



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID668/2020

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MATTHEW ALLAN BERESFORD

Defendant

ORDER

JUDGE: JUSTICE BEACH

DATE OF ORDER: 20 October 2020

WHERE MADE: Melbourne

OTHER MATTERS:

The Court requests that Hostpoint AG of Neue Jonastrasse 60, 8640 Rapperswil-Jona, Switzerland, render inaccessible to the public, until 4.00 pm on 8 February 2021, the website with the url: <https://www.maxwellfinancialservices.com.au>

TO: MATTHEW BERESFORD

IF YOU:

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU TO ABSTAIN FROM DOING,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

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



THE COURT ORDERS THAT:

Conduct of hearing

1. Pursuant to section 47B of the *Federal Court of Australia Act 1976* (Cth) (the Act), the parties be permitted to appear before the Court and to make submissions to the Court by way of video link, audio link or other appropriate means.

Limited stay

2. The Plaintiff's application for:
 - (a) a declaration pursuant to section 1101B of the *Corporations Act 2001* (Cth) (Corporations Act) and/or section 21 of the Act that the Defendant has contravened section 911A of the Corporations Act; and
 - (b) an order pursuant to section 1317G of the Corporations Act that the Defendant pay to the Commonwealth of Australia such pecuniary penalties as the Court determines to be appropriate in respect of the defendant's conduct declared to be contraventions of section 911A of the Corporations Act,be stayed until further order.

Restraint of business orders

3. Until 4.00 pm on 8 February 2021 or further or earlier order, pursuant to sections 1101B(1) and 1324(1) of the Corporations Act, the Defendant, by himself, his servants, agents, employees or representatives:
 - (a) be restrained from:
 - (i) carrying on, or being in any way involved in carrying on, a financial services business Australia within the meaning of Chapter 7 of the Corporations Act;
 - (ii) promoting any financial services business in Australia within the meaning of Chapter 7 of the Corporations Act;
 - (iii) holding out or representing that he is permitted or authorised to carry on any financial services business in Australia within the meaning of Chapter 7 of the Corporations Act;



- (iv) receiving, soliciting, transferring or disposing of funds received from investors in connection with or in relation to the business referred to as Maxwell Financial Services or any other business purporting to carry on a financial services business; and
- (b) upon his release from custody, take all reasonable steps to:
 - (i) render inaccessible to the public all websites for Maxwell Financial Services;
 - (ii) suspend all advertising for Maxwell Financial Services;
 - (iii) suspend all social media pages for Maxwell Financial Services,
 - (iv) render inaccessible to the public all websites for Asset Capital Holdings; and
 - (v) render inaccessible to the public and/or suspend any other website and advertising promoting a financial services business in Australia.

Asset preservation orders

4. Until 4.00 pm on 8 February 2021 or further or earlier order, and subject to order 5 below, pursuant to section 1323(1) of the Corporations Act, in respect of the bank accounts:

- (a) listed in Schedule 1 to these orders held with the Australia and New Zealand Banking Group (“the ANZ accounts”);
- (b) listed in Schedule 2 to these orders held with the Commonwealth Bank of Australia (“the CBA accounts”);
- (c) listed in Schedule 3 to these orders held with the Westpac Banking Corporation (“the WBC Accounts”);

the Defendant, whether by himself, his agent, employee or representative, be restrained from:

- (i) withdrawing, or causing or permitting to be withdrawn all or any funds from any of the ANZ accounts, the CBA accounts or the WBC Accounts;



