

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 5/07/2021 11:29:38 AM 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: 5/07/2021 11:29:47 AM 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

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

Affidavit of: **Cheryl Olga Kraft-Reid**

Address:

[REDACTED]

Occupation:

REDACTED

[REDACTED]

Date:

[REDACTED]

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Filed on behalf of (name & role of party) Australian Securities and Investments Commission, Plaintiff

Prepared by (name of person/lawyer) Nicolette Bearup

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[Version 2 form approved
09/05/2013]

Cheryl Kraft-Reid

Nicolette Bearup

I, Cheryl Olga Kraft-Reid of [REDACTED] [REDACTED]

[REDACTED] say on oath:

1. Exhibited to me at the time of affirming this affidavit and marked "Exhibit CKR-1" is a bundle of documents, each marked with a Ringtail barcode.

Personal Details

2. I am married to [REDACTED]. We were married on 24 January 2015. I am 53 years of age and [REDACTED] is 69.
3. We share the email account [REDACTED] use this email account to correspond in relation to personal and family matters and I understand that [REDACTED] also uses this email account for similar purposes. This email account is primarily accessed from our shared home computer. It is my usual practice to include my name at the end of any email authored by myself from [REDACTED] to ensure that I can be easily identified as the sender.
4. I also use the email address, [REDACTED] which is provided by my employer. I primarily use this email account for professional and work-related communications.

Background and qualifications

5. In 2004, I obtained a Bachelor of Education (Adult Education) as well as a Certificate IV in Assessment & Workplace Training from the University of Technology (UTS) Sydney.
6. In 2005, I obtained an Accredited Safety Auditor Certificate from Minerva Consulting. In 2020, I updated this qualification after completing courses of study at [REDACTED] in [REDACTED] and [REDACTED].
7. I am currently employed as a [REDACTED] [REDACTED]. I have been employed by [REDACTED] for 29 years.

Introduction to Melissa Caddick

8. I first became aware of Melissa Caddick (Ms Caddick) and her services through my sister, [REDACTED]. In or about December 2013, [REDACTED] and I had a conversation about an investment [REDACTED] had made with Ms Caddick's business,

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"Maliver". [REDACTED] and Ms Caddick were friends and [REDACTED] had mentioned that Ms Caddick was running a business and that she had invested money with her prior to this conversation. However, it was not until this conversation that [REDACTED] told me the business was called Maliver. I recall [REDACTED] said the business name was based on a combination of [REDACTED], [REDACTED] being Ms Caddick's husband and [REDACTED] her son. [REDACTED] gave me Ms Caddick's business card which I recall had the word "Maliver" on it.

9. [REDACTED] told me that Ms Caddick wasn't taking on any new clients. I asked [REDACTED] if she would talk to Ms Caddick about taking on me and [REDACTED] as clients. I recall that sometime after this conversation, [REDACTED] told me that Ms Caddick had said "yes" but I did not contact Ms Caddick at that time.
10. In August 2015, I attended a birthday celebration for two family members at the house of my sister, [REDACTED] and my brother, [REDACTED] were present. I had a conversation with [REDACTED] regarding my superannuation and plans for retirement, in which she said words to the effect of "*you should get in touch with Melissa and see what she could do for you*". I told [REDACTED] that I had lost Ms Caddick's business card and I asked [REDACTED] if she could check with Ms Caddick if it was still okay for us to invest.
11. During our conversation, [REDACTED] asked [REDACTED] to join us and [REDACTED] also told me about investments he had made with Ms Caddick, which included setting up three investment accounts for his children and niece. I recall [REDACTED] said words to the effect that her investment with Maliver was "*Going well*" and Terence said words to the effect that his own investments were, "*Doing better than if they'd left it where it was.*" Both [REDACTED] also said words to the effect that, "*She is easy to deal with and efficient and very, very process driven.*"
12. Between August and November 2015, [REDACTED] and I had several conversations about our superannuation and retirement plans. During this period of time, [REDACTED] gave me Ms Caddick's phone number.
13. During the weekend of 7 and 8 November 2015, [REDACTED] and I decided to call Ms Caddick. I recall that our bookkeeper was at our home at the time and that the weekend of 7 and 8 November 2015 was one of her last quarterly weekend visits she made to me and [REDACTED].
14. On 9 November 2015, I contacted Ms Caddick by telephone to gain an understanding of the investment services she was providing and to learn about any opportunities

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available for [REDACTED] and myself. During that phone call I stated words to the effect, "we want to understand the services that you provide and how we'd go about investing with you". Ms Caddick told me that we should arrange to meet in-person to discuss the specifics of her services. We agreed to meet in-person at Ms Caddick's home in Dover Heights.

15. After the call I received an email from Ms Caddick listing the documents she instructed [REDACTED] and me to bring to the meeting. I copied and pasted the contents of the email into an email calendar note. The calendar note consequently lists the documents Ms Caddick asked us to bring, being:
- (a) tax returns,
 - (b) superannuation statements;
 - (c) loan statements; and
 - (d) cash balance.
16. I subsequently deleted Ms Caddick's email, however, a copy of the calendar note based on the email marked **MAL.1039.0002.0002** is at Tab 1 of Exhibit "CKR-1".
17. I recall going through my files to locate these documents and preparing to bring them to the meeting.
18. A copy of my Individual Tax Return for 2015, which I took to the meeting, marked **MAL.2003.0008.5381** is at Tab 2 of Exhibit "CKR-1". A copy of my [REDACTED] Member Statement for the period ending 31 August 2014, which I took to the meeting, marked **MAL.2003.0008.5825** is at Tab 3 of Exhibit "CKR-1".

First Meeting with Ms Caddick

19. On 10 November 2015, [REDACTED] and I attended Ms Caddick's home at [REDACTED] in Dover Heights. We were met by Ms Caddick at the front door before moving to her home office, which was located downstairs.
20. Upon entering Ms Caddick's office, I met two women whom Ms Caddick called [REDACTED] and [REDACTED] and [REDACTED] left the room to enable Ms Caddick, [REDACTED] and myself to have a private discussion. Ms Caddick said words to the effect of, "They work for me".
21. During the meeting, [REDACTED] and I discussed with Ms Caddick the specifics of making an investment with her company Maliver Pty Limited (**Maliver**). Ms Caddick told us that

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the name of her company, "Maliver", came from the names of Melissa,

REDACTED

22. I asked Ms Caddick how many clients she had and what she was doing for those clients. She said words to the effect:

"I am wealthy in my own right. I don't need to do this – I'm doing it to help people, and it's very much restricted to family and friends. I only have about 50 clients".

