

**AFFIDAVIT**

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

No: NSD1220/2020

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

**AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION**  
Plaintiff

**MELISSA LOUISE CADDICK and others named in the Schedule**  
Defendant

Affidavit of: Jennifer Leslie Williamson  
Address: 4 Rakeevan Road, Graceville, Brisbane, Queensland 4075  
Occupation: Solicitor  
Date: 26 November 2020

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Signed: 

Page 1

Taken by: 

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**AFFIDAVIT**  
Filed on behalf of Melissa Louise Caddick

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**WILLIAMSON & ASSOCIATES**  
4 Rakeevan Road  
Graceville QLD 4075  
Tel: 07 3278 2109  
Fax: 07 3278 5957  
Email: [williamson@jlw.com.au](mailto:williamson@jlw.com.au)  
Ref: JLW:SM:20-13302

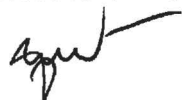
Document number	Details	Paragraph	Page
1.	Affidavit of Jennifer Leslie Williamson	-	1-5
2	Exhibit certificate for "JW-1" being a bundle of documents that contains copies of the following:	-	6
3	Melissa Louise Caddick's Power of Attorney dated 15 September 2016	7	7-20
4	ABC News article updated 25 November 2020 7.26 am	18	21-23
5	Copy of ASIC search for Maliver Pty Ltd	20	24-26
6	Letter to ASIC from Williamson & Associates dated 25 November 2020	22	27-28
7	Copy of Property Movement Reports	27	29-37
8	Email from ASIC to Williamson & Associates dated 26 November 2020	23	38-39
9	Email from Williamson & Associates to ASIC dated 26 November 2020	24	40

I, Jennifer Leslie Williamson, of 4 Rakeevan Road, Graceville, Brisbane in the State of Queensland 4075 state as follows:

**Preliminary**

1. I am the principal of Williamson & Associates, a Brisbane law firm. I was admitted as a solicitor of the Supreme Court of Queensland in 1991.
2. I receive instructions from Mr Adam Grimley, the brother of the first defendant, Ms Caddick. He is instructing me on behalf of Ms Caddick.
3. I am advising Mr Grimley and Mr Anthony Koletti, Ms Caddick's husband, in relation to their interests, certain bank accounts in their names having been frozen by the Australian Securities and Investment Commission (**ASIC**), along with bank accounts in Ms Caddick's name, from which they derive financial support.
4. I do not act for Maliver Pty Ltd.

Signed:



Taken by:





5. A copy of the documents to which I refer in this affidavit are contained in a paginated bundle being Exhibit JW-1.

**Power of attorney granted by Ms Caddick to Mr Grimley**

6. On or about 15 September 2016, Ms Melisa Caddick granted an Enduring Power of Attorney in relation to both health matters and financial matters to Mr Grimley. A copy of the Power of Attorney is at **pages 7 to 20** of Exhibit JW-1. I am informed by Mr Grimley, and I believe, that no Power of Attorney granted by Maliver Pty Ltd to any other person could be located.
7. I am informed by Mr Grimley, and I believe, the matters set out in paragraphs 9 to 17 below:
8. Shortly before 6 am on 11 November 2020, ASIC and Australian Federal Police officers attended Ms Caddick's home and business address at 5 Wallangra Road, Dover Heights New South Wales 2030, and that they left the premises shortly before 7 pm (the **ASIC Raid**).
9. [REDACTED]
10. [REDACTED]
11. During the raid, no lawyer was present for Ms Caddick or Maliver Pty Ltd.
12. Ms Caddick also operated her business from the Wallangra Road home.
13. During the ASIC Raid, ASIC seized original documents, electronic records and personal possessions.
14. No copies of the hard copy documents or the electronic material that was seized were left at the Dover Heights home after the raid. I am informed by Mr Koletti and I believe that the devices that ASIC left behind at the property after its raid did not contain material, or at least any accessible material, relating to Maliver Pty Ltd, or Ms Caddick's assets.
15. Since 5.30 am on 12 November 2020, Ms Caddick has been missing, and has not made any contact with members of her family, or, to his knowledge, her friends or anyone else.
16. Since about 25 November 2020, the homicide arm of the New South Wales police has been investigating the possibility that her disappearance is due to her homicide.

