

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 17/11/2020 3:55:12 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:	Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
File Number:	QUD358/2020
File Title:	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v JENAN OSLEM THORNE (ALSO KNOWN AS CENAN THORNE AND CENAN DIKMEN)
Registry:	QUEENSLAND REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



Sia Lagos

Dated: 18/11/2020 4:17:48 PM AEST

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.



Form 2, Rule 2.2

ORIGINATING PROCESS

FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: QUEENSLAND
DIVISION: GENERAL

No. QUD of 2020

IN THE MATTER OF SABER SUPERANNUATION PTY LTD (ACN 128 625 865)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Applicant

JENAN OSLEM THORNE (also known as CENAN THORNE and CENAN DIKMEN)

Respondent

A. DETAILS OF APPLICATION

This application is made under section 93AA(3) of the *Australian Securities and Investments Commission Act 2001* (**ASIC Act**) seeking orders directing that the Respondent comply with the relevant term of an Enforceable Undertaking and such other orders as the Court considers appropriate.

On the facts stated in the supporting affidavit(s), the applicant applies for the following relief:

1. An order pursuant to sections 93AA(4)(a) and 93AA(4)(d) of the ASIC Act that, within 5 business days of the Order, the Respondent send a copy of the letter and ASIC media release attached and marked “Annexure A” (together, the **Letter**) to each of the clients listed in the table attached and marked “Annexure B” (the **Clients**).
2. An order pursuant to section 93AA(4)(d) of the ASIC Act that, in preparing and sending the Letter, the Respondent adopt the following protocol:
 - (a) where the Respondent has an email address for the Client, to send the Letter to the last known email address for the Client; and
 - (b) where the Respondent has a postal address for the Client, to send the Letter by registered post to the last address known to the Respondent; and
 - (c) where a Letter to a Client is returned to sender, whether sent by email or post, or where the Respondent has no email or postal address for a Client, the Respondent

Filed on behalf of:	Australian Securities and Investments Commission, Applicant
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will, within 10 business days, conduct the following searches for that Client and re-send the Letter by registered post to any further address obtained as a result of the search:

- (i) a search of Australia Post's "National Change of Address" database; and
 - (ii) an Internet search of the Telstra White Pages On-Line at the domain name www.whitepages.com.au.
3. An order pursuant to section 93AA(4)(d) of the ASIC Act that:
 - (a) within 5 business days of the date of this order, the Respondent place at the top of the home page of the websites, www.saberaccountants.com.au and www.sabersuperannuation.com.au, a link stating "NOTICE TO CLIENTS OF JENAN THORNE" which:
 - (i) appears in upper case, not less than 18-point times new roman typeface;
 - (ii) links to a copy of the Letter; and
 - (b) the link in the websites stated in order 3(a) above is to be maintained continually for a period of three months.
4. An order pursuant to section 93AA(4)(d) of the ASIC Act that the Respondent notify the Applicant in writing within 20 business days of this order confirming whether she has complied with orders 1, 2 and 3 above and providing the Applicant with:
 - (a) a list of the names and addresses (whether email and/or postal address) of Clients to which the Respondent sent the Letter in accordance with Orders 1 and 2 above, including:
 - (i) where the Letter was sent to a Client by email pursuant to order 2(a) above, a copy of the email;
 - (ii) where the Letter was sent to a Client by registered post pursuant to order 2(b) or 2(c) above, a copy of the Australia Post proof of posting and proof of receipt;
 - (b) a list of those Clients to which the Respondent was not able to send the Letter in accordance with Orders 1 and 2 above, including:
 - (i) where the Letter to a Client was unable to be sent to the last known email address for the Client, a copy of the email notification that the email could not be delivered;
 - (ii) where the Letter to a Client was unable to be sent to the postal address for the Client, a copy of the Australia Post proof of posting and proof of non-delivery; and
 - (c) the date that order 3(a) was complied with.



5. An order pursuant to section 93AA(4)(d) of the ASIC Act that the Respondent notify the Applicant in writing within 5 business days of the cessation of the period specified in order 3(b) above confirming whether she has complied with order 3 above.
6. That the Respondent pay the Applicant's costs of this application.
7. The parties have liberty to apply on three business days' notice in writing.
8. Such further or other order or relief as the Court considers appropriate.

Date: 17 November 2020


 Hugh Copley
 Legal Practitioner for ASIC

This application will be heard by the Federal Court of Australia at Level 6, Harry Gibbs Commonwealth Law Courts Building, 119 North Quay, Brisbane Qld 4000 at on:

B. NOTICE TO RESPONDENT

TO: JENAN OSLEM THORNE
 22 Hampton Court
 Paradise Point Qld 4216

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 respondent 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:

Registrar

This originating application is filed by Hugh Copley, Legal Practitioner for the Australian Securities and Investments Commission.

D. SERVICE

The applicant's address for service is:

Name: Australian Securities and Investments Commission
Applicant's address: Level 20, 240 Queen Street, Brisbane, Queensland, 4000
Applicant's solicitor's name: Hugh Copley
Telephone: (07) 3867 4700
Facsimile: (07) 3867 4790
Email: hugh.copley@asic.gov.au

It is intended to serve a copy of this originating process on the respondent.



