

NOTICE OF FILING

Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 18/12/2024 9:12:58 AM AEDT
Date Accepted for Filing: 18/12/2024 10:51:31 AM AEDT
File Number: VID1381/2024
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v
OZTURES TRADING PTY LTD TRADING AS BINANCE AUSTRALIA
DERIVATIVES (ACN 142 898 324)
Registry: VICTORIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Registrar

Important Information

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 date of the filing of the document is determined pursuant to the Court's Rules.



No.

**Federal Court of Australia
District Registry: Victoria
Division: General**

Australian Securities and Investments Commission
Plaintiff

and

Oztures Trading Pty Ltd trading as Binance Australia Derivatives (ACN 142 898 324)
Defendant

STATEMENT OF CLAIM

A. Introduction

Note: During the period 7 July 2022 to 21 April 2023, the Defendant offered the Oztures Products to its Clients (see paragraph 9 below).

In the period 8 July 2022 to 21 April 2023, the Defendant issued one or more of the Oztures Products to a number of its Retail Clients (see paragraph 27 below).

1. The Plaintiff is a body corporate:
 - (a) established by s 7 of the *Australian Securities Commission Act 1989* (Cth);
 - (b) continued by s 261 of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**); and
 - (c) able to sue in its corporate name by reason of s 8(d) of the ASIC Act.
2. The Defendant is and was at all material times:
 - (a) a corporation duly incorporated; and
 - (b) liable to be sued in its corporate name.
3. Investbybit Pty Ltd trading as Binance Australia (ACN 621 652 579) (**IBB**) is and was at all material times:

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, Plaintiff
Prepared by (name of person/lawyer)	Fred Prickett / JK Muckersie
Law firm (if applicable)	Clayton Utz

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(include state and postcode)

- (a) a corporation duly incorporated;
 - (b) (being 23 April 2018 to ongoing) registered with AUSTRAC to operate a digital currency exchange;
 - (c) (being 29 June 2022 to 6 April 2023) a corporate authorised representative of the Defendant;
 - (d) party to an agreement with the Defendant by which it provided to the Defendant the following services:
 - (i) collection and verification of “Know Your Customer” and “Know Your Business” documentation for the purposes of conducting “Know Your Customer” checks and conducting enhanced client due diligence for anti-money laundering and counter-terrorism financing purposes;
 - (ii) fraud (payment service provider) alerts;
 - (iii) addressing fraud enquiries; and
 - (iv) facilitating account withdrawals by clients.
4. Binance Capital Management Co. Ltd was, at least in the period of 30 June 2022 to 8 September 2022:
- (a) the parent company of the Defendant; and
 - (b) a company based in the British Virgin Islands.
5. Binance Holdings (AP) Limited is and was, at least in the period of 8 September 2022 to 21 April 2023:
- (a) the parent company of the Defendant; and
 - (b) a company based in Ireland.

B. Facts

6. At all material times (being, relevantly, the period 7 July 2022 to 6 April 2023), the Defendant was the holder of an Australian Financial Services Licence numbered 425165.
7. At all material times (being, relevantly, the period 7 July 2022 to 6 April 2023, or, in respect of a person who was a client of the Defendant prior to 6 April 2023, 13 April 2023), the Defendant’s Australian Financial Services Licence numbered 425165

permitted the Defendant to deal in a financial product by issuing, applying for, acquiring, varying or disposing of a financial product in respect of the class of financial products, being derivatives.

8. At all material times (being, relevantly, the period 7 July 2022 to 6 April 2023, or, in respect of a person who was a client of the Defendant prior to 6 April 2023, 13 April 2023), condition 3 of the Defendant's Australian Financial Services Licence numbered 425165 provided:

The licensee must establish and maintain compliance measures that ensure, as far as is reasonably practicable, that the licensee complies with the provisions of the financial services laws.

9. During the period 7 July 2022 to 21 April 2023 (the **Offer Period**) the Defendant offered the following products to its clients:

- (a) Futures-UM or USD-M Futures: perpetual or delivery contracts for difference that are quoted, collateralised and settled in USDT (Tether - an Ethereum United States Dollar backed stablecoin) or BUSD (Binance United States Dollar backed stablecoin);
- (b) Futures-CM or Coin-M Futures: perpetual or delivery contracts for difference that are quoted, collateralised and settled in cryptocurrency other than stablecoins, including (but not limited to) Bitcoin, Ethereum and BNB; and
- (c) Options: cryptocurrency options contracts that are quoted and settled in USDT.

(each, an **Oztures Product** and, together, the **Oztures Products**).

Particulars

Binance Futures Service Agreement dated 9 September 2019 (OTT.1022.0001.0007).

Binance Options Service Agreement dated 26 August 2022 (OTT.1022.0001.0121).

Binance Futures Services Agreement dated 26 September 2022 (OTT.1022.0001.0046).

Binance Futures Services Agreement dated 25 November 2022 (OTT.1022.0001.0009)

Binance Options Service Agreement dated 2 December 2022 (OTT.1022.0001.0130).

Wholesale Client Information Statement dated 7 December 2022 (OZT.0003.0005.0029).

Wholesale Client Terms of Business dated 7 December 2022 (OZT.0003.0005.0008).

10. To acquire the Oztures Products, a prospective client was required to:
- (a) open an account with IBB, into which the prospective client could deposit Australian Dollars;
 - (b) undertake an assessment (the **Wholesale Assessment**) as to whether financial products were to be provided to the prospective client as a “retail client” or a “wholesale client” or a “sophisticated investor”, pursuant to ss 761G and 761GA of the *Corporations Act 2001* (Cth) (the **Act**);
 - (c) then be assessed, pursuant to the Wholesale Assessment, to be a “wholesale client” or “sophisticated investor”; and
 - (d) open a “derivatives trading account” with the Defendant.
11. Many of the Wholesale Assessments were completed by the Defendant:
- (a) in less than 5 minutes;
or on other occasions,
 - (b) in less than 10 minutes.

Particulars

The Wholesale Assessments of the Retail Clients listed in the Annexure, List of Retail Clients rows 2, 102, 114, 129 169, 171, 192, 230, 282, 307, 318, 321, 330, 416, 478 and 492 were completed in five minutes or less.

The Wholesale Assessments of the Retail Clients listed in the Annexure, List of Retail Clients rows 34, 108, 167, 185, 224, 247, 448, 480 were completed in 10 minutes or less.

12. During the Offer Period, a total of 611 persons held or opened an account with the Defendant (the **Clients**).
13. During the Offer Period, approximately 505 of the 611 Clients who were permitted to open an account with the Defendant were not exempt from acquiring financial products as a “retail client” pursuant to s 761G(1) of the Act (the **Retail Clients**).

Particulars

The Annexure, List of Retail Clients is a list of those Clients who were Retail Clients.