23. During the meeting I asked Ms Caddick "How does it work?" with regards to investing with her. I recall Ms Caddick said words to the following effect in response:

(a) *"You would be investing with Maliver directly."*

(b) *"You need to setup a self-managed super fund and be the trustees. You then need to transfer the money from your existing superannuation accounts to Maliver. I will then use the money to trade shares on your behalf on the stock market and the income from that will grow your super fund."*

24. We discussed possible names for our self-managed super fund(SMSF)and because I was the third person in my family to invest with Ms Caddick, some of the names and conventions for naming SMSFs were already taken.

25. Ms Caddick asked me how much we had in superannuation. I told her that we had, "Around the \$400k mark", and I recall that she said this was an adequate amount to invest. We discussed the performance of my super account with [REDACTED] and I recall Ms Caddick said words to the effect:

(a) *"I can do better than your current super with [REDACTED]."*

(b) *"There isn't someone like me at [REDACTED] watching the market and investing in shares to grow your super the way I can."*

26. I had a conversation with Ms Caddick to the following effect:

I said: *"I am sitting on about \$330,000 in super and I want to retire when I'm 60. What I want is for, by that time, the amount in my super account to be comfortable."*

Ms Caddick said: *"That is do-able."*

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I said: *"I have 15 years to work and as close to one million would be great for me. I would be willing to go a bit higher in risk to get that."*

Ms Caddick said: *"That is achievable."*

I said: PDF
REDACTED *and I would like to live off the growth of our super, not the principal."*

Ms Caddick said: *"That's absolutely possible."*

27. I said words to the following effect to Ms Caddick:

"Because we would be the trustees on the super fund but you would be operating on our behalf, how would we be sure you would be meeting all the compliance requirements for a self-managed superfund?"

28. In response, Ms Caddick opened the cupboards in her office to show me the folders relating to the investments of my family members. She opened and showed me the contents of the folders in response to my questions.

29. My impression was that Ms Caddick's filing system was meticulous and efficient. I formed this impression based on the neat and orderly way in which documents and folders appeared to be presented. I observed that the folders were all the same type of folder, using the same font, which gave me the impression of efficiency, organisation and cleanliness.

30. Ms Caddick said word to the effect, *"There will be an auditor"* and spoke to us about the role of an SMSF auditor who would verify account balances and do our tax lodgement. Ms Caddick said the SMSF auditor would charge an annual fee of around \$1,500 to \$2,000. I said words to the following effect to Ms Caddick, *"What do they check?"*. I recall Ms Caddick said words to the following effect in response:

(a) *"They check I'm managing your fund because you're the trustees and I would be operating on your behalf."*

(b) *"They will check the transfers from your existing super funds to Maliver, that all the required taxes are being paid, and that the money from my trading is going back into the self-managed super fund account."*

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(c) "They will check Maliver's trading and management of your account is meeting all the requirements."

31. My understanding, based on what Ms Caddick said, was that our Maliver-managed superfund account was separate to a bank account which me and [REDACTED] would have to set-up as trustees of our SMSF and into which funds from our existing superannuation accounts would be transferred (more information about this bank account is set out at paragraphs 52 to 62).
32. I also recall that around the time Ms Caddick talked about the SMSF auditor, she showed us on a computer screen some of the shares she had bought for her other clients. This information was contained in a lot of Excel spreadsheets. She did not show us the names of these clients.
33. I recall [REDACTED] and I asked further questions about the work of the auditor and in response Ms Caddick took another client file (not one of my family member's files) and showed us some of the reports the auditor had prepared for that client. This included a compliance checklist. I subsequently received the same compliance checklist from Ms Caddick after [REDACTED] and I invested with Maliver. A copy of the compliance checklist I received is marked **MAL.1039.0003.0011** at Tab 4 of Exhibit "CKR-1".
34. There were three chairs and a long table in the office. Ms Caddick showed us her personal setup and indicated that this was where she undertook work on her client files. I observed two very large screens on her desk; one showing the CommSec platform, and the other showing what I understood to be the ASX.
35. I told Ms Caddick that I had a personal CommSec account because I trade shares myself, and I asked her whether she could invest on my behalf through that. She told me that she couldn't and that she would set up an account for me.
36. I asked Ms Caddick, "How often do you trade?". She told me that the screen is there every day, she watches the screen, and that even when she is on holidays, she's "Glued to it".
37. During the meeting, Ms Caddick gave me the following documents contained in a plastic folder:
- (a) a seven-page document titled 'Financial Services Guide' (FSG), a copy of which is marked **MAL.1039.0001.0406** at Tab 5 of Exhibit "CRK-1";

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- (b) a five-page document headed with the handwritten annotation 'SAMPLE CLIENT REPORT', a copy of which is marked **MAL.1039.0001.0413** at Tab 6 of Exhibit "CKR-1;
- (c) a two-page document titled 'PROPOSED ASSET ALLOCATION & MANAGEMENT RULES FOR CLIENT & ADVISER', a copy of which is marked **MAL.1039.0001.0418** at Tab 7 of Exhibit "CKR-1"; and
- (d) a three-page document titled 'APPOINTMENT & IMPLEMENTATION OF MALIVER PTY LTD AS YOUR ADVISER, a copy of which is marked **MAL.1039.0001.0420** at Tab 8 of Exhibit "CKR-1".
38. As set out on page 5 of the FSG, Ms Caddick told us Maliver would be remunerated by way of an annual fee of 0.75% of our total funds under her management. She also said there would be brokerage fee for trades which I recall her saying was "\$100".
39. We discussed the stocks that Ms Caddick was currently interested in and what she believed was worth purchasing. I recall that she mentioned JB Hi-Fi, Woolworths, Santos and Macquarie. I asked Ms Caddick what she thought about medical and health-related stocks, and I recall her replying with words to the effect, "*They're not great at the moment, but I'll keep an eye on it*".
40. [REDACTED] asked Ms Caddick whether she had insurance, saying words to the effect of, "*If you lost our money, do you have indemnity insurance like the bigger corporations?*" I recall that Ms Caddick said, "*Of course*", and directed us to look at page 6 of the FSG where she explained the governance processes that would apply to any investment we might make, including the role of ASIC and the process for making complaints.
41. Ms Caddick began filling in a fact finder document during the meeting which was about our reasons for investing and what level of risk we were comfortable with [REDACTED] and I took the document with us and I completed it the same afternoon [REDACTED] completed her part of the document the following day and we sent it back to Ms Caddick. A copy of this document is marked **MAL.2003.0008.5391** at Tab 9 of Exhibit "CKR-1". She told us she had to complete this document as part of her requirements before investing for us.
42. While filling in the fact finder document I recall we took some examples of different investment portfolio valuations and did some math to work out what fees would be payable. The value of my superannuation portfolio was about \$330,000. [REDACTED] was about \$170,000 and I recall we were doing the math around those numbers.

