

**TO THE INVESTOR AS ADDRESSED**

24 August 2017

Dear Sir / Madam

**Re: Botanica**

**Secret Valley Estate**

**Oak Valley Lakes Estate & Resort**

**Bendigo Vineyard Estate & Resort**

**Melbourne Grove Estate**

**(the “Schemes”)**

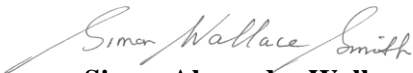
On 17 October 2016, the Federal Court of Australia made an Order winding up the above five Schemes operated by the 21<sup>st</sup> Century Group of Companies over which I was appointed Official Liquidator. A copy of the Order is **enclosed**.

My investigations have not revealed any assets or liabilities of the respective Schemes. All assets and liabilities, including the debts owed to investors, are liabilities of the respective Companies.

As a result, I consider there to be no impact on investors in the event that the winding up of the Schemes are finalised. Accordingly, the winding up of the Schemes have now been finalised.

Should any investors have queries regarding their investment in the Companies, please email any queries to [21stcenturypropertygrp@deloitte.com.au](mailto:21stcenturypropertygrp@deloitte.com.au).

Yours faithfully



**Simon Alexander Wallace-Smith**  
Joint and Several Official Liquidator

Encl.



Federal Court of Australia

District Registry: Victoria

Division: General

No: VID407/2015

**AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION**  
Plaintiff

**JAMIE NEVILLE MCINTYRE** and others named in the schedule  
Defendants

### **ORDER**

**JUDGE:** JUSTICE BROMWICH

**DATE OF ORDER:** 17 October 2016

**WHERE MADE:** Melbourne

Upon the basis of undisputed matters contained in a Statement of Agreed Facts, dated 12 October 2016, and Joint Submissions in writing, dated 14 October 2016,

#### **THE COURT ORDERS AND DECLARES THAT:**

##### ***Disqualification orders and financial services injunctions***

1. Jamie Neville McIntyre is disqualified pursuant to sections 206D and 206E of the *Corporations Act 2001* (Cth) (**Corporations Act**) from managing corporations for a period of 10 years.
2. Dennis Hugh McIntyre is disqualified pursuant to sections 206D and 206E of the *Corporations Act* from managing corporations for a period of 10 years.
3. Jamie Neville McIntyre is restrained for a period of 10 years whether by himself, his servants, agents and employees or otherwise, from:
  - a. carrying on a business related to, concerning or directed to financial products or financial services within the meaning of s 761A of the *Corporations Act*;
  - b. providing any of the following services:
    - i. providing financial product advice within the meaning of s 761A of the *Corporations Act*;



- ii. dealing in financial products within the meaning of s 761A of the Corporations Act;
  - c. in any way holding himself out as doing the things in paragraphs 3(a) or 3(b) above.
4. Dennis Hugh McIntyre is restrained for a period of 10 years whether by himself, his servants, agents and employees or otherwise, from:
  - a. carrying on a business related to, concerning or directed to financial products or financial services within the meaning of s 761A of the Corporations Act;
  - b. providing any of the following services:
    - i. providing financial product advice within the meaning of s 761A of the Corporations Act;
    - ii. dealing in financial products within the meaning of s 761A of the Corporations Act;
  - c. in any way holding himself out as doing the things in paragraphs 4(a) or 4(b) above.

***Unregistered managed investment scheme orders and declarations***

In these orders and declarations the following terms are defined:

**21<sup>st</sup> Century Group** involved:

- Archery Road Pty Ltd (Third Defendant);
- Secret Valley Estate Pty Ltd (Fourth Defendant);
- Kingsway South Holdings Pty Ltd (Fifth Defendant);
- Bendigo Vineyard Estate Pty Ltd (Sixth Defendant);
- Melbourne Tarniet Estate Pty Ltd (Seventh Defendant);
- Property Tuition Pty Ltd (Eighth Defendant);
- Education Holdings Pty Ltd (Ninth Defendant); and
- Sourcing Property Pty Ltd (Tenth Defendant).

**Bendigo Vineyard Estate and Resort scheme** involved:



- land located at 51 Andrews Road, Bendigo, Victoria 3551;
- “Bendigo Vineyard Estate and Resort Lot Reservation Agreement” (and attachments);
- Bendigo Vineyard Estate Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd (as the scheme promoters/operators); and
- investors therein.

