

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 21/09/2017 3:06:08 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:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
File Number:	VID848/2016
File Title:	Australian Securities and Investments Commission v One Tech Media Limited & Ors
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Directions
Time and date for hearing:	23/03/2018, 9:30 AM
Place:	Please check Daily Court List for details



Dated: 6/10/2017 3:24:44 PM AEDT

A handwritten signature in blue ink that reads 'Warwick Soden'.

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.



**INTERLOCUTORY APPLICATION  
FILED PURSUANT TO ORDERS MADE ON 31 AUGUST 2017**

**Federal Court of Australia**

**No. VID 848 of 2016**

**District Registry: Victoria**

**Division: General**

**NPA: Commercial and Corporations, Regulator and Consumer Protection**

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

**ONE TECH MEDIA LIMITED and others according to the Schedule**

Defendant

To the Defendants

The Plaintiff applies for the orders 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:** Commonwealth Law Courts Building  
305 William Street  
Melbourne VIC 3000

**Date:**

.....  
Signed by an officer acting with  
the authority of the District Registrar

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Filed on behalf of the Plaintiff  
Prepared by Tim Honey  
**Address for service**

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Australian Securities and Investments Commission  
Tel: 9280 4439 Fax: 9280 3434 Email: [tim.honey@asic.gov.au](mailto:tim.honey@asic.gov.au)  
Australian Securities and Investments Commission  
Level 7, 120 Collins Street, Melbourne 3000

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## ORDERS SOUGHT



On the grounds stated in the accompanying concise statement, the Plaintiff claims:

### A DECLARATIONS

#### *One Tech*

- 1 A declaration under s 21 of the *Federal Court of Australia Act* 1976 that from 5 January to 24 July 2016 the First Defendant, One Tech Media Limited (**One Tech**), contravened s 911A of the *Corporations Act* 2001 by conducting a financial services business, without holding an Australian Financial Services Licence, by issuing financial products, namely binary options, to customers in Australia who accessed websites operated by it at [www.titantrade.com](http://www.titantrade.com) and [www.tradettn.com](http://www.tradettn.com) (**Website**).
- 2 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 24 July 2016 One Tech contravened s 1012B(3) of the *Corporations Act* by issuing financial products to customers of the Website in Australia without giving the customers a product disclosure statement.
- 3 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 24 July 2016 One Tech contravened s 1041H of the *Corporations Act* and s 12DA of the *Australian Securities and Investments Commission Act* 2001 by falsely representing to customers of the Website that:
  - (a) binary options trading will generate large profits and returns;
  - (b) larger deposits would generate greater returns;
  - (c) certain trades are “insured” or “guaranteed” so that the customer cannot lose those trades;
  - (d) the broker appointed to the customer is licensed to and has expertise in trading in binary options;
  - (e) the broker appointed to the customer will act in the customer’s best interests to maximise their returns;
  - (f) profits and returns generated by trading in binary options can be withdrawn by the customer on request.



- 4 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 24 July 2016 One Tech contravened ss 1041E and 1041G of the *Corporations Act* by making representations referred to in paragraph 3 in circumstances where it knew those statements to be false or it was recklessly indifferent to whether or not they were true.
- 5 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 24 July 2016 One Tech contravened s 12CB, alternatively s12CA, of the *Australian Securities and Investments Commission Act* by:
- (a) offering binary options trading without properly disclosing the risks involved;
  - (b) inducing customers to trade in binary options with initial “wins” and “bonuses” (which were not paid to them but only “credited” to non-existent accounts);
  - (c) directing customers to place larger deposits (ranging from \$50,000 to \$250,000) with the promise that these would generate greater returns or give them access to exclusive “memberships”;
  - (d) encouraging retired and unemployed customers to access superannuation, credit cards or second mortgages in order to trade in binary options;
  - (e) directing customers to place trades which immediately, or ultimately, made losses;
  - (f) placing trades using customer funds, without the authority, and contrary to the instructions, of those customers;
  - (g) refusing requests by customers to withdraw funds or cancel trades;
  - (h) insisting on terms and conditions in relation to withdrawal which were impossible for the customer to achieve;
  - (i) when all initial deposits were depleted, instructing customers to draw on alternative sources of funds like credit cards with a promise that their losses could be “recovered”.

