



Federal Court of Australia
District Registry: New South Wales
Division: General

No: NSD1220/2020

AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION
Plaintiff

MELISSA LOUISE CADDICK and another named in the schedule
Defendant

ORDER

JUDGE: JUSTICE MARKOVIC

DATE OF ORDER: 15 June 2021

WHERE MADE: Sydney

In this order:

- (a) “**Receivers’ Report**” means the report that the receivers of the first defendant’s property provided to the Court on 15 February 2021 pursuant to Order 7 of the orders dated 15 December 2020.
- (b) “**Provisional Liquidators’ Report**” means the report that the provisional liquidators of the second defendant provided to the Court on 15 February 2021 pursuant to Order 12 of the Orders dated 15 December 2020.

THE COURT ORDERS THAT:

1. Pursuant to r 8.21 of the *Federal Court Rules 2011* (Cth) and/or the Court’s inherent jurisdiction, the plaintiff is granted leave to file a second further amended originating process in the form annexed to these Orders (**FAOP2**).
2. Pursuant to s 37AF(1)(a) and (b) and 37AG(1)(a) and (c) of the *Federal Court of Australia Act 1976* (Cth), that until further order, the publication or disclosure of the further amended originating process filed by the plaintiff on 16 April 2021 (**FAOP**) and **FAOP2** in so far as they refer to the names of the individuals in the definition of Interested Party, other than those of Anthony Koletti and Adam Grimley, and the addresses and folio identifiers of the properties in the definition of Real Property, is prohibited other than to:



- (a) the parties, the Provisional Liquidators and the Receivers and Managers appointed pursuant to the Orders dated 15 December 2020, and each of their legal representatives; and
 - (b) the Interested Parties as defined in the FAOP and each of their legal representatives.
3. Order 2 of the Orders made on 22 February 2021 be varied to permit the provision of the Receivers' Report and the Provisional Liquidators' Report to the parents of the first defendant and their legal representatives, with the following redacted:
- (a) the first defendant's son's name and residential and email addresses and bank account numbers and the first defendant's bank account numbers;
 - (b) the first defendants' parents' names, residential and email addresses and bank account numbers;
 - (c) the name of the company, its AFSL and individual referred to in paragraph 12.20 of the Provisional Liquidators' report and any other instance in which those details appear in either the Provisional Liquidators' Report or the Receivers' Report;
 - (d) the terms of Last Will and Testament of the first defendant, including paragraph 4.50 of the Receivers' Report;
 - (e) paragraph 11.6(x) of the Provisional Liquidators' Report;
 - (f) the individuals identified at subparagraph 3.14(e) to (i) of the Receivers' Report;
 - (g) the names and any other personal information of investors, including the names, ACNs or bank account details of any investors or related businesses, companies or self-management superannuation funds;
 - (h) any values of specific assets;
 - (i) the documents attached to annexure A, as well as annexures F-V to the Receivers' Report; and
 - (j) the documents attached to annexure A, as well as annexures G, J, L, M, O, R, T, X, Z and AB to the Provisional Liquidators' Report.

Date that entry is stamped: 15 June 2021



Sia Lagos
Registrar



Annexure



Form 2
Rules 2.2 and 15A.3

SECOND FURTHER AMENDED ORIGINATING PROCESS

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

No. NSD 1220 / 2020

IN THE MATTER OF MALIVER PTY LTD (ACN 164 334 918)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and others named in the Schedule

Defendants

A. DETAILS OF APPLICATION

This application is made under:

- (a) sections 1323, s461(1)(k), 462(2), 472(1) and (2), 911A, and 1101B of the *Corporations Act 2001* (Cth) (**Act**);
- (b) sections 21, 23, 37AF(1)(a) and (b) and 37AG(1)(a) of the *Federal Court of Australia Act 1974* (Cth) (**FCA Act**).