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43. At the end of the meeting, Ms Caddick summarised her answers to questions I asked throughout the meeting, including answers to my questions about the next steps involved in establishing an SMSF and applying for a TFN, ABN and bank account. Ms Caddick said that we should arrange to meet her at the bank to go through how to open up the account. We also discussed when to transfer the money from our existing individual superannuation accounts to Maliver, the paperwork involved and her role in the paperwork.
44. During the meeting with Ms Caddick, [REDACTED] and I did not say to her that we wanted to go ahead and invest our money. Instead, I waited until after the meeting to discuss with [REDACTED] whether we would invest with Ms Caddick.

Decision to invest with Maliver

45. After the meeting [REDACTED] and I decided to invest approximately \$440,000.00 of our superannuation money with Ms Caddick. My decision to invest with Ms Caddick was based on the following:
- (a) her qualifications listed on pages 2 and 3 of the FSG;
 - (b) my belief that there was independent oversight of her business. My belief was based on:
 - i. the SMSF auditor reports Ms Caddick showed us in one of her client files, which included a compliance checklist; and
 - ii. the FSG's section (at pages 6 and 7) on complaint handling and compensation;
 - (c) her apparent high level of organisation and efficiency, which I inferred from my observations of her office setup and files;
 - (d) Ms Caddick had been closely linked to my family for about 25 years. She had been close friends with [REDACTED] who had invested with her and told me her investment was, "Going well". [REDACTED] had likewise told me his investments with Maliver were "Doing better than if they'd left it where it was". Both [REDACTED] and [REDACTED] had also said words to the effect, "She is easy to deal with and efficient and very, very process driven". Likewise, Ms Caddick talked during the meeting about how she was friends with [REDACTED] and was also working for [REDACTED]. She also told me [REDACTED] was "Part of the family". After the meeting, I spoke to [REDACTED] again and they again said positive things about

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Ms Caddick. Ms Caddick's closeness with my family and the good things
 REDACTED said about her and their investments led me to believe I
 could trust Ms Caddick with my money; and

- (e) her remarks to the effect that her management of our SMSF would make my retirement at 60 "do-able" and a corresponding growth in my superannuation to about \$1 million "achievable".

46. When we had decided that we would invest, REDACTED and I rang Ms Caddick and I said, "Thank you for your time, we would like you to manage our superfund." I recall that she responded with words to the effect, "Okay, what you need to do next is this: I will be sending you some documents which you need to sign and send back to me, including the trust deed".

Establishing the

47. On or about 2 February 2016, I signed a letter drafted by Ms Caddick and addressed to Edmond Ong of Superannuation Accounting Services Pty Ltd (SAS). As set out in the document, the purpose of the letter was to authorise SAS to establish an SMSF for me and REDACTED called the REDACTED and for SAS to perform annual compliance services on our behalf. The letter further stated that Ms Caddick was to be SAS' primary contact in relation to our SMSF and that she would be responsible for providing SAS "EOFY documentation to enable completion of accounts." A copy of the letter is marked MAL.2004.0002.1459 at Tab 10 of Exhibit "CKR-1". Page 1 of the letter shows the signatures of REDACTED and myself. These are not our signatures.

48. Page 8 of the letter shows copies of driver licences belonging to REDACTED and myself, and the signature of REDACTED. I did not seek the services of a Justice of the Peace in relation to those documents. I have never met REDACTED.

49. On 10 February 2016, Ms Caddick sent me an email stating that she had posted the trust deed for the SMSF to me and REDACTED with a pack of other documents for us to sign. A copy of the email is marked MAL.1039.0003.0029 at Tab 11 of Exhibit "CKR-1".

50. After we received this email, I cannot exactly recall when, REDACTED and I received an envelope containing documents and a next-day delivery envelope to send them back to Ms Caddick once we signed them. The documents were pre-filled with dates of signature of 2 February 2016. However, based on the email I received from Ms Caddick about these documents, I believe I signed them after 10 February 2016 and

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not on 2 February 2016. The documents we signed and sent back to Ms Caddick were as follows:

- (a) a document titled [REDACTED] *Application for Membership*. A copy of this document marked MAL.0029.0001.0007 is at Tab 12 of Exhibit "CKR-1". I identify my signature on this document;
- (b) a deed poll, a copy of which marked MAL.0029.0001.0001 is at Tab 13 of Exhibit "CKR-1". I identify my signature on this document;
- (c) a document titled, "*RESOLUTIONS OF THE TRUSTEES OF THE* [REDACTED] [REDACTED]. A copy of this document marked MAL.0029.0001.0004 is at Tab 14 of Exhibit "CKR-1". I identify my signature on this document;
- (d) a trustee declaration, a copy of which marked MAL.0029.0001.0005 is at Tab 15 of Exhibit "CKR-1". I identify my signature on this document; and
- (e) a superannuation trust deed, an unsigned copy of which is marked MAL.0029.0007.0036 at Tab 16 of Exhibit "CKR-1". I did not retain a signed copy of this deed.

51. On 2 March 2016, I received an email from Ms Caddick stating that "*we have today received the TFN and ABN for your newly established self managed superannuation fund*" and advising that the next step was to establish a bank account. Ms Caddick further requested that I "*make an appointment at your bank branch and advise you wish to establish a Self Managed Superannuation Fund bank account*". A copy of this email is marked MAL.1039.0001.0669 at Tab 17 of Exhibit "CKR-1".

Establishing a CDIA

52. On 22 March 2016, [REDACTED] and I attended the Five Dock branch of the Commonwealth Bank of Australia (CBA) in the company of Ms Caddick, for the purposes of establishing a Commonwealth Direct Investment Account (CDIA).
53. When we arrived at the bank, I recall that there was a seating area where we sat while we waited for our appointment. During this time, [REDACTED] and Ms Caddick said words to the following effect:

[REDACTED] said: "What is this account?"

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Ms Caddick said: *"We need a bank account associated with the SMSF to facilitate the transfer of money. To release money from your super account it will have to go to another account affiliated with the SMSF."*

54. I recall that while we waited for our appointment, Ms Caddick also said words to the following effect about the CDIA:

(a) *"The money in the account will be used to pay fees."*

(b) *"You will need a cheque book and a deposit book."*

55. During our time together at the bank, I recall making it clear that we did not want Ms Caddick to have the authority to withdraw or transfer any money without the signatures of [REDACTED] and myself.

56. When we were setting up the mailing address to receive correspondence from the bank, Ms Caddick said words to the following effect: *"It would be better for it to go to my PO Box at Watsons Bay. Then every month I'll send you the account statements."* I don't recall having any concerns about this because as part of the account setup, I arranged for the CDIA to be added to my existing CBA Netbank portal. This enabled me to check the CDIA account online whenever I wanted. I nominated [REDACTED] [REDACTED] (Maliver PO Box) as the mailing address for the CDIA, as suggested to me by Ms Caddick.

57. The CDIA was used as a conduit for transferring funds from our pre-existing superfundsto Maliver. Details of our pre-existing accounts are as follows:

(a) I have a [REDACTED] account with [REDACTED], member number [REDACTED] (my [REDACTED] account); and

(b) [REDACTED] has:

i. [REDACTED] Super account with [REDACTED], member number [REDACTED]; and

ii. a [REDACTED], membership number [REDACTED] account).

