



Federal Court of Australia

District Registry: Queensland Registry

Division: General

No: QUD371/2025

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION and others named
in the schedule
Plaintiff

AUSTRALIAN FIDUCIARIES LIMITED ACN 601 228 844 and others named in the
schedule
Defendant

ORDER

JUDGE: Justice Downes

DATE OF ORDER: 11 September 2025

WHERE MADE: Sydney

PENAL NOTICE

TO:

NEXUS FILES DEVELOPMENTS PTY LTD (ACN 643 550 609)

THE POSSESSED PTY LTD (ACN 643 305 668)

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 THAT:

In these orders:

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 relating to the Business or Property of the Twenty-Fifth and Twenty-Sixth Defendants.

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 Investor Funds, and any subsequent dealings with, payments or distributions of, or uses made of Investor Funds, including the provision of Investor Funds to other Defendants, and all activities and arrangements whereby those other Defendants dealt with, made payments or distributions of, or otherwise used the Investor Funds received by them.

Corporations Act: means *Corporations Act 2001* (Cth).

Dealing: includes:

- (a) removing, causing, procuring, assisting or permitting any Property in the possession or under the control of the Twenty-Fifth and Twenty-Sixth 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, any of the Property of any of the Twenty-Fifth and Twenty-Sixth Defendants.

Investor Funds: means monies provided to any of the Defendants, 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 using such funds for the purpose of providing a return to investors on the funds invested.

Property: means all real or personal property, assets or interests in property or assets of any kind, including any assets or property held by a trustee on behalf of beneficiaries as at the date of the Plaintiff's originating application filed 13 June 2025 (**Originating Application**), or in the future, within or outside Australia including choses in action and, by virtue of subsection 1323(2A) of the *Corporations Act*, any property held otherwise than as sole beneficial owner.



**THE COURT ORDERS BY CONSENT (AS BETWEEN THE PLAINTIFF AND
TWENTY-FIFTH AND TWENTY-SIXTH DEFENDANTS):**

Appointment of Receivers

1. An order pursuant to sections 1323(1)(h) and (3) of the *Corporations Act* appointing Matthew Charles Hudson and Terry Grant van der Velde of SV Partners of 22 Market Street, Brisbane City QLD 4000, as receivers and managers (**Receivers**), without security, of the Property of the Twenty-Fifth and Twenty-Sixth Defendants, to:
 - (a) identify and secure the Property of the Twenty-Fifth and Twenty-Sixth Defendants;
 - (b) ascertain the amount of the Investor Funds received by the Twenty-Fifth and Twenty-Sixth Defendants, including from any of the other Defendants;
 - (c) identify any dealings with, payments or distributions of, or uses made by the Twenty-Fifth and Twenty-Sixth Defendants of the Investor Funds received by them;
 - (d) identify any Property purchased or acquired by the Twenty-Fifth and Twenty-Sixth Defendants with Investor Funds received by them;
 - (e) recover Investor Funds received by the Twenty-Fifth and Twenty-Sixth Defendants; and
 - (f) provide a report to the Court within 45 days in relation to:
 - (i) the matters referred to in subparagraphs 1(a) to 1(e) of this order;
 - (ii) an opinion as to the solvency of the Twenty-Fifth and Twenty-Sixth Defendants; and
 - (iii) an opinion as to the likely return to creditors and investors in the event that each of the Twenty-Fifth and Twenty-Sixth Defendants were to:
 - (A) continue operating; and
 - (B) be wound up.



2. The Receivers shall have the following powers:
 - (a) the powers set out in subsections 420(1) and (2)(a), (b), (e), (f), (g), (h), (k), (n), (o), (p), (q), (r), (t) and (u) of the *Corporations Act*;
 - (b) the power to apply to the Court for directions or further orders; and
 - (c) the power to investigate and report on the matters set out in paragraph 1(f) above.
3. The Twenty-Fifth and Twenty-Sixth Defendants shall immediately deliver up to the Receivers all the Books in their possession, custody or control which relate to the Business or the Property of the Twenty-Fifth and Twenty-Sixth Defendants.
4. The Plaintiff shall provide the Receivers with copies of all Books concerning the Business or the Property of the Twenty-Fifth and Twenty-Sixth Defendants which have been or are 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.
5. The Plaintiff shall, upon the request of the Receivers, deliver up to the Receivers copies of the affidavits filed by the Plaintiff in support of the Originating Application.
6. The Receivers' reasonable remuneration and reasonable costs and expenses properly incurred in the performance of their duties be payable from the Property of the Twenty-Fifth and Twenty-Sixth Defendants.



