

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 11/07/2017 11:49:00 AM 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 process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
File Number: VID759/2017
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v GEM MANAGEMENT GROUP PTY LTD ACN 143 095 774
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: Please check Daily Court List for details



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

Dated: 11/07/2017 4:41:10 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 PROCESS

Federal Court of Australia
District Registry: Victoria
Division: General

No. of 2017

IN THE MATTER OF GEM MANAGEMENT GROUP PTY LTD (ACN 143 095 774)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

GEM MANAGEMENT GROUP PTY LTD (ACN 143 095 774)

Defendant

A. DETAILS OF APPLICATION

This application is made under sections 461, 464, 472 and 601EE of the *Corporations Act 2001 (Cth) (Act)*.

The nature of the proceeding is an application for orders that both the Defendant, and the VKK Investments Unit Trust, an unregistered managed investment scheme for which the Defendant acts as trustee, be wound up (and that an official liquidator be appointed for the purposes of the winding up) pursuant to sections 461(1)(k) and 601EE(2) of the Act on the ground that it is just and equitable that the Defendant and the scheme be wound up.

Filed on behalf of
Prepared by
Tel
Email
Address for service

Plaintiff
Tim Honey
+61 3 9280 3200 Fax +61 3 9280 3444
Tim.Honey@asic.gov.au
Australian Securities and Investments Commission
Level 7, 120 Collins Street, Melbourne, Victoria 3000



B. CLAIM FOR FINAL RELIEF

On the facts stated in the supporting affidavit, the Plaintiff claims by way of final relief:

1. An order pursuant to sections 461(1)(k) and 464 of the Act for the winding up of the Defendant, on the ground that it is just and equitable that it be wound up.
2. An order that Simon Alexander Wallace-Smith and Robert Scott Woods (**the Liquidators**), official liquidators, of Deloitte Touche Tohmatsu, 550 Bourke Street, Melbourne, Victoria, be appointed joint and several liquidators of the Defendant for the purposes of the winding up.
3. An order pursuant to section 601EE(2) of the Act for the winding up of the VKK Investments Unit Trust, on the grounds that it is an unregistered managed investment scheme that is required to be registered under section 601EB of the Act, but this order is not to affect the rights of any prior encumbrancers of any of the property of the VKK Investments Unit Trust.
4. The Liquidators be appointed joint and several liquidators of the VKK Investments Unit Trust for the purposes of the winding up.
5. For the purpose of winding up the VKK Investments Unit Trust, the Liquidators shall have all the powers that a liquidator of a company would have pursuant to section 477 of the Act as though the VKK Investments Unit Trust was a corporation.
6. The Liquidators shall be entitled to such reasonable remuneration and reasonable costs and expenses properly incurred in the performance of their duties and the exercise of their powers as liquidators of the Defendant and the VKK Investments Unit Trust, as may be fixed by the Court on the application of the Liquidators.
7. An order pursuant to section 37AF of the *Federal Court of Australia Act 1976* that in order to preserve confidentiality over the personal information of individuals who are investors in the VKK Investments Unit Trust (other than current and former directors of the Defendant), the specific annexures to the affidavit of Mark John Trimnell Pangbourne sworn 10 July 2017 that are marked 'Confidential' are to be kept confidential and are not to be disclosed to other persons (save for the Liquidators) without the express consent of all parties, or of the named individuals, or by order of the Court.



8. Costs.

9. Such further or other orders as the Court considers appropriate.

Date: 10 July 2017

A handwritten signature in blue ink, appearing to read 'T Honey', written over a dotted line.

Tim Honey

Solicitor for the Plaintiff

This application will be heard by
at 305 William Street, Melbourne, Victoria 3000 at
2017.

at the Federal Court of Australia
am/pm on

C. NOTICE TO THE DEFENDANT

TO: Gem Management Group Pty Ltd
c/ Prime Charter Pty Ltd
203 Drummond Street
Carlton VIC 3053

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.

D. FILING

Date of filing:

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Registrar

This originating process is filed by Tim Honey for the Plaintiff.

E. SERVICE

The Plaintiff's address for service is: Australian Securities and Investments Commission
Level 7, 120 Collins Street
Melbourne VIC 3000
Attention: Tim Honey and Mark Pangbourne

It is intended to serve a copy of this originating process on the Defendant.