14. None of the Retail Clients was a related body corporate of a wholesale client as specified in s 761G(4A) of the Act per s 7.6.02AD of the *Corporations Regulations 2001* (Cth) (the **Regulations**) (**Related Body Corporate Test**).
15. None of the Retail Clients acquired financial products for use in connection with a business that is not a small business as specified in s 761G(7)(b) and (12) of the Act (**Large Business Test**).
16. None of the Retail Clients had provided the Defendant, before the provision of any financial product or service, a copy of a certificate given within the preceding 6 months by a qualified accountant that stated that the person had net assets of \$2.5 million or gross income for each of the last 2 financial years of at least \$250,000 as specified in s 761G(7)(c) of the Act (**Individual Wealth Test**).
17. None of the Retail Clients was:
 - (a) a financial services licensee within the meaning of s 9 of the Act;
 - (b) a body regulated by the Australian Prudential Regulation Authority;
 - (c) a registered entity within the meaning of the *Financial Sector (Collection of Data) Act 2001* (Cth);
 - (d) the trustee of a superannuation fund, approved deposit fund, pooled superannuation trust or public sector superannuation scheme within the meaning of the *Superannuation Industry (Supervision) Act 1993* (Cth) with net assets of at least \$10 million;
 - (e) a person who controlled at least \$10 million;
 - (f) a listed entity or related body corporate of a listed entity within the meaning of s 9 of the Act;
 - (g) an exempt public authority within the meaning of s 9 of the Act;
 - (h) a body corporate or unincorporated body within the meaning of s 9 of the Act that carried on a business of investment in financial products, interests in land or other investments and for those purposes invested funds received following an offer or invitation to the public for those purposes; or

- (i) a foreign entity within the meaning of s 9 of the Act that, if established or incorporated in Australia, would be covered by one of the preceding subparagraphs;

as specified in ss 761G(7)(d) and 9 of the Act (**Professional Investor Test**).

18. None of the Retail Clients had demonstrated to the Defendant that there were reasonable grounds for the Defendant to be satisfied that the Retail Client had previous experience in using financial services and investing in financial products that allowed the Retail Client to assess:

- (a) the merits of the product or service;
- (b) the value of the product or service;
- (c) the risks associated with holding the product;
- (d) the client's own information needs; and
- (e) the adequacy of the information given by the licensee and the product issuer;

as specified in s 761GA of the Act (**Sophisticated Investor Test**).

19. Of the Retail Clients:

- (a) 460, or alternatively nearly 460, were incorrectly classified as meeting the Sophisticated Investor Test;
- (b) 13, or alternatively nearly 13, were incorrectly classified as meeting the Individual Wealth Test;
- (c) 27, or alternatively nearly 27, were incorrectly classified as meeting the Professional Investor Test;
- (d) 4, or alternatively nearly 4, were incorrectly classified as meeting the Related Body Corporate Test; and
- (e) 1 was incorrectly classified as meeting the Large Business Test.

Particulars

The Retail Clients are set out in the Annexure.

In respect of sub-paragraph (a), Annexure, List of Retail Clients rows [1] to [460].

In respect of sub-paragraph (b), Annexure, List of Retail Clients rows [461] to [473].

In respect of sub-paragraph (c), Annexure, List of Retail Clients rows [474] to [500].

In respect of sub-paragraph (d), Annexure, List of Retail Clients rows [501] to [504].

In respect of sub-paragraph (e), Annexure, List of Retail Clients row [505].

20. The Retail Clients referred to at sub-paragraph 19(a) above were able to open an account with the Defendant due to the Defendant assessing that the prospective client met the Sophisticated Investor Test as part of the Wholesale Assessment despite the Defendant not giving the prospective client a written statement of the Defendant's reasons for being satisfied as to the matters in s 761GA(e) of the Act.
- 20A. Some of the Retail Clients referred to at sub-paragraph 19(a) above were able to open an account with the Defendant due to the Defendant assessing that the prospective client met the Sophisticated Investor Test as part of the Wholesale Assessment despite one or more of the following:
- (a) the prospective client undertaking a "Sophisticated Investors Knowledge Test" that did not adequately test whether the prospective client had previous experience in financial services and investing sufficient to assess the matters in s 761GA of the Act;

Particulars

The "Sophisticated Investors Knowledge Test" conducted by the Defendant was a multiple choice test with 10 questions. Prospective clients were permitted to attempt the "Sophisticated Investors Knowledge Test" an unlimited number of times and the same question were asked on each attempt.

- (b) the prospective client not having provided any evidence of trading experience;
 - (c) the prospective client not having provided adequate evidence of trading experience; or
 - (d) the prospective client providing, as the prospective client's employer in the "Sophisticated Investor Certification" form, a business or company which did not appear to be connected to derivatives trading.
21. The Retail Clients referred to at sub-paragraph 19(b) above were able to open an account with the Defendant due to the Defendant assessing that the prospective client

met the Individual Wealth Test as part of the Wholesale Assessment despite the prospective client not having provided a certificate given within the preceding 6 months by a qualified accountant that stated that the prospective client had net assets of \$2.5 million or gross income for each of the last 2 financial years of at least \$250,000.

22. The Retail Clients referred to at sub-paragraph 19(c) were able to open an account with the Defendant due to the Defendant assessing that the prospective client met the Professional Investor Test as part of the Wholesale Assessment despite one or more of the following:
 - (a) the prospective client not having provided any evidence of meeting the Professional Investor Test;
 - (b) the prospective client not having provided adequate evidence of meeting the Professional Investor Test; or
 - (c) the prospective client not being a public authority or instrument or agency of the Crown in right of the Commonwealth, a State, or a Territory when the prospective client had certified that they met the Prospective Investor Test on the basis of being an “exempt public authority”.

23. The Retail Clients referred to at sub-paragraph 19(d) were able to open an account with the Defendant due to the Defendant assessing that the prospective client met the Related Body Corporate Test as part of the Wholesale Assessment despite one or more of the following:
 - (a) the prospective client not having provided any evidence of meeting the Related Body Corporate Test; or
 - (b) the prospective client not having provided adequate evidence of meeting the Related Body Corporate Test.

24. The Retail Client referred to at sub-paragraph 19(e) was able to open an account with the Defendant due to the Defendant assessing that the prospective client met the Large Business Test as part of the Wholesale Assessment despite one or more of the following:
 - (a) the prospective client not having provided any evidence of meeting the Large Business Test; or
 - (b) the prospective client not having provided adequate evidence of meeting the Large Business Test.

25. Permitting the Retail Clients, and each of them, to open an account with the Defendant meant that each Retail Client was:
- (a) not afforded the consumer protections required by the Act to be afforded to a person not exempt from acquiring financial products as a “retail client” pursuant to s 761G(1) of the Act; and
 - (b) by being permitted to acquire the Oztures Products without those consumer protections, exposed to risk of financial loss.

Particulars

In respect of subparagraph (a) above, the consumer protections not afforded to the Retail Clients were as follows, the Defendant did not:

- (i) provide a Product Disclosure Statement to each of the Retail Clients at the time it offered or issued an Oztures Product to the Retail Client;
 - (ii) make a Target Market Determination in respect of each of the Oztures Products prior to the issue of that Oztures Product to any of the Retail Clients; and
 - (iii) have an internal dispute resolution system that complied with the applicable standards required when providing financial services to “retail clients”.
26. During the Offer Period, the Defendant did not provide a Product Disclosure Statement to any of the Retail Clients to whom it offered the Oztures Products at the time it offered the Oztures Products to the Retail Client.
27. In the period 8 July 2022 to 21 April 2023 (the **Issue Period**), the Defendant issued one or more of the Oztures Products to a number of the Retail Clients.