Signed:



Taken by:



17. Since Ms Caddick was reported missing, there has been media reports of her disappearance. A copy of an ABC News article that appeared on the ABC's website is at pages **21 to 23** of Exhibit JW-1.

**Request for an extension of time to comply with Order 8**

18. The fact that Ms Caddick is a missing person has given rise to complications with legal representation, in that it has been necessary to try to locate powers of attorney and ascertain any basis on which lawyers could or could not act for Maliver Pty Ltd. Ms Caddick is the sole director and shareholder of that company. A copy of an ASIC search is at **pages 24-26** of Exhibit JW-1. These issues have taken several days to resolve.
19. As I set out in my letter to ASIC sent at 5pm on 25 November 2020, a copy of which is at **pages 27 to 28** of Exhibit JW-1, owing to these extraordinary, and unfortunate circumstances, it is not possible to prepare the affidavit required by Order 8 made on 10 November 2020 within a short time frame. This is because the company's sole director and shareholder, Ms Caddick, is missing, Mr Grimley's time is currently taken up with dealing with the police and his family regarding Ms Caddick's disappearance, and in any event ASIC currently holds Ms Caddick's and Maliver Pty Ltd's documents. I am instructed by Mr Grimley and I believe, that Maliver Pty Ltd did not have any employees that could meaningfully assist with the process required by Order 8.
20. For these reasons, further time is needed, and on the basis that ASIC can provide Mr Grimley with the necessary documents and access, I expect Mr Grimley will need at least another three weeks to prepare the affidavit.

**My correspondence with ASIC on 25 and 26 November 2020**

21. On 25 November at about 6.00 p.m. Sydney time, I sent a letter to ASIC. A copy of the cover email and letter are **pages 27 – 28** of Exhibit JW-1.
22. On 26 November at 12.01 p.m. I received an email from ASIC that attached a proposed amended Originating Process, and an affidavit of Ms Allen that was affirmed 25 November 2020. A copy of ASIC's cover email and letter are at **pages 38-39** of Exhibit JW-1.
23. On 26 November at 1.20 p.m., I sent an email to ASIC, asking for the exhibits to Ms Allen's main affidavit affirmed 9 November 2020, a copy of the affidavit of a Mr

Signed:



Taken by:



Conner to which Ms Allen refers in her 25 November 2020 Affidavit, and for ASIC's proposed orders for the hearing for the 27<sup>th</sup> November is **page 40** of Exhibit JW-1.

**ASIC's proposal that the court fix a timetable for the hearing of its applications in the proposed amended Originating Process provided today**

24. I do not consider it is necessary or desirable for the applications ASIC wishes to bring to be heard urgently, or before the Court vacation.
25. Ms Caddick has been missing for only two weeks. ASIC is only two weeks in to an investigation that it foreshadowed in its material could take 20 weeks. I expect that due to the need to deal with matters relating to the homicide investigation, allowing Mr Koletti and Mr Grimley some time to spend with Ms Caddick's son, and assisting Ms Caddick's parents, Mr Grimley and Mr Koletti will struggle to provide the information needed for Ms Caddick's representatives to deal with the tight and pressured timetable that will be required if the applications are to be heard before the Court vacation.

**Incomplete records of records of possessions taken after the ASIC raid**

26. ASIC has provided a property movement record (blank) that contains a list of what it took from the property. A copy is at **pages 29 to 37** of Exhibit JW-1. That record does not contain an itemised list of what was taken during the ASIC Raid. I am instructed that, in particular, Ms Caddick's jewellery collection was not described by reference to each separate item, or by serial number or make. Copies have been requested from ASIC.
27. I am informed by Mr Grimley and I believe that the Australian Federal Police videotaped the ASIC Raid and that each AFP officer wore a video camera.
28. An extension is also desirable to give the parties time to discuss, and hopefully agree on, arrangements for:
- (a) the unfreezing of bank accounts, or at least, the release of more funds for the purpose of providing for: living expenses for Mr Koletti, Ms Caddick's son [REDACTED] the upkeep and outgoings on the Wallangra Road property, the release of funds for the payment of a mortgage on an Edgecliff property in which Ms Caddick's parents live;
  - (b) provision of a detailed and complete list of all material taken from the Wallangra Road premises;

