

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 11:29:49 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

No. NSD1220 of 2020

District Registry: New South Wales

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: **David John Wilson**

Address:

REDACTED

Occupation:

REDACTED

Date: 7 May 2021

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1	Affidavit of David John Wilson sworn on 7 May 2021	1	1
2	Annexure "DJW-1", being a USB containing electronic copies of the documents exhibited to this affidavit	1	2

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

Prepared by (name of person/lawyer) Nicolette Bearup

Law firm (if applicable) _____

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[Version 2 form approved 09/05/2013]

D. Wilson

Nicolette

I, David John Wilson of [REDACTED] [REDACTED]
[REDACTED], say on oath:

1. Exhibited to me at the time of swearing this affidavit and marked "Exhibit DJW-1" is a USB of documents. The documents are listed on the USB by numbered tabs, each of which in turn is hyperlinked to an electronic copy of the document that is included on the USB. Each document is marked with a unique Ringtail barcode.

Personal Details

2. I am 53 years of age and unmarried.
3. I have a sister and a brother (**my brother**). I understand that my sister, [REDACTED] [REDACTED] has also deposed an affidavit in these proceedings. My mother's name is [REDACTED] [REDACTED] (**my mother**).
4. From about 2007, I used the email address [REDACTED] to correspond in relation to work and personal matters. I am the only person who accessed and used this account.
5. Since 2014, I have used the email address [REDACTED] to correspond in relation to work and personal matters. I am the only person who accesses and uses this account.
6. Since 2000, I have used the mobile number [REDACTED] for work and personal matters. I am the only person with access to this mobile number.

Background and Qualifications

7. I am a [REDACTED] I currently operate as a sole trader under [REDACTED] [REDACTED] I have been working for myself since about August 2017. Prior to this, I contracted my [REDACTED] services to [REDACTED] [REDACTED] cancellation effective 31 July 2017) which was formerly owned by my brother.
8. I have a Certificate in [REDACTED] obtained from Ultimo TAFE in 1998. I have worked as a [REDACTED] for 21 years.
9. I also have a Certificate in Electrical Engineering from North Sydney TAFE in 1998.

D. Wilson

Jones

10. I have a general understanding of financial products and financial investing. Prior to investing with Melissa Caddick (**Ms Caddick**), I would buy and invest in shares from my self-managed superannuation fund and my personal savings.

Melissa Caddick

11. I have known Ms Caddick since I was about eight or nine years old, when my family lived in the Sydney suburb of Lugarno, and Ms Caddick lived with her family, including her brother, [REDACTED], in a house a few doors down from our family.
12. I attended Lugarno Primary School and subsequently Peakhurst High School with my brother and my sister, [REDACTED]. I recall that Ms Caddick and [REDACTED] also attended these schools. I was in the same school year as [REDACTED], and I recall that Kate was in the same school year as Ms Caddick.
13. I recall that in or about the late 1970s, Ms Caddick and [REDACTED] moved to another house in Lugarno. I did not see Ms Caddick regularly after this time. I would describe my relationship with Ms Caddick as mostly professional. I have occasionally seen Ms Caddick on social occasions.
14. It is my understanding that [REDACTED] had a close friendship with Ms Caddick that continued from childhood to adulthood. This understanding is based on conversations I have had with [REDACTED] in which she has mentioned Ms Caddick.

Decision to invest with Ms Caddick

15. I established my self-managed superannuation fund, being the David John Wilson Superannuation Fund (**my SMSF**), on 7 November 2007, at the suggestion of my father and with the assistance of my accountant. A copy of the executed deed, being the final page of the trust deed, is marked **MAL.1071.0004.0002** at Tab 1 of Exhibit DJW-1.
16. My father passed away in 2008. Afterwards, I took responsibility for looking after my mother [REDACTED] retirement savings. Prior to my father's passing, I had conversations with him in which he asked me to continue managing my parents' investments in the way that he had done, which was primarily through investing in shares. From 2008 to 2015, I undertook the management of these investments myself.
17. In or about 2012, [REDACTED] told me that she had made an investment through Ms Caddick's business. I recall that Kate said words to the effect of, "*Melissa offered to look after my investments because being a single mum and a hard worker she wanted to help me*



- with investing". When [REDACTED] talked about 'Melissa', I understood this to be a reference to Ms Caddick.
18. In or about 2013, I recall that [REDACTED] came to my home in Cronulla and asked me to look at a set of documents that Ms Caddick had given her in relation to [REDACTED] investment with Maliver. I recall that [REDACTED] said words to the effect of, "*These are the documents that Melissa sent to me*", and asked if I would review the documents.
 19. I looked through the documents, which appeared to be print-outs from a CommSec account and a bank statement relating to [REDACTED] investment. I recall saying words to the effect, "*It all adds up and everything seems fine. The only thing I'd say is that the brokerage is \$100 each time, which seems quite expensive*". [REDACTED] told me that Ms Caddick used the husband of one of her employees [REDACTED] as the broker, and the brokerage fee was for his services.
 20. During this conversation with [REDACTED] I came to understand that Ms Caddick had established a company, Maliver Pty Limited (**Maliver**), through which she was offering financial advice and investment services.
 21. In or around early to mid-2014, I had a conversation with [REDACTED] in which she said that Ms Caddick wanted to engage someone to undertake [REDACTED] at her house. I recall that [REDACTED] said words to the effect, "*She doesn't trust anyone else, but she knows you so she wants you to do it.*"
 22. On 18 September 2014, I attended Ms Caddick's home at [REDACTED] [REDACTED] (the Dover Heights property) for the purposes of undertaking a [REDACTED] treatment at the property. I do not recall having a conversation regarding investment services.
 23. In or around late 2014, I recall having a conversation with my brother in which he told me that he wanted to "*do something*" with his savings, saying words to the effect, "*It would be good to have someone look after our money*". My brother and I talked about my role in managing my mother's retirement savings, and my brother made a suggestion in words to the effect, "*Why don't you think about giving the money to Melissa and then you don't have the headache of looking after it?*". When my brother referred to 'Melissa', I understood this to be a reference to Ms Caddick.
 24. Around the same time, I recall having a conversation with [REDACTED] in which we discussed the performance of her investments as managed by Ms Caddick. [REDACTED] told me that her investment was "*performing well*".




25. Prior to meeting with Ms Caddick, I conducted some general searches using Google.com regarding the process of engaging a financial advisor. As a result of these searches, it was my understanding that there are things you should check when engaging a financial advisor, such as whether they have a licence, whether they are a member of a professional body, and whether online searches reveal any negative reviews. I conducted some online searches of Ms Caddick's name and I saw that she was not a member of a professional body. I do not recall the name of the specific professional body.

26. I believe my brother made a phone call to Ms Caddick to arrange an in-person meeting.

First Meeting with Ms Caddick

27. On 6 May 2015, I attended a meeting with Ms Caddick at her home, being the Dover Heights property. I recall that I arrived at Ms Caddick's home in the morning, in the company of my brother. Ms Caddick met us at the front door and took us to the lounge room, which was located upstairs, where Ms Caddick, my brother and I sat down to have a discussion. I did not see anyone else in the home. After we had had a discussion in the lounge room, Ms Caddick showed my brother and myself her study, which was located downstairs. Ms Caddick said that this was where she invested her clients' money.

28. I asked Ms Caddick about how she would invest our money. I recall that Ms Caddick said words to the effect of her being, *"only interested in Australian equities, and only about ten"*. I understood this to mean that she was only following and investing in about ten Australian stocks at that time. Ms Caddick said that her investment strategy was to focus on those equities so that she could take advantage of opportunities to buy and sell.

29. I asked Ms Caddick how she charged for her services. Ms Caddick told me that she *"charged an annual management fee of 0.75% of the total funds managed."*

30. I recall asking Ms Caddick whether she was a member of a professional body for financial advisors. Ms Caddick replied with words to the effect of, *"well are you a member of your professional organisation?"*, and I said, *"well no I'm not"*. I understood this to mean that she had decided not to join a professional body and that membership was a matter of choice.