- (ii) transferring and/or otherwise parting with possession of all or any funds held in any of the ANZ accounts, the CBA accounts or the WBC Accounts;
 - (iii) causing, permitting and/or allowing any funds held in any of the ANZ accounts, the CBA accounts or the WBC Accounts, to be used, charged or otherwise dealt with through the use of any credit card, credit facility, drawdown facility and/or redraw facility; and
 - (iv) in any other way, accessing, using or operating any of the ANZ accounts, the CBA accounts or the WBC Accounts.
5. The orders in order 4 above will not prevent 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 Defendant prior to the date of the order.
6. The Plaintiff has leave to give notice of these orders by electronic communication to:
 - (a) the Australia and New Zealand Banking Group to the email address `statutorycompliance@anz.com`;
 - (b) the Commonwealth Bank of Australia to the email address `opccompliance@cba.com.au`; and
 - (c) the Westpac Banking Corporation to the email address `legalnotices@westpac.com.au`.
7. Until 4.00 pm on 8 February 2021 or further or earlier order, pursuant to section 1101B(1) of the Corporations Act, the Defendant by himself and his servants and agents be restrained from:
 - (a) purchasing or obtaining documents purporting to be passports, whether bearing his name or other names, other than a passport issued to him by the Australian Government; and
 - (b) using any document purporting to be a passport (other than a passport issued to him by the Australian Government) as identification to:
 - (i) open an account with a bank or other financial institution; or
 - (ii) transact with a bank or other financial institution.



General orders

8. As soon as practicable, the Plaintiff shall arrange for service on the Defendant of:
 - (a) this order; and
 - (b) the transcript of the hearing on 20 October 2020.
9. The matter be listed at 9.30 am on 5 February 2021 for a case management hearing and the return of the Plaintiff's interlocutory application dated 18 October 2020.
10. The costs be costs in the cause.
11. There be liberty to either party to apply to the Court on 48 hours' notice.

Date that entry is stamped: 20 October 2020

Sia Lagos
Registrar



SCHEDULE 1 – ANZ ACCOUNTS

Item	Account Name	Account Type	Account No
1.	Maxwell Marx Stienberg	Online Saver	██████
2.	Maxwell Stanley Stienberg	Online Saver	██████
3.	Artur Berisha T/As Maxwell Financial Holdings	Business Advantage Account	██████
4.	Maxwell Financial Holdings		██████
5.	Mark Russell T/As Mr Capital Holdings	Business Advantage Account	██████
6.	Mark Russell T/As Zeta Group Assets	Business Online saver	██████
7.	Mark Russell T/As Zeta Group Assets	Business Advantage Statement	██████
8.	Mark Russell T/As Zeta Capital Holdings	Business Advantage Statement	██████
9.	Andrew Douglas Church T/As A C Holdings	Business Online saver	██████
10.	Andrew Douglas Church T/As A C Holdings	Business Advantage Account	██████
11.	Andrew Douglas Church T/As Asset Capital Australia	Business Advantage Account	██████
12.	Andrew Douglas Church T/As Asset Capital Australia		██████
13.	Rosenberg Lavine		██████
14.	Rosenberg Lavine		██████
15.	Marx Cohen	Access Advantage	██████
16.	Marx Cohen T/As Marx Cohen	Business Advantage Account	██████



Item	Account Name	Account Type	Account No
17.	Any other account held in the names set out in Schedule 4 to these orders		



SCHEDULE 2 – CBA ACCOUNTS

Item	Account Name	Account Type	Account Number
1.	Maxwell Stienberg	NetBank ID Number	██████
2.	Mathew Allan Beresford	DDA-Cth Direct Investment Account	██████
3.	Matthew Allan Beresford	NetBank ID Number	██████
4.	Artur Berisha T/As Fortis Asset Capital Holdings	Business Transaction Account	██████
5.	Mark McBride Trading As Oracle Transfers	Business Transaction Account	██████
6.	Mark Russell Trading As Australian Security Holdings	Business Transaction Account	██████
7.	Mark Russell Trading As Knox Holdings Capital	Business Transaction Account	██████
8.	Artur Berisha	DDA- Smart Access	██████
9.	Artur Berisha T/As B Corp	Business Transaction Account	██████
10.	Cory Holdsworth Trading As Capital Asset Finance Holdings	Business Transaction Account	██████
11.	Cory Holdsworth Trading As Capital Asset Finance Corporation	Business Transaction Account	██████
12.	Lavine Rosenberg	Netbank Saver	██████
13.	Lavine Rosenberg	Smart Access	██████
14.	Marx Cohen	DOA - Smart Access	██████
15.	Mr Marx Cohen Ta Mark Cohen	Business Transaction Account	██████
16.	Marx Cohen Trading As Mark Cohen	Business Transaction Account	██████
17.	Any other account held in the names listed in Schedule 4 to these Orders		



