

## MEDIA RELEASE

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19 NOVEMBER 2021 – MELBOURNE, AUSTRALIA

### **Mayfair’s James Mawhinney Files Formal Complaints Against ASIC Lawyers**

Mayfair 101 director James Mawhinney has filed formal complaints against Australian Securities and Investments Commission (ASIC) lawyers after the regulator published a media release that alleged he was in contempt of court despite his lawyers not being properly served with proceedings.

Formal complaints have been lodged with the Legal Services Commission, the Office of the Legal Services Commissioner, and the Legal Services Board against the ASIC lawyers, seeking a formal apology and disciplinary action.

The complaints arise out of ASIC’s November 16 Federal Court application against James Mawhinney and two corporate entities for contempt of court and misleading and deceptive conduct.

Mr Mawhinney has complained that the ASIC lawyers failed to ensure his lawyers were properly served prior to ASIC publishing a media release, resulting in more than a dozen major news publications circulating ASIC’s damning allegations of misconduct prior to being properly informed of ASIC’s case against him.

ASIC failed to give his legal team access to over 800 pages of ASIC’s court filings until a full business day after ASIC’s media release, and even then, the documents contained missing annexures which were not corrected until another full business day later.

Senior Partner at Roberts Gray Lawyers, Rhys Roberts, commented in a [statement](#) from the firm he leads yesterday, “It is concerning that a regulator considers it needs to act in this way toward our client when the strength of their case alone ought to be sufficient to achieve their regulatory objectives.

Mr Mawhinney said all obligations to Mayfair 101’s noteholders were current at the time ASIC launched its campaign against the group in March 2020. He said statements made by ASIC’s leadership, that blamed Mr Mawhinney for losing over \$210 million of investor funds, were “simply untrue” and that Mayfair’s investments were very real and capable of generating a return to noteholders.

The appeal of Mr Mawhinney’s 20-year ban is expected to be heard by the Full Court of the Federal Court in early 2022.

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### **MEDIA ENQUIRIES**

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