31. Ms Caddick showed us documents pertaining to a sample portfolio of shares, to explain to us what she planned to do with our investments and the sort of documentation that



we could expect to receive. I recall that I told her about my financial circumstances and she drew up a draft investment strategy incorporating these figures. My understanding of this strategy was that Ms Caddick would make a selection from 10 Australian shares and would invest on my behalf, using a CommSec account and an associated CDIA account which she would establish in my name.

32. During the meeting, Ms Caddick provided me with a copy of a financial services guide (FSG) from Maliver. I recall seeing an AFSL on the first page of this document. A copy of the FSG I received titled "Financial Services Guide Version 1.3 – August 2014" is marked **MAL.1071.0002.0006** at Tab 2 of Exhibit DJW-1.
33. Ms Caddick did not discuss whether she had an Australian Financial Services Licence or whether she was required to hold one. I did not make any further checks to confirm Ms Caddick's AFSL.
34. It was my usual practice to meet with Ms Caddick each year for the purposes of an annual review of my investments (**annual meeting**). These annual meetings usually took place at the Dover Heights property, and my brother and I would undertake [REDACTED] for Ms Caddick during each visit. On occasion, Ms Caddick's employees [REDACTED] and Ms Caddick's husband, [REDACTED], were present at the house during the annual meetings. I did not speak to [REDACTED] or [REDACTED] about my investment while at the Dover Heights property, nor did they attend the annual meetings.

Set up of investment

35. On 11 May 2015, I received an email from Ms Caddick, which attached a document titled 'David Wilson SF DRAFT Recommendation'. The attachment contained a number of documents, including: a file note of my discussion with Ms Caddick outlining my financial situation and my financial objectives; a pro-forma will; a document appointing Maliver as my adviser; an authorisation for Ms Caddick or Maliver to establish a CommSec account in the name of my SMSF; a 'personal portfolio summary'. Copies of the email and attachment are marked **MAL.2004.0001.8659** and **MAL.2004.0001.8660** at Tabs 3 and 4 of Exhibit DJW-1. I recall that I read those documents and my understanding was that to buy Australian equities she would establish a CommSec account in your name and an associated CDIA account.
36. On 22 May 2015, I signed the document authorising Ms Caddick or Maliver to establish a CommSec account in the name of my SMSF. A copy of this document is marked **MAL.1071.0002.0078** at Tab 5 of Exhibit DJW-1. The document states that:

D. Wilson

Mars

Please be advised that I hereby authorize Melissa Caddick of Maliver Pty Limited to establish a CommSec Trading Account in the name of David Wilson Superannuation Fund under the Corporate entity of Maliver Pty Limited.

My understanding of this form was that it would give permission for Ms Caddick to establish the CommSec account in my name.

Transferring money to Maliver

37. During the period from 10 June 2015 to 18 March 2020, I transferred a total of \$1,320,000.00 to Maliver, comprising of the following amounts:
- a) \$630,000.00 by way of contribution to my SMSF; and
 - b) \$690,000.000 being funds for my personal share portfolio.
38. The process I ordinarily undertook when transferring money to Maliver was that I would transfer a sum of money from one of my personal Commonwealth Bank of Australia (**CBA**) accounts to the Maliver NAB account BSB: 082057 Account Number: 946084145. Once the funds had cleared in my accounts, I would draw a cheque or ^{as noted above.} arrange an electronic transfer to the Maliver account specified by Ms Caddick. Upon ^{KJ PW} completing these steps, I would inform Ms Caddick – usually by way of email – that I had transferred funds.
39. I made each of the above payments on the basis of what Ms Caddick had said to me when I met her at her home on 6 May 2015 and on the basis of the documents referred to in paragraphs 32 and 35 above. From those conversations and those documents I understood that Melissa and/or Maliver would in turn invest the money on my behalf (and that of my superannuation fund). I made each of the payments totalling \$1,320,000.00 on the basis of this understanding. I would not have transferred, or organised to have transferred, any money to either Melissa or Maliver had I known that those monies were not to be invested on my behalf or on behalf of my superannuation fund. I further understood that, after receiving my money, Ms Caddick would transfer the money from the Maliver account to a CBA Commonwealth Direct Investment account (**CDIA account**) which she had established in my name and linked to a CommSec trading account (**CommSec account**) which she had also established in my name. I also understood that upon transferring the money from the CDIA account to the CommSec account, Ms Caddick would commence buying and selling shares on my behalf, for the purposes of achieving a return on the invested funds.

David Wilson

M. Caddick

40. On 5 June 2015, I paid \$205,000 from my SMSF to Maliver by way of cheque. The cheque was drawn from my CBA account titled 'David John Wilson Superannuation Pty Ltd' ^{REDACTED} (CBA Super Fund Account). A scanned copy of the cheque stub pertaining to this investment is in the document titled "Supporting Documents for David Wilson Superannuation Fund" (Supporting Documents for David Wilson Superannuation Fund) marked MAL.1081.0017.0003 at Tab 6 of Exhibit DJW-1, on the page marked .0005.
41. On 10 June 2015, my investment of \$205,000 was debited from my CBA Super Fund Account. The transaction pertaining to the cheque dated 10 June 2015 is shown in the Business Transaction Account statement for the CBA Super Fund Account for the period 16 May 2015 to 15 August 2015. A copy of this bank statement (CBA Super Fund Account Statement 16 May 2015 to 15 August 2015) is marked MAL.1071.0005.0021 at Tab 7 of Exhibit DJW-1.
42. On 30 June 2015, I paid \$216,000 from my SMSF to Maliver. I made this payment by way of cheque dated 25 June 2015 in the amount of \$216,000. The cheque was made out to Maliver from my CBA Super Fund Account. A scanned copy of the cheque stub pertaining to this payment is in the Supporting Documents for David Wilson Superannuation Fund document at Tab 6 of Exhibit DJW-1, on the page marked .0007. The \$216,000 transaction pertaining to the cheque dated 25 June 2015 is shown on the CBA Super Fund Account Statement 16 May 2015 to 15 August 2015 at Tab 7 of Exhibit DJW-1.
43. A copy of a Business Transaction Account statement for the CBA Super Fund Account for the period 16 May 2015 to 15 August 2015, showing the outgoing amounts pertaining to the cheque dated 5 June 2015 and the cheque dated 25 June 2015, is marked MAL.1071.0005.0021 at Tab 7 of Exhibit DJW-1.
44. On 30 June 2015, I received an email from Ms Caddick confirming the receipt of three cheques made out to Maliver and attaching photographs of each cheque. A copy of the emailed dated 30 June 2015 is marked MAL.2047.0001.0045 at Tab 8 of Exhibit DJW-1. The attachments to this email are as follows:
- a. CBA cheque for the sum of \$216,000 signed by me, marked MAL.2047.0001.0047 at Tab 9 of Exhibit DJW-1. I identify my signature on this cheque;
 - b. CBA cheque for the sum of \$200,000 signed by my mother, marked MAL.2047.0001.0046 at Tab 10 of Exhibit DJW-1; and



- c. a scanned copy of a CBA cheque for the sum of \$1,900,000 signed by my mother, marked **MAL.2047.0001.0048** at Tab 11 of Exhibit DJW-1.
45. On 30 July 2015, I received an email from Ms Caddick attaching compliance documentation relating to my SMSF, for the purposes of me providing them to my accountant. Copies of the email and attachments are marked **MAL.2004.0001.9361**, **MAL.2004.0001.9362**, **MAL.2004.0001.9369**, **MAL.2004.0001.9373** and **MAL.2004.0001.9380** at Tabs 12 to 16 of Exhibit DJW-1.
46. On 14 September 2015, I wrote a cheque in the amount of \$20,000 to Maliver from my CBA Super Fund Account. On that day, I sent an email to Ms Caddick advising Ms Caddick:
- "I have sent you a cheque today for \$20,000.00... I had it in a high interest account but figured you may be able to put it to better use".*
- A copy of the email I sent to Ms Caddick dated 14 September 2015 is marked **MAL.2047.0001.0118** at Tab 17 of Exhibit DJW-1. A scanned copy of the cheque stub pertaining to this investment is in the Supporting Documents for David Wilson Superannuation Fund document at Tab 6 of Exhibit DJW-1, on the page marked .0010.
47. On 16 September 2015, I received an email from Ms Caddick in which she advised that she had received the 14 September 2015 Cheque and that, *"the cheque will be banked today."* A copy of this email is marked **MAL.2047.0001.0120** at Tab 18 of Exhibit DJW-1.
48. On 17 September 2015, the \$20,000 investment I made from my SMSF through Maliver debited from my CBA Business Transaction Account. A copy of the Business Transaction Account statement for the CBA Super Fund Account showing the outgoing amount pertaining to the cheque dated 14 September 2015, is marked **MAL.1071.0005.0022** at Tab 19 of Exhibit DJW-1.
49. On 7 December 2015, I paid \$27,000 from my SMSF through Maliver by way of cheque. I made this investment via a cheque in the amount of \$27,000 made out to Maliver, dated 4 December 2015. A scanned copy of the cheque stub dated 4 December 2015 relating to this payment is in the Supporting Documents for David Wilson Superannuation Fund document at Tab 6 of Exhibit DJW-1, on the page marked .0012 (of MAL.1081.0017.0003). A copy of a Business Transaction Account statement for the CBA Super Fund Account for the period 16 November 2015 to 15



Account showing the outgoing amount pertaining to the cheque dated 17 March 2017 is marked **MAL.1071.0005.0024** at Tab 32 of Exhibit DJW-1.