Particulars

The Retail Clients to whom one or more of the Oztures Products were issued to are listed in the Annexure, list of Retail Clients rows [1]-[390], [461]-[473], [474]-[494] and [501].

28. During the Issue Period, there were reasonable grounds for the Defendant to believe that any of the Retail Clients to whom one or more of the Oztures Products were issued had not previously been provided a Product Disclosure Statement for the relevant Oztures Product.
29. In the Issue Period, the Defendant did not provide a Product Disclosure Statement to any of the Retail Clients to whom it issued one or more of the Oztures Products prior to the issue of the Oztures Product to the Retail Client.

30. In the Issue Period, the Defendant did not make a Target Market Determination for any of the Oztures Products prior to the issue of that Oztures Product to any of the Retail Clients.
31. During the Issue Period, the Defendant's internal dispute resolution procedure was contained in the policy entitled "Complaints Handling Policy".
32. During the Issue Period, the Defendant's "Complaints Handling Policy":
 - (a) did not adopt the definition of "complaint" set out in AS/NZS 10002:2014;
 - (b) did not provide that the Defendant would acknowledge receipt of each complaint within 24 hours (or one business day) of receiving it, or as soon as practicable;
 - (c) did not provide that the Defendant would provide a written communication of the final outcome of the complaint within 30 calendar days after receiving the complaint;
 - (d) did not require the Defendant to inform the complainant that they have a right to pursue their complaint with the Australian Financial Complaints Authority, in the event that the complaint remained unresolved at completion of the internal dispute resolution process or may not be resolved within the relevant maximum timeframe;
 - (e) did not require the Defendant to provide to the complainant details about how to access the Australian Financial Complaints Authority, in the event that the complaint remained unresolved at completion of the internal dispute resolution process or may not have been resolved within the relevant maximum timeframe.
33. On 24 February 2023, the Defendant lodged a reportable situation with the Plaintiff identifying a breach, or likely breach, of a number of obligations under the Act due to the incorrect classification of the Retail Clients, including the following:
 - (a) s 1012B(3);
 - (b) s 994B(1);
 - (c) s 912A(1)(a);
 - (d) s 912A(1)(b); and
 - (e) s 912A(1)(g)(i).

Particulars

Oztures' reportable situation report dated 24 February 2023
(A5X.0003.0002.0018).

34. On 2 March 2023, the Defendant lodged an updated reportable situation with the Plaintiff updating the total financial loss to affected clients to \$7,000,000.

Particulars

Oztures' reportable situation report dated 2 March 2023
(A5X.0003.0002.0037).

35. On 20 March 2023, the Defendant lodged an updated reportable situation with the Plaintiff disclosing that it inadvertently provided financial services to a further Retail Client on 28 February 2023.

Particulars

Oztures' reportable situation report dated 20 March 2023
(A5X.0003.0002.0285).

36. On 11 September 2023, the Defendant lodged an updated reportable situation with the Plaintiff, disclosing that it had inadvertently provided financial services to a further 19 Retail Clients in the period up to 22 April 2023.

Particulars

Oztures' Reportable Situation dated 11 September 2023 (OTT.0003.0024.0001).

37. In 2023, the Defendant finalised its compensation in the total sum of approximately \$13.1 million to a number of clients for aggregate losses plus fees on the basis that those clients had been misclassified as being exempt from acquiring financial products as a "retail client".

C. Financial products

38. The Oztures Products, and each Oztures Product, is a derivative pursuant to s 761D of the Act and accordingly a "financial product" for the purposes of Chapter 7 by reason of s 764A(1)(c) of that Act.

39. In the premises:

- (a) the "issue" of an Oztures Product constitutes "dealing in a financial product" pursuant to s 766C(1)(b) of the Act; and thus
- (b) the provision of a "financial service" pursuant to s 766A(1)(b) of the Act.

40. Sections 1012B(3), 996B(1), 912A(1)(a), 912A(1)(b), 912A(1)(f) and 912A(1)(g) are contained within Chapter 7 of the Act and are therefore provisions of the “financial services laws” as defined in s 761A of the Act.

D. s 1012B(3) – Requirement to provide a product disclosure statement

41. It would be reasonable for a person considering, as a retail client pursuant to s 761G(1) of the Act, whether to acquire one or more of the Oztures Products to expect to find information in the Product Disclosure Statement for the relevant Oztures Product, pursuant to s 1013F of the Act.
42. By reason of the matters pleaded in paragraph 6, further or alternatively paragraph 27, above, the Defendant was at all material times (being, relevantly, during the Offer Period), a “regulated person” for the purposes of s 1012B of the Act pursuant to s 1011B of the Act.
43. By reason of the matters pleaded at paragraphs 9, 13, 25, 41 and 42 above, during the Offer Period the Defendant contravened s 1012B(3) of the Act pursuant to s 1012B(3)(a)(i) each time it offered the Oztures Products to one of the Retail Clients.
44. By reason of the matters pleaded at paragraphs 27, 28, 29, 41 and 42 above, during the Issue Period the Defendant contravened s 1012B(3) of the Act pursuant to s 1012B(3)(a)(iii) each time it issued an Oztures Product to one of the Retail Clients.

E. s 994B(1) – Requirement to make a target market determination

45. By reason of the matters pleaded at paragraphs 27, 28, 41 and 42 above, the Defendant was required to prepare a Product Disclosure Statement in respect of the Oztures Products.
46. By reason of the matters pleaded at paragraph 39 above, the issue of any of the Oztures Products to any of the Retail Clients amounted to “retail product distribution conduct” pursuant to s 994A(1) of the Act in respect of that Oztures Product.
47. By reason of the matters pleaded in paragraphs 45 and 46 above, the Defendant was required to make a Target Market Determination in respect of each of the Oztures Products prior to the issue of that Oztures Products to any of the Retail Clients pursuant to s 994B(1)(b) and (2)(a).

48. By reason of the matters pleaded at paragraphs 30 and 47 above, during the Issue Period the Defendant contravened s 994B(1) of the Act in respect of each of the Oztures Products at the time it issued that product to any of the Retail Clients.

F. s 912A(1)(a) – Requirement to do all things necessary to ensure the financial services covered by the licence are provided efficiently, honestly and fairly

49. In order for the Defendant to ensure the financial services provided by the Defendant were provided efficiently, honestly and fairly, the Defendant was required to:

- (a) have adequate systems and processes in place to ensure that widespread, significant, repeated or systemic errors in classification of Clients as Retail Clients did not occur;
- (b) ensure that widespread, significant, repeated or systemic errors in classification of Clients as Retail Clients did not occur.

50. By reason of the matters pleaded at paragraphs 11 and 13-24 above, the Defendant failed to have adequate systems and processes in place to ensure, in its classification of Clients as “wholesale clients” or “sophisticated investors”, that errors did not occur that were:

- (a) widespread;
- (b) significant;
- (c) repeated; or
- (d) systemic,

or otherwise prevent such errors from occurring.

Particulars

The inadequacy of the Defendant’s systems and processes can be inferred from the result of those systems: the widespread, significant, repeated or systemic errors in classification that occurred throughout the period in which the Defendant classified Clients. It must necessarily follow from the errors in classification of Clients as Retail Clients that the Defendant had not put in place systems which were adequate to prevent such errors.

