis of the declared contraventions by Selimaj of the Corporations Act.

36. Pursuant to s 1101B(1) and (5) and/or s 1324(1) and (4) of the Corporations Act, orders on an interim and final basis restraining Selimaj, whether by himself or through any servants, agents, employees or others, either directly or indirectly, from:

- (a) carrying on a business relating to, concerning or directed to financial products (within the meaning of s 763A of the Corporations Act) or financial services (within the meaning of s 766A of the Corporations Act);
- (b) soliciting, receiving, taking, or accepting funds from any person in Australia in connection with any financial product;
- (c) advertising, promoting or marketing to persons in Australia any financial product;
- (d) causing or arranging for any other person, including any associate or associated entity, to engage in the conduct in (a) to (c) above on his behalf,

for such period as the Court considers appropriate, on the basis that Selimaj has engaged in conduct that constituted the declared contraventions of the Corporations Act in paragraphs 21–25 above.

A4. Further orders

37. The Plaintiff be granted leave, nunc pro tunc, pursuant to s 471B of the Corporations Act to begin and proceed with this proceeding against Falcon.

38. As a condition of leave granted pursuant to paragraph 37 above, until further order, the Plaintiff not be permitted to enforce against Falcon any pecuniary penalty ordered pursuant to paragraph 30 above.

39. Costs.

40. Such further or other orders as this Court considers appropriate.

Date: 29 October 2026

Lander & Rogers

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Signature of plaintiff's legal practitioner

This application will be heard by at 305 William St, Melbourne VIC 3000 at *am/*pm on

B. NOTICE TO DEFENDANTS

TO:

The First Defendant, Falcon Capital Ltd (in liquidation), Unit 501, 26 Queens Road, Melbourne VIC 3004.

The Second Defendant, David Anderson, [REDACTED]

The Third Defendant, Simon Selimaj, [REDACTED]

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of filing: 29 October 2026

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Registrar

This originating process is filed by Lander & Rogers, solicitors for the plaintiff.

D. SERVICE

The plaintiff's address for service is:

Lander & Rogers
Level 15 Olderfleet, 477 Collins Street
Melbourne VIC 3000

It is intended to serve a copy of this originating process on each defendant and on any person listed below:

The First Defendant, Falcon Capital Ltd (in liquidation)

The Second Defendant, David Anderson

The Third Defendant, Simon Selimaj

SCHEDULE

Federal Court of Australia
District Registry: Victoria Registry
Division: General

No. of 2026

Defendants

Second Defendant	DAVID CHARLES KNOWLES ANDERSON
Third Defendant	SIMON SELIMAJ