61. Later that same day, I sent an email to Ms Caddick attaching a signed copy of a superfund contribution letter dated 20 March 2017. Copies of my email dated 20 March 2017 and attachment are marked **MAL.2047.0001.0336** and **MAL.2047.0001.0337** at Tabs 33 and 34 of Exhibit DJW-1.
62. On 11 May 2018, I paid \$20,000 from my SMSF to Maliver by way of electronic transfer, from my CBA Super Fund Account. On this day, I sent an email to Ms Caddick attaching a CBA receipt for my 2017 – 2018 superannuation contribution of \$25,000 from my Dave Wilson [REDACTED] Account to the Super Fund Account. In my email, I advised Ms Caddick:

"I just transferred \$20,000.00 (my limit) into Maliver bank account as requested. I will transfer another \$2,000.00 next, which leaves me \$3,000.00 for the funds expenses."

A copy of an electronic transfer receipt showing the \$20,000 payment is in the Supporting Documents for the David Wilson Superannuation Fund document at Tab 6 of Exhibit DJW-1, on the page marked .0018. A copy of my email to Ms Caddick dated 11 May 2018 and attachment are marked **MAL.1071.0003.0501** and **MAL.1071.0003.0503** at Tabs 35 and 36 of Exhibit DJW-1.

63. On 14 May 2018, I paid \$2,000 from my SMSF to Maliver by way of electronic transfer. A copy of an electronic transfer receipt showing this transaction is in the Supporting Documents for the David Wilson Superannuation Fund document at Tab 6 of Exhibit DJW-1, on the page marked .0019.
2. On 2 April 2019, I paid \$20,000 from my David Wilson [REDACTED] account to Maliver.
3. On 3 April 2019, I paid \$5,000 from my David Wilson [REDACTED] Account to Maliver. A copy of a Business Transaction Account statement for the David Wilson [REDACTED] Account for the period 5 January 2019 to 4 April 2019, showing the outgoing amounts of the 2 April 2019 and 3 April 2019 payments is marked **MAL.1071.0005.0013** at Tab 37 of Exhibit DJW-1.
64. On 4 April 2019, I received an email from Ms Caddick confirming receipt of my \$5,000 superannuation contribution. A copy of the email dated 4 May 2019 is marked **MAL.2047.0001.1662** at Tab 38 of Exhibit DJW-1.

P. Wilson

M. Caddick

February 2016, showing an outgoing amount pertaining to the cheque, is marked **MAL.1071.0005.0023** at Tab 20 of Exhibit DJW-1.

1. On 7 December 2015, I received an email from Ms Caddick confirming she had received the cheque for \$27,000. A copy of this email is marked **MAL.2047.0001.0178** at Tab 21 of Exhibit DJW-1.

Decision to invest my personal savings

50. In or around August 2016, I decided to ask Ms Caddick to invest my personal savings, in the same way that she was already doing in relation to my SMSF.
51. I recall that I made this decision after reviewing the CommSec print-outs that Ms Caddick had been sending me each month in relation to the performance of my SMSF. I compared the performance of the share portfolio which Ms Caddick was managing with the performance of the share portfolio that I was managing for myself. I decided that the returns that she was achieving were significantly better, and that I could achieve better returns if she were to also manage my personal portfolio.
52. On 22 August 2016, I received an email from Ms Caddick attaching a "short form recommendation" and stating, "What I mean by short, is that I haven't included the FSG, remuneration structure as you are an existing client and the service you will receive on this additional portfolio will be same as current." Copies of this email and attachment are marked **MAL.2047.0001.0250** and **MAL.2047.0001.0251** at Tabs 22 and 23 of Exhibit DJW-1.
53. On 23 August 2016, I sent an email to Ms Caddick stating that the information contained in the recommendation "looks good". A copy of this email is marked **MAL.2047.0001.0256** at Tab 24 of Exhibit DJW-1.
54. At that time, I was using CMC Markets as a stockbroker which required me to have a Bankwest trading account connected to the CMC Markets platform. When Ms Caddick agreed to manage my personal investment, I set about liquidating my shareholding on CMC Markets for the purposes of transferring a sum of money to Ms Caddick so that she could start share trading on my behalf.
55. Later that same day, I sent an email to Ms Caddick requesting a meeting on 28 August 2016 and stating that I had sold shares and would bring a cheque for the value of those funds. A copy of this email is marked **MAL.2047.0001.0257** at Tab 25 of Exhibit DJW-



1. I do not recall the exact date on which the meeting took place, but I do recall signing the documents with Ms Caddick in person.
56. On 30 August 2016, I signed documents provided to me by Ms Caddick in relation to the establishment of what I understood to be was my personal investment portfolio. As part of these, I signed a letter authorising Ms Caddick to "establish a CommSec Trading Account in the name of Mr David John Wilson under the Corporate entity of Maliver Pty Limited" and providing an initial investment of \$260,000 by way of cheque made out to Maliver. I identify my signature at the bottom of this document. A copy of this letter is marked **MAL.0017.0004.0010** at Tab 26 of Exhibit DJW-1.
57. On 30 August 2016, I paid \$260,000 to Maliver as part of my personal investment portfolio by way of cheque. I made out a cheque to Maliver in the amount of \$260,000 from my "David Wilson [REDACTED] Account", which I posted to Ms Caddick. A copy of the cheque dated 30 August 2016 marked **MAL.1071.0005.0018** at Tab 27 of Exhibit DJW-1.
58. On 31 August 2016, I received an email from Ms Caddick attaching copies of the signed 30 August 2016 Documents, and a scanned copy of the cheque showing my initial investment of \$260,000. Copies of the email and attachments are marked **MAL.2047.0001.0261** and **MAL.2047.0001.0262** at Tabs 28 and 29 of Exhibit DJW-1. A copy of the cheque is on the page marked .0267.

