



Federal Court of Australia
District Registry: Queensland
Division: General

No: QUD457/2022

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Plaintiff

BRYN ELWYN JONES
Defendant

ORDER

JUDGE: JUSTICE DOWNES

DATE OF ORDER: 20 December 2022

WHERE MADE: Brisbane

PENAL NOTICE

TO: BRYN ELWYN JONES

IF YOU (BEING THE PERSONS BOUND BY THIS ORDER):

- (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 NOT TO DO,**

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.

In these Orders, **Property** means the Defendant's 50% interest as a tenant in common in the property at 69 Estelle Road, Currumbin Valley, Queensland.

THE COURT ORDERS, BY CONSENT, THAT:

Asset preservation orders

1. Subject to order 2 below, until 5pm on 31 May 2023 or earlier order, the Defendant be restrained from:



- 1.1 selling, charging, mortgaging or otherwise dealing with, disposing of and/or diminishing the value of the Property of the Defendant, including by redrawing any funds available through a mortgage redraw facility;
 - 1.2 causing or permitting to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, the Property of the Defendant, including by redrawing any funds available through a mortgage redraw facility.
2. Order 1 above, shall not prevent:
- 2.1 the sale of the Property to an arm's length purchaser for fair value if, and only if:
 - 2.1.1 ASIC is served with a copy of the contract for sale for the Property within 24 hours of execution;
 - 2.1.2 ASIC is notified in writing no less than 7 days before the date of settlement; and
 - 2.1.3 the proceeds of the sale of the Property:
 - 2.1.3.1 to be used to repay any mortgage over the Property which is registered on or before the date of the Originating Process; and
 - 2.1.3.2 any residual to be paid into the Court;
 - 2.2 the Defendant from paying or otherwise incurring a liability for costs reasonably incurred in this proceeding, and any civil or criminal proceedings arising from the Plaintiff's investigation into the conduct of the Defendant and the affairs of the entities of which the Defendant was a director; and
 - 2.3 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 by the Defendant prior to the date of the order as made.



Provision of Information

3. Except to the extent that a claim of privilege against self-incrimination or civil penalty privilege is made, the Defendant must deliver or cause to be delivered to the Plaintiff, by 10 March 2023, a full and detailed affidavit sworn by him setting out:
 - 3.1 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 Defendant, together: with the number of such account, the name of such account and the balance of that account;
 - 3.2 the name and address of any person or persons indebted to the Defendant and the amount of the indebtedness;
 - 3.3 an itemised inventory of the Defendant's assets and liabilities;
 - 3.4 an itemised inventory of any and all property (as defined in the Corporations Act) whether real or personal owned or controlled by the Defendant or in which the Defendant has any legal or beneficial interest;
 - 3.5 in respect of any of the property (as defined in the Corporations Act) of the Defendant which has been given as security for any debt, the details of that property and the nature of the security and the debt so incurred;
 - 3.6 the sources and amount of any income, wages, earnings or other payments:
 - 3.6.1 received by the Defendant in the 18 months preceding the date on which this order is made; and
 - 3.6.2 expected to be received by the Defendant in the 12 months following the date on which this order is made.
4. In the event that the Defendant wishes to object that compliance with the order in order 3 above may tend to incriminate him or make him liable to a civil penalty, the Defendant must, in accordance with section 128A of the *Evidence Act 1995* (Cth):



- 4.1 file and serve on the Plaintiff an affidavit disclosing so much of the information required to be disclosed by the order in order 3 to which no objection is taken;
- 4.2 prepare an affidavit containing so much of the information required to be disclosed by the order in order 3 to which objection is taken and deliver it to the Court in a sealed envelope; and
- 4.3 file and serve on the Plaintiff a separate affidavit setting out the basis of the objection.

Notification Orders

5. To the extent necessary, the Plaintiff has leave to give to:
 - 5.1 the relevant authorities that record, control and regulate the ownership of real property;
 - 5.2 any bank, building society, or other financial institution through which, to the best of the Plaintiff's belief, Property belongs to the Defendant; and
 - 5.3 any other person or entity, holding or controlling Property, which, to the best of the Plaintiff's belief, belongs to the Defendant;

notice of the making of any of the foregoing orders by giving a copy of the minute of the orders to a person apparently in the employ of any such entity or person.

Other orders

6. The matter be stood over to 10am on a date no later than 31 May 2023 to be advised administratively (**adjourned hearing date**).
7. If the Plaintiff intends to seek a continuation of these orders, it must notify the Defendant by no later than 28 days before the adjourned hearing date.



8. If continuation of the orders is opposed by the Defendant, the Defendant shall file and serve any affidavit material and any written submissions by no later than 7 days before the adjourned hearing date.
9. Costs are reserved.
10. There is liberty to any party to apply to the Commercial and Corporations Duty Judge or General Duty Judge on reasonable notice.

THE COURT ORDERS THAT:

11. Refer the whole of the proceeding to the National Operations Registrar for allocation to a docket judge.

Date that entry is stamped: 20 December 2022

Sia Lagos
Registrar