

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 31/10/2019 9:06:23 AM 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:	VID1170/2019
File Title:	AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v RI ADVICE GROUP PTY LTD & ANOR
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



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

Dated: 31/10/2019 10:26:34 AM 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

No. \_\_\_\_\_ of 2019

Federal Court of Australia  
District Registry: Victoria  
Division: General

### IN THE MATTER OF RI ADVICE GROUP PTY LTD (ACN 001 774 125) AND JOHN DOYLE

#### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

#### RI ADVICE GROUP PTY LTD (ACN 001 774 125)

First Defendant

#### JOHN DOYLE

Second Defendant

#### A. DETAILS OF APPLICATION

This application is made under sections 912A, 961B, 961G, 961H, 961J, 961L, 961Q, 1101B, 1317E and 1317G of the *Corporations Act 2001* (Cth) (**Corporations Act**) and section 21 of the *Federal Court of Australia Act 1976* (Cth) (**Federal Court Act**).

On the facts stated in the accompanying Concise Statement, the Plaintiff (**ASIC**) claims:

1. Declarations pursuant to section 1317E(1) of the Corporations Act that, during the period 1 November 2013 to 30 June 2016 (**Relevant Period**) and in respect of the contraventions set out in the Schedule, the First Defendant (**RI**), in contravention of section 961L of the Corporations Act, failed to take reasonable steps to ensure that the Second Defendant (**Doyle**) complied with sections 961B, 961G, 961H and 961J of the Corporations Act.
2. Declarations, alternatively a declaration, pursuant to section 21(1) of the Federal Court Act that, during the Relevant Period, RI contravened section 912A(1)(a) of the

Filed on behalf of (name & role of party)	Plaintiff, Australian Securities and Investments Commission		
Prepared by (name of person/lawyer)	Nick Kelton		
Law firm (if applicable)	Australian Securities and Investments Commission		
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Email	nicholas.kelton@asic.gov.au		
Address for service (include state and postcode)	Level 7, 120 Collins St Melbourne VIC 3000		



Corporations Act in that RI failed to do all things necessary to ensure that financial services provided by Doyle, which were covered by RI's Australian financial services licence (**Licence**), were provided efficiently, honestly and fairly.

3. Declarations pursuant to section 21(1) of the Federal Court Act that, during the Relevant Period, RI contravened section 912A(1)(c) of the Corporations Act by failing to comply with the financial services laws, in that RI contravened section 961L in the manner identified in paragraph 1.
4. Declarations pursuant to section 21(1) of the Federal Court Act that, during the Relevant Period, RI contravened section 912A(1)(ca) of the Corporations Act in that RI failed to take reasonable steps to ensure that Doyle, its representative, complied with each of sections 961B, 961G, 961H and 961J of the Corporations Act, being financial services laws.
5. Declarations pursuant to section 1317E(1) of the Corporations Act that, on various occasions during the Relevant Period, as set out in the Schedule, Doyle contravened section 961Q(1) of the Corporations Act in that Doyle contravened sections 961B, 961G, 961H and 961J of the Corporations Act.
6. Orders pursuant to section 1317G(1) of the Corporations Act that RI pay pecuniary penalties in respect of its contraventions of section 961L of the Corporations Act.
7. Orders pursuant to section 1317G(1) of the Corporations Act that Doyle pay pecuniary penalties in respect of his contraventions of section 961Q(1) of the Corporations Act.
8. Orders under section 1101B(1) of the Corporations Act requiring RI, within such time and in such manner as the Court sees fit, to:
  - a. have in place appropriate systems, policies and procedures to ensure that RI's representatives comply with sections 961B, 961G, 961H and 961J of the Corporations Act;
  - b. have in place an appropriate program to remediate clients affected by the contraventions by Doyle referred to in paragraph 5 above and to detect and remediate any other contraventions of ss 961B, 961G, 961H or 961J by Doyle that may have occurred during the Relevant Period; and
  - c. provide ASIC with a written report of an independent expert confirming RI's compliance with paragraph 8.a and b above.
9. An order that the Defendants pay ASIC's costs.
10. Such further or other order as the Court considers appropriate.

Date: 31 October 2019

*Nick Kelton*

**Nick Kelton**

Solicitor for the Australia Securities and Investments Commission

This application will be heard by ..... at [address of Court] at ..... \*am/\*pm on .....



**B. NOTICE TO DEFENDANT(S) (IF ANY)**

TO:

**RI ADVICE GROUP PTY LTD**

IOOF  
Level 6, 161 Collins St  
Melbourne VIC 3000

**JOHN DOYLE**

8A Sylverly Grove  
Caulfield VIC 3162

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: *[date of filing to be entered by Registrar]*

.....  
*Registrar*

This originating process is filed by Nick Kelton for the plaintiff.

**D. SERVICE**

The plaintiff's address for service is Level 7, 120 Collins St, Melbourne VIC 3000.

It is intended to serve a copy of this originating process on each defendant.

## SCHEDULE – INSTANCES OF ADVICE



### Instances of advice given by Doyle to Sample Clients to invest in Structured Products giving rise to contraventions

<i>Client #</i>	<i>Type of Structured Product</i>	<i>Date of investment</i>	<i>Date of relevant SOA</i>
1	Macquarie Flexi 100 Trust – November 2013 Instreet Masti Series 36 & 38	30/11/2013 30/06/2014	7/11/2013 12/06/2014
2	Macquarie Flexi 100 Trust – November 2013	30/11/2013	7/11/2013
3	Macquarie Flexi 100 Trust – November 2013	30/11/2013	8/11/2013
4	Macquarie Flexi 100 Trust – November 2013	30/11/2013	6/11/2013
5	Instreet Masti Series 36 & 38 Macquarie Flexi 100 Trust – November 2013	30/06/2014 30/11/2013	12/06/2014 N/A
6	Instreet Masti Series 36 & 38	30/06/2014	12/06/2014
7	Macquarie Flexi 100 Trust – November 2013	30/11/2013	8/11/2013
8	Macquarie Flexi 100 Trust – June 2015	30/06/2015	25/05/2015

### Instances of advice given by Doyle in 2016 to Sample Clients to retain investments in Instreet Products giving rise to contraventions

<i>Client #</i>	<i>Date and form of advice</i>
1	Letter from John Doyle received 17 May 2016
5	Email from John Doyle dated 17 May 2016 with subject line “Information attached” attaching letter from John Doyle. Email from John Doyle dated 20 May 2016 with subject line “Instreet”.
6	Email from John Doyle dated 20 May 2016 with subject line “Instreet”.