SCHEDULE 3 – WBC ACCOUNTS

Item	Account Name	Account Type	Account No
1.	Maxwell Stanley Stienberg	Business One Low	██████
2.	Maxwell Stanley Stienberg	Westpac Choice	██████
3.	Artur Berisha (4.4.92)	Westpac Life Trading Account	██████
4.	Artur Berisha (4.4.92)	Trading Account (Inactive)	██████
5.	Artur Berisha (4.4.92)	Savings Account	██████
6.	Artur Berisha (4.4.92)	Savings Account (Inactive)	██████
7.	Artur Berisha (4.4.92)	Savings Account (Inactive)	██████
8.	Mark Andrew Russell (5.9.1976)	Westpac Business Cash reserve	██████
9.	Mark Andrew Russell (5.9.1976)	Westpac Business One	██████
10.	Mark Andrew Russell (5.9.1976)	Westpac Business One	██████
11.	Cory Holdsworth (5.9.1976)	Westpac Business One	██████
12.	Cory Holdsworth (5.9.1976)	Westpac Business Cash Reserve	██████
13.	Cory Holdsworth (5.9.1976)	USD Currency Trading account	██████
14.	Cory Holdsworth (5.9.1976)	Westpac Business One	██████
15.	Cory Holdsworth (5.9.1976)	Westpac Choice	██████
16.	Marx Cohen	Westpac Business One	██████
17.	Marx Cohen	Westpac Choice	██████
18.	Lavine Rosenberg	Westpac Life	██████



Item	Account Name	Account Type	Account No
19.	Lavine Rosenberg	Westpac Choice	██████
20.	Lavine Rosenberg	Westpac Choice	██████
21.	Any other account held in the names listed in Schedule 4 to these Orders		



SCHEDULE 4 – SUSPECTED ALIASES AND BUSINESS NAMES

Item	Name
1.	Maxwell Financial Holdings (ABN 63770956936)
2.	Fortis Asset Capital Holdings (ABN 63770956936)
3.	Capital Transfers ABN 51864972265
4.	Oracle Transfers ABN 51864972265
5.	Vault Capital Holdings ABN 52109833164
6.	Fort Capital Holdings
7.	Secure Capital Holdings
8.	Secure Asset Holdings ABN 86198040341
9.	Australian Assett (sic) Holdings ABN 86198040341
10.	Global Capital Assets ABN 86198040341
11.	Australian Security Holdings (Trading Name: Mark Russell) ABN 43954112114
12.	Knox Holdings Capital (Trading Name: Mark Russell) ABN 43954112114
13.	Mr Capital Holdings ABN 35655278879
14.	Zeta Group Assets ABN 35655278879
15.	Zeta Capital Holdings ABN 35655278879
16.	Capital Asset Finance (T/As Capital Asset Finance) ABN 58796630421
17.	Zeta Capital (T/As Capital Asset Finance) - ABN 58796630421
18.	Zeta Holdings Group (T/As Capital Asset Finance) - ABN 58796630421
19.	Asset Capital Australia ABN 13551397064
20.	Mr Artur Berisha (██████████)
21.	Andrew Douglas Church (██████████)
22.	Mark Thomas McBride (██████████)
23.	Mark Andrew Russell (██████████)



Item	Name
24.	Cory Holdsworth ([REDACTED])
25.	Lavine Rosenberg ([REDACTED]);
26.	Marx Cohen ([REDACTED])