Federal Court of Australia

District Registry: Queensland Registry

Division: General No: QUD532/2024

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION and others named in the schedule
Plaintiff

ALAMMC DEVELOPMENTS PTY LTD and others named in the schedule
Defendant

AMENDED ORDER

(Amended pursuant to r 39.05(g) of the *Federal Court Rules 2011* (Cth)

JUDGE: Justice O'Sullivan

DATE OF ORDER: 22 September 2025

WHERE MADE: Brisbane

THE COURT NOTES THAT:

1. In this order, "Receivers" means Andrew Peter Fielding and Helen Newman of BDO in their capacity as joint and several receivers of the property of the first to fifteenth, seventeenth and eighteenth defendants.
2. As to the "Buckingham Way property"(defined in paragraph 2(j) below), the Court has been provided with a copy of a letter dated 12 September 2025 from the solicitors for the nineteenth defendant, which states the nineteenth defendant "is willing to relinquish his interest in the property" and "is content for the receivers to sell the property and does not intend to object to any sale of the property by the Receivers".

THE COURT ORDERS THAT:

Joinder of nineteenth defendant to the proceeding

1. Bailey McWilliams is joined to the proceeding as the nineteenth defendant.

Sale of real properties

2. The Receivers would be justified and acting reasonably in exercising their power of sale in respect of each of the following real properties:
   (a) Unit 163, 22-36 Mitre Street, Craiglie, Queensland 4877 (also known as Unit 303, 22-26 Mitre Street, Sea Temple, Port Douglas Queensland 4877) (Title Reference 50605171);
   (b) 30 Simpson Street, Collie, Western Australia 6225 (Volume 2138 Folio 177);
   (c) Lot 55 Mandurah Terrace, Mandurah, Western Australia 6210 (Volume 2230 Folio 134 and Volume 2229 Folio 266);
   (d) Lot 171 Mandurah Terrace, Mandurah, Western Australia 6210 (Volume 1212 Folio 264);
   (e) Lot 173 Mandurah Terrace, Mandurah, Western Australia 6210 (Volume 1212 Folio 265);
   (f) 272 Duke Street West, Northam Western Australia, 6401 (Volume 1559 Folio 659);
   (g) 10 Blackall Place, South Kalgoorlie, Western Australia 6430 (Volume 2126 Folio 426);
   (h) 101 Blencowe Road, Utakara, Western Australia 6530 (Volume 1513 Folio 56);
   (i) 7 Glenfin Street, Utakara, Western Australia 6530 (Volume 2646 Folio 461); and
   (j) 1 Buckingham Way, Collie, Western Australia 6225 (Volume 2860 Folio 489) (Buckingham Way property).
3. Pursuant to s 126 of the Property Law Act (WA):
   (a) The Receivers have conduct of the sale of the Buckingham Way property.
   (b) The Receivers are authorised to sign for and on behalf of themselves and the fourteenth and nineteenth defendants any transfers, notice of appointment of agent or other document necessary to give effect to the sale of the property.
   (c) The fourteenth and nineteenth defendants co-operate fully in the sale process with the Receivers and any agent appointed to act on the sale.
4. The Receivers are to apply the net proceeds of sale of the Buckingham Way property, after payment of what should be due to any encumbrancer or encumbrancers according to their priorities and of all other proper costs, charges and expenses of the sale, and subject to paragraph 5 below, as follows:

(a) as to one-half of the net proceeds, by paying them into the bank account established by the Receivers for the purposes of their appointment to the fourteenth defendant's property; and

(b) otherwise, for the purposes their appointments as joint and several receivers of the property of the defendants (except the sixteenth and nineteenth defendants).

5. The Receivers' legal costs in relation to instructing an estate agent to act in the sale of the Buckingham Way property, preparing auction conditions if required, and other matters associated with the sale be treated as part of the costs of sale the property.

Orders concerning other property to which the Receivers have been appointed

6. The Receivers would be justified and acting reasonably in commencing legal proceedings to recover (1) proceeds of sale or (2) prize money arising from or relating to the fourteenth defendant's interests in the racehorses known as 'Ellibaby' and 'Within the Law', against any person (other than the nineteenth defendant) whom the Receivers reasonably consider has or may have received such proceeds or money.