#### ***Ultra Solutions***

- 6 A declaration under s 21 of the *Federal Court of Australia Act* that from 25 July to late October 2016 the Second Defendant, Ultra Solutions MG (UK) Ltd (**Ultra Solutions**), contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by issuing financial products, namely binary options, to customers who accessed the Website in Australia.



- 7 A declaration under s 21 of the *Federal Court of Australia Act* that from 25 July to late October 2016 Ultra Solutions contravened s 1012B(3) of the *Corporations Act* by issuing financial products to customers of the Website in Australia without giving the customers a product disclosure statement.
- 8 A declaration under s 21 of the *Federal Court of Australia Act* that from 25 July to late October 2016 Ultra Solutions contravened s 1041H of the *Corporations Act* and s 12DA of the *Australian Securities and Investments Commission Act* by falsely representing to customers of the Website that:
- (a) binary options trading will generate large profits and returns;
  - (b) larger deposits would generate greater returns;
  - (c) certain trades are “insured” or “guaranteed” so that the customer cannot lose those trades;
  - (d) the broker appointed to the customer is licensed to and has expertise in trading in binary options;
  - (e) the broker appointed to the customer will act in the customer’s best interests to maximise their returns;
  - (f) profits and returns generated by trading in binary options can be withdrawn by the customer on request.
- 9 A declaration under s 21 of the *Federal Court of Australia Act* that from 25 July to late October 2016 Ultra Solutions contravened ss 1041E and 1041G of the *Corporations Act* by making the representations referred to in paragraph 8 in circumstances where it knew those statements to be false or it was recklessly indifferent to whether or not they were true.
- 10 A declaration under s 21 of the *Federal Court of Australia Act* that from 25 July to late October 2016 Ultra Solutions contravened s 12CB, alternatively s 12CA, of the *Australian Securities and Investments Commission Act* by:
- (a) offering binary options trading without properly disclosing the risks involved;
  - (b) inducing customers to trade in binary options with initial “wins” and “bonuses” (which were not paid to them but only “credited” to non-existent accounts);
  - (c) directing customers to place larger deposits (ranging from \$50,000 to \$250,000) with the promise that these would generate greater returns or give them access to exclusive “memberships”;



- (d) encouraging retired and unemployed customers to access superannuation, credit or a second mortgage in order to trade in binary options;
- (e) directing customers to place trades which immediately, or ultimately, made losses;
- (f) placing trades using customer funds, without the authority, and contrary to the instructions, of those customers;
- (g) refusing requests by customers to withdraw funds or cancel trades;
- (h) insisting on terms and conditions in relation to withdrawal which were impossible for the customer to achieve;
- (i) when all initial deposits were depleted, instructing customers to draw on alternative sources of funds like credit cards with a promise that their losses could be “recovered”.

***The Third to Eleventh Defendants: Financial services business***

- 11 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Third Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.
- 12 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Third Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by providing a custodial and depository service within the meaning of s 766E of the *Corporations Act*.
- 13 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Fourth Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.
- 14 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Fifth Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.



- 15 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Sixth Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.
- 16 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Eighth Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.
- 17 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Ninth Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.
- 18 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Tenth Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.
- 19 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Eleventh Defendant contravened s 911A of the *Corporations Act* by conducting a financial services business, without holding an Australian Financial Services Licence, by arranging (within the meaning of s 766C(2) of the *Corporations Act*) for One Tech and Ultra Solutions to issue financial products, namely binary options, to customers of the Website in Australia.

***The Third to Eleventh Defendants: Product Disclosure Statement***

- 20 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Third Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.



- 21 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Fourth Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.
- 22 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Fifth Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.
- 23 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Sixth Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.
- 24 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Eighth Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.
- 25 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Ninth Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.
- 26 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Tenth Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.
- 27 A declaration under s 21 of the *Federal Court of Australia Act* that from 5 January to 25 July 2016 the Eleventh Defendant contravened s 1012B(3) of the *Corporations Act* by offering to arrange for the issue of financial products to customers of the Website in Australia without giving them a product disclosure statement.

