

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 29/06/2021 9:38:09 PM AEST 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: 29/06/2021 9:39:19 PM AEST

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

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

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and another

Defendants

Affidavit of: Emman Farroukh
Address: Level 5, 100 Market Street, Sydney, New South Wales
Occupation: Solicitor
Date: 14 May 2021

Contents

Document number	Details	Paragraph	Page
1	Affidavit of Emman Farroukh affirmed on 27 Mm 2021	1	1
2	Annexure "EF-1", being a copy of the Court Attendance Notice issued on 15 February 2021 charging the First Defendant with 38 offences	4	5

A handwritten signature in blue ink, appearing to be 'EF' followed by a stylized flourish.

I, Emman Farroukh, a solicitor and staff member of the Australian Securities and Investments Commission, of Level 5, 100 Market Street Sydney New South Wales 2000, affirm that:

1. I am employed by the Australian Securities and Investments Commission (**ASIC**) as a Senior Specialist, Criminal Law in ASIC's Chief Legal Office.
2. I am authorised to make this affidavit on behalf of ASIC pursuant to section 102 of the *Australian Securities and Investments Commission Act 2001* (Cth) (**ASIC Act**) and have been delegated certain functions and powers, including the functions and powers under Part 3 of the ASIC Act which relate to ASIC's investigation and information gathering powers.
3. Unless otherwise stated I make this affidavit from information within my own knowledge and from an examination of the records of, or otherwise in the possession of, ASIC. Where I depose to matters from information and belief, I believe those matters to be true and correct.

Court Attendance Notices issued to the First Defendant

4. On 15 February 2021, ASIC issued and filed a court attendance notice (**CAN**) charging the First Defendant with the following 38 offences (**the alleged offences**):

Seq.	Offence	Short description
1-19	19 x s 911C <i>Corporations Act 2001</i> (Cth)	Between about 28 July 2013 and 17 September 2020, Melissa Louise Caddick did hold out to 19 investors that Maliver Pty Ltd held a financial services licence, when it did not.
20 - 37	18 x 1041G <i>Corporations Act 2001</i> (Cth)	Between about 20 November 2012 and 31 October 2020, Melissa Louise Caddick in the course of carrying on a financial services business in the state of New South Wales, engaged in dishonest conduct with regards to 18 investors in relation to a financial service
38	1 x 911A <i>Corporations Act 2001</i> (Cth)	Between about 30 April 2013 and 12 November 2020 Melissa Louise Caddick, did carry on a financial services business, namely Maliver Pty Limited without an Australian Financial Services Licence

A copy of the CAN referred to at paragraph 4 is annexed to this affidavit and marked "EF-1".

5. Section 48 of the *Criminal Procedure Act 1986* (NSW) relevantly provides that:

Commencement of proceedings by police officer or public officer

If a police officer or public officer is authorised under section 14 of this Act or under any other law to commence committal proceedings, the officer may commence committal proceedings for an offence against a person by issuing a court attendance notice and filing the notice in accordance with this Division.

6. Accordingly, in accordance with s48 of the *Criminal Procedure Act 1986* (NSW) the criminal proceedings against the First Defendant commenced on 15 February 2021.
7. On 15 February 2021, an ASIC Senior Manager, Alec Cassidy, applied for arrest warrants under section 54(1) of the *Criminal Procedure Act 1986* (NSW) in respect of the First Defendant and the alleged offences.
8. On 22 February 2021, Deputy Registrar Stephen Lister at the Downing Centre Local Court issued the arrest warrants.
9. On 26 February 2021, NSW Police advised ASIC that they had discovered some human remains that were identified as being a DNA match to the First Defendant.

Interaction between these proceedings and the criminal proceedings

10. I understand that there is a hearing set down in these proceedings to take place on 29 to 30 June 2021 where ASIC will seek, amongst other things:
 - (a) a declaration that the Defendants have contravened s911A of the Corporations Act 2001 (Cth) (**Corporations Act**); and
 - (b) orders, pursuant to s1101B of the *Corporations Act 2001* (Cth) appointing receivers to the property of the Defendants and appointing liquidators to the Second Defendant.

Section 1317N of the Corporations Act

11. Section 1317N of the Corporations Act relevantly provides that:

Criminal proceedings during civil proceedings


1. *Proceedings for a declaration of contravention, a pecuniary penalty order or a relinquishment order against a person are stayed if:*
 - a. *criminal proceedings are started or have already been started against the person for an offence; and*
 - b. *the offence is constituted by conduct that is substantially the same as the conduct alleged to constitute the contravention.*

12. Given that the offences referred to at paragraph 4 above are constituted by conduct that is substantially the same as the conduct ASIC alleges constitutes a contravention of s911A of the Corporations Act in these Federal Court proceedings, ASIC has taken the view that s1317 of the Corporations Act would prevent ASIC's civil proceedings from continuing whilst the criminal proceeding commenced as a result of the CAN remains in force.
13. On 16 March 2021, on behalf of ASIC, I applied to the Downing Centre Local Court and requested that the arrest warrants be revoked pursuant to s240 of the *Criminal Procedure Act 1986* (NSW). On 22 February 2021, the Local Court granted this application.
14. On 30 March 2021, I appeared on behalf of ASIC at the Downing Centre Local Court before Magistrate Michael Crompton and sought leave to withdraw the CAN that contained the alleged offences. Magistrate Crompton granted leave and the charges were withdrawn.
15. Consequently, there are no longer any criminal proceedings before the court in relation to the First Defendant.

