



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD532/2024

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION** and another named in the schedule  
Plaintiff

**ALAMMC DEVELOPMENTS PTY LTD** and others named in the schedule  
Defendant

### **ORDER**

**JUDGE:** Justice O'Sullivan

**DATE OF ORDER:** 1 November 2024

**WHERE MADE:** Brisbane

#### **PENAL NOTICE**

**TO:**

**ALAMMC DEVELOPMENTS PTY LTD ACN 655 336 888**  
**ALAMMC DEVELOPMENTS 2 PTY LTD ACN 657 027 579**  
**ALAMMC DEVELOPMENTS 3 PTY LTD ACN 657 027 828**  
**ALAMMC DEVELOPMENTS 4 PTY LTD ACN 658 141 005**  
**ALAMMC DEVELOPMENTS 5 PTY LTD ACN 658 141 130**  
**ALAMMC DEVELOPMENTS 6 PTY LTD ACN 658 142 575**  
**ALAMMC DEVELOPMENTS 7 PTY LTD ACN 658 142 619**  
**HARVEY MADISON CAPITAL PTY LTD ACN 631 405 386**  
**SDAMF 2 PTY LTD ACN 650 699 737**  
**SDAMF 3 PTY LTD ACN 653 109 605**  
**SDAMF 4 PTY LTD ACN 655 248 392**  
**CORAL COAST MUTUAL PTY LTD ACN 655 338 471**  
**MORTGAGE MUTUAL FUND PTY LTD ACN 620 717 099**  
**DAVID GEORGE MCWILLIAMS**  
**LAURA MARY FULLARTON**

**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 NOTES:**

“**Books**” includes a register, any other record of information, financial reports or financial records however compiled or recorded or stored, a document, papers, records, books of account, ledgers, journals, banking records, computer records, or other documents of any type whatsoever recording or evidencing any dealings of any of the Defendants in relation to the Business.

“**Business**” means all activities and arrangements whereby the Defendants, whether by themselves or any of them, or by their servants, agents or employees, elicited or obtained funds from investors for the ostensible purpose of providing to investors, or arranging for investors to acquire, an interest in a financial product (including, but not limited, to a convertible note) and/or one or more of the Defendants otherwise dealing with such funds for the purpose of providing a return to investors on the funds invested.

“**Corporations Act**” means the *Corporations Act 2001* (Cth).

“**Dealing**” includes:

- (a) removing, causing, procuring, assisting or permitting any Property in the possession or under the control of the First to the Thirteenth Defendants to be removed from Australia or from the jurisdiction of this Court; and/or
- (b) selling, charging, mortgaging, encumbering, securing, diminishing, disposing of, parting with possession, making any declaration of trust in relation to, exercising any power to vary or modify any trust deed or any interest under any trust in relation to, the First to the Thirteenth Defendants’ Property or the Specific Property.

“**Digital Assets**” means any legal or equitable estate or interest (whether present or future, and whether vested or contingent) in personal property in the form of a digital currency, virtual currency, cryptocurrency or similar.

“**Interested Party**” means, with respect to each of the Mackay, North Coogee, and Midland Properties:

- (a) the defendants;
- (b) any privately appointed controllers or receivers appointed to the defendants; and
- (c) any creditor of the defendants holding a registered security interest over the Specific Property.

“**Investor Funds**” means monies provided to the Defendants or any of them, whether directly, or through any of the other Defendants, or any of the Defendants’ authorised agents, servants and/or representatives, for the actual or ostensible purpose of providing to investors, or arranging for investors to acquire, an interest in a financial product (including, but not



limited to, a convertible note) and/or one or more of the Defendants otherwise dealing with such funds for the purpose of providing a return to investors on the funds invested.

“**Property**” means property as defined under section 9 of the Corporations Act, including, by virtue of subsection 1323(2A) of the *Corporations Act*, any property held otherwise than as sole beneficial owner and, for the avoidance of doubt, includes any Digital Assets, whether within or without the State of Queensland, excluding the Specific Property.

“**Specific Property**” means the following real property and associated property developments:

- (a) the property located at 5 Griffin Street – 5 Howard Street, Mackay, Queensland, with title reference 20253008 (the “**Mackay Property**”);
- (b) the property located at 23 O’Connor Close, North Coogee, Western Australia, with certificate of title 2125/989 (the “**North Coogee Property**”); and
- (c) the property located at 29 Victoria Street, Midland, Western Australia, with certificate of title 987/76 (the “**Midland Property**”).

## THE COURT ORDERS THAT:

### Receiver Orders

#### *General*

1. Pursuant to s 1323(1)(h) of the *Corporations Act*, effective on and from 1 November 2024 until further order, Andrew Fielding and Helen Newman of BDO, Level 10, 12 Creek Street, Brisbane QLD 4000 are appointed as joint and several receivers (**Receivers**), without security, of the Property of the First to the Thirteenth Defendants, to:
  - a. identify, collect, and secure the Property of the First to the Thirteenth Defendants;
  - b. ascertain the amount of the Investor Funds received by the First to the Thirteenth Defendants;
  - c. identify any dealings with, payments of, distributions of, or uses made of, the Investor Funds by the First to the Thirteenth Defendants;
  - d. identify any Property purchased or acquired with Investor Funds; and
  - e. provide a report to the Court within 28 days in relation to the matters referred to in subparagraphs 1.a to 1.d of this Order.
2. The Receivers appointed under paragraph 1 of this Order have the powers:
  - a. set out in subsections 420(2)(a), (b), (e), (f), (g), (k), (n), (o), (p), (q), (r), (t) and (u) of the Corporations Act in respect of the Property; and
  - b. to apply to the Court for directions or further orders.

