

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 25/02/2022 2:04:49 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
File Number: NSD1220/2020  
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v  
MELISSA LOUISE CADDICK & ANOR  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



*Sia Lagos*

Dated: 25/02/2022 4:44:32 PM AEDT

Registrar

### Important Information

As required by the Court's Rules, 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 and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59  
Rule 29.02(1)

### Affidavit

No. NSD1220 of 2020

Federal Court of Australia  
District Registry: NSW  
Division: Commercial and Corporations

#### AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

**MELISSA LOUISE CADDICK and ANOR**

Defendants

Affidavit of: **Bruce Gleeson**  
Address: Level 13, 189 Kent Street, Sydney NSW  
Occupation: Registered Liquidator  
Date: 23<sup>rd</sup> February 2022

#### Contents (Re Sale of Share Portfolios)

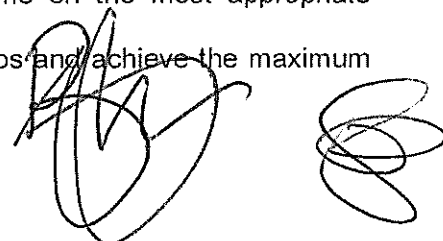
Document number	Details	Paragraph	Page
1	Affidavit of Bruce Gleeson	1 – 6	1-3
2	Annexure A	4	4-8
3	Annexure B	4	9

I, Bruce Gleeson, of Level 13, 189 Kent Street, Sydney New South Wales 2000, say on oath:

Filed on behalf of	Bruce Gleeson & Daniel Robert Soire, Receivers of the Property of Melissa Louise Caddick		
Prepared by	Michael Kevin Hayter		
Law firm	Swaab		
Tel	02 9233 5544	Fax	02 9233 5400
Email	mkh@swaab.com.au		
Address for service	Level 4, 20 Hunter Street, Sydney NSW 2000		

1. I am a fellow of Chartered Accountants Australia & New Zealand ("CAANZ"), CPA Australia, Australian Restructuring Insolvency & Turnaround Association ("ARITA"), a Registered Liquidator, and a Principal of Jones Partners.
2. I refer to my affidavit sworn 2 February 2022.
3. I refer to the two share portfolios of Ms Caddick being:
  - (a) a domestic share trading account held in the name of Ms Caddick with Commonwealth Securities Limited ("the CommSec Domestic Share Trading Account"); and
  - (b) an international share trading account held in the name of Ms Caddick with Commonwealth Securities Limited ("the CommSec International Share Trading Account")(collectively the "Share Portfolios").

I confirm that I have been liaising with Ord Minnett as to how best to realise the Share Portfolios. Ord Minnett is a leading Australian wealth management group, incorporating full-service stockbroking, financial planning, funds management and portfolio services.
4. I attach herewith and marked with the letter "A" a copy of my email to Mr Chris Goodwill dated 16 February 2022 who I understand to be a senior employee of Ord Minnett and who I believe has experience in realising listed share portfolios. Additionally, I annex herewith and marked with the letter "B" is a copy of an outline I have received from Ord Minnett and Mr Goodwill setting out some of his background experience in the area. I have utilised the services of Ord Minnett from time to time in other insolvency and bankruptcy administrations.
5. Subject to the Court allowing me to realise the share portfolios, I would at this stage, intend to instruct Ord Minnett on my behalf to advise me on the most appropriate manner to realise each of the shares in the Share Portfolios and achieve the maximum return to the Receivership in doing so.

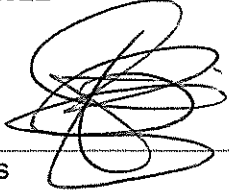
Handwritten signature and scribble.

Sworn / Affirmed by the deponent  
at Sydney  
in New South Wales  
on 23<sup>rd</sup> February 2022  
Before me:

)  
)  
)  
)  
)



Signature of deponent

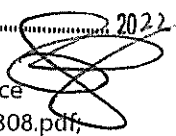


Signature of witness

" A "

THIS AND THE FOLLOWING.....<sup>4</sup>.....PAGE.....  
COMPRISES THE ANNEXURE MARKED " A " .  
REFERRED TO IN THE AFFIDAVIT OF  
BRUCE GLEESON

**Vanessa Duckworth**

<b>From:</b>	Bruce Gleeson	SWORN AT	SYDNEY
<b>Sent:</b>	Wednesday, 16 February 2022 3:02 PM	THIS	23 <sup>rd</sup> DAY
<b>To:</b>	Chris Goodwill	OF	FEBRUARY 2022
<b>Cc:</b>	Daniel Soire; Martin Vu; Vanessa Duckworth; Rob Ho	BEFORE ME:	
<b>Subject:</b>	Melissa Louise Caddick (Receivers Appointed) - Commercial in Confidence		
<b>Attachments:</b>	Portfolio_ [redacted] .pdf; AccountHoldings.DefaultView132894368897926308.pdf; Orders made 22 November 2021.pdf		4.