Affirmed by the deponent
at Sydney
in New South Wales
on 14 May 2021
Before me:


Signature of witness

Hayden Evans
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW)

)
)
)
)
)

Signature of deponent

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

No. NSD 1220 of 2020

IN THE MATTER OF MALIVER PTY LTD

ACN: 164 334 918

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

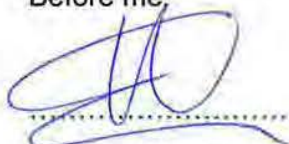
MELISSA LOUISE CADDICK and another

Defendants

ANNEXURE EF-1

This is the annexure referred to as "EF-1" in the affidavit of Emman Farroukh affirmed on 14 May 2021.

Before me:



.....

Hayden Evans

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW)

Filed on behalf of	Australian Securities and Investments Commission, Plaintiff
Prepared by	Nicolette Bearup
Tel (02) 9911 5745	Fax (02) 9911 2414
Email Nicolette.Bearup@asic.gov.au	
Address for service	Email address above and Level 5, 100 Market Street, Sydney NSW 2000 Attention: Nicolette Bearup

For Generic Use
Court/Service Copy

Court Attendance Notice

Details of Court Listing

The Court Attendance Notice has been listed before the Local Court on

Date:

Place:

Time:

Details of Defendant

Defendant: Melissa Louise Caddick

Address: REDACTED

Sex: Female

Date of Birth: REDACTED

Details of Prosecutor

Prosecutor: Australian Securities and Investments Commission

Department/Organisation: Australian Securities and Investments Commission

Address: Level 5, 100 Market Street, Sydney NSW 2000

Telephone: REDACTED

Date of Issue of Court Attendance Notice: 15 February 2021

Details of Offence	Sequence 1
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 28 July 2013
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to REDACTED that Maliver Pty Limited held an Australian Financial Services Licence by providing to REDACTED a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number REDACTED"</i></p> <p>and</p>

	<i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"</i>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 2
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 27 August 2014
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated: <i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]"</i> and <i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"</i>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 3
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 6 November 2014
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	Did, hold out, to The [REDACTED] [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] [REDACTED] a financial services guide that stated: <i>"Maliver is an independent financial planning company and</i>

	<p>the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</p> <p>and</p> <p>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 4
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 6 May 2015
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</p> <p>and</p> <p>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 5
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 6 May 2015
Place of Offence:	Sydney, New South Wales and elsewhere

Short Particulars:	<p>Did, hold out, to ^{REDACTED} that Maliver Pty Limited held an Australian Financial Services Licence by providing to ^{REDACTED} a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number ^{REDACTED}</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number ^{REDACTED}</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 6
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 6 May 2015
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to ^{REDACTED} that Maliver Pty Limited held an Australian Financial Services Licence by providing to ^{REDACTED} a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number ^{REDACTED}</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number ^{REDACTED}</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 7
--------------------	------------

Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 14 July 2017
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), Corporations Act 2001 (Cth)
Law Part Code:	47679

Details of Offence	Sequence 8
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 14 July 2017
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision	

Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 9
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 19 September 2017
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to REDACTED that Maliver Pty Limited held an Australian Financial Services Licence by providing to REDACTED a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number REDACTED</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number REDACTED</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 10
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 19 September 2017
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to REDACTED that Maliver Pty Limited held an Australian Financial Services Licence by providing to REDACTED a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number REDACTED</i></p> <p>and</p>

Statutory Provision Describing Offence:	<i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"</i>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 11
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 12 March 2018
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated: <i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]"</i> and <i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"</i>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 12
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 12 March 2018
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	Did, hold out, to [REDACTED] as [REDACTED] Trust that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] as Trustee for [REDACTED] a financial services guide that stated:

	<p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 13
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 24 August 2018
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 14
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 16 October 2019

Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]"</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 15
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 24 March 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]"</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 16
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 18 August 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 17
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 18 August 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)

Describing Offence:

Law Part Code: 47679

Details of Offence	Sequence 18
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 21 August 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p> <p><i>"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]</i></p>
Statutory Provision Describing Offence:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47679

Details of Offence	Sequence 19
Description of Offence:	Falsely hold out as having financial services licence
Time & Date of Offence:	On or about 17 September 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, hold out, to [REDACTED] that Maliver Pty Limited held an Australian Financial Services Licence by providing to [REDACTED] a financial services guide that stated:</p> <p><i>"Maliver is an independent financial planning company and the holder of an Australian Financial Services Licence (AFSL); Licence number [REDACTED]</i></p> <p>and</p>