#### *Specific Property*

3. Pursuant to section 1323(1)(h) of the Corporations Act, effective on and from 1 November 2024 until further order, Andrew Fielding and Helen Newman of BDO, Level 10, 12 Creek Street, Brisbane QLD 4000 are appointed as joint and several



receivers (Receivers), without security, of the Specific Property of the First to the Thirteenth Defendants, to:

- a. identify, collect, and secure the Specific Property;
  - b. ascertain the amount of the Investor Funds received by the First to the Thirteenth Defendants in connection with the Specific Property;
  - c. identify any dealings with, payments of, distributions of, or uses made of, the Investor Funds by the First to the Thirteenth Defendants in connection with the Specific Property;
  - d. identify any Property purchased or acquired with Investor Funds in connection with the Specific Property; and
  - e. provide a report to the Court within 28 days in relation to the matters referred to in subparagraphs 3(a) to 3(d) of this Order.
4. The Receivers appointed under paragraph 3 of this Order have the powers:
- a. set out in subsections 420(2)(a), (e), (f), (k), (n), (o), (p), (q), (r), (t) and (u) of the Corporations Act in respect of the Specific Property; and
  - b. to apply to the Court for directions or further orders, including whether the Receivers be given the powers in subsections 420(2)(b) and (g) of the Corporations Act in respect of the Specific Property.
5. Before taking possession of, or realising any of, the Specific Property, the Receivers shall:
- a. give notice to any Interested Party of their intention to do so and inform those parties in writing that they should:
    - i. advise the Receivers within 14 business days if they object to the Receivers taking possession of, or selling, any of the Specific Property and specify the basis of their objection; and
    - ii. provide documentary evidence in support of their objection; and
  - b. in the event of an objection being given pursuant to subparagraph (a) above, seek directions from the Court in relation to their intention to take possession of, or realise, the Specific Property.
6. The First to the Thirteenth Defendants shall immediately deliver up to the Receivers all the books, records and other papers (including, but not limited to, all files, computer records and data) in their possession, custody or control which relate to the Business or to the Property or Specific Property of the First to the Thirteenth Defendants.
7. The Plaintiff shall provide the Receivers with copies of such books, records and things concerning the Business or the Property or Specific Property of the First to the Thirteenth Defendants which have been obtained by the Plaintiff under Part 3, Division 3 and/or Division 3A of the Australian Securities and Investments Commission Act 2001 (Cth) that the Receivers may reasonably request in writing.
8. The Plaintiff shall, upon the request of the Receivers, deliver up to the Receivers copies of the documents filed in this proceeding.



9. The Receivers' reasonable costs and expenses be payable from the Property and the Specific Property of the First to the Thirteenth Defendants.

#### **Asset Preservation Orders**

10. The date in Orders 4 and 5 of the Orders made by Yates J on 11 September 2024 (as varied by Stewart J on 16 September 2024) be extended until further order.
11. Order 5 of the Orders made by Yates J on 11 September 2024 be varied to include additional subparagraphs as follows:
  - “(d) any activity conducted by Manuel Hanna and Anthony Robert Cant in their capacity as joint and several receivers and managers of ALAMMC Developments 2 Pty Ltd in respect of the development of the property described as Lot 118 Plan 22417, being the whole of the land comprised in Certificate of Title Volume 2125 Folio 989 (i.e. the North Coogee Property);*
  - (e) any activity conducted by Manuel Hanna in his capacity as receiver and manager of Mortgage Mutual Fund Pty Ltd in respect of the development of the property described as Lots 1 and 2 on RP 706850 and 702029, being the whole of the land comprised in Title Reference 20253008 (i.e. the Mackay Property); and*
  - (f) any activity conducted by Balanced Securities Ltd in its capacity as controller of the property of ALAMMC Developments Pty Ltd comprising the North Coogee Property.”*

#### **Reasonable legal expenses**

12. The restraints referred to in Orders 4 and 5 of the Orders made by Yates J on 11 September 2024 (as varied by Order 3 of the Orders made by Stewart J on 16 September 2024) and Orders 10 and 11 of these Orders do not prevent the Defendants from paying, including paying monies into trust, or otherwise incurring a legal liability reasonably incurred in these proceedings and any criminal proceedings arising from the Plaintiff's investigations into the affairs of the Defendants, including the reasonable costs of obtaining legal advice in relation to the subject matter of the Plaintiff's investigations, as consented to in writing by the Receivers appointed pursuant to Orders 1 and 3 of these Orders, and Order 1 of the Orders made on 22 October 2024.
13. The consent of the Receivers referred to in Order 12 is not to be unreasonably withheld with the communication of such consent or otherwise to be made by the Receivers within 7 calendar days of a written request being made.
14. The plaintiff is directed to serve a copy of these orders on the privately appointed receivers and managers, and private controller, appointed to the property of the first defendant, the second defendant, and the thirteenth defendant on 4, 2 and 21 October respectively.

#### **Receivership protocol**

15. Within 14 days of the date of this Order, the Receivers are to file and serve an affidavit annexing an agreed protocol for the efficient conduct of the Court appointed receiverships and private receiverships.



### **Travel Restraint Orders**

16. The date in Orders 8, 10 and 11 of the Orders made by Yates J on 11 September 2024 (as varied by Stewart J on 16 September 2024) be extended until 5:00pm AEDT on 1 November 2025.

### **General Orders**

17. Costs are reserved.
18. The parties have liberty to apply to the Commercial and Corporations List Judge on three days' notice.

Date orders authenticated: 1 November 2024

  
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
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