58. My and [REDACTED] superfunds redeemed our money by depositing it into the CDIA. On three occasions, I thereafter made out a CDIA cheque to an account in the name Maliver

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Pty Ltd with the account number [REDACTED] (Maliver account) and posted it Maliver PO Box. The three occasions this occurred were as follows:

Cheque Date	Origin of Funds Deposited in CDIA	Cheque Amount (\$)
19/04/2016	[REDACTED] account	100,000
25/04/2016	My [REDACTED] account	300,000
1/06/2016	My [REDACTED] account	40,000

59. Copies of three photos of the above three cheque butts are marked **MAL.1039.0004.0013**, **MAL.1039.0004.0015** and **MAL.1039.0004.0014** at Tabs 18 to 20 of Exhibit "CKR-1".
60. On three other occasions, after funds were deposited in the CDIA, I electronically transferred funds from the CDIA to the Maliver account. The three occasions this occurred were as follows:

Date of Transfer	Origin of Funds Deposited in CDIA	Transfer Amount (\$)
5/10/2018	My [REDACTED] account	20,000
6/10/2018	My [REDACTED] account	20,000
7/10/2018	My [REDACTED] account	10,000

61. On 5 November 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 October 2018 to 31 October 2018. Copies of this email and statement are marked **MAL.1067.0001.0328** and **MAL.1067.0001.0329** at Tab 21 and 22 of Exhibit "CKR-1". The statement shows the three transfers from the CDIA account listed in the above table on 5, 6 and 7 October 2018. I did three separate transfers over three days because there was a daily transfer limit of \$20,000 on the CDIA.
62. I checked the CDIA via my CBA Netbank portal once a week when I did the rest of our banking.

Rollover of funds into our SMSF

63. On 23 March 2016, I received an email from Ms Caddick attaching a document for me to sign relating to the rollover of my superannuation held with [REDACTED] into my SMSF. I

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recall that around this time, I had started using a new signature due to my name change. Ms Caddick told me to sign my new signature. Copies of this email and the form are marked **MAL.1067.0001.0023** and **MAL.1067.0001.0030** at Tab 23 and 24 of Exhibit "CKR-1".

64. On 27 March 2016, I sent the signed documents to Ms Caddick by way of email. Copies of this email and attachment are marked **MAL.1067.0001.0041** and **MAL.1067.0001.0042** at Tab 25 and 26 of Exhibit "CKR-1".
65. On 6 April 2016, I received an email from Ms Caddick attaching a CDIA account statement for March 2016, in which she stated: "*As no redemptions have been received as yet no activity recorded*". Copies of this email and statement are marked **MAL.1067.0001.0047** and **MAL.1067.0001.0048** at Tab 27 and 28 of Exhibit "CKR-1".
66. On 15 April 2016, I received an email from Ms Caddick in which she requested that [REDACTED] and myself "*please draw a cheque as follows: Maliver Pty Limited \$100,000.00*". Attached to the email was a letter from [REDACTED] dated 7 April 2016, which stated: "*Further to your request we confirm that we have sent our cheque for \$111,506.78 to THE TRUSTEE FOR [REDACTED]*". The letter enclosed a document titled Rollover Benefits Statement. Copies of this email and attachment are marked **MAL.1067.0001.0059** and **MAL.1067.0001.0060** at Tab 29 and 30 of Exhibit "CKR-1".
67. On Sunday 17 April 2016, [REDACTED] and I together sent an email to Ms Caddick in which we informed her that the cheque for \$100,000.00 "*will be posted on Tuesday*". A copy of this email is marked **MAL.1067.0001.0065** at Tab 31 of Exhibit "CKR-1".
68. On 19 April 2016, I sent Maliver a cheque for \$100,000.00, drawn from our CDIA, for inclusion in our SMSF. These funds were redeemed from [REDACTED] superannuation account.
69. On 23 April 2016, I received an email from Ms Caddick in which she said, "*we have received the cheque of \$100,000.00*". A copy of this email is marked **MAL.1067.0001.0066** at Tab 32 of Exhibit "CKR-1".
70. On 24 April 2016, I sent an email to Ms Caddick in which I told her that "*\$338,977.30 was deposited on the 22 April*" into our CDIA, being the funds redeemed from my superannuation held with [REDACTED]. A copy of this email is marked **MAL.1067.0001.0067** at Tab 33 of Exhibit "CKR-1".

CKR-1

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71. On 25 April 2016, I received a reply from Ms Caddick in which she wrote:

"Please draw a cheque for \$300,000.00 payable to Maliver Pty Limited...

Upon receipt I shall advise and establish the trading account. We are very very close to getting fully set up and operational!"

72. I understood the words 'establish the trading account' to mean that Ms Caddick would establish a CommSec account in the name of the [REDACTED] for the purposes of using the fund assets to buy and sell shares on behalf of [REDACTED] and myself. A copy of the email is marked **MAL.1067.0001.0068** at Tab 34 of Exhibit "CKR-1".

73. On or about 26 April 2016, I wrote a cheque for \$300,000.00 made out to the Maliver account and posted it to the Maliver PO Box .

74. On 28 April 2016, I received an email from Ms Caddick in which she advised that:

"...we have today received cheque of \$300,000.00 and this has been banked.

Once the funds are cleared we will attend to placing in the market."

75. From the things she said during our first meeting, I understood that when Ms Caddick used the words "placing in the market" this meant she would start buying shares and using those funds on the share market. A copy of this email is marked **MAL.1067.0001.0071** at Tab 35 of Exhibit "CKR-1".

Third meeting with Ms Caddick

76. In or around May 2016, [REDACTED] and I met Ms Caddick for an annual meeting at her home.

77. During the meeting we discussed what amount [REDACTED] would be able to withdraw from our SMSF as a monthly pension payment once she retired. [REDACTED] and Ms Caddick said words to the following effect:

[REDACTED] said: "How much can I take?"

Ms Caddick said: "How much would you like?"

[REDACTED] said: "\$1,100 per month."

Ms Caddick said: "Well that's achievable."

CKR-1

Yours

REDACTED said: *"Is there a maximum I can take out before I start getting taxed?"*

78. I cannot recall what Ms Caddick specifically said in response to REDACTED last question. I do recall that during the meeting it was agreed that REDACTED would take \$1,200 a month.

79. REDACTED retired in July 2017 and Maliver deposited monthly pension payments for her in the CDIA account from that point on.