The nature of the proceeding is an application for orders:

- (a) relating to the property of the First and Second Defendants, including for asset preservation orders against the First and Second Defendants under s1323 of the Act and/or the appointment of a receiver / receiver and manager to the Property of the First and Second Defendants;
- (b) requiring the First Defendant to deliver up her passport to the Court;

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff		
Prepared by	Nicolette Bearup		
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- (c) prohibiting the First Defendant from leaving Australia without the consent of the Court;
- (d) provision of information from the First and Second Defendants as to their financial affairs;
- (e) suppression or non-publication orders;
- (f) for the appointment of a provisional liquidator to the Second Defendant pursuant to s. 472(2) of the Act and the winding up of the second defendant on the ground set out in s461(1)(k) of the Act and the appointment of a liquidator pursuant to 472(1) of the Act;
- (g) for the appointment of final receivers to the Receivership Property pursuant to s. 1101B(1) of the Act with powers to realise and pool property for distribution to the Out of Pocket Investors and Interested Parties.

For the purposes of this Application:

“**Caddick Services Trust Property**” means any Property ostensibly held within the Caddick Services Trust including the entitlement to the funds held in NAB Account number CADSTUSD01 referred to in [4.4] of the Receivers’ Report.

“**First Defendant Investor Funds**” means:

- (a) monies however received by the First Defendant from Investors for investment in shares and other assets to be held in their names (or their nominees); or
- (b) Second Defendant Investor Funds received by the First Defendant.

“**Interested Party**” includes Anthony Koletti, [REDACTED], Adam Grimley and [REDACTED] and [REDACTED], National Australia Bank Limited as the mortgagee of the Real Property and the Investors identified by the Final Receivers from time to time.

“**Investor Funds**” means the monies received by either the First or Second Defendant from Investors as itemized in Updated Annexure I, including amounts paid as “management fees”.



“Investors” means the parties set out in Updated Annexure I.

“Motor Vehicles” means Audi R8 registration number CW39GS and Mercedes-Benz registration number CY05FX.

“Out of Pocket Investors” includes the Investors whose “total estimated amount” owing is greater than zero as identified by the Receivers in the last column of Updated Annexure I.

“Property” means all real or personal property, assets or interests in property of any kind, within or outside Australia.

“Real Property” means the real property located at [REDACTED] and contained in folio identifier [REDACTED] and [REDACTED] and contained in folio identifier [REDACTED]

“Receivership Property” means:

- (a) the Real Property;
- (b) the Motor Vehicles;
- (c) the Shares;
- (d) the Caddick Services Trust Property;
- (e) such of the Jewellery identified in Annexure B to Annexure H “Pickles Valuations Appraisal Report” of the Receivers’ Report as is identified in the affidavit of Bruce Gleeson ~~to be~~ sworn in these proceedings as having been purchased using Investor Funds;
- (f) any further real or personal property of the First or Second Defendant that the Final Receivers may determine was purchased using Investor Funds or funds provided by [REDACTED], [REDACTED] or Adam Grimley;
- (g) any other personal property of the First Defendant that the Final Receivers may identify.

“Receivers’ Report” means the report prepared by Daniel Gleeson and Robert Soire as receivers of the property of the First Defendant dated 15 February 2021.

“Second Defendant Investor Funds” means monies received by the Second Defendant from Investors for investment in shares and other assets to be held in their names (or the names of their nominees).



"Shares" means the shares referred to at paragraph 4.18 of the Receivers' Report.

"Third Party" means a person other than the First or Second Defendant or the Plaintiff.

"Updated Annexure I" means the updated version of annexure I to the Receivers' Report, a confidential copy of which ~~is~~ will be attached to the affidavit of Bruce Gleeson ~~to be~~ sworn in these proceedings and identified with the heading "Updated Annexure I" (as updated from time to time).

