



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID536/2024

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**

Plaintiff

**KEYSTONE ASSET MANAGEMENT LTD ACN 612 443 008** and another named in the  
schedule

Defendant

**ORDER**

**JUDGE:** JUSTICE O'CALLAGHAN

**DATE OF ORDER:** 18 June 2024

**WHERE MADE:** Melbourne

**PENAL NOTICE**

**TO: KEYSTONE ASSET MANAGEMENT LTD ACN 612 443 008 AND PAUL ANTHONY CHIDO**

**IF YOU (BEING THE PERSON 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.**



**THE COURT ORDERS THAT:**

**Ex parte/short service orders**

1. Upon the Plaintiff's undertaking to pay the usual filing fees, the Plaintiff has leave to file in Court the Originating Process and the supporting affidavit of Andrea Jane Perrywood, with Exhibit, affirmed on 17 June 2024 (**Perrywood Affidavit**).
2. Service of the Originating Process and the Perrywood Affidavit is dispensed with for the purpose of today's hearing.
3. The prayers for interim relief contained in paragraphs 1 to 20 and 31 to 32 of the Originating Process are made returnable *instanter*.
4. The time for service on the Defendants of the documents referred to in paragraph 5(b) of these orders be abridged to 4:00 pm AEST on 19 June 2024 (or as soon as possible thereafter, in the case of the transcript) (**Service Time**).
5. Pursuant to rule 10.24 of the *Federal Court Rules 2011* (Cth):
  - a. personal service on the Second Defendant of the Originating Process and the Perrywood Affidavit is dispensed with; and
  - b. the Originating Process, the Perrywood Affidavit (and its Exhibit) and a copy of these orders (the **Initiating Documents**) and ASIC's written submissions dated 17 June 2024 and, when it is available, the transcript of today's hearing will be taken to have been served on the Second Defendant by the following steps occurring on or before the Service Time:
    - i. sending a copy of them, via a hyperlink from which a copy of the documents can be downloaded, by email to King & Wood Mallesons [samantha.kinsey@au.kwm.com](mailto:samantha.kinsey@au.kwm.com)
    - ii. sending a copy of them, via a hyperlink from which a copy of the documents can be downloaded, by email to the Second Defendant [paul@chiodocorp.com.au](mailto:paul@chiodocorp.com.au);



- iii. serving a copy of them saved on a USB on any person apparently over the age of sixteen years at Unit 17C, 29 Queens Road, Melbourne, Victoria 3004, or if it is not possible to leave the USB with a person apparently over the age of sixteen years, then by leaving the documents together with an envelope marked to the attention of the Second Defendant at the address.
6. Until such time as the Second Defendant files and serves a notice of address for service or further order, service by the Plaintiff on the Second Defendant of any further documents in this proceeding may be effected by the Plaintiff sending the documents in accordance with paragraph 5 above.
  7. Subject to any other order, the further hearing of the proceeding be adjourned to 10.15 am AEST on 25 June 2024 before O'Callaghan J.

#### **Interim asset preservation orders**

8. The orders referred to in paragraphs 9 to 15 below have effect until further order.
9. Pursuant to sections 1323(1)(h) and 1323(3) of the *Corporations Act* and section 23 of the *Federal Court of Australia Act*, the First Defendant, by itself, its agents or employees, including the Second Defendant, is restrained from:
  - a. removing, or causing or permitting to be removed from Australia all real or personal property, assets or interests in property of any kind, within or outside Australia, comprising, further to 1323(2A) of the *Corporations Act*, the Shield Master Fund (ARSN 650 112 057), the Advantage Diversified Property Fund and the Quantum PE Fund (the **Property**);
  - b. selling, charging, mortgaging, encumbering 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, encumbered 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 and elsewhere), in which the First Defendant has any legal or equitable interest.

10. The orders in the preceding paragraph do not prevent:

- a. the First Defendant from paying or otherwise incurring a liability for legal costs reasonably incurred in these proceedings and any criminal proceedings arising from the Plaintiff's investigation into the affairs of the First Defendant;
- b. 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 the First Defendant prior to the date of these orders.

#### **Interim travel restraint orders**

11. Pursuant to sections 1323(1)(k) and 1323(3) of the *Corporations Act*, until further order, the Second Defendant is prohibited from leaving or attempting to leave Australia without the consent of the Court.

12. Pursuant to sections 1323(1)(j) and 1323(3) of the *Corporations Act*, the Second Defendant must deliver up forthwith to the Melbourne Registry of this Court :

- a. all passports, visas and other documents permitting international travel in his name which are in his possession, custody or control;
- b. any tickets, reservations and itineraries or other documents in his name concerning any international travel arrangements made for, or falling within, the 12-month period commencing from the date of this order; and
- c. a copy of any application in his name for a passport, replacement passport, visa or other document permitting international travel made to the authorities of any country in his possession, custody or control or coming into this possession, custody or control on or after the date of this application.

13. The documents delivered up to the Melbourne Registry pursuant to order 12 above shall be held by the Melbourne Registry pending the determination of this application or until further order.



14. Pursuant to sections 1323(1)(j) and 1323(3) of the Corporations Act and section 23 of the *Federal Court of Australia Act*, until further order, the Second Defendant is restrained from applying for the issue of any passport, visa or other document permitting international travel.
15. Pursuant to sections 1323(1)(j) and 1323(3) of the *Corporations Act* and section 23 of the *Federal Court of Australia Act*, in the event that the Second Defendant cannot locate any current passport, visa or other document permitting international travel, within 2 days of the service of the order upon him, he shall:
  - a. give notification to the Australian Passport Office, or other relevant authorities responsible for the issue and control of Australian passports or travel documents, or, in the case of a foreign passport, visa or travel document, the relevant authority responsible for the issue and control of such passports, visas or travel documents, confirming that he has lost his passport, visa or travel document; and
  - b. file and serve an affidavit stating that fact and exhibiting a copy of the notification sent.

#### **Notice of orders to third parties**

16. To the extent necessary, the Plaintiff has leave to give to:
  - a. the relevant authorities (domestic and overseas) that record, control and/or regulate the ownership of real property;
  - b. the relevant authorities and entities (domestic and overseas) that record, control and/or regulate the ownership of securities;
  - c. any bank, building society or other financial institution (domestic and overseas) with which, to the best of the Plaintiff's knowledge and belief, the First Defendant operates any account;
  - d. the relevant authorities that issue and control the use of passports and international travel documents;
  - e. the Australian Border Force;



- f. 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 First Defendant or is part of the Property;
- g. Macquarie Investment Management Ltd (ACN 002 867 003; AFSL 237492); and
- h. Equity Trustees Superannuation Limited (ACN 055 641 757; AFSL 229757), notice of the making of the foregoing interim or final 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.

### **General**

17. There is liberty to any party to apply to O'Callaghan J.

Date that entry is stamped: 18 June 2024

*Sia Lagos*  
Registrar



**Schedule**

No: VID536/2024

Federal Court of Australia  
District Registry: Victoria  
Division: General

Second Defendant      PAUL ANTHONY CHIODO