80. Ms Caddick gave us a piece of paper with her handwritten instructions during the meeting. These instructions were as follows:

(a) REDACTED - set up a \$200 p/m direct debit to SMSF CBA investment acct": I understood this to mean that REDACTED would set up a direct debit from her company bank account of \$200 per month to the CDIA which would be contributions to her super. REDACTED and I would then transfer the money to the Maliver account.

i. From 17 June 2016 to 17 April 17, on the 17th day of each month, \$200 was deposited in the CDIA from REDACTED company account. These funds stayed in the CDIA and were never transferred to the Maliver account.

(b) "Ch/Fa - \$40,000 to be drawn via cheque to Maliver – express post envelope": I understood this to mean that, as I had a further \$40,000 of my REDACTED account deposited in the CDIA REDACTED or I had to make out a cheque to Maliver for \$40,000 and send to Ms Caddick via express post; and

(c) "call Adam": I understood this to mean that I had to call our accountant, Adam Murphy, and to let him know that REDACTED was retiring so he could arrange her affairs and make sure that everything else was ready for her to do so.

81. A copy of this piece of paper is marked **MAL.1039.0001.0423** at Tab 36 of Exhibit "CKR-1".

Maliver's ongoing management of our investment

82. On 6 June 2016, I received an email from Ms Caddick attaching our CDIA statement for May 2016. The statement showed the balance of our CDIA to be \$50,672.29. Copies of this email and statement are marked **MAL.1067.0001.0074** and **MAL.1067.0001.0075** at Tabs 37 and 38 of Exhibit "CKR-1".

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83. On 3 July 2016, I sent an email to Ms Caddick requesting the withdrawal of \$35,000.00 from our SMSF to be paid into [REDACTED] personal account on 10 July 2016. I made this request as [REDACTED] was arranging to buy a car with this money. A copy of this email is marked **MAL.1067.0001.0078** at Tab 39 of Exhibit "CKR-1".
84. Later that same day, I received a reply from Ms Caddick in which she said that she was about to send out the 30 June 2016 Portfolio Valuations and "you will see that I did commence purchasing for your fund last week and am still sitting on approx. \$150k cash". A copy of this email marked **MAL.1067.0001.0079** at Tab 40 of Exhibit "CKR-1".
85. On 18 July 2016, I received an email from Ms Caddick directed to [REDACTED] in which she said:
- "Please find attached 3 letters prepared on your behalf in relation to the \$200.00 monthly contributions being made into the [REDACTED] Fund."*
86. Ms Caddick asked that [REDACTED] sign the three attached letters and return them to her. I understood that our monthly contribution of \$200.00 would ultimately contribute to the super being managed by Maliver. Copies of the email and three attached letters are marked **MAL.1067.0001.0096**, **MAL.1067.0001.0097**, **MAL.1067.0001.0098** and **MAL.1067.0001.0099** at Tabs 41 to 44 of Exhibit "CKR-1".
87. On 25 October 2016, I received a letter from [REDACTED] on behalf of Ms Caddick directed to [REDACTED] stating:
- "Please find enclosed your Rollover cheque from [REDACTED] for the amount of \$2,796.29...*
- Would you please deposit this rollover cheque into your Super Fund's CBA Direct Investment Account."*
88. A copy of this letter is marked **MAL.1039.0001.0402** at Tab 45 of Exhibit "CKR-1".
89. On 29 May 2017, I received an email from Ms Caddick attaching a yearly tax invoice, which stated that the market value of our investment with Maliver was currently \$495,880.00. The May 2017 Tax Invoice calculated a fee of 0.75% plus GST of \$495,880.00, being an amount of \$4,091.01 payable by [REDACTED] and myself for services, being a "Yearly Review & Portfolio Management Fee 0.75% of Funds Under

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Management". Copies of the email and tax invoice are marked **MAL.1039.0001.0768** and **MAL.1039.0001.0769** at Tab 46 and 47 of Exhibit "CKR-1".

90. On 18 May 2017, [REDACTED] and I had another annual review with Ms Caddick at her home office. We discussed the performance of our portfolio and I recall [REDACTED] spoke about how much money she needed for her pension payments.

91. On 8 July 2017, I received an email from Ms Caddick directed to [REDACTED] which said:

"as per our discussion at your review, I [sic] have facilitated the transfer of \$15,000.00 from the CBA trading account to your CBA working cash account.

We will forward a letter for your [sic] to sign outlining that this is the pension payment to you for the year 2017 – 2018."

92. A copy of this email is marked **MAL.1039.0001.0779** at Tab 48 of Exhibit "CKR-1".

93. On 11 April 2018, I received an email from Ms Caddick attaching a tax receipt for payment of the annual fee charged by Maliver. The receipt stated that the funds we had invested currently had a market value of \$520,580.00 and a 0.75% management fee had been calculated based on that sum. Copies of this email and tax receipt are marked **MAL.1039.0003.0008** and **MAL.1039.0003.0009** at Tab 49 and 50 of Exhibit "CKR-1".

94. On 30 September 2018, I sent an email to Ms Caddick in which I asked her:

"One question thought [sic], I withdrew \$50,000 from [REDACTED] for our SMSF and it is sitting in the CBA account. Is it best left there or put to use in investments?"

95. Later the same day I received a reply from Ms Caddick in which she told me:

"We can certainly place the funds in the market. EFT is the most convenient. Please eft to:

*Maliver Pty Limited
082-057
94-608-4145"*

96. A copy of this email chain is marked **MAL.2004.0003.7413** at Tab 51 of Exhibit "CKR-1".

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97. On 15 April 2019, I received an email from Ms Caddick attaching a tax receipt for payment of an annual fee for Maliver's services. The tax receipt states that the market value of our invested funds on 5 April 2019 was \$715,900.00, and a 0.75% management fee had been charged based on that figure. Copies of this email and attachment are marked **MAL.1067.0001.0357** and **MAL.1067.0001.0358** at Tab 52 and 53 of Exhibit "CKR-1".

98. On 15 October 2019, I received an email from Ms Caddick in which she said that she had "liquidated APT from the portfolios".

"The reason being there have been a few negative reports out in the past 2 weeks. One of the found [sic] directors has left and now has the ability to dump his stock and 2 analyst reports are siting [sic] it as very over valued and could decrease by 50% in the next 12 months. Thought it better to lock in profit than for it to go backwards."

99. A copy of this email is marked **MAL.1039.0001.0572** at Tab 54 of Exhibit "CKR-1".

100. On 27 April 2020, I received an email from Ms Caddick attaching a "portfolio valuation and yearly tax invoice for our telephone meeting scheduled on Wednesday 29 April 2020 @ 11am". The portfolio valuation for April 2020 and tax invoice showed that the market value of our investment with Maliver was \$814,050.00 as at 27 April 2020. The April 2020 tax Invoice calculated a fee of 0.75% plus GST of \$814,050.000, being an amount of \$6,715.91 payable by ^{REDACTE} and myself for services, being a "Yearly Review & Portfolio Management Fee 0.75% of Funds Under Management". Copies of the email, April 2020 portfolio valuation and April 2020 tax invoice are marked **MAL.1067.0001.0510**, **MAL.1067.0001.0511** and **MAL.1067.0001.0518** at Tab 55 to 57 of Exhibit "CKR-1".