Subsequent payments to Maliver

59. On 17 March 2017, I made a cheque out in the amount of \$93,000 to Maliver from my CBA Super Fund Account. A scanned copy of the cheque stub dated 17 March 2017 pertaining to this payment is in the Supporting Documents for David Wilson Superannuation Fund document at Tab 6 of Exhibit DJW-1, on the page marked .0014. I recall that I sent this cheque to Ms Caddick via express post in an envelope that she had previously supplied to me.
60. On 20 March 2017, I received an email from [REDACTED] on behalf of Melissa Caddick" attaching an unsigned superfund contribution letter dated 20 March 2017. The email confirmed receipt of my cheque for \$93,000. On that day, my payment of \$93,000 was debited out of my CBA Business Transaction Account. A copy of the email from Ms Caddick's email address dated 20 March 2017 and the attachment are marked **MAL.2047.0001.0334** and **MAL.2047.0001.0335** at Tabs 30 and 31 of Exhibit DJW-1. A copy of Business Transaction Account statement for the CBA Super Fund



65. On 17 May 2019, I paid \$150,000 from my personal savings to Maliver by way of bank cheque. I made out a cheque in the amount of \$150,000 from my David Wilson [REDACTED] [REDACTED] Account which I posted to Ms Caddick. A copy of the cheque dated 17 May 2019 is marked **MAL.1071.0005.0019** at Tab 39 of Exhibit DJW-1.
66. On 17 May 2019, I sent an email to Ms Caddick advising I had sent her a cheque via mail. A copy of this email is marked **MAL.2047.0001.1730** at Tab 40 of Exhibit DJW-1.
67. On 21 May 2019, I received an email from Ms Caddick confirming she had received and banked the cheque dated 17 May 2019. A copy of this is marked **MAL.2047.0001.1731** at Tab 41 of Exhibit DJW-1.
68. On 23 September 2019, my mother made a payment directly to Maliver in the amount of \$100,000 which I understood went towards my personal portfolio investment with Maliver. This money represented part of the proceeds of the sale of a collection of bank notes, owned by my father. A copy of the international money transfer form is marked **MAL.1071.0005.0057** at Tab 42 of Exhibit DJW-1. The reason for sending the \$300,000 as an international money order was that Ms Caddick had told me that this would be the quickest way to transfer the money to her. I recall that I had this conversation with Ms Caddick on or about two days prior to arranging the transfer.
69. Later that same day, I received an email from Ms Caddick advising that she had received a transfer of \$300,000 and confirming that she had allocated it as \$100,000 each for my mother, my sister and myself. A copy of this email is marked **MAL.2011.0001.0553** at Tab 43 of Exhibit DJW-1.
70. On 2 December 2019, my mother made another payment towards my personal portfolio with Maliver in the amount of \$100,000. This money also formed part of the proceeds of the sale of a collection of bank notes, as described at paragraph 72 above. A copy of a cheque stub made out by my mother is marked **MAL.1071.0005.0007** at Tab 44 of Exhibit DJW-1.
71. Later that same day, I sent an email to Ms Caddick advising that I had posted a cheque via express post for \$300,000, being "\$100,000 each for [REDACTED] Mum and myself". On 6 December 2019, I received an email from Ms Caddick confirming she had received the cheque and "*shall bank and allocate as advised*". My understanding of this allocation was that Ms Caddick would invest \$100,000 in the separate portfolios belonging to [REDACTED] my mother and myself. A copy of this email chain is marked **MAL.1071.0003.1389** at Tab 45 of Exhibit DJW-1.



72. On 17 February 2020, I completed an electronic transfer in the amount of \$20,000 to Maliver, for the purposes of investing in my SMSF. A copy of an electronic transfer receipt showing this transaction is marked **MAL.1071.0005.0032** at Tab 46 of Exhibit DJW-1.
73. On 18 February 2020, I completed an electronic transfer in the amount of \$2,000 to Maliver, for the purposes of investing in my SMSF. A copy of the CBA Super fund Account statement showing this transaction is marked **MAL.1071.0003.1683** at Tab 47 of Exhibit DJW-1.
74. On 5 March 2020, I completed an electronic transfer in the amount of \$20,000 to Maliver, for the purposes of investing in my personal portfolio. A copy of an electronic transfer receipt showing this transaction is marked **MAL.1071.0005.0059** at Tab 48 of Exhibit DJW-1.
75. On 6 March 2020, I received an email from Ms Caddick confirming receipt of my \$20,000 payment made on 5 March 2020. A copy of this email is marked **MAL.2047.0001.2358** at Tab 49 of Exhibit DJW-1.
76. On 6 March 2020, I completed an electronic transfer in the amount of \$20,000 to Maliver, for the purposes of investing in my personal portfolio. A copy of an electronic transfer receipt showing this transaction is marked **MAL.1071.0005.0060** at Tab 50 of Exhibit DJW-1.
77. On 8 March 2020, I completed an electronic transfer in the amount of \$20,000 to Maliver, for the purposes of investing in my personal portfolio. A copy of an electronic transfer receipt showing this transaction is marked **MAL.1071.0005.0061** at Tab 51 of Exhibit DJW-1.
78. On 9 March 2020, I received an email from Ms Caddick confirming the receipt of my \$20,000 transfer made on 8 March 2020. A copy of this email is marked **MAL.2047.0001.2360** at Tab 52 of Exhibit DJW-1.
79. The reason for making transactions on consecutive days was that I have a transaction limit of \$20,000 on my CBA personal bank accounts.
80. On 18 March 2020, I completed an electronic transfer in the amount of \$20,000 to Maliver, for the purposes of investing in my personal portfolio. Following this transfer, I received an email from Ms Caddick confirming receipt of the \$20,000 payment. A copy of an electronic transfer receipt showing this transaction is marked



MAL.1071.0005.0062 at Tab 53, and a copy of the email from Ms Caddick dated 18 March 2020 is marked **MAL.2047.0001.2361** at Tab 54 of Exhibit DJW-1.

81. In or about May 2020, I had a conversation with Ms Caddick in which she said words to the effect, *"Why don't you transfer the money to you, as I can invest more aggressively whereas with your mum I've got to be conservative"*. My understanding was that Ms Caddick was referring to the drawing down of my mother's superannuation and transferring it into my personal portfolio so that she could invest it more aggressively.

Maliver's management of investment

82. On 11 May 2016, I met with Ms Caddick for my first annual meeting to discuss my superannuation fund. At this meeting, I gave Ms Caddick authority to pay the yearly management fee by electronic funds transfer. A copy of a file note of this meeting compiled by Ms Caddick marked **MAL.0022.0016.0018** is at Tab 55 of Exhibit DJW-1. I identify my signature on the document at the page marked .0019. This file note accords with my recollection of that meeting.
83. In or around May 2016, I was issued a tax receipt by Ms Caddick dated 9 May 2016 in respect of yearly management fees charged by Maliver for the David John Wilson Superannuation Fund. The receipt stated the funds I had invested had a marked value of \$494,512 as at 9 May 2016, and a 0.75% management fee of \$4,079.80 had been calculated based on that sum. A copy of the invoice dated 9 May 2016 is marked **MAL.1071.0002.0318** at Tab 56 of Exhibit DJW-1.
84. On 20 July 2016, I received an email from Ms Caddick attaching end-of-financial-year documentation for my records and provision to my accountant. Copies of the email and attachment are marked **MAL.2004.0002.2486** and **MAL.2004.0002.2487** at Tabs 57 and 58 of Exhibit DJW-1.
85. In or around February 2017, I signed documents to enable Edmond Ong (**Mr Ong**) from Superannuation Accounting Services (**Superannuation Accounting**) to complete the annual accounting and auditing for the David Wilson Superannuation Fund. I authorised Mr Ong to direct all correspondence to Ms Caddick. A copy of the signed authorisation letter to Mr Ong dated 8 February 2017 is marked **MAL.2003.0007.2804** at Tab 59 of Exhibit DJW-1. I identify my signature on this document at the pages marked .2804 and .2808.
86. On 5 June 2017, I attended an annual meeting with Ms Caddick at the Dover Heights property. Copies of the file notes compiled by Ms Caddick in respect of this meeting are

marked **MAL.0022.0016.0015** and **MAL.0022.0016.0013** at Tabs 60 and 61 of Exhibit DJW-1. I identify my signature on this document at the page marked .0014.