On the facts stated in the supporting affidavits, including the affidavit of Isabella Lucy Allen affirmed on 9 November 2020 (**Main Allen Affidavit**) and the affidavit of Isabella Lucy Allen affirmed on 9 November 2020 (**Suppression Allen Affidavit**), and the affidavit of Isabella Lucy Allen affirmed on 25 November 2020 (**Third Allen Affidavit**) and the further affidavits ~~to be~~ filed by the Plaintiff, the Plaintiff claims the following relief:

DECLARATIONS

The Court declares that:

1A. Each of the defendants, ~~by purporting to invest Investor Funds with the intention of generating a financial return by providing financial product advice and dealing in a financial product~~, contravened the provisions of section 911A of the Act in that they carried on a financial services business without holding an Australian Financial Services Licence:

- (a) in the case of the First Defendant ~~between at least 10 October 2012 and continuing until about 10 November 2020~~ from about August 2011 and continuing until about 10 November 2020; and
- (b) in the case of the Second Defendant ~~between at least 18 June 2013 and continuing until about 10 November 2020~~.

INTERLOCUTORY RELIEF

1. Leave to file this Originating Process in Court.
2. In the first instance, service of this Originating Process be dispensed with, and the Originating Process be returnable immediately.



3. Time for service of this Originating Process and supporting affidavits be abridged to 5pm Wednesday 11 November 2020.
4. That this Originating Process be returnable on _____ for a further hearing in respect of the orders sought by the Plaintiff.
5. Anyone served with or notified of the orders may apply to the Court to vary or discharge them or so much of them as affects the person served and notified, on the giving of reasonable notice.
6. Subject to order 7 below, an order pursuant to sections 37AF(1)(a) and (b) and 37AG(1)(a) of the FCA Act that the publication or disclosure of any ex-parte orders obtained by the Plaintiff, the Originating Application, the Main Allen Affidavit (including the exhibits to that affidavit), the Suppression Allen Affidavit and any written submissions advanced by the Plaintiff in support of the ex-parte orders is prohibited until 5pm Wednesday 11 November 2020, except to enable the Plaintiff to serve the Defendants or provide copies of the orders to the entities set out in paragraph 24 for the purpose of enforcing the orders.
7. An order pursuant to s.37AF(1)(a) and (b) and 37AG(1)(a) of the FCA Act, that until further order, the publication or disclosure (except to the parties and their legal representatives) of:
 - (a) the Main Allen Affidavit in so far as it identifies the names identified in Annexure IA-4 to the Suppression Allen Affidavit;
 - (b) the Suppression Allen Affidavit in so far as it identifies the names or words identified in Annexure IA-4 to the Suppression Allen Affidavit;
 - (c) ASIC's written submissions filed in support of its application for the orders set out in this Originating Process in so far as it identifies the names or words identified in Annexure IA-4 to the Suppression Allen Affidavit;
 - (d) the whole of Exhibit IA-1, IA-2 and IA-3 to the Main Allen Affidavit;be prohibited.



Provision of information

8. Subject to paragraph 9, pursuant to s 1323(1) of the Act and s 23 of the FCA Act, by 5pm on 16 November 2020, the First and Second Defendant swear and serve upon the Plaintiff an affidavit, in the case of the First Defendant deposing in detail to the matters set out in 8. (a) – (h) below, and in the case of the Second Defendant deposing in detail to the matters set out in 8. (a) – (i) below:
- (a) the name and address of any bank, building society or other financial institution at which there is an account in the name of or under the control of the relevant Defendant, together with the number of such account, the name of such account and the balance of that account;
 - (b) the name and address of any person indebted to the relevant Defendant and the amount and nature of the indebtedness;
 - (c) an itemised inventory of all Property owned or controlled by the relevant Defendant or in which that Defendant has any legal or beneficial interest giving each item's value, location and the extent of the relevant Defendant's interest in the property;
 - (d) the names and address of any person to whom the relevant Defendant is indebted and the amount and nature of the indebtedness, including amounts owed to any person who has deposited funds with the relevant Defendant for investment (**Investor**);
 - (e) in respect of any of the Property of the relevant Defendant which has been given as security for any debt, the details of that Property and the nature of the security and the nature and amount of the debt;
 - (f) the sources and amount of any income, wages, earnings or other payments received by the relevant Defendant in the last 12 months and expected to be received by the relevant Defendant in the next 12 months;
 - (g) the name, physical address, email address and phone number of each person who currently has funds deposited with the relevant Defendant for investment at the date of these orders, or on whose behalf the Defendant holds shares or other Property, and the amount of, location and nature of



those funds and/ or the Property;

- (h) for the period from 1 January 2020 to 31 October 2020, details regarding:
 - (i) each amount deposited with the relevant Defendant by an Investor, the date of each deposit and the name and address of the Relevant Investor;
 - (ii) each amount paid to an Investor and the date of the payment;
- (i) the Second Defendant's financial statements and accounts for the year ended 30 June 2020 or 31 December 2019 (as the case may be depending upon its particular financial year), whether or not audited and whether or not in the form of management accounts only.