101. On 29 April 2020, ^{REDACTE} and I participated in a telephone call with Ms Caddick in which we discussed Ms Caddick transferring ^{REDACTED} pension payments in a lump sum of \$30,000 to the CDIA for the period July 2020 to June 2021.

102. Later that day, I received an email from Ms Caddick in which she advised that:

"We have facilitated the transfer of \$30,000.00 to the nominated bank account.

Please ensure come 1 July 2020 that the automatic debit is updated from \$1,900.00 per month to \$2,000.00 per month."

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103. A copy of this email marked **MAL.1067.0001.0509** is at Tab 58 of Exhibit "CKR-1". The part of the email about the "automatic debit" I understand to be a reference to a monthly debit of funds from the CDIA to [REDACTED] account, which was how she directly received her monthly pension payments.
104. On 24 August 2020, I received an email from Ms Caddick saying that "we have spoken with [REDACTED] this morning" and my account balance as at 20 August 2020 was \$49,102.46. Ms Caddick further wrote:
- "What I suggest is that we transfer \$40,000.00 to the self managed superannuation fund. Retaining a balance of \$9,102.46 so as to retain all your current insurances".*
105. Attached to the email was an [REDACTED] withdrawal and transfer form, which Ms Caddick said that she would complete and send to me to sign. A copy of this email and form is marked **MAL.1067.0001.0441** and **MAL.1067.0001.0443** at Tab 59 and Tab 60 of Exhibit "CKR-1".
106. In or around September 2020 [REDACTED] and I participated in a telephone call with Ms Caddick. We discussed the following:
- (a) the value of our portfolio which was about \$922,000 and the shares Ms Caddick had invested in;
 - (b) how Woolworths, Santos and Afterpay were doing well and her selling of our Afterpay shares during the previous period;
 - (c) my plans for retiring in seven years and that we were on track to do so with our portfolio potentially being valued at \$1 million plus;
 - (d) [REDACTED] annual drawdown being left at \$2000 per month totalling \$24,000 per year. [REDACTED] wanted confirmation that she was only drawing down the investment growth and not eating into her superannuation base. Ms Caddick confirmed this; and
 - (e) we discussed and agreed to carry on as is, with no new changes or investments. Ms Caddick asked me about bringing down more money from my [REDACTED] account. I stated that I would look at the balance and come back to her.

Reporting on investment - 2016

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107. In assessing the performance of my investment with Maliver, I primarily relied upon the portfolio valuation documentation which Ms Caddick sent to me via email. Ms Caddick would also send me the account statements for the CDIA.
108. On 3 July 2016, I received an email from Ms Caddick attaching my investment portfolio valuation at 30 June 2016 and an economic commentary. Copies of this email and attachments are marked **MAL.1067.0001.0080**, **MAL.1067.0001.0081** and **MAL.1067.0001.0084** at Tabs 61 to 63 of Exhibit "CKR-1".
109. On 8 August 2016, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 July 2016 to 31 July 2016. Copies of this email and attachment are marked **MAL.1067.0001.0102** and **MAL.1067.0001.0103** at Tab 64 and 65 of Exhibit "CKR-1".
110. On 12 September 2016, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 August 2016 to 31 August 2016. Copies of this email and attachment are marked **MAL.1067.0001.0104** and **MAL.1067.0001.0105** at Tab 66 and 67 of Exhibit "CKR-1".
111. On 2 October 2016, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio as at 30 September 2016. Copies of this email and attachment are marked **MAL.1067.0001.0151** and **MAL.1067.0001.0152** at Tab 68 and 69 of Exhibit "CKR-1".
112. On 11 October 2016, I received an email from Ms Caddick attaching a CDIA statement for the period 1 September 2016 to 30 September 2016 and a draft letter regarding [REDACTED] \$200 monthly contribution to our SMSF. Copies of this email and attachments are marked **MAL.1067.0001.0158**, **MAL.1067.0001.0159** and **MAL.1067.0001.0160** at Tabs 70 to 72 of Exhibit "CKR-1".
113. On 9 November 2016, I received an email from Ms Caddick attaching a CDIA statement for the period 1 October 2016 to 31 October 2016. Copies of the email and attachment are marked **MAL.1067.0001.0161** and **MAL.1067.0001.0162** at Tab 73 and 74 of Exhibit "CKR-1".
114. On 12 December 2016, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 November 2016 to 30 November 2016 and a draft letter regarding [REDACTED] \$200 monthly contribution to our SMSF. Copies of the email and attachments are marked **MAL.1067.0001.0163**, **MAL.1067.0001.0164** and **MAL.1067.0001.0165** at Tabs 75 to 77 of Exhibit "CKR-1".

*ckr-1**Yours*

115. On 20 December 2016, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio as at 20 December 2016. Copies of the email and attachment are marked **MAL.1067.0001.0166** and **MAL.1067.0001.0167** at Tab 78 and 79 of Exhibit "CKR-1".

Reporting on investment - 2017

116. On 30 January 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 December 2016 to 31 December 2016 and a draft letter regarding ████████ \$200 monthly contribution to our SMSF. Copies of the email and attachments are marked **MAL.1067.0001.0176**, **MAL.1067.0001.0177** and **MAL.1067.0001.0178** at Tabs 80 to 82 of Exhibit "CKR-1".
117. On 6 February 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 January 2017 to 31 January 2017. Copies of this email and attachment are marked **MAL.1067.0001.0174** and **MAL.1067.0001.0175** at Tab 83 and 84 of Exhibit "CKR-1".
118. On 13 March 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 February 2017 to 28 February 2017. Copies of this email and attachment are marked **MAL.1067.0001.0179** and **MAL.1067.0001.0180** at Tab 85 and 86 of Exhibit "CKR-1".
119. On 2 April 2017, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio as at 31 March 2017. Copies of this email and attachment are marked **MAL.1067.0001.0181** and **MAL.1067.0001.0182** at Tab 87 and 88 of Exhibit "CKR-1".
120. On 26 April 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 March 2017 to 31 March 2017. Copies of this email and attachment are marked **MAL.1067.0001.0188** and **MAL.1067.0001.0189** at Tab 89 and 90 of Exhibit "CKR-1".
121. On 8 May 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 April 2017 to 30 April 2017. Copies of this email and attachment are marked **MAL.1067.0001.0190** and **MAL.1067.0001.0191** at Tab 91 and 92 of Exhibit "CKR-1".