87. In or around June 2017, I was issued a tax invoice by Ms Caddick dated 5 June 2017 in respect of yearly management fees charged by Maliver for the David John Wilson Superannuation Fund. The invoice stated the funds I invested had a market value of \$721,436.20 as at 5 June 2017, and a 0.75% management fee of \$5,951.85 had been calculated based on that sum. I identify a copy of this invoice marked **MAL.1071.0002.0319** at Tab 62 of Exhibit DJW-1.
88. In or around June 2017, I was issued a second tax invoice by Ms Caddick dated 5 June 2017 in respect of yearly portfolio management fees charged by Maliver for my personal investment. The invoice was for my personal investment in the name of David Wilson, dated 5 June 2017. The invoice stated the funds I invested had a market value of \$307,819.30 as at 28 April 2017, and a 0.75% management fee of \$2,539.51 had been calculated based on that sum. I identify a copy of this invoice marked **MAL.1071.0002.0051** at Tab 63 of Exhibit DJW-1.
89. On 5 June 2017, I received an email from Ms Caddick attaching tax receipts dated 5 June 2017. Copies of the email and attachment are marked **MAL.2004.0002.6711** and **MAL.2004.0002.6712** at Tabs 64 and 65 of Exhibit DJW-1. The tax receipts in respect of my investments are at the pages marked .6712 and .6715.
90. On 18 July 2017, I received an email from Ms Caddick attaching an unsigned Superannuation Accounting compliance document, requesting that I sign and return the document. On the same day, I received a second email from Ms Caddick attaching an unsigned investment strategy document, requesting that I sign and return the document. Copies of these emails and attachments are marked **MAL.2004.0002.8111**, **MAL.2004.0002.8112**, and **MAL.2047.0001.0390**, **MAL.2047.0001.0391** respectively, at Tabs 66 to 69 of Exhibit DJW-1.
91. On 21 July 2017, I sent an email to Ms Caddick attaching signed copies of Superannuation Accounting compliance documents. Copies of the email and attachments are marked **MAL.2004.0002.8424**, **MAL.2004.0002.8425** and **MAL.2004.0002.8438** at Tabs 70 to 72 of Exhibit DJW-1.
92. On 24 August 2017, I received an email from Ms Caddick attaching Superannuation Accounting compliance documents. Copies of the email and attachment are marked **MAL.2004.0002.9306** and **MAL.2004.0002.9307** at Tabs 73 and 74 of Exhibit DJW-1.



93. On 29 August 2017, I received an email from Ms Caddick attaching Superannuation Accounting financial reports for the period from 1 June 2016 to 30 July 2017. Copies of the email and attachment are marked **MAL.2004.0003.0283** and **MAL.2004.0003.0284** at Tabs 75 and 76 of Exhibit DJW-1.
94. On 8 September 2017, I received an email from Ms Caddick forwarding correspondence between herself and Mr Ong and attaching a 2017 SMSF annual tax return and completed electronic lodgement form. Copies of the email and attachment are marked **MAL.2004.0003.0568**, **MAL.2004.0003.0570** and **MAL.2004.0003.0590** at Tabs 77 to 79 of Exhibit DJW-1.
95. In or about September 2017, I received a letter from REDACTED *per Melissa Caddick* dated 4 September 2017 enclosing 2016 – 2017 end-of-financial-year financial statements and reports. A scanned copy of the letter is marked **MAL.1071.0002.0092** at Tab 80 of Exhibit DJW-1.
96. In or around April 2018, I was issued a tax invoice by Ms Caddick dated 30 April 2018 for yearly management fees charged by Maliver for the David John Wilson Superannuation Fund. The invoice stated the funds I invested had a market value of \$785,349.35 as at 30 April 2018, and a 0.75% management fee of \$6,479.13 had been calculated based on that sum. I identify a copy of this invoice marked **MAL.1071.0002.0320** at Tab 83 of Exhibit DJW-1.
97. In or around April 2018, I was issued a second tax invoice by Ms Caddick dated 30 April 2018 for yearly management fees charged by Maliver for my personal investment. The invoice stated the funds I invested had a market value of \$402,803.54 as at 30 April 2018, and a 0.75% management fee of \$3,323.13 had been calculated based on that sum. I identify a copy of this invoice marked **MAL.1071.0002.0052** at Tab 84 of Exhibit DJW-1.
98. In or around May 2018, I arranged with Ms Caddick to attend the Dover Heights property on 7 May 2018 for the purpose of an annual meeting and a yearly REDACTED spray. A copy of the email chain between Ms Caddick and myself confirming this arrangement is marked **MAL.1071.0003.0458** at Tab 85 of Exhibit DJW-1.
99. In the morning of 7 May 2018, I attended the Dover Heights property for an annual meeting and to conduct a yearly REDACTED spray. I identify copies of the file notes of this meeting compiled by Ms Caddick marked **MAL.0022.0016.0010** and **MAL.0022.0015.0032** at Tabs 86 and 87 of Exhibit DJW-1. A copy of the tax invoice I



issued to Ms Caddick for the [REDACTED] spray on 7 May 2018 is marked **MAL.1071.0004.0006** at Tab 88 of Exhibit DJW-1.

100. On 7 May 2018, I received an email from Ms Caddick attaching tax receipts dated 30 April 2018, in respect of yearly management fees charged by Maliver. Copies of the email and attachment are marked **MAL.1071.0003.0494**, **MAL.1071.0003.0498**, **MAL.1071.0003.0497**, **MAL.1071.0003.0496** and **MAL.1071.0003.0495** at Tabs 89 to 93 of Exhibit DJW-1.
101. On 9 July 2018, I received an email from Ms Caddick attaching pre-completed end-of-financial-year checklists for Superannuation Accounting. In her email, Ms Caddick requested I sign the documents where indicated and return them at my earliest convenience. Copies of the email and attachment are marked **MAL.1071.0003.0618**, **MAL.1071.0003.0631** and **MAL.1071.0003.0619** at Tabs 94 to 96 of Exhibit DJW-1.
102. On 12 July 2018, I sent an email to Ms Caddick attaching a signed copy of the Superannuation Accounting financial reports and audits for the period from 1 June 2017 to 31 July 2018. Copies of the email and attachment are marked **MAL.1071.0003.0643** and **MAL.1071.0003.0644** at Tabs 97 and 98 of Exhibit DJW-1.
103. On 25 July 2018, I received an email from Ms Caddick attaching an end-of-financial-year contribution statement for the David Wilson Superannuation Fund, requesting the attached document be signed and returned via email. On the same day, I returned Ms Caddick's email attaching a signed copy of the end-of-financial-year contribution statement. Copies of Ms Caddick's email and attachment are marked **MAL.2004.0003.4804** and **MAL.2004.0003.4805** at Tabs 99 to 100 of Exhibit DJW-1. Copies of my email and attachment are at **MAL.2004.0003.4833** and **MAL.2004.0003.4834** at Tabs 101 and 102 of Exhibit DJW-1.
104. In or about September 2018, I received a letter from Ms Caddick dated 3 September 2018 enclosing end-of-financial year financial statements and reports. A scanned copy of the letter is marked **MAL.1071.0002.0093** at Tab 103 of Exhibit DJW-1.
105. On 17 September 2018, I received an email from "[REDACTED]" *on behalf of Melissa Caddick* attaching a signed copy of Superannuation Accounting financial reports for the period from 1 June 2017 to 31 July 2018. Copies of the email and attachment are marked **MAL.2004.0003.6919** and **MAL.2004.0003.6920** at Tabs 81 and 82 of Exhibit DJW-1.



106. In or around May 2019, I was issued a tax invoice by Ms Caddick dated 7 May 2019 yearly management fees charged by Maliver for my personal investment. This invoice states the funds I invested had a market value of \$454,633.01 as at 7 May 2019, and a 0.75% management fee of \$3,750.72 had been calculated based on that sum. I identify a copy of this invoice marked **MAL.1071.0002.0053** at Tab 104 of Exhibit DJW-1.
107. In or around May 2019, I was issued a second tax invoice by Ms Caddick dated 7 May 2019 in respect of yearly management fees charged by Maliver for my superannuation fund. The invoice stated the funds I invested had a market value of \$992,950.22 as at 7 May 2019, and a 0.75% management fee of \$8,191.84 had been calculated based on that sum. I identify a copy of this invoice marked **MAL.1071.0002.0321** at Tab 105 of Exhibit DJW-1.
108. On 15 May 2019, I attended the Dover Heights property for the purpose of an annual meeting and a yearly [REDACTED] spray. A copy of the email correspondence between Ms Caddick and myself arranging this meeting is marked **MAL.2047.0001.1659** at Tab 106 of Exhibit DJW-1. Copies of the file notes Ms Caddick compiled of the annual meeting are marked **MAL.0022.0016.0007** and **MAL.0022.0015.0029** at Tabs 107 and 108 of Exhibit DJW-1. A copy of the tax invoice I issued to Ms Caddick for [REDACTED] spray on 15 May 2019 is marked **MAL.1071.0004.0007** at Tab 109 of Exhibit DJW-1.
109. Following the annual meeting, I received an email from Ms Caddick attaching tax receipts in respect of yearly management fees charged by Maliver. Copies of the 15 May 2019 Email and attachments are marked **MAL.1071.0003.0938**, **MAL.1071.0003.0940**, **MAL.1071.0003.0939**, **MAL.1071.0003.0942**, **MAL.1071.0003.0941** at Tabs 110 to 114 of Exhibit DJW-1.
110. On 8 July 2019, I received an email from Ms Caddick attaching pre-completed Superannuation Accounting compliance checklists. In her email, Ms Caddick requested I sign the documents and return them via email within seven business days. Copies of the email and attachments are marked **MAL.1071.0003.1037**, **MAL.1071.0003.1038** and **MAL.1071.0003.1051** at Tabs 115 to 117 of Exhibit DJW-1.
111. On 9 July 2019, I sent an email to Ms Caddick attaching signed copies of Superannuation Accounting compliance documents and CBA bank statements. Copies of the email and attachments are marked **MAL.1071.0003.1065**, **MAL.1071.0003.1068**, **MAL.1071.0003.1066** and **MAL.1071.0003.1067** at Tabs 118 to 121 of Exhibit DJW-1.
112. On 20 August 2019, I received an email from Ms Caddick attaching Superannuation Accounting financial reports and audits for the period from 1 July 2018 to 30 June