51. Accordingly, during the Issue Period the Defendant contravened s 912A(1)(a) of the Act.

G. s 912A(1)(b) – Requirement to comply with the conditions on the License

52. By reason of the matters pleaded at paragraph 40 above and one or more of the matters pleaded at paragraphs 43, 44, 48, 51 above and paragraphs 58 and 61 below, the Defendant repeatedly, or for an extended period, failed to comply with the provisions of the financial services laws.

Particulars

The Defendant contravened s 1012B of the Act throughout the Offer Period in respect of the offer of the Oztures Products to the majority of its clients who were in fact Retail Clients.

The Defendant repeatedly contravened ss 1012B and 994B of the Act during the Issue Period each time it issued an Oztures Product to those Retail Clients who were issued an Oztures Product on at least one occasion.

The Defendant contravened s 912A(1)(a) throughout the Issue Period.

The Defendant contravened s 912A(1)(f) throughout the Issue Period.

The Defendant contravened s 912A(1)(g) throughout the Issue Period.

53. By reason of the matters pleaded at paragraphs 11, 13-24 and 52 above:
- (a) the compliance measures established and maintained by the Defendant were inadequate to ensure that the Defendant complied with the provisions of the financial services laws; and accordingly
 - (b) the Defendant contravened condition 3 of the Defendant's Australian Financial Services Licence numbered 425165.

Particulars

It can be inferred from:

- (i) the Defendant's widespread, repeated or systemic misclassification of Clients as Retail Clients, alleged at paragraphs 13-24 above; and
- (ii) the resulting repeated, or extended, failures to comply with provisions of the financial services laws alleged at paragraph 52 above,

that the compliance measures established and maintained by the Defendant were inadequate to ensure that the Defendant complied with the provisions of the financial services laws.

The Defendant's compliance measures were inadequate to ensure as far as reasonably practicable that clients who were assessed to be "wholesale clients" or "sophisticated investors" pursuant to the Defendant's Wholesale Assessment, were in fact exempt from being provided financial products as "retail clients" pursuant to s 761G(1) of the Act.

54. Accordingly, during the period 7 July 2022 to 13 April 2023 the Defendant contravened s 912A(1)(b) of the Act.

H. s 912A(1)(f) - Requirement to ensure its representatives are adequately trained and competent.

55. By reason of the matters pleaded at paragraphs 11 and 13-24 and 39 above, the Defendant failed to ensure that its employees were adequately trained to provide the financial services provided by the Defendant.

Particulars

The Defendant's failure to ensure that its employees were adequately trained to provide the financial services provided by the Defendant can be inferred from the Defendant's employees' conduct of the Wholesale Assessment, including the time taken to undertake that assessment as alleged at paragraph 11 above, and the outcomes of that assessment, which resulted in widespread misclassification by the Defendant of Retail Clients as "wholesale clients" or "sophisticated investors" as alleged at paragraphs 13-24 above. The Defendant failed to ensure that its employees were adequately trained to assess whether prospective clients had provided evidence of meeting the relevant test for "wholesale clients" or "sophisticated investors" or whether the evidence provided was adequate.

56. By reason of the matters pleaded at paragraphs 11 and 13-24 and 39 above, the Defendant failed to ensure that its employees were competent to provide the financial services provided by the Defendant.

Particulars

The Defendant's failure to ensure that its employees were competent to provide the financial services provided by the Defendant can be inferred from the Defendant's employees' conduct of the Wholesale Assessment, including the time taken to undertake that assessment as alleged at paragraph 11 above, and the outcomes of that assessment, which resulted in widespread misclassification by the Defendant of Retail Clients as "wholesale clients" or "sophisticated investors" as alleged at paragraphs 13-24 above. The Defendant failed to ensure that its employees were competent to assess whether prospective clients had provided evidence of meeting the relevant test for "wholesale clients" or "sophisticated investors" or whether the evidence provided was adequate.

57. A "representative" in respect of a financial services licensee includes an employee of the licensee pursuant to s 9 of the Act.

58. Accordingly, during the Issue Period the Defendant contravened s 912A(1)(f) of the Act.

I. s 912A(1)(g) - Requirement to have a compliant dispute resolution system if financial services are provided to retail clients

59. By reason of the matters pleaded in paragraph 27 and 39 above, during the Issue Period, the Defendant was required by s 912A(1)(g)(i) of the Act to have an internal dispute resolution system that complied with the standards, and requirements, made or approved by the Plaintiff pursuant to s 912A(2) of the Act.

Particulars

The relevant standards, and requirements, made or approved by the Plaintiff in accordance with the regulations made for the purposes of s 912A(2), and therefore applicable to s 912A(1)(g)(i), are contained in "RG 271 Internal dispute resolution" issued by the Plaintiff on 2 September 2021.

60. By reason of the matters pleaded at paragraphs 31 and above, the Defendant's internal dispute resolution system did not comply with the applicable standards as set out in the preceding paragraph.

61. In the premises, during the Issue Period the Defendant contravened s 912A(1)(g)(i) of the Act.

AND THE PLAINTIFF SEEKS

(A) The relief set out in the Originating Process.

Date: 18 December 2024



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Signed by Fred Prickett
Lawyer for the Plaintiff

This pleading was prepared by counsel, Philip Solomon and Kalia Laycock-Walsh.

ANNEXURE

List of Retail Clients

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
A. Sophisticated Investor				
1.	36054348	30 June 2022	Yes	-\$2,311.79
2.	172297406	30 June 2022	Yes	\$0.00
3.	29017381	30 June 2022	Yes	\$205,258.62
4.	21909162	30 June 2022	Yes	-\$77.42
5.	11090381	1 July 2022	Yes	\$69,465.73
6.	134414367	4 July 2022	Yes	\$670.77
7.	78829128	4 July 2022	Yes	\$1.65
8.	166481530	4 July 2022	Yes	-\$9,344.97
9.	44783392	5 July 2022	Yes	-\$836.26
10.	36797790	5 July 2022	Yes	-\$14.87
11.	38130623	5 July 2022	Yes	-\$37,497.67
12.	19580361	5 July 2022	Yes	\$168.93
13.	85768953	6 July 2022	Yes	-\$97.53
14.	22752580	6 July 2022	Yes	-\$985.79
15.	380420300	6 July 2022	Yes	-\$70.73
16.	37379480	7 July 2022	Yes	-\$6,339.88
17.	25692205	7 July 2022	Yes	-\$2,924.29
18.	88119779	7 July 2022	Yes	\$85,343.84
19.	45847175	8 July 2022	Yes	-\$16.35
20.	139706742	8 July 2022	Yes	-\$61,357.05
21.	11106332	8 July 2022	Yes	\$7,244.67
22.	119488025	8 July 2022	Yes	\$532.01