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122. On 26 June 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 May to 31 May 2017. Copies of this email and attachment are marked **MAL.1067.0001.0197** and **MAL.1067.0001.0198** at Tab 93 and 94 of Exhibit "CKR-1".
123. On 3 July 2017, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio as at 30 June 2017 and commentary on the financial markets. Copies of this email and attachments are marked **MAL.1067.0001.0199**, **MAL.1067.0001.0200** and **MAL.1067.0001.0207** at Tabs 95 to 97 of Exhibit "CKR-1".
124. On 19 July 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 June 2017 to 30 June 2017. Copies of this email and attachment are marked **MAL.1067.0001.0226** and **MAL.1067.0001.0227** at Tab 98 and 99 of Exhibit "CKR-1".
125. On 7 August 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 July 2017 to 31 July 2017. Copies of this email and attachment are marked **MAL.1067.0001.0230** and **MAL.1067.0001.0231** at Tab 100 and 101 of Exhibit "CKR-1".
126. On 11 September 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 August 2017 to 31 August 2017. Copies of this email and attachment are marked **MAL.1067.0001.0232** and **MAL.1067.0001.0233** at Tab 102 and 103 of Exhibit "CKR-1".
127. On 8 October 2017, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio as at 7 October 2017. Copies of this email and attachment are marked **MAL.1067.0001.0235** and **MAL.1067.0001.0236** at Tab 104 and 105 of Exhibit "CKR-1".
128. On 6 November 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 October 2017 to 31 October 2017. Copies of this email and attachment are marked **MAL.1067.0001.0243** and **MAL.1067.0001.0244** at Tab 106 and 107 of Exhibit "CKR-1".
129. On 13 December 2017, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 November 2017 to 30 November 2017. Copies of this email and attachment are marked **MAL.1067.0001.0245** and **MAL.1067.0001.0246** at Tabs 108 and 109 of Exhibit "CKR-1".



130. On 20 December 2017, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio as at 19 December 2017. Copies of this email and attachment are marked **MAL.1067.0001.0247** and **MAL.1067.0001.0248** at Tab 110 and 111 of Exhibit "CKR-1".

Reporting on investment - 2018

131. On 31 January 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 December 2017 to 31 December 2017. Copies of this email and attachment are marked **MAL.1067.0001.0258** and **MAL.1067.0001.0259** at Tab 112 and 113 of Exhibit "CKR-1".
132. On 7 February 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 January 2018 to 31 January 2018. Copies of this email and attachment are marked **MAL.1067.0001.0256** and **MAL.1067.0001.0257** at Tab 114 and 115 of Exhibit "CKR-1".
133. On 12 March 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 February 2018 to 28 February 2018. Copies of this email and attachment are marked **MAL.1067.0001.0260** and **MAL.1067.0001.0261** at Tab 116 and 117 of Exhibit "CKR-1".
134. On 30 March 2018, I received an email from Ms Caddick attaching documents showing the value of my investment portfolio. Copies of this email and portfolio valuation are marked **MAL.1067.0001.0263** and **MAL.1067.0001.0264** at Tab 118 and 119 of Exhibit "CKR-1".
135. On 2 May 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 March 2018 to 31 March 2018. Copies of this email and attachment are marked **MAL.1067.0001.0273** and **MAL.1067.0001.0274** at Tab 120 and 121 of Exhibit "CKR-1".
136. On 7 May 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 April 2018 to 30 April 2018. Copies of this email and attachment are marked **MAL.1067.0001.0275** and **MAL.1067.0001.0276** at Tab 122 and 123 of Exhibit "CKR-1".
137. On 13 June 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 May 2018 to 31 May 2018. Copies of this email and attachment are

CKR-1

Pages

- marked **MAL.1067.0001.0277** and **MAL.1067.0001.0278** at Tab 124 and 125 of Exhibit "CKR-1".
138. On 3 July 2018, I received an email from Ms Caddick attaching portfolio valuation documents for the period ending 30 June 2018 and economic commentary. Copies of this email and attachments are marked **MAL.1067.0001.0279**, **MAL.1067.0001.0280** and **MAL.1067.0001.0287** at Tabs 126 to 128 of Exhibit "CKR-1".
139. On 25 July 2018, I received an email from Ms Caddick attaching a CDIA statement for the period 1 June 2018 to 30 June 2018. Copies of this email and attachment are marked **MAL.1067.0001.0303** and **MAL.1067.0001.0304** at Tab 129 and 130 of Exhibit "CKR-1".
140. On 6 August 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 July 2018 to 31 July 2018. Copies of this email and attachment are marked **MAL.1067.0001.0305** and **MAL.1067.0001.0306** at Tab 131 and 132 of Exhibit "CKR-1".
141. On 10 September 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 August 2018 to 31 August 2018. Copies of this email and attachment are marked **MAL.1067.0001.0307** and **MAL.1067.0001.0308** at Tab 133 and 134 of Exhibit "CKR-1".
142. On 29 September 2018, I received an email from Ms Caddick attaching portfolio valuation documents for the period ending 28 September 2018. Copies of this email and attachment are marked **MAL.1067.0001.0309** and **MAL.1067.0001.0310** at Tab 135 and 136 of Exhibit "CKR-1".
143. On 17 October 2018, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 September 2018 to 30 September 2018. Copies this email and attachment are marked **MAL.1067.0001.0326** and **MAL.1067.0001.0327** at Tab 137 and 138 of Exhibit "CKR-1".
144. On 18 December 2018, I received an email from Ms Caddick attaching portfolio valuation documents for the period ending 18 December 2018. Copies of this email and attachment are marked **MAL.1067.0001.0330** and **MAL.1067.0001.0331** at Tab 139 and 140 of Exhibit "CKR-1".

Reporting on investment - 2019

cc: Reid

M. J. Reid

145. On 4 February 2019, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 December 2018 to 31 December 2018. Copies of this email and attachment are marked **MAL.1067.0001.0340** and **MAL.1067.0001.0341** at Tab 141 and 142 of Exhibit "CKR-1".
146. On 11 February 2019, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 January 2019 to 31 January 2019. Copies of this email and attachment are marked **MAL.1067.0001.0342** and **MAL.1067.0001.0343** at Tab 143 and 144 of Exhibit "CKR-1".
147. On 13 March 2019, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 February 2019 to 28 February 2019. Copies of this email and attachment are marked **MAL.1067.0001.0345** and **MAL.1067.0001.0346** at Tab 145 and 146 of Exhibit "CKR-1".
148. On 1 April 2019, I received an email from Ms Caddick attaching portfolio valuation documents. Copies of this email and attachment are marked **MAL.1067.0001.0347** and **MAL.1067.0001.0348** at Tab 147 and 148 of Exhibit "CKR-1".
149. On 8 April 2019, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 March 2019 to 31 March 2019. Copies of this email and attachment are marked **MAL.1067.0001.0355** and **MAL.1067.0001.0356** at Tab 149 and 150 of Exhibit "CKR-1".
150. On 13 May 2019, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 April 2019 to 30 April 2019. Copies of this email and attachment are marked **MAL.1067.0001.0359** and **MAL.1067.0001.0360** at Tab 151 and 152 of Exhibit "CKR-1".
151. On 11 June 2019, I received an email from Ms Caddick attaching a CDIA statement for the period 1 May 2019 to 31 May 2019. Copies of this email and attachment are marked **MAL.1067.0001.0361** and **MAL.1067.0001.0362** at Tab 153 and 154 of Exhibit "CKR-1".
152. On 2 July 2019, I received an email from Ms Caddick attaching portfolio valuation documents for the period ending 28 June 2019 and a document containing economic commentary. Copies of this email and attachments are marked **MAL.1067.0001.0363**, **MAL.1067.0001.0364** and **MAL.1067.0001.0371** at Tabs 155 to 157 of Exhibit "CKR-1".