**Botanica scheme** involved:

- land located at 805 Archer Road, Kialla, Victoria 3631;
- “Botanica Lot Reservation Agreement” (and attachments);
- Archery Road Pty Ltd, Property Tuition Pty Ltd, Education Holdings Pty Ltd (as the scheme promoters/operators); and
- investors therein.

**Melbourne Grove Estate scheme** involved:

- land located at 1491 Dohertys Road, Mount Cottrell, Victoria 3024;
- “Melbourne Grove Lot Reservation Agreement” (and attachments);
- Melbourne Tarniet Estate Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd (as the scheme promoters/operators); and
- investors therein.

**Oak Valley Lakes Estate and Resort scheme** involved:

- land located at 124 Booth Road, Brookhill, Townsville Queensland 4816;
- “Oak Valley Lakes Lot Reservation Agreement” (and attachments);
- “Oak Valley Lakes Sourcing Property Agreement”;
- Kingsway South Holdings Pty Ltd, Sourcing Property Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd (as the scheme promoters/operators); and
- investors therein.

**Secret Valley Estate scheme** involved:

- land located at 1955 Old Sydney Road, Bylands, Victoria 3762;
- “Secret Valley Estate Lot Reservation Agreement” (and attachments);
- Secret Valley Estate Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty



Ltd; and

- investors therein.

5. The Court notes the following matters:

- a. On 7 October 2015 the Court appointed Simon Alexander Wallace-Smith and Robert Scott Woods, of Deloitte, 555 Bourke Street, Melbourne, Victoria as joint and several provisional liquidators to each of the following Defendants (**Corporate Defendants**) pursuant to s 472(2) of the Corporations Act:
  - i. Archery Road Pty Ltd (ACN 162 921 735) - Third Defendant;
  - ii. Secret Valley Estate Pty Ltd (ACN 602 817 532) - Fourth Defendant;
  - iii. Kingsway South Holdings Pty Ltd (ACN 159 230 976) - Fifth Defendant;
  - iv. Bendigo Vineyard Estate Pty Ltd (ACN 600 088 211) - Sixth Defendant;
  - v. Melbourne Tarniet Estate Pty Ltd (ACN 603 945 393) - Seventh Defendant;
  - vi. Property Tuition Pty Ltd (ACN 129 421 281) - Eighth Defendant;
  - vii. Education Holdings Pty Ltd (ACN 129 551 917) - Ninth Defendant; and
  - viii. Sourcing Property Pty Ltd (ACN 602 474 779) - Tenth Defendant.
- b. On 15 December 2015 Reports prepared and filed by the provisional liquidators with the Court on 15 December 2015 indicated that there was unlikely to be any property belonging to the schemes referred to above.
- c. On 10 March 2016 the Court ordered that each of the Corporate Defendants be wound up by the Court pursuant to s 461(1)(k) of the Corporations Act.
- d. On 10 March 2016 the Court appointed Simon Alexander Wallace-Smith and Robert Scott Woods, of Deloitte, 555 Bourke Street, Melbourne, Victoria as joint and several liquidators to each of the Corporate Defendants (**Corporate Liquidators**).
- e. The definitions in these orders of each of the following schemes does not in itself create any assets or liabilities of the schemes:
  - i. Bendigo Vineyard Estate and Resort scheme;
  - ii. Botanica scheme;
  - iii. Melbourne Grove Estate scheme;
  - iv. Oak Valley Lakes Estate and Resort scheme; and
  - v. Secret Valley Estate scheme.

6. The Court declares that the Bendigo Vineyard Estate and Resort scheme promoted and



operated by Bendigo Vineyard Estate Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd from August 2014 to 21 August 2015 was an unregistered managed investment scheme contrary to s 601ED(5) of the Corporations Act.

7. The Court declares that the Botanica scheme promoted and operated by Archery Road Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd from 28 November 2014 to 21 August 2015 was an unregistered managed investment scheme contrary to s 601ED(5) of the Corporations Act.
8. The Court declares that the Melbourne Grove Estate scheme promoted and operated by Melbourne Tarniet Estate Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd from 16 March 2015 to 21 August 2015 was an unregistered managed investment scheme contrary to s 601ED(5) of the Corporations Act.
9. The Court declares that the Oak Valley Lakes Estate and Resort scheme promoted and operated by Kingsway South Holdings Pty Ltd, Sourcing Property Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd from November 2014 to 21 August 2015 was an unregistered managed investment scheme contrary to s 601ED(5) of the Corporations Act.
10. The Court declares that the Secret Valley Estate scheme promoted and operated by Secret Valley Estate Pty Ltd, Property Tuition Pty Ltd and Education Holdings Pty Ltd from December 2014 to 21 August 2015 was an unregistered managed investment scheme contrary to s 601ED(5) of the Corporations Act.