9. If:

- (a) the First Defendant wishes to object to complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that:
 - (i) she has committed an offence against or arising under Australian law or a law of a foreign country; or
 - (ii) is liable to a civil penalty,
- (b) all of the persons who are able to comply with paragraph 8 on behalf of the Second Defendant and with whom it has been able to communicate, wish to object to the Second Defendant complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that they:
 - (i) have committed an offence against or arising under Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty,

the First Defendant or Second Defendant must:

- (c) disclose so much of the information required to be disclosed to which no



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objection is taken; and

- (d) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
- (e) file and serve on each other party a separate affidavit setting out the basis of the objection.

INTERLOCUTORY AND FINAL RELIEF

Receivership Appointment Orders

9A. Pursuant to section 1101B(1) of the *Corporations Act*, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as joint and several receivers (**Final Receivers**), of the Receivership Property for the purpose of:

- (a) identifying, collecting and securing the Receivership Property;
- (b) taking possession of and realising the Receivership Property;
- (c) if considered necessary, winding up the Caddick Service Trust;
- (d) to the extent necessary, establishing an interest-bearing trust account with an Authorised Deposit Taking Institution nominated by the Final Receivers for the purposes of holding any net proceeds of realisation of the Property referred to in Orders 9A(b) and 9A(c) (**the Receivers' Trust Account**);
- (e) to the extent necessary, ascertaining the total quantum of Investor Funds and any funds advanced by any Interested Party to the First or Second Defendant and the identity of all investors who in the Final Receivers' view ought to be included as an Out of Pocket Investor as well as any Interested Party who may be a creditor of the First or Second Defendant;
- (f) to the extent necessary, ascertaining the total quantum of the First Defendant Investor Funds and the amount of money returned to each of those investors and the total quantum of funds received by the First Defendant from any Interested Party;



- (g) to the extent necessary, ascertaining the total quantum of the Second Defendant Investor Funds and the amount of money returned to each of those investors and the total quantum of funds received by the Second Defendant from any Interested Party;
 - (h) distributing the funds in the Receivers Trust Account to Investors and any Interested Party in accordance with the Court's directions.
- 9B. The Final Receivers have the following powers:
- (a) the power to do all things reasonably necessary or convenient to be done, in Australia and elsewhere, for or in connection with, or as incidental to the attainment of the objectives for which the Final Receivers are appointed;
 - (b) the powers under section 1101B(8) of the *Corporations Act*;
 - (c) the powers set out in section 420 of the *Corporations Act* save for the powers set out in paragraphs 420(2) (d), (h), (j), (m), (n), (o), (s), (t) and (u) and provided that wherever in that section the word 'corporation' appears, it shall be taken to include reference to the First Defendant;
 - (d) the power to seek directions from the Court regarding the distribution of funds to Investors and any Interested Party and any matter relating to the exercise of the Final Receivers' powers;
 - (e) the power to require, by request in writing, any employee, agent, banker, solicitor, stockbroker, accountant, consultant or other professionally qualified person who has provided services or advice to the First Defendant or the Second Defendant, to provide such reasonable assistance (including access to any documents, books or records to which the First Defendant has a right of access or control) to the Final Receivers as may be required from time to time
 - (f) to the extent that the Final Receivers have the power to conduct examinations, they are not to do so without first obtaining the approval of the Court, after giving ASIC prior written notice of their intention to seek court approval, and copies of any affidavits or other evidence they intend to rely upon.