*CKR-1**Yves*

153. On 8 July 2019, I received an email from Ms Caddick attaching a CDIA statement for the period of 1 June 2019 to 30 June 2019. Copies of this email and attachment are marked **MAL.1067.0001.0375** and **MAL.1067.0001.0376** at Tab 158 and 159 of Exhibit "CKR-1".
154. On 12 August 2019, I received an email from Ms Caddick attaching a CDIA statement for the period 1 July 2019 to 31 July 2019. Copies of this email and attachment are marked **MAL.1067.0001.0394** and **MAL.1067.0001.0395** at Tab 160 and 161 of Exhibit "CKR-1".
155. On 7 October 2019, I received an email from Ms Caddick attaching portfolio valuation documents. Copies of this email and attachment are marked **MAL.1067.0001.0396** and **MAL.1067.0001.0397** at Tab 162 and 163 of Exhibit "CKR-1".
156. On 16 December 2019, I received an email from Ms Caddick attaching a portfolio valuation for the period ending 16 December 2019. Copies of this email and attachment are marked **MAL.1067.0001.0405** and **MAL.1067.0001.0406** at Tab 164 and 165 of Exhibit "CKR-1".

Reporting on investment - 2020

157. On 24 March 2020, I received an email from Ms Caddick in which she stated:

"There has been absolutely no where to hide in this downturn as I know you are aware...

I have started to buy some Santos shares and am taking it slow."

158. Attached to this email was a set of portfolio valuation documents for March 2020 showing the performance of our investment. Copies of this email and portfolio valuation are marked **MAL.1067.0001.0520** and **MAL.1067.0001.0521** at Tab 166 and 167 of Exhibit "CKR-1".
159. In the week commencing 21 September 2020, I received a document titled REDACTED REDACTED Financial Statements and Reports for the period 1 July 2019 to 30 June 2020' (FY2019/20 Financial Statements) by way of post from Ms Caddick. A copy of the FY2019/20 Financial Statements is marked **MAL.1039.0001.0022** at Tab 168 of Exhibit "CKR-1".
160. On 5 May 2020, I received an email from Ms Caddick attaching a tax receipt for payment of the yearly portfolio management as set out in the April 2020 tax invoice.

CKR-1

M Jones

Copies of this email and May 2020 receipt are marked **MAL.1067.0001.0507** and **MAL.1067.0001.0508** at Tab 169 and 170 of Exhibit "CKR-1".

161. On 1 July 2020, I received an email from Ms Caddick attaching a "*portfolio valuation and economic review for the period ending 30 June 2020*". Copies of this email and attachments are marked **MAL.1067.0001.0496**, **MAL.1067.0001.0497** and **MAL.1067.0001.0500** at Tab 171 and 173 of Exhibit "CKR-1".
162. On 13 July 2020, I received an email from Ms Caddick attaching a "pre-completed 2020 SMSF Checklist" for [REDACTED] and myself to sign. Copies of this email and 2020 SMSF Checklist are marked **MAL.1067.0001.0481** and **MAL.1067.0001.0482** at Tab 174 and 175 of Exhibit "CKR-1".
163. On 30 September 2020, I received an email from Ms Caddick attaching a "*portfolio valuation for the period ending 30 September 2020*". Copies of this email and attachment are marked **MAL.1067.0001.0414** and **MAL.1067.0001.0415** at Tab 176 and 177 of Exhibit "CKR-1".

Contact with ASIC

164. On 17 November 2020, I opened the *Daily Mail* website and saw a picture of Ms Caddick on the front page of the site. I saw a headline which said words to the effect of "*Businesswoman Missing*". Underneath the headline was a statement about ASIC conducting a raid of Ms Caddick's home.
165. Later that day, I read the article properly and discussed it with [REDACTED] in a phone call. She told me that she had spoken to Ms Caddick's brother, [REDACTED], and that he had said words to the effect of, "*it's only one disgruntled investor, don't worry about it*".
166. On Friday 27 November 2020, with the media coverage around Ms Caddick and ASIC increasing, I started going through every document I had in relation to our investment and reading it thoroughly.
167. On Monday 30 November 2020, I rang CommSec to talk to them about our trading account. I spoke to a representative of CommSec and gave her my CommSec account details. I said someone is managing our account on our behalf and does the trading. I said I wanted to access the account and check the balance. During the conversation the CommSec representative said words to the effect, "*The numbers aren't real*" and "*Your account doesn't exist.*"

CKR-1

M Jones

168. The representative asked me for the name of the person managing our account and I said it was Ms Caddick. The representative said words to the effect, "We can't talk to you anymore" and gave me a phone number for ASIC officer, Isabella Allen.

Impact

169. In total, [REDACTED] and I invested \$490,000 with Maliver. [REDACTED] has, however, received \$123,200 of this back. As it currently stands, we are out of pocket \$366,800, which is the money we invested less the money [REDACTED] received back from Maliver. This does not include the compound interest and growth from the lost earning potential over the next ten years. In addition, we have paid:
- (a) \$9,469.99 to the Australian Taxation Office (ATO);
 - (b) \$7,490 to SAS; and
 - (c) \$21,007.89 to Maliver in management fees.
170. [REDACTED] and I are preparing to receive back only a small amount of our investment. This has had a negative impact on my mental and overall health for the following reasons:
- (a) We lost an income when [REDACTED] retired and we don't have a nest egg to draw from to cover that income. I'm now having to cover [REDACTED] retirement from my own income. This has meant a great reduction in money to cover our costs of living, which has in turn has created ongoing stress.
 - (b) I set up myself physically, emotionally, mentally, professionally to work for seven more years – everything was in place – and now I anticipate having to work for another 15 years.
 - (c) I also anticipate that when I retire I won't have money to my name and we will have to sell our house so I can have a modest retirement.

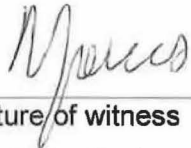
CKend

M Jones

Sworn by the deponent)
 at Sydney)
 in the State of New South Wales)
 on 22 March 2021)
 Before me:)



Signature of deponent



Signature of witness

Name: Nathalie Jones

Qualification: Solicitor

Address: 100 Market Street, Sydney NSW 2000