2019. Copies of the email and attachments are marked **MAL.1071.0003.1113**, **MAL.1071.0003.1175** and **MAL.1071.0003.1114** at Tabs 122 to 124 of Exhibit DJW-1.
113. In or about August 2019, I received a letter from Ms Caddick dated 22 August 2019 enclosing end-of-financial-year financial statements and reports. A scanned copy of the letter is marked **MAL.1071.0002.0094** at Tab 125 of Exhibit DJW-1.
114. On 30 April 2020, I received an email from Ms Caddick attaching tax invoices dated 30 April 2020 in respect of yearly portfolio management fees charged by Maliver, and portfolio valuation documents. The invoice for my superannuation fund stated the funds I invested had a market value of \$1,003,002.78 as at 30 April 2020, and a 0.75% management fee of \$8,274.77 had been calculated based on that sum. The invoice for my personal investment stated the funds I invested had a market value of \$947,232.29 as at 30 April 2020, and a 0.75% management fee of \$7,814.67 had been calculated based on that sum. Copies of the email and attached tax invoices are marked **MAL.2004.0005.0270**, **MAL.2004.0005.0296**, **MAL.2004.0005.0295**, **MAL.2004.0005.0298**, **MAL.2004.0005.0297** at Tab 126 to 130 of Exhibit DJW-1. Copies of the portfolio valuation documents attached to the email have been provided below in paragraph 131.
115. On 4 May 2020, I had an annual meeting with Ms Caddick. The meeting was conducted via a phone conversation due to the COVID-19 pandemic. A copy of the email correspondence between Ms Caddick and myself arranging this meeting is marked **MAL.2047.0001.2439** at Tab 131 of Exhibit DJW-1.
116. On the same day as the annual meeting, I received an email from Ms Caddick attaching tax receipts dated 4 May 2020, in respect of the 30 April 2020 Invoices. Copies of the email and attachments are marked **MAL.1071.0003.1558**, **MAL.1071.0003.1562**, **MAL.1071.0003.1561**, **MAL.1071.0003.1560**, **MAL.1071.0003.1559** at Tabs 132 to 136 of Exhibit DJW-1.
117. On 13 July 2020, I received an email from Ms Caddick attaching a pre-completed Superannuation Accounting compliance checklist document. In her email, Ms Caddick requested I sign the document where indicated and return them by 20 July 2020. Copies of the email and attachments are marked **MAL.1071.0003.1691** and **MAL.1071.0003.1692** at Tabs 137 to 138 of Exhibit DJW-1.
118. On 14 July 2020, I sent an email to Ms Caddick attaching a signed Superannuation Accounting compliance checklist document. On the same day, Ms Caddick responded to my email attaching copies of "*reconciled documentation to be submitted to*



Superannuation Accounting". Copies of Ms Caddick's email dated 14 July 2020 and attachments are marked **MAL.1071.0003.1787** and **MAL.1071.0003.1788** at Tabs 139 to 140 of Exhibit DJW-1. Copies of my email dated 14 July 2020 and attachments are marked **MAL.1071.0003.1794**, **MAL.1071.0003.1795** and **MAL.1071.0003.1849** at Tabs 141 to 143 of Exhibit DJW-1.

119. On 27 August 2020, I received an email from Ms Caddick attaching end-of-financial-year documents related to my tax return. In this email, Ms Caddick advised "*we will send you a hard copy to sign and return*". Copies of the email and attachments are marked **MAL.1071.0003.1940**, **MAL.1071.0003.1942**, **MAL.1071.0003.1946**, **MAL.1071.0003.1997**, **MAL.1071.0003.2032** and **MAL.1071.0003.2033** at Tabs 144 to 149 of Exhibit DJW-1.
120. In or about September 2020, I received a letter dated 27 September 2018 from Ms Caddick enclosing 2020 Financial Statements and Reports. A scanned copy of the letter is marked **MAL.1071.0002.0095** at Tab 150 of Exhibit DJW-1.

Reporting on my investments

121. In the period from 2015 to 2020, Ms Caddick regularly sent me updates regarding my personal investments and the investments relating to my SMSF. The updates generally included the following:
- a) print-outs from the CommSec account that Ms Caddick had purported to set up in my name and my SMSF's name, these were documents titled "Portfolio Statement" and "Transaction Summary Statement";
 - b) "EOFY Economic Commentary", which consisted of a brief document (usually four or five pages) setting out insights into the economy from Maliver; and
 - c) documents sent at the end of the financial year, which consisted of a CDIA statement, holding statement, CommSec tax invoices and an investment strategy agreement.
122. I have retained copies of the above documents that Ms Caddick sent to me over the period from 2015 to 2020. Exhibited to this affidavit are the documents I received from Ms Caddick organised by year. The documents I received from Ms Caddick were similar from year to year. For example, during 2015:
- a) On 1 July 2015, I received an email from Ms Caddick attaching portfolio valuation documents relating to my superannuation fund and a document containing




economic commentary. Copies of the email and attachments are marked **MAL.2047.0001.0053**, **MAL.2047.0001.0054**, **MAL.2047.0001.0059** and **MAL.2047.0001.0063** at Tabs 151 to 154 of Exhibit DJW-1.

- b) On 30 July 2015, I received an email from Ms Caddick attaching end-of-financial-year documents as at 30 June 2015, including a CDIA statement, holding statement, CommSec tax invoices and an investment strategy agreement. Copies of the email and attachments are marked **MAL.2004.0001.9361**, **MAL.2004.0001.9369**, **MAL.2004.0001.9362**, **MAL.2004.0001.9373** and **MAL.2004.0001.9380** at Tabs 12 to 16 of Exhibit DJW-1.
- c) On 3 August 2015, I received an email from Ms Caddick attaching a portfolio valuation document dated 31 July 2015. Copies of the email and attachment are marked **MAL.2047.0001.0084** and **MAL.2047.0001.0085** at Tabs 155 to 156 of Exhibit DJW-1.
- d) On 31 August 2015, I received an email from Ms Caddick attaching a portfolio valuation document dated 31 August 2015. Copies of the email and attachment are marked are marked **MAL.2047.0001.0109** and **MAL.2047.0001.0111** at Tabs 157 to 158 of Exhibit DJW-1.
- e) On 4 October 2015, I received an email from Ms Caddick attaching a portfolio valuation document dated 30 September 2015. Copies of the email and attachments are marked **MAL.2047.0001.0124** and **MAL.2047.0001.0126** at Tabs 159 to 160 of Exhibit DJW-1.
- f) On 2 November 2015, I received an email from Ms Caddick attaching a portfolio valuation document for the David Wilson Superannuation Fund dated 30 October 2015. Copies of the email and attachments are marked **MAL.2047.0001.0152** and **MAL.2047.0001.0153** at Tabs 161 to 162 of Exhibit DJW-1.
- g) On 1 December 2015, I received an email from Ms Caddick attaching portfolio valuation documents dated 30 November 2015. Copies of the email and attachments are marked **MAL.2006.0001.0721**, **MAL.2006.0001.0722**, **MAL.2006.0001.0728** and **MAL.2006.0001.0734** at Tabs 163 to 166 of Exhibit DJW-1.
- h) On 21 December 2015, I received an email from Ms Caddick attaching portfolio valuation documents dated 18 December 2015. Ms Caddick advised "*...the office will close on Friday 18 December 2015 and re-open Wednesday 27 January*



2016...". Copies of the email and attachments are marked **MAL.2006.0001.0757**, **MAL.2006.0001.0770**, **MAL.2006.0001.0764** and **MAL.2006.0001.0758** at Tabs 167 to 170 of Exhibit DJW-1.

