



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID212/2024

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Plaintiff

STEPHEN VINCENT MCGOVERN and another named in the schedule
Defendants

ORDER

JUDGE: JUSTICE ANDERSON

DATE OF ORDER: 18 March 2024

WHERE MADE: Melbourne

PENAL NOTICE

**TO: STEPHEN VINCENT MCGOVERN and
MARK MADAFFERI**

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME
SPECIFIED IN THE 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 ORDERS THAT:

***Ex-parte* hearing and service**

1. Service of the Originating Process dated 18 March 2024, the affidavit in support and the written submissions at any time before service of these orders on the defendants be dispensed with.



2. The application is immediately returnable before the Court on 18 March 2024 at 3.30pm, on an *ex parte* basis.
3. The plaintiff serve on the defendants copies of the following as soon as practicable:
 - (a) a copy of these orders
 - (b) the Originating Process dated 18 March 2024;
 - (c) the affidavit of Philip Edward Hannavelle Peck affirmed on 18 March 2024;
 - (d) the submissions of the plaintiff dated 18 March 2024; and
 - (e) a transcript of the hearing held in this proceeding on 18 March 2024.

Interim Travel Restraint Orders

4. Until further order, or 13 September 2024, whichever is earlier, pursuant to s 1323(3) of the Corporations Act 2001 (Cth) (**Corporations Act**), each of the defendants be restrained from leaving or attempting to leave Australia.
5. Pursuant to s 1323(3) of the Corporations Act, that each of the defendants deliver up forthwith, to the Registry of this Court:
 - (a) all passports in their name which are in their possession, custody or control;
 - (b) any documents evidencing any travel arrangements made for him in the twelve (12) month period commencing from the date of this order; and
 - (c) any copy in their possession, custody or control of any application in his name for a passport, replacement passport or other document permitting international travel made to the authorities of any country on or after the date this order enters into effect.
6. The documents delivered up to the Registry pursuant to Order 5 above be held by the Registry until 13 September 2024, or until further order, whichever is earlier.
7. Until further order, or 13 September 2024, whichever is earlier, the defendants be restrained from applying for the issue of an Australian or non-Australian passport or other document permitting international travel.



8. In the event that a defendant cannot locate any passport or other document permitting international travel, he promptly:
 - (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 or travel document, the relevant authority or, in the case of a foreign passport or travel document, the relevant authority responsible for the issue and control of such passports or travel documents, confirming that he has lost his passports or travel documents; and
 - (b) file and serve an affidavit stating that fact and exhibiting a copy of the above notification sent.

Notice of orders to Third Parties

9. To the extent necessary, the Plaintiff has leave to give to the relevant authorities that issue and control passports notice of the making of any of the foregoing interim orders by giving a copy of the orders to a person apparently in the employ of any such entity or person.

General

10. The Originating Process dated 18 March 2024 be returnable before the Commercial and Corporations Duty Judge, Justice Anderson, at 9.30am on 27 March 2024.
11. Liberty to any party to apply to the Commercial and Corporations Duty Judge on reasonable notice.
12. Costs reserved.

Date that entry is stamped: 18 March 2024

Sia Lagos
Registrar



Schedule

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Second Defendant MARK MADAFFERI