***Unregistered managed investment scheme winding up orders***

11. Pursuant to s 601EE of the Corporations Act, each of the schemes referred to in paragraphs 6 to 10 be wound up.
12. That Simon Alexander Wallace-Smith and Robert Scott Woods of Deloitte, 555 Bourke Street, Melbourne, Victoria, be appointed as joint and several liquidators for the purposes of winding up each of the schemes referred to in paragraphs 6 to 10 (**Scheme Liquidators**).
13. Pursuant to s 601EE(2) of the Corporations Act, and subject to any further order of the Court, the Scheme Liquidators have the powers set out in ss 477(1) and 477(2) of the Corporations Act.
14. For the avoidance of doubt, nothing in these orders invalidates any steps already taken in the liquidation of any of the Corporate Defendants.



15. Apart from their statutory responsibilities, the liquidators of the schemes are not liable to incur any expense in relation to the winding up of the schemes unless there is sufficient available property.
16. The Scheme Liquidators have liberty to apply.

***Financial services declarations***

17. The Court declares that the options in the Bendigo Vineyard Estate and Resort scheme, as set out in the “Bendigo Vineyard Estate and Resort Lot Reservation Agreement” (and attachments), issued between August 2014 and 21 August 2015 were financial products pursuant to s 763A of the Corporations Act.
18. The Court declares that the options in the Botanica scheme, as set out in the “Botanica Lot Reservation Agreement” (and attachments), issued between 28 November 2014 and 21 August 2015 were financial products pursuant to s 763A of the Corporations Act.
19. The Court declares that the options in the Melbourne Grove scheme, as set out in the “Melbourne Grove Lot Reservation Agreement” (and attachments), issued between 16 March 2015 and 21 August 2015 were financial products pursuant to s 763A of the Corporations Act.
20. The Court declares that the options in the Oak Valley Lakes Estate and Resort scheme, as set out in the:
  - a. “Oak Valley Lakes Lot Reservation Agreement” (and attachments); and
  - b. “Oak Valley Lakes Sourcing Property Agreement”issued between November 2014 and 21 August 2015 were financial products pursuant to s 763A of the Corporations Act.
21. The Court declares that the options in the Secret Valley Estate scheme, as set out in the “Secret Valley Estate Lot Reservation Agreement” (and attachments), issued between December 2014 and 21 August 2015 were financial products pursuant to s 763A of the Corporations Act.
22. The Court declares that between August 2014 and 21 August 2015 Bendigo Vineyard Estate Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a



financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:

- a. dealing in financial products by:
  - i. issuing financial products, being the options in the Bendigo Vineyard Estate and Resort scheme; and/or
  - ii. arranging for a person to issue financial products, being the options in the Bendigo Vineyard Estate and Resort scheme; and
- b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of a financial product being options in the Bendigo Vineyard Estate and Resort scheme and did so by making recommendations and stating opinions through:
  - i. contacting people on the 21<sup>st</sup> Century Group's computer database;
  - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
  - iii. seminars and events held by Property Tuition Pty Ltd (Eighth Defendant) and Education Holdings Pty Ltd (Ninth Defendant);
  - iv. articles published by companies in the 21<sup>st</sup> Century Group;
  - v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
  - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;
  - vii. provision of a brochure entitled "Bendigo Vineyard Estate and Resort Due Diligence Kit" to prospective investors;
  - viii. provision of a brochure entitled "Bendigo Vineyard Estate and Resort" to prospective investors; and





- ix. provision of a price list for the lots in the “Bendigo Vineyard Estate Concept Plan” to prospective investors.
23. The Court declares that between 28 November 2014 and 21 August 2015 Archery Road Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:
- a. dealing in financial products by:
    - i. issuing financial products, being the options in the Botanica scheme; and/or
    - ii. arranging for a person to issue financial products, being the options in the Botanica scheme; and
  - b. provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of a financial product being options in the Botanica scheme and did so by making recommendations and stating opinions through:
    - i. contacting people on the 21<sup>st</sup> Century Group's computer database;
    - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
    - iii. seminars and events held by Property Tuition Pty Ltd (Eighth Defendant) and Education Holdings Pty Ltd (Ninth Defendant);
    - iv. articles published by companies in the 21<sup>st</sup> Century Group;
    - v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
    - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;
    - vii. provision of a brochure entitled "Shepparton Botanica Estate Due Diligence Kit" to prospective investors;