Signed:



Taken by:



- (c) return of the files related to [REDACTED] family law matter, which I am informed by Mr Grimley and I believe, were taken in the raid;
- (d) the files relating to Paws Off Productions Pty Ltd, a company controlled by Mr Koletti; which I am informed by Mr Grimley and I believe, were taken in the raid;
- (e) the CCTV recorder and media service for the Wallangra Road premises. I am informed by Mr Grimley and I believe that ASIC took the hard drive to the CCTV camera thereby disabling the recording of the CCTV;
- (f) proper storage of Ms Caddick's valuables so that their value is not diminished while they are held by ASIC/the AFP.

**Material needed to estimate household and living expenses for Ms Caddick's family**

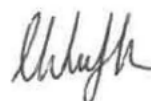
29. I am informed by Mr Grimley and I believe that he currently does not have access to bank records that would enable him to identify all of the regular payments made from any of the frozen bank accounts, and that he needs this information to estimate the amount of living expenses for Mr Koletti, and Ms Caddick's son [REDACTED] and the ongoing running costs of Ms Caddick's home. I am instructed that the main payments are:

- HCF
- Dover Heights mortgage
- Dover Heights Council rates (Waverley)
- Dover Heights Electricity (AGL)
- Dover Heights Water (Sydney Water)
- Edgecliff mortgage
- Edgecliff Electricity
- Edgecliff McCormacks Strata Management
- Any insurance payments to Suncorp (2 cars, House & Contents, Pet)
- Any payments to any other insurance company
- Telstra Mobile Phone – Melissa Caddick
- Telstra Mobile Phone – [REDACTED] Caddick

Signed:



Taken by:



- Telstra Mobile Phone – Anthony Koletti
- Isagenix

30. I am informed by Mr Grimley and I believe that:

- (a) Ms Caddicks's personal accounts contain limited funds \$7,202.13 with a debit in one account of \$1,225.42;
- (b) An account with NAB in the name of Caddick Services Trust in US Dollars \$33,350.57;
- (c) NAB are not authorised to provide disclosure to Mr Grimley of accounts and statements in the name of Maliver Pty Ltd;
- (d) Mr Grimley will need ASIC to authorise NAB to provide him with the information about the amounts currently deposited in the Maliver Pty Ltd accounts.

**Ms Caddick's passport**

31. In relation to Orders 12 and 14 made on 10 November, I am informed by Mr Grimley and I believe that Ms Caddick's passport is currently held by the Bondi police station.
32. All the facts and circumstances above deposed to are within my own knowledge save such as are deposed to from information only and my means of knowledge and sources of information appear on the face of this my affidavit.

**AFFIRMED** by Jennifer Leslie Williamson on: 26<sup>th</sup> November 2020  
at Brisbane in the presence of: Shekufeh Moradian



Deponent  
\*Delete whichever is inapplicable

IN THE MATTER OF MALIVER PTY LTD (ACN 164334 918)

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MELISSA LOUISE CADDICK and others named in the Schedule

Defendant

**EXHIBITS:**

**DESCRIPTION:**


This is the exhibit list “**JW-1**” referred to in the Affidavit of Jennifer Leslie Williamson, filed on the 26<sup>th</sup> day of November 2020.

Document number	Details	Paragraph	Page
3	Melissa Louise Caddick's Power of Attorney dated 15 September 2016	7	7-20
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Declarant



Taken by

Shekufeh Moradian  
 26/11/2020



Form 2  
Queensland  
*Powers of Attorney Act 1998*  
(Section 44(1))

Date: 15 10 91 2016  
Principal: MELISSA LOUISE CADDICK  
Attorney: ADAM EDWARD GRIMLEY

## ENDURING POWER OF ATTORNEY

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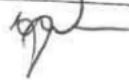
### Short Form

Use this document if you wish to appoint *the same* attorney/s for both financial matters and personal matters (including health care).

You may also use it to appoint an attorney (or attorneys) for financial matters **only** or for personal matters (including health care) **only**.

This document can be used by non-English speakers if a qualified interpreter/ translator reads it to the person in the person's own language and a signed Statement of Interpreter/Translator is attached.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

 26/11/2020

ver: 2 - 1/06/02

Great state. Great opportunity.