## **B PENALTIES**

- 28 An order under s 12GBA of the *Australian Securities and Investments Commission Act* that One Tech pay to the Commonwealth a pecuniary penalty in such amount as the Court considers appropriate.





29 An order under s 12GBA of the *Australian Securities and Investments Commission Act 2001* that Ultra Solutions pay to the Commonwealth a pecuniary penalty in such amount as the Court considers appropriate.

### **C DISQUALIFICATION ORDERS**

30 An order under s 206E of the *Corporations Act* that the Fourth Defendant be disqualified from managing corporations for such period as the Court considers appropriate.

31 An order under s 206E of the *Corporations Act* that the Ninth Defendant be disqualified from managing corporations for such period as the Court considers appropriate.

32 An order under s 206E of the *Corporations Act* that the Eleventh Defendant be disqualified from managing corporations for such period as the Court considers appropriate.

### **D PERMANENT INJUNCTIONS**

33 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the First Defendant from carrying on any financial services business for such period as the Court considers appropriate.

34 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Second Defendant from carrying on any financial services business for such period as the Court considers appropriate.

35 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Third Defendant from carrying on any financial services business for such period as the Court considers appropriate.

36 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Fourth Defendant from carrying on any financial services business for such period as the Court considers appropriate.

37 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Fifth Defendant from carrying on any financial services business for such period as the Court considers appropriate.

38 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Sixth Defendant from carrying on any financial services business for such period as the Court considers appropriate.

39 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Eighth Defendant from carrying on any financial services business for such period as the Court considers appropriate.



- 40 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Defendant from carrying on any financial services business for such period as the Court considers appropriate.
- 41 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Tenth Defendant from carrying on any financial services business for such period as the Court considers appropriate.
- 42 An order under s 1101B(1), alternatively s 1324, of the *Corporations Act* restraining the Eleventh Defendant from carrying on any financial services business for such period as the Court considers appropriate.

**E OTHER ORDERS**

- 43 Costs.
- 44 Such further or other orders as the Court considers appropriate.

**PLAINTIFF'S ADDRESS**

The Plaintiff's address for service is: Level 7, 120 Collins Street, Melbourne 3000

**SERVICE ON THE DEFENDANTS**

It is intended to serve this application on all Defendants.

Date: 21 September 2017

A handwritten signature in blue ink, appearing to read 'TH', written over a dotted line.

Tim Honey  
Litigation Counsel  
Australian Securities and Investments Commission  
Lawyer for the Plaintiff



## Schedule

No. VID 848 of 2016

Federal Court of Australia  
District Registry: Victoria  
Division: General

Plaintiff	Australian Securities and Investments Commission
First Defendant	One Tech Media Limited
Second Defendant	Ultra Solutions MG (UK) Limited
Third Defendant	Allianz Metro Pty Ltd (ACN 610 042 843)
Fourth Defendant	Eustace Senese
Fifth Defendant	Sansen Pty Ltd (ACN 111 816 178)
Sixth Defendant	Transcomm Global Pty Ltd (ACN 169 503 762)
Seventh Defendant	Sandra Senese
Eighth Defendant	Bianco Pty Ltd (ACN 604 778 305)
Ninth Defendant	Cameron David Senese
Tenth Defendant	IMC Holdings Pty Ltd (ACN 138 415 291)
Eleventh Defendant	Yoav Ida
Twelfth Defendant	Westpac Banking Corporation (ABN 33 007 457 141)
Thirteenth Defendant	National Australia Banking Ltd (ABN 12 004 044 937)
Fourteenth Defendant	Bendigo and Adelaide Bank Ltd (ABN 11 068 049 178)
Fifteenth Defendant	Commonwealth Bank of Australia (ABN 48 123 123 124)
Sixteenth Defendant	Citigroup Pty Limited ABN 88 004 325 080