7. For the purposes of dealing with the fourteenth defendant's Digital Assets (as the term is defined in the order made on 22 October 2024), the Receivers would be justified and acting reasonably in:

(a) instructing the fourth respondent (InvestbyBit Pty Ltd (ABN 98 621 652 579)) to transfer any cryptocurrency or other digital assets held in the Binance account in the fourteenth defendant's name (Binance User ID 437048887) to the Binance account established by the Receivers for the purposes of their appointment to the fourteenth defendant's property (Binance User ID 1135243962);

(b) in exercising their power of sale in respect of that cryptocurrency and other digital assets; and

(c) in depositing the proceeds of sale into the bank account established by the Receivers for the purposes of their appointment to the fourteenth defendant's property.

8. The fourth respondent must transfer any cryptocurrency or other digital assets from the Binance account held in the fourteenth defendant's name to the Binance account held in the name of Andrew Fielding, within 60 days of the date of receiving an instruction from the Receivers (which instruction is to specify the respective User ID and email address for those accounts).

Orders about freezing orders

9. The question of whether the Court should revoke or otherwise vary paragraphs 5(a) and (b) of the orders made by Yates J on 11 September 2024, as varied by the orders made by Stewart J on 16 September 2024 and further varied by the orders made by O'Sullivan J on 4 October 2024, is listed for hearing at 10.00 am (ACDT) on 3 October 2025.
10. The fourteenth and fifteenth defendants are to attend on that occasion to address the Court as to why the orders referred to in paragraph 9 should not be revoked or otherwise varied.
11. By 6 October 2025, an officer of the Australia and New Zealand Banking Group Limited (ANZ) with appropriate authority is to make, file and serve an affidavit that explains how it is that, between 18 November 2024 and 12 June 2025, the sum of $112,367.96 was able to be withdrawn from five accounts held by the fifteenth defendant with ANZ (being the five accounts identified in the letter from the Receivers to "ANZ Retail Collections – Bankruptcy" dated 12 June 2025 found at Tab 52 of exhibit APF-13 to the affidavit of Andrew Peter Fielding made on 4 September 2025) in circumstances where ANZ was on notice that the assets of the fifteenth defendant were frozen pursuant to Orders made by Yates J on 11 September 2024 (as varied).
12. The plaintiff is to serve a copy of these orders on the proper officer of ANZ forthwith.

Costs and other orders

13. The Receivers' interlocutory process filed on 15 September 2025 is otherwise adjourned to 10.00 am (ACDT) on 3 October 2025.
14. Costs are reserved.
15. There is liberty to apply.

Date orders authenticated: 23 September 2025

Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.

Schedule

No: QUD532/2024

Federal Court of Australia

District Registry: Queensland Registry

Division: General

Plaintiff	AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Interested Person	ANDREW PETER FIELDING AND HELEN NEWMAN AS JOINT AND SEVERAL RECEIVERS AND MANAGERS OF THE FIRST TO FIFTEENTH DEFENDANTS
Second Defendant	ALAMMC DEVELOPMENTS 2 PTY LTD
Third Defendant	ALAMMC DEVELOPMENTS 3 PTY LTD
Fourth Defendant	ALAMMC DEVELOPMENTS 4 PTY LTD
Fifth Defendant	ALAMMC DEVELOPMENTS 5 PTY LTD
Sixth Defendant	ALAMMC DEVELOPMENTS 6 PTY LTD
Seventh Defendant	ALAMMC DEVELOPMENTS 7 PTY LTD
Eighth Defendant	HARVEY MADISON CAPITAL PTY LTD
Ninth Defendant	SDAMF 2 PTY LTD
Tenth Defendant	SDAMF 3 PTY LTD
Eleventh Defendant	SDAMF 4 PTY LTD
Twelfth Defendant	CORAL COAST MUTUAL PTY LTD
Thirteenth Defendant	MORTGAGE MUTUAL FUND PTY LTD
Fourteenth Defendant	DAVID GEORGE MCWILLIAMS
Fifteenth Defendant	LAURA MARY FULLARTON
Sixteenth Defendant	ALAMMC DEVELOPMENTS 8 PTY LTD (ACN 674 996 760)
Sixteenth Defendant	ALAMMC DEVELOPMENTS 8 PTY LTD (ACN 674 996 760)

Seventeenth Defendant	ISLAND RESORT QLD PTY LTD ACN 656 995 443
Eighteenth Defendant	ADAPTED LIVING CORP PTY LTD ACN 665 826 326