

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 30/08/2023 3:07:10 PM AEST
Date Accepted for Filing: 30/08/2023 3:20:28 PM AEST
File Number: NSD935/2023
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v
RONALD JOSEPH PATTENDEN & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: First Case Management Hearing
Time and date for hearing: 07/09/2023, 9:30 AM
Place: Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip Street
Queens Square, Sydney



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.



ORIGINATING PROCESS

**FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: GENERAL**

No of 2023

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

RONALD JOSEPH PATTENDEN AND OTHERS NAMED IN THE SCHEDULE

Defendants

A. DETAILS OF APPLICATION

This application is made under sections 206C(1) 206E(1), 1317E(1), 1317G(1) and 1317J(1) of the *Corporations Act 2001* (Cth) (**Corporations Act**).

The Plaintiff seeks declarations of contraventions by the First to Fifth Defendants of ss 180(1), 181(1) and 182(1) of the Corporations Act, orders that the First to Fifth Defendants pay a pecuniary penalty or penalties to the Commonwealth, orders for disqualification under ss 206C and 206E of the Corporations Act and costs.

On the facts stated in the accompanying Concise Statement dated 30 August 2023, the Plaintiff seeks:

Declarations

1. A declaration under s 1317E(1) of the Corporations Act that, in his capacity as a director of Aboriginal Community Benefit Fund No 2 Pty Ltd (**ACBF 2**), ACBF Funeral Plans Pty Ltd (**ACBF Plans**) and Community Funeral Plans Pty Ltd (**ACBF Community**) between 4 September 2017 and 30 November 2018, the First Defendant contravened ss 180(1), 181(1) and 182(1) of the Corporations Act.
2. A declaration under s 1317E(1) of the Corporations Act that, in his capacity as a director of ACBF 2, ACBF Plans and ACBF Community between 4 September 2017 and 30 November 2018, the Second Defendant contravened ss 180(1), 181(1) and 182(1) of the Corporations Act.
3. A declaration under s 1317E(1) of the Corporations Act that, in his capacity as a director of ACBF 2 and ACBF Plans between 4 September 2017 and 19 December 2017, and a director of ACBF Community between 4 September

Filed on behalf of the Plaintiff, Australian Securities and Investments Commission

File ref: 22004985

Prepared by: Jody Marshall
AGS lawyer within the meaning of s 55I of the *Judiciary Act 1903*

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The Australian Government Solicitor
Level 33, 300 George Street, BRISBANE QLD 4000
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49025696



2017 and 23 October 2017, the Third Defendant contravened ss 180(1), 181(1) and 182(1) of the Corporations Act.

- 4. A declaration under s 1317E(1) of the Corporations Act that, in his capacity as a director or officer of ACBF 2, ACBF Plans and ACBF Community between October 2017 and 30 November 2018, the Fourth Defendant contravened ss 180(1), 181(1) and 182(1) of the Corporations Act.
- 5. A declaration under s 1317E(1) of the Corporations Act that, in his capacity as a director or officer of ACBF 2, ACBF Plans and ACBF Community between October 2017 and 30 November 2018, the Fifth Defendant contravened ss 180(1), 181(1) and 182(1) of the Corporations Act.

Penalties

- 6. An order under s 1317G(1) of the Corporations Act that, within 30 days of the order, each of the First to Fifth Defendants pay to the Commonwealth of Australia a pecuniary penalty or penalties in an amount or amounts to be fixed by the Court in respect of each contravention of ss 180(1), 181(1) and 182(1) of the Corporations Act.

Disqualification orders

- 7. An order under s 206C(1)(a)(i) and/or s 206E(1)(a)(ii) of the Corporations Act disqualifying each of the First to Fifth Defendants from managing corporations for a period to be determined by the Court.

Other orders

- 8. An order that the First to Fifth Defendants pay the Plaintiff's costs of and incidental to the proceeding.
- 9. Such further or other orders as the Court considers appropriate.

Date: 30 August 2023

J. Marshall
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Jody Marshall
AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the Plaintiff

This application will be heard by at 184 Phillip Street, Sydney NSW 2000 at *am/*pm on



B. NOTICE TO DEFENDANTS

TO:

RONALD JOSEPH PATTENDEN care of Small Myers Hughes Level 2,
17 Welch Street, Southport QLD 4215

JONATHAN GLEN LAW care of James Conomos Lawyers
Level 12/179 Turbot St, Brisbane City QLD 4000

MICHAEL BRENDAN WILSON of Unit 2/ 7 Valmai Ct, Burleigh Waters QLD
4220

BRYN ELWYN JONES care of Collaery Lawyers, 22 Darley Road, Manly NSW
2095

GEOFFREY PETER CLAYTON of 6 McRae Circuit, Pacific Pines QLD 4211

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of filing:

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Registrar

This originating process is filed by Jody Marshall for the Plaintiff.

D. SERVICE

The plaintiff's address for service is:

Australian Government Solicitor

Level 33 , 300 George Street, Brisbane, QLD 4000

Email: Jody.Marshall@ags.gov.au

The Australian Government Solicitor's telephone number is:

Tel: 07 3360 5600

It is intended to serve a copy of this originating process on the Defendants.

