



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1099/2020

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**

Plaintiff

**DAVID MURPHY** and others named in the schedule

First Defendant

**PENAL NOTICE**

**TO: MR DAVID MURPHY**

**IF YOU, BEING THE PERSON BOUND BY PARAGRAPH 4 OF THIS ORDER, DISOBEY PARAGRAPH 4 OF THIS ORDER BY DOING AN ACT WHICH IT REQUIRES YOU NOT TO DO, YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.**

**ANY OTHER PERSON WHO KNOWS OF PARAGRAPH 4 OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH ITS TERMS MAY BE SIMILARLY PUNISHED.**

**ORDER**

**JUDGE:** JUSTICE FARRELL

**DATE OF ORDER:** 06 October 2020

**WHERE MADE:** Sydney

*Substituted and short service*

1. The time for service of the Originating Process and the supporting Affidavit of Owen Parry Davies be abridged to:
  - (a) **6 pm on Tuesday, 6 October 2020** in the case of service by email of the Originating Process and the supporting Affidavit of Owen Parry Davies (without annexures and exhibits);



- (b) **4 pm on Thursday, 8 October 2020** in the case of service by hand delivery of the Originating Process and the supporting Affidavit of Owen Parry Davies.
2. Service of the Orders made on Tuesday, 6 October 2020, the Originating Process and the supporting Affidavit of Owen Parry Davies be effected:
- (a) on the first defendant by email (without annexures and exhibits) at [david@debtwipeout.org](mailto:david@debtwipeout.org) and by hand delivery to 8/1 Curtin Place, Concord, NSW 2137;
- (b) on the second defendant by email (without annexures and exhibits) at [tas@debtwipeout.org](mailto:tas@debtwipeout.org) and by hand delivery to 24A White Avenue, Bankstown, NSW, 2200;
- (c) on the third defendant by email (without annexures and exhibits) at [kewa@debtwipeout.org](mailto:kewa@debtwipeout.org) and at [debtsknockout@gmail.com](mailto:debtsknockout@gmail.com);
- (d) on the fourth defendant by email (without annexures and exhibits) at [mathew.ruwhui@gmail.com](mailto:mathew.ruwhui@gmail.com);
- (e) on the fifth defendant by email (without annexures and exhibits) at [debtsknockout@gmail.com](mailto:debtsknockout@gmail.com);
- (f) on the third, fourth and fifth defendants by hand delivery of one copy of the Orders made on Tuesday, 6 October 2020, the Originating Process and the supporting Affidavit of Owen Parry Davies (with annexures and exhibits) to 6 Trina Place, Hassall Grove, NSW, 2761.
3. The claim for interlocutory relief in the Originating Process be made returnable before Farrell J at **2.15 pm on Friday, 9 October 2020**.

*The asset preservation orders*

4. Subject to the terms of paragraph 5 below, an order pursuant to section 1323(1), or alternatively section 1323(3), of the *Corporations Act* 2001 (Cth) (**Corporations Act**) and section 23 of the *Federal Court of Australia Act* 1976 (Cth) (**FCA**), until further



order, the first defendant, by himself and his servants, agents and employees be restrained from:

- (a) removing, or causing or permitting to be removed from Australia all or any of the property (as defined in the Corporations Act), whether within or outside the State of New South Wales, of the first defendant (**Property**);
- (b) selling, charging, mortgaging or otherwise dealing with, disposing of and/or diminishing the value of all or any of the Property;
- (c) causing or permitting to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, all or any of the Property;
- (d) without limiting the terms of sub-paragraphs (a) to (c) above, incurring new liabilities including, without limitation, liabilities incurred either directly or indirectly, through the use of a credit card, a credit facility, a drawdown facility or a re-draw facility; and
- (e) without limiting the terms of sub-paragraphs (a) to (d) above, withdrawing, transferring or otherwise disposing of or dealing with, any monies available in any account with any bank, building society or other financial institution (in Australia or elsewhere), in which the first defendant has any legal or equitable interest, including, without limitation, the following accounts:
  - (i) the account held with Bank of Sydney with account number 148 7503 in the name of the first defendant;
  - (ii) the account held with Bank of Sydney with account number 149 7049 in the name of the first defendant;
  - (iii) the account held with Bank of Sydney with account number 151 6491 in the name of the first defendant;
  - (iv) the account held with National Australia Bank with account number 46 203 8695 in the name of the first defendant;



- (v) the account held with Westpac with account number 032062 503099 in the name of the first defendant;
- (vi) the account held with Westpac with account number 732069 795562 in the name of the first defendant;
- (vii) the account held with ING with account number 85541587 in the name of the first defendant.