Asset Preservation

7. Further to the orders sought in paragraphs 1 to 6 above, and subject to paragraph 8 below, pursuant to section 1323(1) of the *Corporations Act*, until further order, the Twenty-Fifth and Twenty-Sixth Defendants, by themselves and their servants, agents, and employees, are restrained until further order, from:
- (a) removing, or causing, procuring, assisting or permitting to be removed, from Australia or from the jurisdiction of this Court, any of the Property of any of the Twenty-Fifth and Twenty-Sixth Defendants;
 - (b) selling, charging, mortgaging, encumbering, securing, disposing of, diminishing the value of, or otherwise Dealing with, any of the Property of any of the Twenty-Fifth and Twenty-Sixth Defendants;
 - (c) causing or permitting to be sold, charged, mortgaged, encumbered, secured, disposed of, diminished in value, or otherwise dealt with, any of the Property of any of the Twenty-Fifth and Twenty-Sixth Defendants;
 - (d) without limiting the terms of subparagraphs (a) to (c) above, incurring liabilities including, without limitations, 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 subparagraphs (a) to (d) above, withdrawing, transferring or otherwise disposing of any monies available in any account with any bank, building society or other financial institution in which any of the Twenty-Fifth and Twenty-Sixth Defendants have any legal or equitable interest.
8. The orders sought in paragraph 7 above do not prevent:
- (a) the Twenty-Fifth and Twenty-Sixth Defendants from each paying or otherwise incurring a liability for ordinary, bona fide and properly incurred operating expenses;



- (b) the Twenty-Fifth and Twenty-Sixth Defendants from paying or otherwise incurring a liability for costs reasonably incurred in this proceeding; and
- (c) 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 it to the Twenty-Fifth and Twenty-Sixth Defendants prior to the date of this Order.

Notice of orders to Third Parties

9. To the extent necessary, the Plaintiff has leave to give notice of these orders to:

- (a) the relevant authorities (domestic or overseas) that record, control and regulate the ownership of real property and motor vehicles;
- (b) any bank, building society, cryptocurrency exchange or other financial institution (domestic or overseas) through which, to the best of the Plaintiff's belief, any of the Twenty-Fifth and Twenty-Sixth Defendants operates any account;
- (c) any other person or entity (domestic or overseas) holding or controlling Property, which, to the best of the Plaintiff's belief, belongs to any of the Twenty-Fifth and Twenty-Sixth Defendants; and
- (d) the Receivers,

by delivering a copy of a minute of the orders to that entity or a person and/or any person apparently in the employ of that entity or person.

Non-Publication Orders

10. Pursuant to sections 37AF(1)(a), (b)(i) and (b)(iv), and 37AG(1)(a) of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**), on the ground that the order is necessary to prevent prejudice to the proper administration of justice, the following details of any investors or clients of the First Defendant to the Thirty-First Defendant referred to in the proceeding be prohibited from publication:

- (a) their names;



- (b) their postal or residential addresses;
- (c) their email addresses;
- (d) their telephone numbers;
- (e) their drivers' licence numbers;
- (f) their dates of birth; and
- (g) any bank account details associated with them.

11. Pursuant to sections 37AF(1)(a), (b)(i) and (b)(iv), and 37AG(1)(a) of the *FCA Act*, on the ground that the order is necessary to prevent prejudice to the proper administration of justice, Annexures SRP-96 to SRP-106 of the affidavit of Scott Robert Purdon affirmed 12 June 2025 and Annexure MLS-39 of the third affidavit of Melinda Lee Smith sworn 15 August 2025 are to be marked 'supressed' on the electronic court file, and not to be published (whether electronically or otherwise), or disclosed or accessed by any person other than:

- (a) the Court;
- (b) the parties and their legal representatives; or
- (c) any external administrator, as that term is defined in s 9 of the *Corporations Act 2001* (Cth) appointed, whether or not by the Court, to any of the defendants to the proceeding (including, for the avoidance of doubt, any receivers or receiver and managers appointed by the Court), and their legal representatives.

Other

12. Liberty to apply on reasonable notice.

13. Costs reserved.

Date orders authenticated: 11 September 2025

A handwritten signature in blue ink, reading "Sia Lagos".

Registrar

Note: Entry of orders is dealt with in Rule 39.32 of the *Federal Court Rules 2011*.