9C. Before realising any of the Receivership Property, the Final Receivers shall:

- (a) give notice to any Interested Party of their intention to realise the property and inform the said parties in writing that:
 - (i) Interested Parties should advise the Final Receivers within 10 business days if they object to the sale of any of the property, specify the precise nature of the property and the basis of their objection and provide documentary evidence in support of their objection;
 - (ii) in the case of the Real Property, that they seek the written consent of the occupiers of any such property, which is to be provided by the occupiers within 28 days of the date of the Final Receivers giving such notice, 30 July 2024 that they will vacate the said property by a date acceptable to the Final Receivers;
 - (iii) in the event Interested Parties advise the Final Receivers of any objection to sale, the Final Receivers are required by the Court to re-list the matter and seek further directions from the Court in which case the Interested Party may be susceptible to an adverse order for costs.
- (b) in the event the Final Receivers:
 - (i) receive no objections to the sale of the property within the notice period referred to in sub-paragraph 9C(a)(i) above; and
 - (ii) in respect of the Real Property, obtain the written consent of the occupiers of the Real Property to vacate the said property in accordance with sub-paragraph 9C(a)(ii);

the Final Receivers shall as soon as practicable following the expiry of the notice period referred to in sub-paragraph 9C(a)(i), and the agreed date for vacation of the Real Property, take steps to realise that property;

- (c) in the event objections are received within the notice period referred to in sub-paragraph 9C(a)(i) above, or in the event the Final Receivers do not procure the written consent of the occupiers of the Real Property to vacate the property within the time period ~~by the date~~, and as provided for, in



subparagraph 9C(a)(ii), the Final Receivers shall seek directions from the Court as to whether they are justified in taking all necessary steps to realise the property (in respect of which objections have been received or which the occupants have not agreed to vacate) having regard to the said objections and in doing so join all parties they consider necessary to be joined to any such application.

9D. The above orders do not affect the rights of any secured creditor holding a mortgage or other security interest over any of the Property.

Receivership remuneration and indemnity orders

9E. The remuneration, costs and expenses of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers of the property of the First Defendant pursuant to order 5 made on 15 December 2020, that are approved by the Court, shall be paid out of the funds held within Receivers' Trust Account.

9F. The Final Receivers shall be entitled to reasonable remuneration properly incurred in the performance of their duties arising in connection with their appointment and in the exercise of their powers as may be approved by the Court on the application of the Final Receivers, together with all costs, expenses and disbursements.

9G. The Final Receivers' remuneration is to be calculated on the basis of time reasonably spent by the Final Receivers and any partner or employee of the Final Receivers, at rates agreed with ASIC.

9H. The remuneration, costs, expenses and disbursements of the Final Receivers, Provisional Liquidators and Liquidators are to be paid from the funds held within Receivers' Trust Account.

9I. The Final Receivers be indemnified from funds held within Receivers' Trust Account against any claim, liability, proceedings, cost, charge or expense however arising and whether past, present or future, fixed or ascertained, actual or contingent, known (actually or contingently) or unknown which they may incur or be subject to as a result of or in connection with their appointment.



Termination of Interim Receivers and Provisional Liquidators

9J. Immediately upon order 9A taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 as receivers pursuant to 1323(1)(h)(i) the *Corporations Act* under paragraph 5 of the orders made on 15 December 2020 (the **Interim Receivers**) be terminated.

Asset restraint

10. Pursuant to sections 1323(1) and 1323(3) of the Act and/or section 23 of the FCA Act that until further order, the Defendants, by themselves and their servants, agents and employees or any other person on their behalf, must not:

- (a) remove, or cause or permit to be removed from Australia any of their Property, including, but not limited to, funds in bank accounts held by the Defendants;
- (b) sell, charge, mortgage or otherwise deal with, dispose of and/or diminish the value of any of their Property;
- (c) without limiting the terms of sub-paragraphs (a) and (b) above, incur new liabilities, including, without limitation, liabilities incurred either directly or indirectly, through the use of a credit card, a credit facility, a drawdown facility or a re-draw facility;
- (d) cause or permit to be sold, charged, mortgaged or otherwise dealt with, disposed of, or diminished in value, any of their Property; and
- (e) without limiting the terms of sub-paragraphs (a) to (d) above, withdraw, transfer or otherwise dispose of or deal with, any monies available in any account with any bank, building society or other financial institution in which the First or Second Defendants have any legal or equitable interest, including without limitation the bank accounts listed in **Annexure A**.