Dear Chris,

We refer to our recent telephone conference where we generally discussed the status of the above matter, in particular a key asset of the Receivership being the domestic and international share portfolios.

We apologise for the delay in getting this information to you – however we requested the updated portfolios for Ms Caddick’s CommSec accounts and only received them this morning. Attached are the two portfolios for your reference. Also attached is a copy of the Orders on 22 November 2021 confirming our appointment as Receivers of Ms Caddick’s property in paragraph 4.

**What we need at this stage**

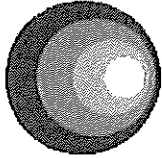
As discussed during the above conference, we are in the process of obtaining further Orders from the Federal Court that will enable us to commence liquidating the above portfolios – we are hopeful that these further Orders may be made within the next month (and as soon as they are obtained we will confirm same with you). In preparation for this and given the respective stocks and volumes held and current market conditions we are seeking your preliminary views as to the following (noting same is not meant to be an exhaustive list):

- Whether you can prepare a formal disposal strategy regarding both portfolios that will assist us in evidencing to the Court that we have undertaken a proper process to liquidate the portfolios and what the cost and timing of same will be? CRITICAL
- The most appropriate manner to liquidate each of the stocks, ie one block sale or other strategies – which would be covered in more detail in the above strategy document;
- If there may be any present stock specific issues you are aware of that may change the timing of possible realisation, ie a stock current subject to takeover bids. Again, this could be covered in more detail in the above strategy document;
- Regarding the international portfolio whether you can assist here as this aspect was canvassed in during our recent call?
- Given the portfolio values what the execution costs will be per trade, as we will need to be to satisfy the Court that such costs are reasonable; and
- What further information you may require, including specific ID details from Daniel or I as part of the liquidation strategy.

If you there is any aspect of the above you would like to discuss further, please do not hesitate to contact me direct on 0417 889 222 or Vanessa Duckworth.

Kind regards  
Bruce Gleeson

**Bruce Gleeson**  
Principal



**Jones Partners**  
Insolvency & Restructuring  
Chartered Accountants

*"Light at the end of the tunnel"*

Level 13, 189 Kent Street, Sydney NSW 2000  
T: 61 2 9251 5222 | F: 61 2 9247 5911  
E: [bgleeson@jonespartners.net.au](mailto:bgleeson@jonespartners.net.au)  
W: [www.jonespartners.net.au](http://www.jonespartners.net.au)



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**From:** Chris Goodwill <[cgoodwill@ords.com.au](mailto:cgoodwill@ords.com.au)>  
**Sent:** Tuesday, 15 February 2022 10:31 AM  
**To:** Bruce Gleeson <[bgleeson@jonespartners.net.au](mailto:bgleeson@jonespartners.net.au)>  
**Cc:** Vanessa Duckworth <[vduckworth@jonespartners.net.au](mailto:vduckworth@jonespartners.net.au)>  
**Subject:** RE: Phone Call




Hello Bruce,

Following our conversation last week please email me details of the portfolio's.

I will then review and come back to you.

Kind Regards  
Chris

**Chris Goodwill**  
Investment Adviser

-  (02) 8216 6736 (Direct)
-  (02) 8216 6311 (Fax)
-  [cgoodwill@ords.com.au](mailto:cgoodwill@ords.com.au)

## **ORD MINNETT**

Level 8, NAB House | 255 George Street | Sydney NSW 2000  
GPO Box 2613 | Sydney NSW 2001  
Website: [www.ords.com.au](http://www.ords.com.au)

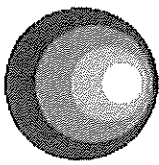
*The highest compliment our clients can give is the referral of friends, family and business associates. If you know of any one who can benefit from our services, please do not hesitate to contact us. Thank you for your support.*

To view our Financial Services Guide please use following link - <https://ords.com.au/fsg/>

From: Bruce Gleeson <[bgleeson@jonespartners.net.au](mailto:bgleeson@jonespartners.net.au)>  
Sent: Monday, 7 February 2022 5:12 PM  
To: Chris Goodwill <[cgoodwill@ords.com.au](mailto:cgoodwill@ords.com.au)>  
Cc: Vanessa Duckworth <[vduckworth@jonespartners.net.au](mailto:vduckworth@jonespartners.net.au)>  
Subject: RE: Phone Call

Hi Chris – I will give you a call around midday – does that work?