ANNEXURE A

NOTICE TO CLIENTS

On 13 February 2019, I entered into an enforceable undertaking with the Australian Securities and Investments Commission (**ASIC**) which prevents me from providing financial services for a period of three years.

You are receiving this letter because you are a client to whom I previously provided personal advice as an authorised representative of SMSF Advice Pty Ltd. Under the terms of the enforceable undertaking, I am required to provide you with certain information, which is noted below.

- My full name is Jenan Oslem Thorne. I am also known by the names Cenán Thorne and Cenán Dikmen.
- I was previously an authorised representative of SMSF Advice Pty Ltd. My authorised representative number was 456988.
- The Australian Financial Services Licence number of SMSF Advice Pty Ltd is 234664.
- The contact details of SMSF Advice Pty Ltd for dealing with any enquiries or complaints regarding my enforceable undertaking with ASIC and my conduct as an authorised representative is as:

SMSF Advice Pty Ltd
National Manager, Advice Complaints
Level 16, 33 Alfred Street, Sydney, NSW, 2000
Email: information@smsfAdvice.com.au or advicecomplaints@amp.com.au

- A copy of the ASIC media release dated 19 February 2019 about this enforceable undertaking and my conduct is attached.

Jenan Thorne



ANNEXURE B

LIST OF CLIENTS

1. E & R Mondaya Superannuation Fund
2. Hai & Lam Nguyen Tran Family Superannuation Fund
3. Furness Family Superannuation Fund
4. APS Superannuation Fund
5. J & D Superfund
6. Whalen & Taylor Superannuation Fund
7. Trixie Superannuation Fund
8. Dedaleli Superannuation Fund
9. Latulipe Superannuation Fund
10. Shalom Superannuation Fund
11. Isodale Superannuation Fund
12. As Prasad Superannuation Fund
13. GNP Superannuation Fund
14. Francisma Superannuation Fund
15. D & L Baring Superannuation Fund
16. TR and BA Faint Superannuation Fund
17. Graham & Miriam Jackson SMSF
18. Mair Superannuation Fund
19. James Superannuation Fund
20. Michalska Superannuation Fund
21. Mortgage Crusher Superannuation Fund
22. Ireneil Family Superannuation Fund
23. Jeremiah 29 Verse II Superannuation Fund
24. K & B Vongdara Superannuation Fund
25. M & L Quick Superannuation Fund
26. Raeburn Family Superannuation Fund
27. V & H Superannuation Fund
28. Beloved Superannuation Fund
29. Devenport Family Super Fund
30. Lalithan Superannuation Fund
31. Anita Harilela Superannuation Fund
32. Milvera Superfund
33. Lower Chittering Millionaires Club SMSF



34. DNA Superannuation Fund
35. Alvaro & Montgomery Superannuation Fund
36. Tupou Superannuation Fund
37. Nouveau Freedom Superannuation Fund
38. J & T Zollo SMSF
39. Osbourne SMSF
40. Haverfield SMSF
41. P & M Bestenbreur Superfund
42. J C Holdings Superannuation Fund
43. Young Superfund
44. Farrell & Williams Superfund
45. Harvey Family Superfund
46. CLS and JS Superannuation Fund
47. T & D Giorgio Superfund
48. G & N French Superfund
49. Gribble McWilliam Super Fund
50. Kardi Superfund
51. Hayes Mark SMSF
52. Parker Family Superfund
53. Tupou Self Managed Superannuation Fund
54. LAP Superannuation Fund
55. Collpark SMSF
56. Vade Superannuation fund
57. CGR Superannuation fund
58. Steve & Tracy Parker Superannuation Fund
59. EBHOLTOR Superfund
60. R & R Superannuation Fund
61. GSLC Superfund
62. M & L Stirling Superannuation Fund
63. Doris Sultana clud SMSF
64. Indarra Family Finance SMSF
65. Trash Superannuation Fund
66. FLRA Superannuation Fund
67. Brett Family Superfund
68. SAAD Superfund



69. Holland Superfund
70. NUR Retirement Superfund
71. Connors Family Superfund
72. Frances Anna Hicks SMSF
73. Omar & Tasrina Superannuation Fund
74. Kusztor Superannuation Fund
75. Namanvy SMSF
76. Cilesia SMSF
77. Hangloyd Superfund
78. Correria SMSF
79. B & J Jessop Retirement SMSF
80. Baker & Bellety Superfund
81. Daniel & Sherri Henman SMSF
82. Dikson Sean SMSF
83. D'Sylva SMSF
84. Harjas Superannuation Fund
85. Murray Family SMSF
86. ESC Miller Superfund
87. Boon Family SMSF
88. BT Kennedy SMSF
89. Bloodworth and Heta SMSF
90. Rhind SMSF
91. Veneeta SMSF
92. Konnyvong Retirement SMSF
93. Super Dooper SMSF
94. Allan & Laura Cooper Superannuation Fund
95. Temelkov Superfund
96. Herrera SMSF
97. Sambo Superfund
98. Normeng SMSF
99. Boxbird SMSF
100. Sarjon SMSF
101. Albeem SMSF
102. E & G Howell SMSF
103. Briden SMSF