



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

ORDER

JUDGE: Justice O'Sullivan

DATE OF ORDER: 3 December 2024

WHERE MADE: Brisbane

THE COURT NOTES THAT:

- A. **"22 October Order"** means the order made on 22 October 2024 in this proceeding;
- B. **"1 November Order"** means the order made on 1 November 2024 in this proceeding;
and
- C. **"Receivers"** and **"Property"** have the same meanings as in the 22 October Order and the 1 November Order.

UPON THE UNDERTAKING OF THE FOURTEENTH AND FIFTEENTH DEFENDANTS:

- A. to provide to the Receivers, by 4.00pm on 6 December 2024, time-stamped photographs of:
 - a. the whole of the household contents of the real property situated at and known as Unit 6704, 9 Hamilton Avenue, Surfers Paradise, QLD (**household contents**); and
 - b. the engagement and wedding rings of the fifteenth defendant (**rings**); and
- B. to not dispose of any of the household contents or the rings until further order.

THE COURT ORDERS THAT:

Amended interlocutory process

1. The Receivers have leave to file and serve an amended interlocutory process, substantially in the form annexed to their written submissions dated 29 November 2024.



Variation or additions to the 22 October Order and the 1 November Order

2. Subparagraph 1(e) of the 22 October Order and subparagraphs 1(e) and 3(e) of the 1 November Order are varied, such that:
 - (a) the Receivers have leave to prepare, as a single report (rather than three separate reports), the reports referred to in those sub-paragraphs; and
 - (b) the date by which the report is to be provided to the Court is extended to **25 February 2025**.
3. In addition to the powers set out in paragraphs 1 and 3 of the 22 October Order and paragraphs 1, 2, 3 and 4 of the 1 November Order, the Receivers have the following powers:
 - (a) in relation to the Property of any defendant:
 - (i) the power set out in subsection 420(2)(h) of the *Corporations Act 2001* (Cth); and
 - (ii) the power to discharge, from that property, any debts or other liabilities of that defendant (provided that nothing in this paragraph permits the Receivers to pay their remuneration from such property without having first obtained leave or other approval from the Court for the amount of that payment); and
 - (b) the power to collect the rental income from the following properties owned by the fifteenth defendant:
 - (i) Unit 3006, 9 Hamilton Avenue, Surfers Paradise, QLD 4217; and
 - (ii) Unit 3208, 9 Hamilton Avenue, Surfers Paradise, QLD 4217,and apply that income to meet any ongoing expenses relating to the properties, including strata fees and mortgage repayments.

Specific assets being held or used by the fourteenth and fifteenth defendants

4. By 5 December 2024, the fifteenth defendant is to obtain, and thereafter maintain (until further order or the Receivers otherwise agree in writing), policies of comprehensive insurance (in a form satisfactory to the Receivers) for the following assets:
 - (a) the 2023 Hyundai Tucson Highlander bearing registration number 784 JV2; and
 - (b) the 2023 Mini John Cooper Works Wagon bearing registration number 23 MIN1,the costs of which policies are to be drawn from the ordinary, bona fide and properly incurred living expenses referred to in subparagraph 5(a) of the order made on 11 September 2024 (as varied by the order made on 4 October 2024) in this proceeding.
5. Until further order, the Receivers are relieved from any obligation under subparagraph 1(a) of the 22 October Order or subparagraph 1(a) of the 1 November Order to collect and secure any of the assets referred to in the order 4 above, or in the undertaking recorded above.



ASIC to provide document to Receivers

6. By 5 December 2024, the plaintiff (**ASIC**) is to provide the Receivers with an unlocked version of the “Excel” document prepared by ASIC and comprising a consolidated and merged summary of the defendants' bank statements obtained by ASIC.

Directions

7. The Receivers would be justified and otherwise acting reasonably in exercising their power of sale in respect of the Property located and removed from the leased premises at Unit 2, 4-8 Price Street, Southport, QLD 4215.
8. The Receivers would be justified and acting reasonably in informing the privately appointed receiver appointed to the “Mackay Property” (as defined in the 1 November Order) (**Mackay receiver**) that they have no objection to the Mackay receiver's proposal whereby further funds will be advanced to the thirteenth defendant for the Mackay receiver to use to complete the development of the Mackay Property with a view to the Mackay receiver then arranging a lease and sale of the Mackay Property.
9. In relation to the Midland Property (as that term is defined in the 1 November Order), the Receivers would be justified and acting reasonably in conducting negotiations in accordance with the proposal described in paragraphs 39 and 40 of the affidavit of Andrew Peter Fielding made on 29 November 2024 filed in this proceeding, provided that they do not enter any contract for the sale of the Midland Property without first obtaining leave of the Court.
10. In relation to the defendants' obligations in paragraph 4 of the 22 October Order and paragraph 6 of the 1 November Order (to immediately deliver up to the Receivers books, records and other papers in their possession custody and control), the defendants may deliver up any legal files held by the firm Fraser Lawyers by delivering or causing Fraser Lawyers to deliver those files in electronic form to the Registry of this Court by 6 December 2024.
11. As to any material delivered to the Registry in accordance with paragraph 10:
 - (a) The defendants have leave to uplift and inspect the material.
 - (b) If any defendant wishes to make a claim of client legal (or other) privilege over the material, or any part of that material, they must file and serve, and provide to the Receivers a copy of, an affidavit identifying the material over which such privilege is claimed and the basis for that claim by 20 December 2024.
 - (c) The plaintiff and Receivers have leave to uplift and inspect the material produced, to the extent that it is not the subject of a claim for privilege, after that date.

Other

12. The Receivers' costs of and incidental to this application are to be payable from the Property of the defendants.
13. Otherwise, the Receivers' interlocutory process dated 22 November 2024 (as amended in accordance with paragraph 1) and the defendants' interlocutory application dated 28 November 2024 are each adjourned to a date to be fixed.



14. Liberty to apply.

Date orders authenticated: 11 December 2024

Sia Lagos
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
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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