**Bruce Gleeson**  
Principal



**Jones Partners**  
Insolvency & Restructuring  
Chartered Accountants

*"Light at the end of the tunnel"*

Level 13, 189 Kent Street, Sydney NSW 2000  
T: 61 2 9251 5222 | F: 61 2 9247 5911  
E: [bgleeson@jonespartners.net.au](mailto:bgleeson@jonespartners.net.au)  
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From: Chris Goodwill <[cgoodwill@ords.com.au](mailto:cgoodwill@ords.com.au)>  
Sent: Monday, 7 February 2022 1:52 PM  
To: Bruce Gleeson <[bgleeson@jonespartners.net.au](mailto:bgleeson@jonespartners.net.au)>  
Subject: Phone Call

Hi Bruce,

I received your message from last week, I've just returned from leave.

Is there a good time to call you tomorrow?

Kind Regards  
Chris

**Chris Goodwill**  
Investment Adviser

(02) 8216 6736 (Direct)  
 (02) 8216 6311 (Fax)  
 [cgoodwill@ords.com.au](mailto:cgoodwill@ords.com.au)

**ORD MINNETT**

Level 8, NAB House | 255 George Street | Sydney NSW 2000  
GPO Box 2613 | Sydney NSW 2001  
Website: [www.ords.com.au](http://www.ords.com.au)

*The highest compliment our clients can give is the referral of friends, family and business associates. If you know of any one who can benefit from our services, please do not hesitate to contact us. Thank you for your support.*

To view our Financial Services Guide please use following link - <https://ords.com.au/fsg/>

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"B"

9.



# Corporate & Personal Insolvency Service

(trade execution & SRN search)

Here at Ord Minnett I can offer valuable assistance to your corporate & personal insolvency cases.

I work with a number of official liquidators and trustees of bankrupt estates in this area. However, it is not only trade execution where I can offer value to your business. Through my work in this space I have recognised that I can bring added value to your situation via our internal SRN search capability. This allows me to search for issuer sponsored share holdings on your behalf at no fee.

Liquidators and trustees of bankrupt estates spend valuable time trying to locate these shares and mainly deal with share registries to obtain this information. I can offer a far more streamlined, efficient and first point of contact service in this space.

The SRN search procedure (no fee charged):

- Official liquidator or trustee of bankrupt estate to provide either a certified copy of the Appointment of An External Administrator or certified copy of the Certificate of Appointment of Trustee
- Official liquidator or trustee of bankrupt estate to provide details of the company or individual i.e. company or individual name and address details
- Details of ASX listed company to be searched
- Search conducted based on these details
- Once SRN located the official liquidator or trustee of bankrupt estate is advised

Sale of shares procedure (fee per transaction):

- Signed letter of instruction – including banking details for settlement or cheque
- Certified copy of Appointment of External Administrator or Certificate Of Appointment of Trustee
- Certified copy of signature identification for external administrator of trustee of bankrupt estate i.e. a certified copy of drivers licence & Medicare card (Identification only needs to be provided once)

I hope you find this document useful please feel free to contact me if you have any questions or queries.

Ord Minnett Ltd  
Attn: Chris Goodwill  
GPO Box 2613, Sydney NSW 2001

Chris Goodwill  
Ph: 02 8216 6736  
Fax: 02 8216 6311  
Email: cgoodwill@ords.co

**THIS IS THE ANNEXURE MARKED "B"**  
**REFERRED TO IN THE AFFIDAVIT**  
 OF BRUCE LEEBOW  
**SWORN AT SYDNEY**  
**THIS 23<sup>rd</sup>**  
**OF FEBRUARY**  
**BEFORE ME:**

**DAY**  
**2022**

## ORD MINNETT

PRIVATE WEALTH