

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 19/12/2018 4:12:59 PM AEDT 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:	VID1620/2018
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v ASKK INVESTMENT GROUP PTY LTD
Registry:	VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Interlocutory Hearing
Time and date for hearing:	20/12/2018, 2:15 PM
Place:	COURT 8D (Level 8), Owen Dixon Commonwealth Law Courts Building Level 7, 305 William Street, Melbourne



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

Dated: 19/12/2018 4:32:07 PM AEDT

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 2018

**IN THE MATTER OF ASKK INVESTMENT GROUP PTY LTD ACN 621 924 589**

BETWEEN

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**

Plaintiff

AND

**ASKK INVESTMENT GROUP PTY LTD ACN 621 924 589**

Defendant

**A. DETAILS OF APPLICATION**

This application is made under section 1323(1)(a), 1323(1)(h)(ii) and 1323(3) of the *Corporations Act 2001* (Cth) (**the Act**).

The nature of the proceeding is an application for orders relating to the property of the Defendant.

On the facts stated in the supporting affidavit, the Plaintiff seeks orders that:

1. Pursuant to s 1323(1)(h) of the Act, until further order, a receiver or receiver and manager be appointed to the property of the Defendant, including any legal or beneficial right the Defendant has to, or interest the Defendant has

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Filed on behalf of (name & role of party)	Australian Securities & Investments Commission, Applicant
Prepared by (name of person/lawyer)	Tina Beltrame, Litigation Counsel
Law firm (if applicable)	
Tel	0402 955 439
Fax	
Email	tina.beltrame@asic.gov.au
<b>Address for service</b>	Level 7, 120 Collins Street, Melbourne Vic 3000
(include state and postcode)	Attention: Tina Beltrame / Naomi Johnston

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in, the land known as Lot 2, 615 Hume Highway, Beveridge Victoria, (being all of the land comprised in certificate of title volume 10685 folio 976) **(Property)**;

2. Alternatively to paragraph 1, an order pursuant to sections 1323(1) and (3) of the Act and/or section 23 of the *Federal Court of Australia Act 1976* (Cth), that until further order the Defendant, by itself, and/or its agents, employees or associates be restrained from:
  - (a) selling, charging, mortgaging or otherwise dealing with, disposing of or diminishing the value of all or any real property of which the Defendant is the registered proprietor or is entitled to become the registered proprietor, including the Property;
  - (b) selling or otherwise dealing with any legal or beneficial right the Defendant has to, or interest the Defendant has in, the Property;
  - (c) without limiting the terms of sub-paragraphs (a) and (b) above, entering into any agreement relating (directly or indirectly) to all or any of the Property or incurring additional liabilities in relation to the Property, including but not limited to the use of a credit facility, loan, mortgage, drawdown facility or a re-draw facility secured against all or any of the Property;
  - (d) removing, or causing or permitting to be removed any property of the Defendant constituted by funds in bank accounts held by the Defendant **(Bank Accounts)**, including but not limited to the following accounts held by the Defendant with Westpac Banking Corporation:
    - (i) 033-338 539311; and
    - (ii) 033-338 539338;
  - (e) without limiting the terms of sub-paragraph (d) above, withdrawing, transferring or otherwise disposing of or dealing with, any monies available to the Defendant in any account with any bank, building society or other financial institution in which the Defendant has any legal or equitable interest including, but not limited to, the monies standing to the credit of the Bank Accounts.



3. The Plaintiff has leave, to the extent necessary, to give to:
- (a) the relevant authorities that record, control and regulate the ownership of real property, motor vehicles and maritime vessels and craft; and
  - (b) any bank, building society or other financial institution through which, to the best of the Plaintiff's belief, the Defendant operates any account; and
  - (c) any other person or entity, holding or controlling property, which, to the best of the Plaintiff's belief, belongs to the Defendant

notice of these Orders, by delivering a copy of them to a person apparently in the employ of that entity or person.

**Interlocutory process:**

4. Pursuant to s 1323(3) of the Act and/or s 23 of the *Federal Court of Australia Act 1976* (Cth) pending the determination of the Originating Process filed on 19 December 2018, until [            ], the Defendant, by itself, and/or its agents, employees or associates be restrained from:
- (a) selling, charging, mortgaging or otherwise dealing with, disposing of or diminishing the value of all or any real property of which the Defendant is the registered proprietor or is entitled to become the registered proprietor, including the Property;
  - (b) selling or otherwise dealing with any legal or beneficial right the Defendant has to, or interest the Defendant has in, the Property;
  - (c) without limiting the terms of sub-paragraphs (a) and (b) above, entering into any agreement relating (directly or indirectly) to all or any of the Property or incurring additional liabilities in relation to the Property, including but not limited to the use of a credit facility, loan, mortgage, drawdown facility or a re-draw facility secured against all or any of the Property;
  - (d) removing, or causing or permitting to be removed any property of the Defendant constituted by funds in bank accounts held by the Defendant (**Bank Accounts**),



including but not limited to the following accounts held by the Defendant with Westpac Banking Corporation:

- (i) 033-338 539311; and
  - (ii) 033-338 539338;
  - (e) without limiting the terms of sub-paragraph 2(d) above, withdrawing, transferring or otherwise disposing of or dealing with, any monies available to the Defendant in any account with any bank, building society or other financial institution in which the Defendant has any legal or equitable interest including, but not limited to, the monies standing to the credit of the Bank Accounts.
5. In the first instance, service of the Originating Process be dispensed with.
  6. The Originating Process is adjourned to [                      ].
  7. Costs reserved.
  8. Liberty to apply.
  9. Such further or other order as to the Court seems appropriate.

Date:

A handwritten signature in blue ink, appearing to read 'Tina Lesley Beltrame'.

pp.....

Tina Lesley Beltrame  
Solicitor for the Australian Securities and Investments Commission

This application will be heard by the Federal Court of Australia, 305 William Street, Melbourne, Victoria, 3000 at                      \*am/\*pm on                      /                      /2018.



## **B. NOTICE TO THE DEFENDANT**

To the Defendant:

Askk Investment Group Pty Ltd  
 10 Boort Street  
 BROADMEADOWS VIC 3047

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. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

Not applicable.

## **D. FILING**

Date of filing: 2018

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Registrar



This originating process is filed by Tina Beltrame 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: Tina Beltrame and Naomi Johnston

It is intended to serve a copy of this originating process on the Defendant following the making of an ex parte application for interim orders.