Schedule

No: QUD371/2025

Federal Court of Australia

District Registry: Queensland Registry

Division: General

Applicant	LEE RUSHTON IN HIS CAPACITY AS DIRECTOR OF THE TENTH AND ELEVENTH DEFENDANT
Interested Person	SOLOMONS CAPITAL AUSTRALIA PTY LTD ACN 635 595 309
Second Defendant	GLOBAL ACTIVE PROPERTY PTY LTD ACN 641 974 656
Third Defendant	GLOBAL YIELD INVESTMENTS PTY LTD ACN 641 974 361
Fourth Defendant	IMPACT FIDUCIARIES PTY LTD ACN 633 621 682 AS TRUSTEE FOR SOCIAL IMPACT TRUST ABN 34 221 385 991
Fifth Defendant	GLOBAL PRIVATE EQUITY PTY LTD ACN 641 023 547
Sixth Defendant	ALTON ENTERPRISES PTY LTD ACN 634 568 111
Seventh Defendant	ELC FIDUCIARIES PTY LTD ACN 643 570 996 AS TRUSTEE FOR EARLY LEARNING PROPERTY TRUST
Eighth Defendant	EDUCATION FIDUCIARIES PTY LTD ACN 642 177 080
Ninth Defendant	SRI FIDUCIARIES PTY LTD ACN 634 072 325 AS TRUSTEE FOR SRI PROPERTY TRUST ABN 61 412 567 086
Tenth Defendant	SRI FIDUCIARIES 2 PTY LTD ACN 647 487 732 AS TRUSTEE FOR SRI PROPERTY TRUST 2 ABN 21 691 923 892
Eleventh Defendant	SRI FIDUCIARIES 3 PTY LTD ACN 649 532 025 AS TRUSTEE FOR SRI PROPERTY TRUST 3 ABN 23 669 460 463
Twelfth Defendant	SDA PROPERTY NOMINEES PTY LTD ACN 634 072 030 AS TRUSTEE FOR SDA HOLDINGS TRUST ABN 49 786 717 152
Thirteenth Defendant	SDA FIDUCIARIES PTY LTD ACN 633 632 283 AS



TRUSTEE FOR SDA PROPERTY TRUST ABN 16 727 323
078

Fourteenth Defendant	SDA FIDUCIARIES 2 PTY LTD ACN 633 792 711 (CONTROLLER APPOINTED) AS TRUSTEE FOR SDA PROPERTY TRUST 2 ABN 30 803 199 130
Fifteenth Defendant	SDA FIDUCIARIES 3 PTY LTD ACN 634 665 008 AS TRUSTEE FOR SDA PROPERTY TRUST 3 ABN 86 144 960 975
Sixteenth Defendant	SDA FIDUCIARIES 4 PTY LTD ACN 634 665 044 AS TRUSTEE FOR SDA PROPERTY TRUST 4 ABN 91 405 942 410
Seventeenth Defendant	SDA FIDUCIARIES 5 PTY LTD ACN 641 715 237 AS TRUSTEE FOR SDA PROPERTY TRUST 5 ABN 38 960 304 935
Eighteenth Defendant	SDA FIDUCIARIES 6 PTY LTD ACN 641 715 246 AS TRUSTEE FOR SDA PROPERTY TRUST 6 ABN 14 159 956 210
Nineteenth Defendant	SDA FIDUCIARIES 7 PTY LTD ACN 642 131 968 AS TRUSTEE FOR SDA PROPERTY TRUST 7 ABN 31 686 743 307
Twentieth Defendant	SDA FIDUCIARIES 8 PTY LTD ACN 642 132 009 AS TRUSTEE FOR SDA PROPERTY TRUST 8 ABN 87 408 377 958
Twenty First Defendant	PROGRESSIVE EARLY EDUCATION CENTRES PTY LTD ACN 636 113 721
Twenty Second Defendant	GLOBAL MULTIMEDIA PTY LTD ACN 643 569 975 AS TRUSTEE FOR GLOBAL MULTIMEDIA TRUST
Twenty Third Defendant	GLOBAL EDUCATION INNOVATIONS PTY LTD ACN 650 365 021
Twenty Fourth Defendant	VIOLETT PRODUCTION PTY LTD ACN 648 746 534
Twenty Fifth Defendant	NEXUS FILES DEVELOPMENTS PTY LTD ACN 643 550 609
Twenty Sixth Defendant	THE POSSESSED PTY LTD ACN 643 305 668
Twenty Seventh Defendant	E3 DESIGN & BUILD PTY LTD ACN 635 558 959



Twenty Eighth Defendant	E3 DESIGN & BUILD NSW PTY LTD ACN 636 046 136
Twenty Ninth Defendant	EMPORIO FIDUCIARIES PTY LTD ACN 651 713 487 AS TRUSTEE FOR EMPORIO TRUST ABN 29 196 718 834
Thirtieth Defendant	CHIRN PARK FIDUCIARIES PTY LTD ACN 643 570 236 AS TRUSTEE FOR CHIRN PARK ELC TRUST ABN 35 854 772 948
Thirty First Defendant	POINT FIDUCIARIES PTY LTD ACN 649 961 053 AS TRUSTEE FOR PARADISE POINT TRUST ABN 50 577 352 584