123. Copies of the documents I received from Ms Caddick during 2015 – as marked with the barcodes set out in paragraph 125 above – are at Tabs 171 to 232 of Exhibit DJW-1.
124. Copies of the documents I received from Ms Caddick during 2016 are marked **MAL.2006.0001.0787**, **MAL.2006.0001.0788**, **MAL.2006.0001.0794**, **MAL.2006.0001.0800**, **MAL.2006.0001.0836**, **MAL.2006.0001.0849**, **MAL.2006.0001.0843**, **MAL.2006.0001.0837**, **MAL.2006.0001.0858**, **MAL.2006.0001.0871**, **MAL.2006.0001.0865**, **MAL.2006.0001.0859**, **MAL.2006.0001.0890**, **MAL.2006.0001.0891**, **MAL.2006.0001.0897**, **MAL.2006.0001.0903**, **MAL.2006.0001.0949**, **MAL.2006.0001.0950**, **MAL.2006.0001.0956**, **MAL.2006.0001.0962**, **MAL.2006.0001.1002**, **MAL.2006.0001.1006**, **MAL.2006.0001.1012**, **MAL.2006.0001.1018**, **MAL.2006.0001.1003**, **MAL.2031.0001.0432**, **MAL.2031.0001.0433**, **MAL.2006.0001.1055**, **MAL.2006.0001.1056**, **MAL.2006.0001.1068**, **MAL.2006.0001.1062**, **MAL.2047.0001.0224**, **MAL.2047.0001.0225**, **MAL.2047.0001.0227**, **MAL.2047.0001.0228**, **MAL.2047.0001.0229**, **MAL.2006.0001.1113**, **MAL.2006.0001.1126**, **MAL.2006.0001.1120**, **MAL.2006.0001.1114**, **MAL.2006.0001.1145**, **MAL.2006.0001.1164**, **MAL.2006.0001.1158**, **MAL.2006.0001.1152**, **MAL.2006.0001.1146**, **MAL.2031.0001.0549**, **MAL.2031.0001.0550**, **MAL.2006.0001.1192**, **MAL.2006.0001.1199**, **MAL.2006.0001.1193**, **MAL.2006.0001.1205**, **MAL.2006.0001.1211**, **MAL.2006.0001.1239**, **MAL.2006.0001.1258**, **MAL.2006.0001.1252**, **MAL.2006.0001.1246**, **MAL.2006.0001.1240**, **MAL.2006.0001.1297**, **MAL.2006.0001.1310**, **MAL.2006.0001.1316**, **MAL.2006.0001.1304** and **MAL.2006.0001.1298** at Tabs 171 to 232 of Exhibit DJW-1.
125. Copies of the documents I received from Ms Caddick during 2017 are marked **MAL.2006.0001.1322**, **MAL.2006.0001.1341**, **MAL.2006.0001.1335**, **MAL.2006.0001.1329**, **MAL.2006.0001.1323**, **MAL.2031.0001.0635**, **MAL.2031.0001.0636**, **MAL.2031.0001.0637**, **MAL.2031.0001.0638**, **MAL.2006.0001.1408**, **MAL.2006.0001.1427**, **MAL.2006.0001.1421**, **MAL.2006.0001.1415**, **MAL.2006.0001.1409**, **MAL.2006.0001.1489**, **MAL.2006.0001.1508**, **MAL.2006.0001.1502**, **MAL.2006.0001.1496**, **MAL.2006.0001.1490**, **MAL.2006.0001.1749**, **MAL.2006.0001.1768**, **MAL.2006.0001.1762**, **MAL.2006.0001.1756**, **MAL.2006.0001.1750**,




MAL.2006.0001.1828, MAL.2006.0001.1847, MAL.2006.0001.1841,
 MAL.2006.0001.1835, MAL.2006.0001.1829, MAL.2004.0002.7354,
 MAL.2004.0002.7367, MAL.2004.0002.7373, MAL.2004.0002.7361,
 MAL.2004.0002.7355, MAL.2004.0002.7379, MAL.2004.0002.7415,
 MAL.2004.0002.7416, MAL.2004.0002.7420, MAL.2004.0002.7423,
 MAL.2004.0002.7427, MAL.2047.0001.0442, MAL.2047.0001.0461,
 MAL.2047.0001.0455, MAL.2047.0001.0449, MAL.2047.0001.0443,
 MAL.1071.0003.0060, MAL.1071.0003.0079, MAL.1071.0003.0073,
 MAL.1071.0003.0067, MAL.1071.0003.0061, MAL.1071.0003.0249,
 MAL.1071.0003.0256, MAL.1071.0003.0250, MAL.1071.0003.0268,
 MAL.1071.0003.0262, MAL.1071.0003.0276, MAL.1071.0003.0278,
 MAL.1071.0003.0277, MAL.1071.0003.0296, MAL.1071.0003.0315,
 MAL.1071.0003.0309, MAL.1071.0003.0303, MAL.1071.0003.0297,
 MAL.1071.0003.0322, MAL.1071.0003.0341, MAL.1071.0003.0335,
 MAL.1071.0003.0329, MAL.1071.0003.0323, MAL.1071.0003.0347,
 MAL.1071.0003.0366, MAL.1071.0003.0360, MAL.1071.0003.0354 and
 MAL.1071.0003.0348 at Tabs 233 to 305 of Exhibit DJW-1.

126. Copies of the documents I received from Ms Caddick during 2018 are marked

MAL.1071.0003.0374, MAL.1071.0003.0393, MAL.1071.0003.0387,
 MAL.1071.0003.0381, MAL.1071.0003.0375, MAL.2047.0001.0785,
 MAL.2047.0001.0786, MAL.2047.0001.0787, MAL.1071.0003.0400,
 MAL.1071.0003.0401, MAL.1071.0003.0407, MAL.1071.0003.0413,
 MAL.1071.0003.0419, MAL.1071.0003.0434, MAL.1071.0003.0428,
 MAL.1071.0003.0446, MAL.1071.0003.0440, MAL.2047.0001.0890,
 MAL.2047.0001.0891, MAL.2047.0001.0892, MAL.1071.0003.0469,
 MAL.1071.0003.0470, MAL.1071.0003.0476, MAL.1071.0003.0482,
 MAL.1071.0003.0488, MAL.1071.0003.0512, MAL.1071.0003.0531,
 MAL.1071.0003.0525, MAL.1071.0003.0519, MAL.1071.0003.0513,
 MAL.1071.0003.0549, MAL.1071.0003.0557, MAL.1071.0003.0563,
 MAL.1071.0003.0551, MAL.1071.0003.0568, MAL.1071.0003.0550,
 MAL.1071.0003.0572, MAL.1071.0003.0598, MAL.1071.0003.0599,
 MAL.1071.0003.0605, MAL.1071.0003.0611, MAL.1071.0003.0657,
 MAL.1071.0003.0670, MAL.1071.0003.0676, MAL.1071.0003.0658,
 MAL.1071.0003.0664, MAL.1071.0003.0687, MAL.1071.0003.0694,
 MAL.1071.0003.0688, MAL.1071.0003.0706, MAL.1071.0003.0700,
 MAL.1071.0003.0714, MAL.1071.0003.0733, MAL.1071.0003.0727,

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MAL.1071.0003.0721, MAL.1071.0003.0715, MAL.1071.0003.0739,
MAL.1071.0003.0741, MAL.1071.0003.0740, MAL.1071.0003.0743,
MAL.1071.0003.0744, MAL.1071.0003.0750, MAL.1071.0003.0756,
MAL.1071.0003.0762, MAL.1071.0003.0770, MAL.1071.0003.0789,
MAL.1071.0003.0783, MAL.1071.0003.0777, MAL.1071.0003.0771,
MAL.1071.0003.0796, MAL.1071.0003.0815, MAL.1071.0003.0809,
MAL.1071.0003.0803 and MAL.1071.0003.0797 at Tabs 306 to 379 of Exhibit DJW-1.