Statutory Provision Describing Offence:	"Maliver is the holder of an Australian Financial Services Licence as issued by the Australian Securities and Investments Commission (ASIC); Licence Number [REDACTED]"
Law Part Code:	Sections 911C(a) and 1311(1), <i>Corporations Act 2001</i> (Cth) 47679

Details of Offence	Sequence 20
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 10 May 2015 and 31 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to [REDACTED] financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as their financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of his investment by providing him false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 21
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 20 May 2015 and 31 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a [REDACTED] financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her

	<ul style="list-style-type: none"> capacity as its financial advisor as directed, • using ^{REDACTED} funds for her own personal benefit; and • deceiving ^{REDACTED} about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 22
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 10 June 2015 and 31 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to ^{REDACTED}</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using ^{REDACTED} funds for her own personal benefit; and • deceiving ^{REDACTED} about the status of her investment by providing her false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 23
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between 10 June 2015 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a

	financial product or financial service provided to [REDACTED] [REDACTED]
	<ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 24
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 1 July 2015 and 31 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED] [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 25
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 26 April 2016 and 30 September 2020

Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 26
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 30 August 2016 and 30 September 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of his investment by providing his false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 27
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 21 July 2017 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to</p> <p>REDACTED</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using REDACTED funds for her own personal benefit; and • deceiving REDACTED about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 28
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 14 September 2018 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to</p> <p>REDACTED</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using REDACTED funds for her own personal benefit; and • deceiving REDACTED about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)

Law Part Code: 47860

Details of Offence	Sequence 29
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 1 April 2019 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to</p> <p>REDACTED</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using REDACTED funds for her own personal benefit; and • deceiving REDACTED about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 30
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 24 November 2014 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to</p> <p>REDACTED</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using REDACTED funds for her own personal benefit; and • deceiving REDACTED about the status of its

	investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 31
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 8 October 2020 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of her investment by providing her false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 32
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 20 November 2012 and 30 September 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED]

	<ul style="list-style-type: none"> funds for her own personal benefit; and deceiving ^{REDACTED} [REDACTED] about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 33
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 20 November 2012 and 30 September 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to ^{REDACTED} [REDACTED]</p> <ul style="list-style-type: none"> by not investing the funds provided to her in her capacity as its financial advisor as directed, using ^{REDACTED} [REDACTED] funds for her own personal benefit; and deceiving ^{REDACTED} [REDACTED] about the status of her investment by providing her false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 34
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 1 July 2013 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to</p>

	<p>REDACTED</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using REDACTED funds for her own personal benefit; and • deceiving REDACTED about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 35
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 1 October 2013 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to REDACTED</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using REDACTED funds for her own personal benefit; and • deceiving REDACTED about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 36
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 1 November 2013 and 30 October 2020

Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of its investment by providing it false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 37
Description of Offence:	Dishonest conduct in relation to financial product/service
Time & Date of Offence:	Between about 28 March 2014 and 30 October 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	<p>Did, in the course of carrying on a financial services business, engage in dishonest conduct in relation to a financial product or financial service provided to [REDACTED]</p> <ul style="list-style-type: none"> • by not investing the funds provided to her in her capacity as its financial advisor as directed, • using [REDACTED] funds for her own personal benefit; and • deceiving [REDACTED] about the status of his investment by providing him false documents,
Statutory Provision Describing Offence:	Sections 1041G and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47860

Details of Offence	Sequence 38
Description of Offence:	Not hold Australian financial services licence when required
Time & Date of Offence:	Between about 20 November 2020 and 12 November 2020
Place of Offence:	Sydney, New South Wales and elsewhere
Short Particulars:	Did, carry on a financial services business, namely Maliver Pty Limited, without holding an Australian Financial Services Licence
Statutory Provision Describing Offence:	Sections 911A(1) and 1311(1), <i>Corporations Act 2001</i> (Cth)
Law Part Code:	47677

Signature of Prosecutor:

(Signature not required if prosecutor is a police officer or public officer)

Signature of Registrar:

(Signature not required if prosecutor is a police officer or public officer)

Statement of Service:

I: Emman Farroukh, Senior Specialist at the Australian Securities and Investments Commission (ASIC)

Did serve a copy of this Court Attendance Notice on the defendant on (date) in the following manner: (tick below)

- By handing it to the accused person
- By handing it to a person at the accused persons usual place of residence or place of business who is apparently of or above the age of 16 years.
- By forwarding it to the officer in charge of the correctional centre at _____ by hand/post/fax or other (specify): _____
- By post/fax or electronic transmission to the person's residential address (Summary offences only). Please specify: _____
- I have not served a copy of this Court Attendance Notice on the defendant

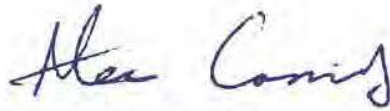
Signature:

Name:


Emman Farroukh

Witness Signature:

Name:


Alec Cassidy

Court Registry Use Only

Date Court Attendance Notice Filed:

Place of Filing:

(if different from place of first listing)

Court Reference Number:

Fees: (circle) Paid/Waived/Remitted/Exempt

Payment Stamp