



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD559/2023

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**  
Plaintiff

**MITCHELL ALEXANDER GRAY ATKINS**  
Defendant

**ORDER**

**JUDGE:** JUSTICE STEWART

**DATE OF ORDER:** 19 June 2023

**WHERE MADE:** Sydney

**PENAL NOTICE**

**TO: MITCHELL ALEXANDER GRAY ATKINS**

**IF YOU:**

**(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 TO ABSTAIN FROM DOING,**

**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:**

***Short service***

1. The time for service of the originating process and the affidavit of Mark John Pangbourne sworn 18 June 2023 (**Pangbourne Affidavit**) be abridged to 5:00pm AEST on Tuesday, 20 June 2023 (**Service Time**).
2. Pursuant to r 10.24 of the *Federal Court Rules 2011* (Cth):



- (a) Personal service on the defendant of the originating process and the supporting affidavits be dispensed with; and
  - (b) The originating process, the supporting affidavits, the applicant's submissions (including Parts A and B), and a copy of these orders (the **Initiating Documents**) will be taken to have been served on the defendant by the following steps occurring on or before the Service Time:
    - (i) Sending a copy of the Initiating Documents by email to mitchellatkins02@proton.me; and
    - (ii) Serving a hard copy of the Initiating Documents on any person apparently over the age of sixteen years at Suite 2.10, 4 Ilya Avenue, Erina, New South Wales, 2250, or if it is not possible to leave the documents 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 defendant at the address.
3. The originating process be returnable before the Commercial and Corporations Duty Judge at 9:30 on Monday, 26 June 2023.

***Interim travel restraint orders***

4. Pursuant to section 1323(3) of the *Corporations Act 2001* (Cth), pending the determination of the final relief in the originating process or further order and, in the first instance until 5:00pm on Monday, 26 June 2023, the defendant is prohibited from leaving Australia without the consent of the Court.
5. Pursuant to section 1323(3) of the *Corporations Act 2001* (Cth), by 4:30pm on Thursday, 22 June 2023, the defendant deliver up to the Sydney 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 concerning any travel arrangements made for, or falling within, the 12-month period commencing on 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 his possession, custody or control on or after the date of this application.

6. The documents delivered up to the Sydney Registry pursuant to order 5 above be held by the Sydney Registry pending the determination of this application or until further order.
7. Pursuant to s 23 of the *Federal Court of Australia Act 1976* (Cth), pending determination of the final relief in the originating process, and in the first instance, until 5:00pm on Monday, 26 June 2023, the defendant is restrained from applying for the issue of any passport, visa or other document permitting international travel.
8. Pursuant to s 23 of the *Federal Court of Australia Act 1976* (Cth), in the event that the defendant cannot locate any passport, visa or other document permitting international travel, by 4:30pm on Thursday, 22 June 2023, he:
  - (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 above notification sent.

***Service of orders on third parties***

9. To the extent necessary, the plaintiff has leave to give to:
  - (a) The relevant authorities that issue and control passports and international travel documents; and
  - (b) The Australian Border Force or other government authority responsible for border control,notice of the making of any of the above orders by giving a copy of the orders to a person apparently in the employ of that entity or person.
10. Costs reserved.
11. Liberty to apply to the Commercial and Corporations Duty Judge on reasonable notice.



Date that entry is stamped: **19 June 2023**

*Sia Lagos*  
Registrar