11. The order sought in paragraph 10 above, shall not prevent:



- (a) any of the Defendants from paying or otherwise incurring a liability for costs reasonably incurred in these proceedings and any criminal proceedings arising from the Plaintiff's investigation into the affairs of each of the Defendants; and
- (b) any bank, building society or financial institution from exercising any right of set-off which it may have in respect of a facility afforded by it to any of the Defendants prior to the date of this order;
- (c) the First Defendant from:
 - (i) paying ordinary living expenses not exceeding \$800 per week or such other amount as determined by the Court;
 - (ii) dealing with or disposing of her Property in the discharge of obligations bona fide and properly incurred under any contract entered into by the First Defendant before these orders were made, following a request in writing to the Plaintiff including details and documentary evidence of the obligation and receipt of the Plaintiff's approval;
- (d) the Second Defendant from:
 - (i) paying trade creditors bona fide and properly incurred not exceeding \$800 weekly;
 - (ii) paying other business expenses bona fide and properly incurred, or dealing with or disposing of its Property in the discharge of obligations bona fide and properly incurred under any contract entered into by the Second Defendant before these orders were made, following a request in writing to the Plaintiff including details and documentary evidence of the expense or obligation and receipt of the Plaintiff's approval.

Receiver – First Defendant

- 12. Pursuant to s 1323(1)(h) and / or 1323(3) of the Act appointing a receiver or receiver and manager of the Property of the First Defendant (**Caddick Receiver**).
- 13. That the Caddick Receiver have the powers set out in sections 420(1), (2)(a), (b), (e), (f), (g), (k), (n), (o), (p), (q), (r), (t) and (u) of the Act and can exercise those



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powers in respect of all of the Property of the First Defendant, as if the First Defendant was a corporation.

14. That the Caddick Receiver provide a report to the Court and the Plaintiff regarding the financial affairs of the First Defendant.
15. That the Caddick Receiver's reasonable costs and expenses be payable from the Property of the First Defendant.

Receiver and Manager– Second Defendant

16. Pursuant to s 1323(1)(h) and / or 1323(3) of the Act appointing a receiver or receiver and manager of the Property of the Second Defendant (**Maliver Receiver**).
17. That the Maliver Receiver have the powers set out in sections 420(1), (2)(a), (b), (e), (f), (g), (k), (n), (o), (p), (q), (r), (t) and (u) of the Act and can exercise those powers in respect of all of the Property of the Second Defendant.
18. That the Maliver Receiver provide a report to the Court and the Plaintiff regarding the financial affairs of the Second Defendant.
19. That the Maliver Receiver's reasonable costs and expenses be payable from the Property of the Second Defendant.

Winding Up

- 19A. Pursuant to section 461(1)(k) of the Act, the Second Defendant, Maliver Pty Ltd (ACN 164 334 918), be wound up.
- 19B. Joint and several liquidators be appointed to the Second Defendant in accordance with order 19L below.
- 19C. Paragraph 7 of the orders made on 10 November 2020 be varied and the Plaintiff have leave to provide the Liquidators with unredacted copies of the affidavits filed by the Plaintiff in these proceedings.
- 19D. The Plaintiff's costs of and incidental to the winding up application be costs in the winding up of the Second Defendant (taxed or as agreed) and reimbursed in accordance with section 466(2) of the Act.



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Appointment of Provisional Liquidator

19E. Joint and several provisional liquidators be appointed (**Provisional Liquidators**) to the Second Defendant.

19F. The Provisional Liquidators have the powers set out in the Act and the power to investigate and report on the matters set out in paragraph 19G.