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
23.	104529094	9 July 2022	Yes	-\$628.98
24.	85193293	9 July 2022	Yes	-\$2,253.86
25.	11872037	10 July 2022	Yes	-\$4,879.41
26.	443089745	11 July 2022	Yes	-\$62.83
27.	68334119	11 July 2022	Yes	\$298.79
28.	48249820	11 July 2022	Yes	\$39,625.93
29.	11067512	11 July 2022	Yes	-\$71.36
30.	68054098	11 July 2022	Yes	-\$1,388.88
31.	381494174	12 July 2022	Yes	-\$504.96
32.	16052603	12 July 2022	Yes	-\$399.51
33.	157175702	12 July 2022	Yes	-\$18,097.74
34.	45797389	12 July 2022	Yes	-\$1,684.83
35.	94635458	13 July 2022	Yes	-\$584.88
36.	481781710	13 July 2022	Yes	\$145.85
37.	171178981	13 July 2022	Yes	-\$9,884.64
38.	10056890	13 July 2022	Yes	-\$110.30
39.	15125929	13 July 2022	Yes	-\$7,718.84
40.	152167650	13 July 2022	Yes	-\$629.18
41.	170455146	14 July 2022	Yes	-\$951.90
42.	288115636	15 July 2022	Yes	-\$2,204.11
43.	186672434	15 July 2022	Yes	\$158.13
44.	145060615	15 July 2022	Yes	-\$42.12
45.	178379238	16 July 2022	Yes	-\$20,998.61
46.	39975734	16 July 2022	Yes	-\$4,292.08
47.	108596035	17 July 2022	Yes	\$917.55
48.	483823638	18 July 2022	Yes	-\$18,856.10

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
49.	156497587	18 July 2022	Yes	-\$361.36
50.	304601788	19 July 2022	Yes	\$824.31
51.	16623058	19 July 2022	Yes	\$1,495.08
52.	57346341	19 July 2022	Yes	\$54.83
53.	385935766	20 July 2022	Yes	-\$16.42
54.	336812378	20 July 2022	Yes	\$1.68
55.	22980176	20 July 2022	Yes	-\$2,855.98
56.	297038047	20 July 2022	Yes	-\$546.07
57.	61667371	21 July 2022	Yes	-\$200.32
58.	113248905	21 July 2022	Yes	\$961.13
59.	484347598	21 July 2022	Yes	-\$12.35
60.	20129386	22 July 2022	Yes	-\$2.84
61.	482633058	24 July 2022	Yes	-\$2,905.25
62.	394820440	25 July 2022	Yes	\$0.01
63.	73625244	25 July 2022	Yes	-\$0.37
64.	13892927	25 July 2022	Yes	\$2,164.52
65.	10273315	26 July 2022	Yes	\$10,610.94
66.	407910530	26 July 2022	Yes	-\$1,435.92
67.	88874209	26 July 2022	Yes	-\$442.94
68.	221865704	28 July 2022	Yes	-\$5,291.15
69.	151034760	28 July 2022	Yes	-\$4,987.76
70.	10915062	29 July 2022	Yes	\$997.65
71.	12311635	30 July 2022	Yes	-\$1,635.86
72.	26175321	30 July 2022	Yes	\$992.00
73.	479359552	31 July 2022	Yes	\$5,776.94
74.	169128246	2 August 2022	Yes	-\$51,428.05

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
75.	161535749	3 August 2022	Yes	-\$105.19
76.	368367584	5 August 2022	Yes	\$859.38
77.	386078906	5 August 2022	Yes	-\$807.14
78.	55599398	6 August 2022	Yes	-\$242.31
79.	190820380	6 August 2022	Yes	-\$45.62
80.	41518247	7 August 2022	Yes	-\$1,443.38
81.	58647250	8 August 2022	Yes	\$390.05
82.	281303210	8 August 2022	Yes	-\$624.86
83.	35569829	9 August 2022	Yes	-\$10,839.17
84.	218476905	9 August 2022	Yes	-\$2.43
85.	208806234	9 August 2022	Yes	-\$31.13
86.	20021725	10 August 2022	Yes	-\$3,584.90
87.	53376342	10 August 2022	Yes	-\$1,279.70
88.	18391088	11 August 2022	Yes	-\$3.17
89.	58704491	11 August 2022	Yes	\$2,588.06
90.	479753399	11 August 2022	Yes	\$0.01
91.	136213980	11 August 2022	Yes	-\$755.36
92.	19133195	12 August 2022	Yes	-\$155.33
93.	13181213	14 August 2022	Yes	\$46.53
94.	40550833	14 August 2022	Yes	-\$74.81
95.	40465351	15 August 2022	Yes	-\$0.39
96.	10871161	15 August 2022	Yes	\$6,781.88
97.	104304254	16 August 2022	Yes	\$99,580.75
98.	135828993	16 August 2022	Yes	-\$0.10
99.	63481498	16 August 2022	Yes	-\$684.83
100.	67066389	16 August 2022	Yes	\$965.26

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
101.	39036714	17 August 2022	Yes	\$2,188.08
102.	297646170	18 August 2022	Yes	-\$51.59
103.	458385701	19 August 2022	Yes	\$201,492.27
104.	39355839	19 August 2022	Yes	-\$37.75
105.	304602281	19 August 2022	Yes	\$444,396.53
106.	11226781	19 August 2022	Yes	-\$5,229.84
107.	97068737	22 August 2022	Yes	\$706.53
108.	456038779	22 August 2022	Yes	\$17,290.82
109.	23207709	23 August 2022	Yes	-\$9,184.93
110.	365606059	23 August 2022	Yes	-\$1,029.60
111.	36667299	24 August 2022	Yes	\$2.32
112.	16873069	25 August 2022	Yes	-\$218.19
113.	20032159	26 August 2022	Yes	-\$389.21
114.	472957109	26 August 2022	Yes	-\$3,657.43
115.	11585155	26 August 2022	Yes	-\$2,601.16
116.	86109826	26 August 2022	Yes	-\$91.02
117.	12993136	27 August 2022	Yes	\$1,646.31
118.	56440446	27 August 2022	Yes	-\$8,357.91
119.	179431952	28 August 2022	Yes	-\$1,236.41
120.	10887275	29 August 2022	Yes	-\$710.60
121.	219700318	30 August 2022	Yes	-\$785.71
122.	15257591	30 August 2022	Yes	\$10,612.28
123.	130758552	30 August 2022	Yes	-\$794.95
124.	62367631	30 August 2022	Yes	-\$3,940.25
125.	20169816	31 August 2022	Yes	\$1,229.22
126.	150942586	1 September 2022	Yes	-\$22,541.80

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
127.	150828397	1 September 2022	Yes	-\$727.07
128.	22390587	4 September 2022	Yes	\$11,505.54
129.	23166217	5 September 2022	Yes	-\$444.53
130.	67866935	6 September 2022	Yes	-\$848.95
131.	108646642	6 September 2022	Yes	\$1,734.00
132.	149969459	7 September 2022	Yes	-\$1,380.56
133.	35939934	8 September 2022	Yes	\$29,750.24
134.	67566045	9 September 2022	Yes	-\$20.58
135.	64395102	10 September 2022	Yes	\$2,049.37
136.	79052192	12 September 2022	Yes	-\$160.62
137.	36390165	13 September 2022	Yes	-\$244.65
138.	67638660	13 September 2022	Yes	-\$4,179.21
139.	57741867	14 September 2022	Yes	-\$16,340.59
140.	36596434	14 September 2022	Yes	-\$143.91
141.	11067755	15 September 2022	Yes	\$131.04
142.	390840927	15 September 2022	Yes	-\$7.07
143.	282911611	15 September 2022	Yes	-\$232.20
144.	26720936	16 September 2022	Yes	\$0.56
145.	141380380	16 September 2022	Yes	-\$406.82
146.	510601331	16 September 2022	Yes	-\$6,932.42
147.	15390570	16 September 2022	Yes	\$1,786.36
148.	16769030	17 September 2022	Yes	-\$5,768.28
149.	507962740	19 September 2022	Yes	-\$2.89
150.	121236642	19 September 2022	Yes	-\$8,738.38
151.	511652282	19 September 2022	Yes	-\$10,197.99
152.	509699205	19 September 2022	Yes	-\$184.10

