

BETWEEN

**AUSTRALIAN SECURITIES & INVESTMENTS  
COMMISSION**

Appellant

AND

**MARK FREDERICK BUTLER**

First Respondent

**AUSTRALIAN PROPERTY CUSTODIAN  
HOLDINGS LIMITED ACN 095 474 436  
(RECEIVERS AND MANAGERS APPOINTED)  
(IN LIQUIDATION) (CONTROLLERS  
APPOINTED)**

Second Respondent

**FIRST RESPONDENT'S SUBMISSIONS**

**Part I: Certification**

1. These submissions are in a form suitable for publication on the internet.

**Part II: Issues**

2. Mr Butler adopts the articulation of the issues as framed by Mr Lewksi in proceeding No M79 of 2018.

**Part III: Notice under s.78B of the *Judiciary Act 1903***

3. Notice pursuant to s.78B of the *Judiciary Act 1903 (Cth)* is not necessary.

**Part IV: Facts**

4. Mr Butler adopts Part IV of Mr Lewski's submissions.

**Part V: Legislation**

5. Mr Butler adopts Part V of Mr Lewski's submissions.

**Part VI: Argument**

6. Mr Butler adopts Part VI of Dr Wooldridge's submissions in proceeding No M80 of 2018.

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**Part VII: Time estimate**

7. It is estimated that the presentation of oral argument on behalf of Dr Wooldridge, Mr Butler and Mr Jaques will require 2.5 hours.

**Date:** 3 August 2018

<b>T</b>	Noel Hutley	Robert Craig
<b>F</b>	(02) 8257 2599	(03) 9225 8410
<b>E</b>	(02) 9221 8389	
	nhutley@stjames.net.au	rcraig@vicbar.com.au

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Counsel for the First Respondent