19G. The Provisional Liquidators shall, within 30 days of their appointment, provide to the Court and to the Plaintiff a report as to the provisional liquidation of the Second Defendant, including:

- (a) the persons who have paid money to the Second Defendant for investment, the amounts they invested, and whether, and to what extent, these amounts have been repaid;
- (b) identifying any bank accounts in which funds paid to the Second Defendant for investment (**Investor Funds**) are held;
- (c) identifying any Property purchased or acquired with Investor Funds;
- (d) the assets and liabilities of the Second Defendant, including any assets in which the Second Defendant has any legal or beneficial interest and an estimate of the value of each asset;
- (e) an opinion as to the solvency of the Second Defendant;
- (f) an opinion as to whether the Second Defendant has proper financial records;
- (g) the likely return to creditors;
- (h) any other information necessary to enable the financial position of the Second Defendant to be assessed;
- (i) an opinion as to whether the Second Defendant has contravened any provisions of the Act and/or any other legislation; and
- (j) any suspected contraventions of the Act by any directors or officers of the Second Defendant.



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19H. Within 14 days of their appointment, the Provisional Liquidators send a notice to each creditor of the Second Defendant at the last known address for each such person as shown in the books and records of the defendant giving notice of:

- (a) the appointment of the Provisional Liquidators; and
- (b) a contact address for the Provisional Liquidators.

19I. Paragraph 7 of the orders made on 10 November 2020 be varied and the Plaintiff have leave to provide the Provisional Liquidators with unredacted copies of the affidavits filed by the Plaintiff in these proceedings, including the Main Allen Affidavit and the Suppression Allen and Exhibits IA-1, IA-2 and IA-3 to the Main Allen Affidavit.

19J. The Provisional Liquidators shall be entitled to such remuneration as is determined by the Court pursuant to s 60-16(1) of the Insolvency Practice Schedule.

19K. The Provisional Liquidators shall have liberty to apply on 48 hours' notice.

Appointment of Liquidators

19L. For the purpose of order 19B, Bruce Gleeson and Daniel Robert Soire of Jones Partners of Level 13, 189 Kent St, Sydney NSW 2000 be appointed as the Liquidators.

19M. Pursuant to s 90-15(1) of the Insolvency Practice Schedule, the Court orders the Liquidators:

- (a) not to take any steps to pursue any claims through any court proceedings that may be available to the Second Defendant against any person without first seeking approval of the Court;
- (b) not to issue any examination summonses under Part 5.9 Division 1 of the Act without first seeking approval of the Court;
- (c) provide no less than 14 days' written notice to ASIC of any proposed application to the Court referred to in the preceding sub-paragraphs such notice to include any affidavit or other evidence in support of such application.



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- 19N. The Liquidators shall be entitled to such remuneration as is determined by the Court pursuant to s 60-10 of the Insolvency Practice Schedule.
- 19O. The asset preservation orders made on 10 November 2020 in respect of the Second Defendant be vacated on the appointment of the Liquidators and in respect of the First Defendant upon any dealing with the Property of the First Defendant in accordance with these orders.
- 19P. The Liquidators are to provide notice of these orders to creditors of the First and Second Defendants within 2 business days of the date of these orders.
- 19Q. Immediately upon orders 19A and 19B taking effect, the appointment of Bruce Gleeson and Daniel Robert Soire of Jones Partners as provisional liquidators be terminated.

Travel restriction

20. Pursuant to ss 1323(1)(j) and 1323(3) of the Act, the First Defendant deliver up all passports in her name which are in her possession, custody or control, and any tickets for international travel by her, to the Sydney Registry of this Court by 4.00 pm Australian Eastern Daylight Time on 12 November 2020 to be retained by the Court until further order.
21. Pursuant to ss 1323(1)(k) and 1323(3) of the Act, the First Defendant be restrained from leaving Australia without the consent of the Court until further order.
22. Pursuant to s 23 of the FCA Act, in the event that the First Defendant cannot locate any passport within one day of the making of these orders, she file an affidavit stating that fact and exhibiting a copy of a written notification sent by her to the Department of Home Affairs or the Australian Passport Office / Information Service informing them of the same.
23. Pursuant to s 23 of the FCA Act, the First Defendant may not apply for the issue of any passport until further order.