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
153.	357298520	19 September 2022	Yes	\$1,388.58
154.	64281004	19 September 2022	Yes	-\$700.29
155.	86683261	20 September 2022	Yes	-\$111.83
156.	170330821	20 September 2022	Yes	-\$133.45
157.	490026539	22 September 2022	Yes	\$642.76
158.	512916566	22 September 2022	Yes	-\$56.71
159.	132995725	22 September 2022	Yes	-\$6,742.42
160.	77941520	23 September 2022	Yes	\$50,762.28
161.	23109552	24 September 2022	Yes	-\$7,898.74
162.	180999374	25 September 2022	Yes	-\$32.67
163.	333211914	25 September 2022	Yes	-\$1,591.93
164.	76169933	25 September 2022	Yes	\$65.01
165.	49002062	27 September 2022	Yes	\$83.31
166.	12033572	27 September 2022	Yes	-\$10,004.05
167.	129178095	28 September 2022	Yes	-\$77.52
168.	472284025	28 September 2022	Yes	-\$6.94
169.	38029139	28 September 2022	Yes	\$9.22
170.	16230078	28 September 2022	Yes	\$6,052.69
171.	297118507	29 September 2022	Yes	-\$11.99
172.	162982657	2 October 2022	Yes	\$33,321.96
173.	13919560	3 October 2022	Yes	-\$15,120.49
174.	191304803	4 October 2022	Yes	-\$162.87
175.	110721187	5 October 2022	Yes	-\$1,106.69
176.	132498750	5 October 2022	Yes	\$675.10
177.	152045834	5 October 2022	Yes	-\$3,728.93
178.	122838433	5 October 2022	Yes	\$1,676.57

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
179.	85680717	6 October 2022	Yes	\$0.00
180.	495274963	6 October 2022	Yes	-\$145.54
181.	55008639	6 October 2022	Yes	-\$94.92
182.	519330080	9 October 2022	Yes	-\$5,262.40
183.	192744130	11 October 2022	Yes	-\$241.26
184.	58735719	11 October 2022	Yes	-\$8.83
185.	120835606	12 October 2022	Yes	-\$89.05
186.	63104604	12 October 2022	Yes	\$937.32
187.	59013051	12 October 2022	Yes	-\$21,724.97
188.	119269876	13 October 2022	Yes	-\$5.58
189.	13909121	13 October 2022	Yes	-\$38,871.31
190.	11230177	15 October 2022	Yes	-\$19.40
191.	39482260	17 October 2022	Yes	-\$184.08
192.	79402127	18 October 2022	Yes	\$3,023.93
193.	172243865	18 October 2022	Yes	-\$152.22
194.	507600964	18 October 2022	Yes	-\$24,619.07
195.	42197549	18 October 2022	Yes	-\$133.01
196.	45476742	19 October 2022	Yes	\$5,232.97
197.	60163412	19 October 2022	Yes	\$9,606.73
198.	11396759	19 October 2022	Yes	-\$4,172.26
199.	82895380	19 October 2022	Yes	-\$8,796.24
200.	16605890	19 October 2022	Yes	\$803.81
201.	446677120	20 October 2022	Yes	-\$134.13
202.	61815102	20 October 2022	Yes	-\$3,396.21
203.	10788657	20 October 2022	Yes	\$3,979.66
204.	65065848	20 October 2022	Yes	\$827.22

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
205.	66195607	20 October 2022	Yes	-\$4,427.94
206.	122878137	21 October 2022	Yes	-\$57.82
207.	18579780	21 October 2022	Yes	\$17,503.80
208.	308418830	21 October 2022	Yes	\$718.94
209.	157345407	22 October 2022	Yes	\$337.44
210.	162083330	22 October 2022	Yes	\$925.19
211.	135219893	22 October 2022	Yes	-\$2,665.54
212.	136786638	23 October 2022	Yes	\$0.07
213.	67034779	23 October 2022	Yes	\$0.58
214.	89431491	24 October 2022	Yes	-\$237.42
215.	36033047	24 October 2022	Yes	-\$32,953.40
216.	517764071	24 October 2022	Yes	-\$466.56
217.	15260379	24 October 2022	Yes	-\$1,290.96
218.	225993276	24 October 2022	Yes	-\$701.29
219.	525091144	25 October 2022	Yes	-\$5,394.05
220.	15080303	25 October 2022	Yes	-\$73.01
221.	99977695	26 October 2022	Yes	-\$1,480.55
222.	329006986	26 October 2022	Yes	-\$11,591.21
223.	110141078	27 October 2022	Yes	\$483.81
224.	38511112	29 October 2022	Yes	\$317.76
225.	12035613	29 October 2022	Yes	-\$4,016.67
226.	17968826	30 October 2022	Yes	\$473,185.40
227.	184418819	30 October 2022	Yes	-\$428.48
228.	149140591	1 November 2022	Yes	\$527.84
229.	70793119	1 November 2022	Yes	\$1,224.79
230.	507524105	1 November 2022	Yes	-\$9,600.81

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
231.	154993894	1 November 2022	Yes	\$8.36
232.	283054782	1 November 2022	Yes	\$107.70
233.	465740807	1 November 2022	Yes	-\$1,341.49
234.	25131325	2 November 2022	Yes	\$183.23
235.	526773063	5 November 2022	Yes	\$124.91
236.	39237713	6 November 2022	Yes	-\$24.74
237.	10192363	7 November 2022	Yes	\$4,322.04
238.	417238624	7 November 2022	Yes	-\$1,539.25
239.	25128628	7 November 2022	Yes	\$37,337.29
240.	36906341	7 November 2022	Yes	\$97.96
241.	28268366	7 November 2022	Yes	\$9,197.02
242.	25921291	7 November 2022	Yes	\$1,236,442.49
243.	531566107	8 November 2022	Yes	\$6,321.22
244.	38870722	8 November 2022	Yes	-\$3,612.34
245.	23792519	8 November 2022	Yes	\$0.01
246.	73795658	8 November 2022	Yes	-\$13,669.48
247.	21629569	8 November 2022	Yes	-\$728.69
248.	22850378	8 November 2022	Yes	-\$110.05
249.	25132075	8 November 2022	Yes	-\$3,041.26
250.	255076659	8 November 2022	Yes	-\$384.15
251.	11269378	8 November 2022	Yes	-\$1,086.00
252.	479398807	8 November 2022	Yes	\$966.26
253.	12953216	8 November 2022	Yes	-\$31,815.54
254.	314688979	8 November 2022	Yes	-\$88.44
255.	19356777	9 November 2022	Yes	-\$2,129.79
256.	101121848	9 November 2022	Yes	-\$52,182.05

