

## **MEDIA RELEASE**

# **ASIC Actions Against Mayfair 101 a ‘Trial By Media’**

**18 NOVEMBER 2021 – MELBOURNE, AUSTRALIA**

Roberts Gray Lawyers has labelled the Australian Securities and Investments Commission’s handling of its case against high-profile client Mayfair 101 an apparent ‘trial by media’ after the regulator’s lawyers issued a media release announcing contempt proceedings before Mayfair’s lawyers could access the full set of court filings.

Rhys Roberts, Senior Partner at Roberts Gray Lawyers, said the extraordinary events saw ASIC publish a media release at 8:06 am on Tuesday morning (November 16) alleging contempt of court by Mayfair 101’s Managing Director James Mawhinney, before Mr Mawhinney’s legal team was provided access to the full suite of court documents.

Over 800 pages of documents filed by ASIC in the Federal Court were not made available to Roberts Gray Lawyers until 5:39pm Tuesday November 16, a full business day after ASIC published its media statement announcing contempt charges against Mr Mawhinney. Even then, of the 800 pages provided ASIC had failed to include various annexures in their filings, meaning two full business days had passed since ASIC’s media release and Mayfair’s solicitors were still without a complete set of filings.

“It appears ASIC has rushed out to publish a media statement accusing our client of potentially criminal activity despite failing to provide us with over 800 pages of court filings and all relevant annexures to support their application,” Mr Roberts said. “This type of conduct unfairly portrays our client and is detrimental to his public image. It seems ASIC has opted for a trial by media rather than allowing the judicial system to perform its normal function. 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.”

ASIC’s [media release](#) of November 15 announced allegations of contempt and ‘misleading and deceptive conduct’ proceedings against Mayfair 101 Managing Director, James Mawhinney, on the basis he and two of his business entities had allegedly contravened Federal Court orders

from April 19, 2021, that banned him from soliciting funds through financial products for 20 years.

“The timing of ASIC’s new applications is curious considering the appeal our client has on foot to his 20-year ban. ASIC has created a substantial additional costs burden which looks like it might be a strategy to de-fund our client so the matters due to be raised in the appeal may not be aired publicly.

“ASIC froze our client’s access to funding in two previous Federal Court proceedings which denied them the ability to afford a defence. This gave ASIC a significant unfair advantage in obtaining judgments in their favour. It would not surprise me if this is ASIC’s motivation with these new proceedings given the strength of our client’s appeal case.”

Roberts Gray Lawyers is acting for Mr Mawhinney and his corporate entities to defend both applications.

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#### **MEDIA ENQUIRIES**

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