FURTHER ORDERS

24. Pursuant to s 23 of the FCA Act, the Plaintiff have leave, to the extent necessary, to give notice of any orders made, to:



- (a) any relevant authorities that record, control and regulate the ownership of real property, motor vehicles and maritime vessels; and
- (b) any bank, building society or other financial institution with which, to the best of the Plaintiff's belief, any of the Defendants may operate any account; and
- (c) any securities broking firm, foreign exchange broking or trading firm or futures broking firm with which, to the best of the Plaintiff's belief, any of the Defendants may operate any account; and
- (d) any other person or entity, holding or controlling property, which, to the best of the Plaintiff's belief, may belong to any of the Defendants;
- (e) the Australian Border Force or the Australian Federal Police;

by giving a copy of a minute of the order to a person apparently in the employ of that entity or person.

24A. To the extent necessary, leave be granted nunc pro tunc to the plaintiff to continue the current proceeding against the second defendant pursuant to s 471B of the Act.

- 25. The Final Receivers and/or Liquidators and other parties have liberty to apply on 24 hours' notice.
- 26. Costs.
- 27. Such further or other orders that the Court considers appropriate.

Date: ~~10 November 2020~~ ~~15 December 2020~~ ~~16 April 2021~~ 15 June 2021

.....
Nicolette Bearup
Legal Practitioner for the
Australian Securities and Investments Commission



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This application will be heard by _____ at _____ am/pm
on _____ 2020.

B. NOTICE TO DEFENDANTS

TO: **Melissa Louise Caddick**

Maliver Pty Ltd (ACN 164 334 918)
C/O LSI Taxation & Business Advisors Pty Ltd
22 Webster Avenue
Hendra QLD 4011

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

C. FILING

Date of filing:



Registrar

This originating process is filed by the Plaintiff.

D. SERVICE

The Plaintiff's address for service is:

Australian Securities and Investments Commission, Level 5, 5 Market Street, Sydney
NSW 2000

It is intended to serve a copy of this originating process on each defendant.

The time by which a copy of this originating process is to be served has been abridged
by order made on to pm on .



ANNEXURE A – BANK ACCOUNTS

Account Name	BSB	Account Number	Bank
Melissa Caddick		Card ending 44005	AMEX
Melissa L Caddick		Card ending 71008	AMEX
ML Caddick	082057	67 738 0367	NAB
Maliver Pty Ltd	082057	946084145	NAB
Maliver Pty Ltd	067167	19309571	CBA
Melissa Caddick	067167	15770731	CBA
Maliver Pty Ltd		2776566	CommSec
Maliver Pty Ltd		2776613	CommSec
Melissa Caddick		0AC-375746	CommSec
Mrs Melissa Louise Caddick		2422359	CommSec
Caddick - US Dollar Account		CADSTUDS01	NAB
Melissa Caddick & Adam Grimley - Home loan	082057	841504991	NAB
Melissa Caddick & Adam Grimley	082057	840053439	NAB
Melissa Caddick - Home loan	082057	980989888	NAB
Melissa Caddick	082057	715801266	NAB
Melissa Caddick	082057	981224254	NAB
Melissa Caddick		4303 3064 7494 4912	NAB



SCHEDULE

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

No. NSD 1220 / 2020

Defendants

Second Defendant: MALIVER PTY LTD (ACN 164 334 918)

Date: ~~10 November 2020~~ ~~15 December 2020~~ ~~March 2021~~ 15 June 2021



Schedule

No: NSD1220/2020

Federal Court of Australia

District Registry: New South Wales

Division: General

Interested Person BRUCE GLEESON AND DANIEL SOIRE AS PROVISIONAL
LIQUIDATORS OF MALIVER PTY LTD ACN 164 334 918
AND RECEIVERS TO THE PROPERTY OF MELISSA LOUISE
CADDICK

Second Defendant MALIVER PTY LTD