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
257.	129350764	9 November 2022	Yes	-\$711.34
258.	202808933	9 November 2022	Yes	\$113.00
259.	28673652	9 November 2022	Yes	\$261,285.07
260.	486587241	9 November 2022	Yes	\$45.70
261.	38825130	9 November 2022	Yes	-\$4,930.77
262.	380413688	9 November 2022	Yes	-\$299.64
263.	92170347	9 November 2022	Yes	-\$0.01
264.	16928897	9 November 2022	Yes	\$759.28
265.	46225571	9 November 2022	Yes	-\$39,894.29
266.	514827619	10 November 2022	Yes	\$90.89
267.	19862131	10 November 2022	Yes	\$547.74
268.	10808507	10 November 2022	Yes	-\$12,778.37
269.	137434082	10 November 2022	Yes	-\$52.10
270.	38534016	10 November 2022	Yes	-\$459.47
271.	11300316	10 November 2022	Yes	\$300.72
272.	280798508	10 November 2022	Yes	-\$66.11
273.	127531280	10 November 2022	Yes	-\$152.42
274.	42872186	10 November 2022	Yes	-\$877.39
275.	11250098	10 November 2022	Yes	-\$315.11
276.	18692251	10 November 2022	Yes	-\$69.18
277.	11727961	11 November 2022	Yes	\$3,122.72
278.	13967572	11 November 2022	Yes	-\$8,722.34
279.	89981647	11 November 2022	Yes	-\$209.98
280.	373298950	11 November 2022	Yes	-\$1,550.85
281.	50462733	11 November 2022	Yes	-\$52.55
282.	37017218	11 November 2022	Yes	\$2.48

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
283.	10961872	11 November 2022	Yes	\$0.64
284.	91535120	11 November 2022	Yes	-\$635.89
285.	36658026	12 November 2022	Yes	-\$485.43
286.	13030618	12 November 2022	Yes	\$470.31
287.	286446964	12 November 2022	Yes	-\$13.03
288.	311041593	12 November 2022	Yes	-\$396.94
289.	63091086	13 November 2022	Yes	\$6.69
290.	26787766	13 November 2022	Yes	\$3,502.99
291.	164314834	13 November 2022	Yes	-\$55.42
292.	126667822	14 November 2022	Yes	\$934.53
293.	457760167	14 November 2022	Yes	-\$3,055.56
294.	16729320	14 November 2022	Yes	-\$3,262.71
295.	533755694	14 November 2022	Yes	-\$82.63
296.	17136101	14 November 2022	Yes	\$1,118.79
297.	533433337	14 November 2022	Yes	\$0.00
298.	17990365	14 November 2022	Yes	-\$41.56
299.	37289779	15 November 2022	Yes	-\$106.94
300.	127847260	16 November 2022	Yes	-\$659.70
301.	350997893	16 November 2022	Yes	\$213.48
302.	70057934	16 November 2022	Yes	\$39.79
303.	11136870	16 November 2022	Yes	\$31.82
304.	17787689	17 November 2022	Yes	\$4,637.34
305.	22000062	17 November 2022	Yes	-\$139.61
306.	37186354	17 November 2022	Yes	\$587.22
307.	91691519	17 November 2022	Yes	-\$90.71
308.	18675526	18 November 2022	Yes	\$0.83

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
309.	120692338	18 November 2022	Yes	-\$333.17
310.	533430198	20 November 2022	Yes	-\$19.71
311.	26305375	20 November 2022	Yes	-\$0.22
312.	155806370	21 November 2022	Yes	-\$4,870.89
313.	47653810	21 November 2022	Yes	-\$420.06
314.	18213281	21 November 2022	Yes	\$102,209.51
315.	183864426	21 November 2022	Yes	\$4,202.75
316.	37018414	22 November 2022	Yes	-\$7,036.90
317.	456430776	22 November 2022	Yes	\$32.57
318.	36138668	23 November 2022	Yes	\$2,674.09
319.	36589160	23 November 2022	Yes	-\$452.16
320.	36518301	23 November 2022	Yes	-\$30,246.51
321.	305177264	23 November 2022	Yes	\$15.55
322.	172590168	24 November 2022	Yes	\$0.63
323.	70913589	24 November 2022	Yes	-\$16.99
324.	441767686	24 November 2022	Yes	-\$91.71
325.	111937425	26 November 2022	Yes	-\$162.31
326.	522562317	28 November 2022	Yes	-\$31.52
327.	169780549	28 November 2022	Yes	\$188.48
328.	43080575	29 November 2022	Yes	-\$2,922.45
329.	127559672	29 November 2022	Yes	\$2,416.25
330.	25770369	29 November 2022	Yes	-\$16,194.03
331.	521121765	29 November 2022	Yes	-\$8.08
332.	83823442	30 November 2022	Yes	-\$2,387.32
333.	440127029	1 December 2022	Yes	-\$1,377.38
334.	200278302	2 December 2022	Yes	\$0.01

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
335.	35793118	2 December 2022	Yes	\$23.21
336.	15008620	2 December 2022	Yes	\$3,661.63
337.	85163164	3 December 2022	Yes	-\$1,508.17
338.	72936599	6 December 2022	Yes	-\$64.85
339.	12807755	6 December 2022	Yes	-\$3,808.28
340.	541598146	6 December 2022	Yes	-\$1,240.74
341.	18253009	6 December 2022	Yes	-\$706.99
342.	38983025	8 December 2022	Yes	\$0.39
343.	444709935	9 December 2022	Yes	-\$90,749.01
344.	543056131	9 December 2022	Yes	-\$169.10
345.	153382851	10 December 2022	Yes	-\$2,105.86
346.	13105235	12 December 2022	Yes	-\$2,493.75
347.	81354224	14 December 2022	Yes	\$20.50
348.	45526980	17 December 2022	Yes	-\$4,112.03
349.	96338897	17 December 2022	Yes	\$4.68
350.	22302573	19 December 2022	Yes	-\$7.08
351.	547740125	20 December 2022	Yes	\$363.08
352.	16555586	20 December 2022	Yes	-\$349.44
353.	41022502	28 December 2022	Yes	-\$127.38
354.	551444145	28 December 2022	Yes	-\$246.65
355.	26573775	29 December 2022	Yes	-\$397.29
356.	551730264	30 December 2022	Yes	-\$24.54
357.	28636902	30 December 2022	Yes	-\$8,593.83
358.	375654560	2 January 2023	Yes	-\$1,054.35
359.	117092641	4 January 2023	Yes	-\$82.01
360.	67840479	4 January 2023	Yes	-\$19.16