127. Copies of the documents I received from Ms Caddick during 2019 are marked
MAL.1071.0003.0829, MAL.1071.0003.0836, MAL.1071.0003.0830,
MAL.1071.0003.0848, MAL.1071.0003.0842, MAL.1071.0003.0855,
MAL.1071.0003.0856, MAL.1071.0003.0857, MAL.1071.0003.0859,
MAL.1071.0003.0878, MAL.1071.0003.0872, MAL.1071.0003.0866,
MAL.1071.0003.0860, MAL.1071.0003.0884, MAL.1071.0003.0891,
MAL.1071.0003.0885, MAL.1071.0003.0903, MAL.1071.0003.0897,
MAL.1071.0003.0909, MAL.1071.0003.0910, MAL.1071.0003.0911,
MAL.1071.0003.0913, MAL.1071.0003.0932, MAL.1071.0003.0926,
MAL.1071.0003.0920, MAL.1071.0003.0914, MAL.1071.0003.0945,
MAL.1071.0003.0952, MAL.1071.0003.0946, MAL.1071.0003.0964,
MAL.1071.0003.0958, MAL.1071.0003.0977, MAL.1071.0003.1000,
MAL.1071.0003.1017, MAL.1071.0003.1014, MAL.1071.0003.0984,
MAL.1071.0003.1006, MAL.1071.0003.0994, MAL.1071.0003.1013,
MAL.1071.0003.1010, MAL.1071.0003.0978, MAL.1071.0003.1020,
MAL.1071.0003.1021, MAL.1071.0003.1027, MAL.1071.0003.1033,
MAL.1071.0003.1086, MAL.1071.0003.1087, MAL.1071.0003.1093,
MAL.1071.0003.1099, MAL.1071.0003.1105, MAL.1071.0003.1227,
MAL.1071.0003.1240, MAL.1071.0003.1246, MAL.1071.0003.1228,
MAL.1071.0003.1234, MAL.1071.0003.1265, MAL.1071.0003.1266,
MAL.1071.0003.1272, MAL.1071.0003.1278, MAL.1071.0003.1284,
MAL.1071.0003.1290, MAL.1071.0003.1291, MAL.1071.0003.1292,
MAL.1071.0003.1299, MAL.1071.0003.1318, MAL.1071.0003.1312,
MAL.1071.0003.1306, MAL.1071.0003.1300, MAL.1071.0003.1359,
MAL.1071.0003.1366, MAL.1071.0003.1360, MAL.1071.0003.1372,
MAL.1071.0003.1378, MAL.1071.0003.1390, MAL.1071.0003.1391,
MAL.1071.0003.1397, MAL.1071.0003.1403 and MAL.1071.0003.1409 at Tabs 380 to
457 of Exhibit DJW-1.



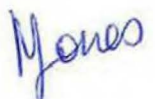
128. Copies of the documents I received from Ms Caddick during 2020 are marked **MAL.1071.0003.1415, MAL.1071.0003.1434, MAL.1071.0003.1428, MAL.1071.0003.1422, MAL.1071.0003.1416, MAL.1071.0003.1457, MAL.1071.0003.1458, MAL.1071.0003.1470, MAL.1071.0003.1489, MAL.1071.0003.1483, MAL.1071.0003.1477, MAL.1071.0003.1471, MAL.1071.0003.1496, MAL.1071.0003.1504, MAL.1071.0003.1498, MAL.1071.0003.1516, MAL.1071.0003.1510, MAL.1071.0003.1526, MAL.1071.0003.1527, MAL.1071.0003.1528, MAL.2031.0001.0771, MAL.2031.0001.0772, MAL.1071.0003.1529, MAL.1071.0003.1536, MAL.1071.0003.1530, MAL.1071.0003.1548, MAL.1071.0003.1542, MAL.1071.0003.1571, MAL.1071.0003.1590, MAL.1071.0003.1584, MAL.1071.0003.1578, MAL.1071.0003.1572, MAL.1071.0003.1597, MAL.1071.0003.1601, MAL.1071.0003.1607, MAL.1071.0003.1613, MAL.1071.0003.1598, MAL.1071.0003.1634, MAL.1071.0003.1638, MAL.1071.0003.1635, MAL.1071.0003.1899, MAL.1071.0003.1906, MAL.1071.0003.1900, MAL.1071.0003.1918, MAL.1071.0003.1912, MAL.2004.0005.6469, MAL.2004.0005.6471, MAL.1071.0003.2039, MAL.1071.0003.2058, MAL.1071.0003.2052, MAL.1071.0003.2046, MAL.1071.0003.2040, MAL.1071.0003.2089, MAL.1071.0003.2108, MAL.1071.0003.2102, MAL.1071.0003.2096, MAL.1071.0003.2090, MAL.1071.0003.2114, MAL.1071.0003.2115, MAL.1071.0003.2124, MAL.1071.0003.2143, MAL.1071.0003.2137, MAL.1071.0003.2131 and MAL.1071.0003.2125** at Tab 458 to 521 of Exhibit DJW-1.

Returns

129. I did not ask for or receive any returns to be paid from my investments with Ms Caddick throughout my investment period.

Contact with ASIC

130. In or about mid-November I was informed by **REDACT** that Ms Caddick had been reported missing.
131. Shortly thereafter, I recall being informed by **REDACT** that I could contact ASIC in relation to my investment by emailing Maliver.investor@asic.gov.au (**Maliver Investor email**).
132. On 28 November 2020, I sent an email to the Maliver Investor email informing ASIC that my mother and I were clients of Maliver. In this email I provided ASIC with our

CommSec and CDIA account details. A copy the email dated 28 November 2020 is marked **MAL.1071.0001.0001** at Tab 522 of Exhibit DJW-1.

Contact with CBA

133. On 30 April 2021, I rang CBA – Cronulla Branch to confirm the status of my CBA accounts. I verified my identity by a current account that I have with CBA. I asked CBA if the following accounts existed:
- a) CBA DIA account number [REDACTED] in the name of Mr David Wilson;
 - b) CommSec account number [REDACTED] in the name of Mr David Wilson;
 - c) CBA DIA account number [REDACTED] in the name of David John Wilson ATF David John Wilson Superannuation Fund;
 - d) CommSec account number [REDACTED] in the name of David John Wilson Superannuation Fund;
134. I was informed by CBA that the CBA accounts outlined above do not exist.

Impact

135. The industry I work in is hard physical work with the hazard of chemical exposure. I have always worked hard and long hours with the plan of retiring as soon as possible, as the work does not lend itself to an older person. My partner and I had planned to buy a place on the coast and enjoy our later years. This endeavour has been taken away by Ms Caddick, leaving me to work until much later in life. The fact that this cannot occur has brought a great deal of stress and sadness, and has greatly impacted my mental health.
136. It is my understanding that Ms Caddick has taken for her own use \$1,320,000 of my hard-earned money, including money that my father earned and had given to me as an inheritance. This money represents both my personal savings and my superannuation; basically every cent that I had.
137. As my mother, brother and sister had also invested with Ms Caddick, my family's level of exposure has been the biggest blow. To see my mother at Service NSW applying for the pension – and the worry in her eyes – was very upsetting to me.
138. I have spent hours assisting NSW Police, ASIC and the liquidators in providing statements and producing evidence relating to my dealings with Ms Caddick, which is



time for which I am not paid. My mother, brother, sister and I have engaged a solicitor to assist us in recovering our money, but for which we are paying with our current income. This process is particularly painful as it is further impacting our financial position and there is no guarantee of a resolution.

139. I have read about Ms Caddick's lavish lifestyle and holidays in the media reports. It is difficult to accept that this was happening while I was working hard, saving hard and making sacrifices.

Sworn by the deponent
at Cronulla
in the State of New South Wales
on 7 May 2021
Before me:

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)
)



Signature of deponent


Signature of witness
Nathalie Jones
Lawyer