- viii. provision of a brochure entitled "Botanica Shepparton, Victoria, Discover How to Buy Without Loans" to prospective investors; and
  - ix. provision of a price list for the lots in the "Botanica Concept Plan" to prospective investors.
24. The Court declares that between 16 March 2015 and 21 August 2015 Melbourne Tarniet Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:
- a. dealing in financial products by:
    - i. issuing financial products, being the options in the Melbourne Grove scheme; and/or
    - ii. arranging for a person to issue financial products, being the options in the Melbourne Grove scheme; and
  - b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of a financial product being options in the Melbourne Grove scheme and did so by making recommendations and stating opinions through:
    - i. contacting people on the 21<sup>st</sup> Century Group's computer database;
    - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
    - iii. seminars and events held by Property Tuition Pty Ltd (Eighth Defendant) and Education Holdings Pty Ltd (Ninth Defendant);
    - iv. articles published by companies in the 21<sup>st</sup> Century Group;
    - v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
    - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;



- vii. provision of a brochure entitled "Melbourne Grove Due Diligence Kit" to prospective investors; and
  - viii. provision of a price list for the lots in the "Melbourne Grove Concept Plan" to prospective investors.
25. The Court declares that between November 2014 and 21 August 2015 Kingsway South Holdings Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:
- a. dealing in financial products by:
    - i. issuing financial products, being the options in the Oak Valley Lakes Estate and Resort scheme; and/or
    - ii. arranging for a person to issue financial products, being the options in the Oak Valley Lakes Estate and Resort scheme; and
  - b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of a financial product being options in the Oak Valley Lakes Estate and Resort scheme and did so by making recommendations and stating opinions through:
    - i. contacting people on the 21<sup>st</sup> Century Group's computer database;
    - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
    - iii. seminars and events held by Property Tuition Pty Ltd (Eighth Defendant) and Education Holdings Pty Ltd (Ninth Defendant);
    - iv. articles published by companies in the 21<sup>st</sup> Century Group;
    - v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
    - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;



- vii. provision of a brochure entitled "Townsville Oak Valley Lakes Estate Due Diligence Kit" to prospective investors;
  - viii. provision of a brochure entitled "Oak Valley Lakes Estate and Resort" to prospective investors;
  - ix. provision of an "Oak Valley Lakes Sourcing Fee Form" to prospective investors; and
  - x. provision of a price list for the lots in the "Oak Valley Lakes Concept Plan" to prospective investors.
26. The Court declares that between November 2014 and 21 August 2015 Sourcing Property Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:
- a. dealing in financial products by:
    - i. issuing financial products, being the options in the Oak Valley Lakes Estate and Resort scheme; and/or
    - ii. arranging for a person to issue financial products, being the options in the Oak Valley Lakes Estate and Resort scheme; and
  - b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of a financial product being options in the Oak Valley Lakes Estate and Resort scheme and did so by making recommendations and stating opinions through:
    - i. contacting people on the 21<sup>st</sup> Century Group's computer database;
    - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
    - iii. seminars and events held by Property Tuition Pty Ltd (Eighth Defendant) and Education Holdings Pty Ltd (Ninth Defendant);
    - iv. articles published by companies in the 21<sup>st</sup> Century Group;



- v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
  - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;
  - vii. provision of a brochure entitled "Townsville Oak Valley Lakes Estate Due Diligence Kit" to prospective investors;
  - viii. provision of a brochure entitled "Oak Valley Lakes Estate and Resort" to prospective investors;
  - ix. provision of an "Oak Valley Lakes Sourcing Fee Form" to prospective investors; and
  - x. provision of a price list for the lots in the "Oak Valley Lakes Concept Plan" to prospective investors.
27. The Court declares that between December 2014 and 21 August 2015 Secret Valley Estate Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:
- a. dealing in financial products by:
    - i. issuing financial products, being the options in the Secret Valley Estate scheme; and/or
    - ii. arranging for a person to issue financial products, being the options in the Secret Valley Estate scheme; and
  - b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of a financial product being options in the Secret Valley Estate scheme and did so by making recommendations and stating opinions through:
    - i. contacting people on the 21<sup>st</sup> Century Group's computer database;



- ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
  - iii. seminars and events held by Property Tuition Pty Ltd (Eighth Defendant) and Education Holdings Pty Ltd (Ninth Defendant);
  - iv. articles published by companies in the 21<sup>st</sup> Century Group;
  - v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
  - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;
  - vii. provision of a brochure entitled "Wallan Secret Valley Estate Due Diligence Kit" to prospective investors; and
  - viii. provision of a price list for the lots in the "Secret Valley Estate Concept Plan" to prospective investors.
28. The Court declares that between August 2014 and 21 August 2015 Property Tuition Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:
- a. dealing in financial products by:
    - i. issuing financial products, being the options in the:
      - 1. Bendigo Vineyard Estate & Resort scheme;
      - 2. Botanica scheme;
      - 3. Melbourne Grove scheme;
      - 4. Oak Valley Lakes Estate and Resort scheme; and/or
      - 5. Secret Valley Estate scheme; and/or
    - ii. arranging for a person to issue financial products, being the options in the:
      - 1. Bendigo Vineyard Estate & Resort scheme;
      - 2. Botanica scheme;



3. Melbourne Grove scheme;
  4. Oak Valley Lakes Estate and Resort scheme; and/or
  5. Secret Valley Estate scheme; and
- b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of financial products being options in the:
- i. Bendigo Vineyard Estate & Resort scheme;
  - ii. Botanica scheme;
  - iii. Melbourne Grove scheme;
  - iv. Oak Valley Lakes Estate and Resort scheme; and
  - v. Secret Valley Estate scheme;
- and did so by making recommendations and stating opinions through:
- i. contacting people on the 21<sup>st</sup> Century Group's computer database;
  - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);
  - iii. seminars and events held by it and Education Holdings Pty Ltd (Ninth Defendant);
  - iv. articles published by companies in the 21<sup>st</sup> Century Group;
  - v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by it;
  - vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;
  - vii. provision of a brochure entitled "Bendigo Vineyard Estate & Resort Due Diligence Kit" to prospective investors;
  - viii. provision of a brochure entitled "Bendigo Vineyard Estate & Resort" to prospective investors;



- ix. provision of a price list for the lots in the “Bendigo Vineyard Estate Concept Plan” to prospective investors.
  - x. provision of a brochure entitled "Shepparton Botanica Estate Due Diligence Kit" to prospective investors;
  - xi. provision of a brochure entitled "Botanica Shepparton, Victoria, Discover How to Buy Without Loans" to prospective investors;
  - xii. provision of a price list for the lots in the “Botanica Concept Plan” to prospective investors.
  - xiii. provision of a brochure entitled "Melbourne Grove Due Diligence Kit" to prospective investors;
  - xiv. provision of a price list for the lots in the “Melbourne Grove Concept Plan” to prospective investors.
  - xv. provision of a brochure entitled "Townsville Oak Valley Lakes Estate Due Diligence Kit" to prospective investors;
  - xvi. provision of a brochure entitled "Oak Valley Lakes Estate and Resort" to prospective investors;
  - xvii. provision of an “Oak Valley Lakes Sourcing Fee Form” to prospective investors;
  - xviii. provision of a price list for the lots in the “Oak Valley Lakes Concept Plan” to prospective investors.
  - xix. provision of a brochure entitled "Wallan Secret Valley Estate Due Diligence Kit" to prospective investors; and
  - xx. provision of a price list for the lots in the “Secret Valley Estate Concept Plan” to prospective investors.
29. The Court declares that between August 2014 and 21 August 2015 Education Holdings Pty Ltd contravened s 911A(1) of the Corporations Act in that it carried on a financial services business without holding an Australian financial services licence and without being exempt from holding an Australian financial services licence by:





- a. dealing in financial products by:
  - i. issuing financial products, being the options in the:
    - 1. Bendigo Vineyard Estate & Resort scheme;
    - 2. Botanica scheme;
    - 3. Melbourne Grove scheme;
    - 4. Oak Valley Lakes Estate and Resort scheme; and/or
    - 5. Secret Valley Estate scheme; and/or
  - ii. arranging for a person to issue financial products, being the options in the:
    - 1. Bendigo Vineyard Estate & Resort scheme;
    - 2. Botanica scheme;
    - 3. Melbourne Grove scheme;
    - 4. Oak Valley Lakes Estate and Resort scheme; and/or
    - 5. Secret Valley Estate scheme; and
- b. the provision of financial product advice, by making recommendations or statements of opinion intended to influence persons (or which could reasonably be regarded as intended to have such an influence) in making a decision to acquire, vary or dispose of financial products being options in the:
  - i. Bendigo Vineyard Estate & Resort scheme;
  - ii. Botanica scheme;
  - iii. Melbourne Grove scheme;
  - iv. Oak Valley Lakes Estate and Resort scheme; and
  - v. Secret Valley Estate scheme;and did so by making recommendations and stating opinions through:
  - i. contacting people on the 21<sup>st</sup> Century Group's computer database;
  - ii. websites belonging to the 21<sup>st</sup> Century Group, including [www.landbanking.com.au](http://www.landbanking.com.au);



- iii. seminars and events held by it and Property Tuition Pty Ltd (Eighth Defendant);
- iv. articles published by companies in the 21<sup>st</sup> Century Group;
- v. social media, including on a Facebook page called "21<sup>st</sup> Century Property" which was operated by Property Tuition Pty Ltd (Eighth Defendant);
- vi. direct contact (in person or by telephone) with prospective investors by employees or agents of the 21<sup>st</sup> Century Group;
- vii. provision of a brochure entitled "Bendigo Vineyard Estate & Resort Due Diligence Kit" to prospective investors;
- viii. provision of a brochure entitled "Bendigo Vineyard Estate & Resort" to prospective investors;
- ix. provision of a price list for the lots in the "Bendigo Vineyard Estate Concept Plan" to prospective investors.
- x. provision of a brochure entitled "Shepparton Botanica Estate Due Diligence Kit" to prospective investors;
- xi. provision of a brochure entitled "Botanica Shepparton, Victoria, Discover How to Buy Without Loans" to prospective investors;
- xii. provision of a price list for the lots in the "Botanica Concept Plan" to prospective investors.
- xiii. provision of a brochure entitled "Melbourne Grove Due Diligence Kit" to prospective investors;
- xiv. provision of a price list for the lots in the "Melbourne Grove Concept Plan" to prospective investors.
- xv. provision of a brochure entitled "Townsville Oak Valley Lakes Estate Due Diligence Kit" to prospective investors;
- xvi. provision of a brochure entitled "Oak Valley Lakes Estate and Resort" to prospective investors;




- xvii. provision of an “Oak Valley Lakes Sourcing Fee Form” to prospective investors;
- xviii. provision of a price list for the lots in the “Oak Valley Lakes Concept Plan” to prospective investors.
- xix. provision of a brochure entitled "Wallan Secret Valley Estate Due Diligence Kit" to prospective investors; and
- xx. provision of a price list for the lots in the “Secret Valley Estate Concept Plan” to prospective investors.

***Costs orders***

- 30. The costs orders in order 2 of the orders made on 8 September 2015 and order 4 of the orders made on 10 March 2016 be vacated.
- 31. Jamie Neville McIntyre and Dennis Hugh McIntyre pay the Plaintiff’s costs of the proceeding fixed in the sum of \$50,000.

Date that entry is stamped: 18 October 2016

  
Registrar



**Schedule**

No: VID407/2015

Federal Court of Australia  
District Registry: Victoria  
Division: General

First Defendant	JAMIE NEVILLE MCINTYRE
Second Defendant	DENNIS HUGH MCINTYRE
Third Defendant	ARCHERY ROAD PTY LTD (ACN 162 921 735)
Fourth Defendant	SECRET VALLEY ESTATE PTY LTD (ACN 602 817 532)
Fifth Defendant	KINGSWAY SOUTH HOLDINGS PTY LTD (ACN 159 230 976)
Sixth Defendant	BENDIGO VINEYARD ESTATE PTY LTD (ACN 600 088 211)
Seventh Defendant	MELBOURNE TARNIET ESTATE PTY LTD (ACN 603 945 393)
Eighth Defendant	PROPERTY TUITION PTY LTD (ACN 129 421 281)
Ninth Defendant	EDUCATION HOLDINGS PTY LTD (ACN 129 551 917)
Tenth Defendant	SOURCING PROPERTY PTY LTD (ACN 602 474 779)