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
361.	433808152	4 January 2023	Yes	-\$2,286.95
362.	532924156	5 January 2023	Yes	\$51.55
363.	215168015	5 January 2023	Yes	\$2,592.76
364.	531554680	5 January 2023	Yes	-\$2,105.51
365.	10805091	6 January 2023	Yes	\$568.58
366.	105417357	6 January 2023	Yes	-\$8.13
367.	15215990	7 January 2023	Yes	\$4.75
368.	25617976	10 January 2023	Yes	\$2,226.88
369.	284399264	10 January 2023	Yes	-\$5,438.96
370.	531618340	11 January 2023	Yes	\$243.48
371.	473434946	13 January 2023	Yes	\$4.04
372.	83375788	14 January 2023	Yes	-\$70.42
373.	13665975	15 January 2023	Yes	-\$2.34
374.	39441312	16 January 2023	Yes	-\$50.77
375.	43753048	16 January 2023	Yes	\$17,466.12
376.	218475927	18 January 2023	Yes	-\$24.01
377.	559481253	20 January 2023	Yes	\$0.14
378.	93596884	21 January 2023	Yes	-\$99.50
379.	16589852	21 January 2023	Yes	\$33.33
380.	192465270	23 January 2023	Yes	\$442.75
381.	122953796	26 January 2023	Yes	\$1,280.48
382.	432712271	29 January 2023	Yes	-\$222.87
383.	563085561	30 January 2023	Yes	\$0.33
384.	15171732	31 January 2023	Yes	\$95.03
385.	157906112	31 January 2023	Yes	-\$1.89
386.	25752858	2 February 2023	Yes	-\$464.76

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
387.	566049101	2 February 2023	Yes	\$4,278.24
388.	276333234	2 February 2023	Yes	\$3.41
389.	170410796	3 February 2023	Yes	-\$292.28
390.	15570093	6 February 2023	Yes	-\$38.45
391.	55187221	2 July 2022	No	
392.	85754494	7 July 2022	No	
393.	133701484	13 July 2022	No	
394.	201680365	14 July 2022	No	
395.	42071471	15 July 2022	No	
396.	53721600	16 July 2022	No	
397.	479108736	17 July 2022	No	
398.	26181831	22 July 2022	No	
399.	60812900	1 August 2022	No	
400.	37268623	3 August 2022	No	
401.	205955902	5 August 2022	No	
402.	218333990	8 August 2022	No	
403.	53813287	11 August 2022	No	
404.	478668169	13 August 2022	No	
405.	79640476	13 August 2022	No	
406.	88013971	27 August 2022	No	
407.	154595959	3 September 2022	No	
408.	13712511	3 September 2022	No	
409.	19500365	7 September 2022	No	
410.	13095783	11 September 2022	No	
411.	217145671	18 September 2022	No	
412.	392091587	19 September 2022	No	

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
413.	19007069	22 September 2022	No	
414.	513733058	27 September 2022	No	
415.	496788469	30 September 2022	No	
416.	99915538	2 October 2022	No	
417.	486959228	6 October 2022	No	
418.	36781431	12 October 2022	No	
419.	157223660	16 October 2022	No	
420.	222790030	19 October 2022	No	
421.	69911426	20 October 2022	No	
422.	41593689	23 October 2022	No	
423.	41925998	27 October 2022	No	
424.	143665771	29 October 2022	No	
425.	65300599	7 November 2022	No	
426.	67173341	7 November 2022	No	
427.	117908744	8 November 2022	No	
428.	458270861	8 November 2022	No	
429.	77588210	9 November 2022	No	
430.	56956385	9 November 2022	No	
431.	531232912	9 November 2022	No	
432.	147049964	9 November 2022	No	
433.	152818089	10 November 2022	No	
434.	94037387	10 November 2022	No	
435.	22985506	10 November 2022	No	
436.	107070187	11 November 2022	No	
437.	13056036	12 November 2022	No	
438.	39844169	14 November 2022	No	

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
439.	40156355	14 November 2022	No	
440.	37615540	14 November 2022	No	
441.	534584800	21 November 2022	No	
442.	17835582	22 November 2022	No	
443.	379272165	22 November 2022	No	
444.	69501214	28 November 2022	No	
445.	201317694	30 November 2022	No	
446.	531887016	30 November 2022	No	
447.	530075438	30 November 2022	No	
448.	13830252	4 December 2022	No	
449.	15971096	5 December 2022	No	
450.	19631795	8 December 2022	No	
451.	75182459	19 December 2022	No	
452.	221023694	19 December 2022	No	
453.	156135291	28 December 2022	No	
454.	19729052	29 December 2022	No	
455.	25559627	6 January 2023	No	
456.	454752526	16 January 2023	No	
457.	13350913	18 January 2023	No	
458.	84837512	31 January 2023	No	
459.	28171070	4 February 2023	No	
460.	566148444	6 February 2023	No	
B. Individual Wealth Test				
461.	15835011	30 June 2022	Yes	\$1,857.65
462.	215449163	7 July 2022	Yes	\$32,210.54
463.	254261496	7 July 2022	Yes	\$155,750.89

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
464.	349469363	29 July 2022	Yes	-\$34,981.48
465.	402817460	5 August 2022	Yes	\$53,528.57
466.	495931812	24 August 2022	Yes	-\$130.89
467.	169617913	26 August 2022	Yes	\$18,907.85
468.	196266902	12 September 2022	Yes	\$466.75
469.	504240383	9 November 2022	Yes	-\$45,800.04
470.	194909551	4 December 2022	Yes	-\$3,272.40
471.	190169901	16 December 2022	Yes	-\$2,301.83
472.	536966168	24 December 2022	Yes	\$10,888.05
473.	126427674	31 December 2022	Yes	-\$71,500.37
C. Professional Investor Test				
474.	35868785	30 June 2022	Yes	\$1,301,177.70
475.	119606484	30 June 2022	Yes	\$143,738.97
476.	58763416	30 June 2022	Yes	-\$151,476.08
477.	12856258	9 July 2022	Yes	-\$307.05
478.	296170971	27 July 2022	Yes	\$6,430.58
479.	67825858	14 August 2022	Yes	-\$29,092.15
480.	111433587	24 August 2022	Yes	-\$204.94
481.	57885124	4 September 2022	Yes	\$0.03
482.	508473165	12 September 2022	Yes	-\$9.77
483.	11972299	20 October 2022	Yes	-\$4,448.06
484.	157671111	20 October 2022	Yes	-\$1,345,350.09
485.	150023582	21 October 2022	Yes	-\$1,395,348.64
486.	519507566	26 October 2022	Yes	-\$3,398.99
487.	101336248	1 November 2022	Yes	-\$18,999.07
488.	172772684	17 November 2022	Yes	\$99,677.75

Row #	User ID	Date registered to access Oztures' Products	Issued Oztures' Products	Total Profit or Loss (USD)
489.	81317372	22 November 2022	Yes	\$227.57
490.	319030443	2 December 2022	Yes	\$62.74
491.	77052882	30 December 2022	Yes	\$285.28
492.	76150354	8 January 2023	Yes	-\$246.93
493.	416922423	11 January 2023	Yes	-\$950.56
494.	309562884	16 January 2023	Yes	-\$183.47
495.	386356025	22 August 2022	No	
496.	155951472	13 September 2022	No	
497.	521178143	5 November 2022	No	
498.	537985408	4 December 2022	No	
499.	533829357	29 December 2022	No	
500.	441760300	14 January 2023	No	
D. Related Body Corporate Test				
501.	539918174	29 December 2022	Yes	-\$208.42
502.	463372502	14 November 2022	No	
503.	508344405	5 December 2022	No	
504.	368973512	28 January 2023	No	
E. Large Business Test				
505.	38275927	10 November 2022	No	

Certificate of lawyer

I Fred Prickett certify to the Court that, in relation to the statement of claim filed on behalf of the Plaintiff, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 18 December 2024



Signed by Fred Prickett
Lawyer for the Plaintiff