5. An order that the orders sought in the preceding paragraph, shall not prevent:

- (a) the first defendant from paying or otherwise incurring a liability for ordinary living expenses up to \$800 per week or such greater sum as may be set by the Court;
- (b) the first defendant from paying or otherwise incurring a liability for costs reasonably incurred in these proceedings and any criminal proceedings arising from the plaintiff's investigation into the affairs of the defendants; and
- (c) any bank, building society or financial institution from exercising any right of set-off which it may have in respect of a facility afforded by it to the first defendant prior to the date of this order.

*Disclosure orders – the First and Second Defendants*

6. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, an order that each of the first and second defendants deliver or cause to be delivered to the plaintiff by **10.00 am on Tuesday, 20 October 2020**, a full and detailed affidavit sworn by each of them setting out:

- (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the relevant defendant, together with the number of such account, the name of such account and the balance of that account;



- (b) the name and address of any person or persons indebted to the relevant defendant and the amount of the indebtedness;
- (c) an itemised inventory of the relevant defendant's assets and liabilities;
- (d) an itemised inventory of any and all property (as defined in the Corporations Act) whether real or personal owned or controlled by the relevant defendant or in which the relevant defendant has any legal or beneficial interest;
- (e) in respect of any of the property (as defined in the Corporations Act) of the relevant defendant which has been given as security for any debt or liability, the details of that property and the nature of the security and the debt or liability so incurred; and
- (f) the sources and amount of any income, wages, earnings or other payments:
  - (i) received by the relevant defendant in the 18 months preceding the date on which this order is made; and
  - (ii) expected to be received by the relevant defendant in the 12 months following the date on which this order is made.

*Disclosure orders – the Third, Fourth and Fifth Defendants*

7. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, an order that each of the third and fourth defendants and an authorised officer of the fifth defendant deliver or cause to be delivered to the plaintiff by **10.00 am on Tuesday, 20 October 2020**, a full and detailed affidavit sworn by each of them setting out the sources and amount of any income, wages, earnings or other payments received by the third, fourth or fifth defendants in the 18 months preceding the date on which this order is made:
- (a) in connection with the referral of any customers or potential customers to the first and second defendants in relation to the business conducted under the name “Debt Wipeout”;



- (b) in connection with the role of the third and fourth defendants as New South Wales State Managers of the business conducted under the name “Debt Wipeout”;
- (c) in connection with their conduct of the business conducted under the name “Debt Knockout”.

*Objection to compliance with disclosure orders*

8. An order that in the event that a defendant wishes to object, that compliance with the orders sought in paragraphs 6 and 7 above may tend to incriminate that defendant or make that defendant liable to a civil penalty, that defendant must, in accordance with section 128A of the *Evidence Act 1995* (Cth):
- (a) prepare, file and serve on the plaintiff an affidavit disclosing so much of the information required to be disclosed by paragraph 6 or 7 to which no objection is taken;
  - (b) prepare an affidavit containing so much of the information required to be disclosed by paragraph 6 or 7 to which objection is taken and deliver it to the Court in a sealed envelope; and
  - (c) prepare, file and serve on the plaintiff a separate affidavit setting out the basis of the objection.

*Notice of orders to third parties*

9. To the extent necessary, the plaintiff has leave to give to:
- (a) the relevant authorities (domestic and overseas) that record, control and regulate the ownership of real property;
  - (b) the relevant authorities (domestic and overseas) that record, control and regulate the ownership of motor vehicles;



- (d) any bank, building society or other financial institution (domestic and overseas) with which, to the best of the plaintiff's knowledge and belief, any defendant operates any account; and
- (e) any other person or entity (domestic and overseas) holding or controlling property, which, to the best of the plaintiff's knowledge and belief, belongs to the any defendant,

notice of these orders, by delivering a copy of a minute of the orders to that entity or person and/or any person apparently in the employ of that entity or person.

- 10. Liberty to restore on 1 days' notice.

Date that entry is stamped: 6 October 2020

*Sia Lagos*  
Registrar



**Schedule**

No: NSD1099/2020

Federal Court of Australia  
District Registry: New South  
Wales Division: General

Second Defendant     **ANASTASIOS MAVROULIS**  
Third Defendant       **KEWA RUWHIU**  
Fourth Defendant     **MATHEW RUWHIU**  
Fifth Defendant       **DEBTS KNOCKOUT PTY LTD ACN 638 239 988**