## PART 1: For the person appointing an attorney

*By completing this document, you can give a person of your choice the power to make decisions on your behalf about:*

- *personal/health matters  
and/or*
- *financial matters.*

*These pages explain, in question-and-answer form, what you need to know to complete the document properly.*

*Because you are the person principally concerned, you are referred to as 'the principal'.*

### **What is enduring power of attorney?**

Power of attorney is the legal power to make decisions on someone else's behalf. 'Enduring' simply means that the power continues even if the person giving it loses the capacity to make decisions.

### **Why give someone enduring power of attorney?**

There are some circumstances in which you may be unable to make decisions about matters that concern you. For example, you may be overseas, or you may be too ill.

If you give someone a *general* power of attorney, for instance to sign documents for you in your absence, that power will come to an immediate end if for some reason you lose your capacity to make decisions. This could be very awkward if your attorney is in the process of conducting business affairs for you.

Giving someone *enduring* power means that he/she is able to continue to act for you if you lose capacity to act for yourself.

### **What types of decisions?**

You may give your attorney power to make decisions about:

- **personal/health matters;**
- **financial matters.**

Examples of personal/health matters are decisions about where and with whom you live, whether you work or undertake education or training, whether you apply for a licence or permit, day-to-day issues like diet and dress, and whether to consent, refuse to consent or withdraw consent to particular types of health care for you (such as an operation).

An example of a financial matter is deciding how your income should be invested.

You cannot give your attorney power to make decisions about:

- *special personal matters such as a decision about your will, appointing someone as your attorney, voting at elections, or consenting to adoption or marriage;*
- *special health matters, such as donation of body tissue, sterilisation, pregnancy termination, research or experimental health care, or certain psychiatric or other health care as specified in the regulations.*

Your attorney can consent to the withdrawing or withholding of life-sustaining medical treatment if, for instance, you become terminally ill or go into a state of permanent or persistent unconsciousness. You can give instructions about this type of decision if you make an Advance Health Directive.

These instructions will override any decision of your attorney.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

26/11/2020



## Can I limit my attorney's powers?

Yes, you can specify decisions that you do not want your attorney to make. You can also include particular instructions about what you would like your attorney to do. Your attorney must act in accordance with your instructions.

There are also limits set by legislation. For example, the Trust Act names the types of investment that a trustee (in this case your attorney) is authorised to make. If you lose the capacity to make financial decisions, the only investments your attorney can make on your behalf are those that are named in the Act, unless the consent of the Court is obtained.

## Can I appoint more than one attorney?

Yes. Several options are provided for in the Act. For example, you may appoint two or more attorneys to act jointly (together), or as a majority (simple, two-thirds, etc.), or severally (any one of your attorneys can sign), or successively (power is given to a particular attorney when the power given to another attorney ends, or when the other attorney is not available to make decisions).

If you choose two or more attorneys to make decisions jointly, they have equal authority and can act only with the agreement of them all. If one attorney dies, the remaining attorneys exercise the power.

It is important that your intentions be expressed clearly. There is space in this document to appoint up to three attorneys.

## Whom should I appoint as my attorney?

You should appoint someone you trust. Many people choose their spouse or an adult child, but you may prefer to appoint another family member or friend with expertise in the area, or the Adult Guardian for personal/health matters, or the Public Trustee or a trustee company for all matters. (The Adult Guardian is appointed by statute to look after the rights and interests of people with disabilities and, in certain situations, to give health-care consent.)

Your attorney must be over eighteen years of age, must not be your current paid carer or health-care provider (such as your nurse or your doctor), and (for financial matters) must not be bankrupt or insolvent.

### Note:

*'Paid carer' does not mean someone receiving a carer's pension or similar benefit, so you are free to choose someone who is receiving such a benefit for looking after you.*

## Should I pay my attorney?

You do not need to pay your attorney for the power to be effective. Normally payment is not made unless a trust company is acting as attorney.

## When does the attorney's power begin?

With personal/health matters, your attorney's power to make decisions does not begin until (if ever) you are incapable of understanding the nature and foreseeing the effects of a decision, and of communicating that decision.

With financial matters, you may nominate when your attorney's power is to begin. If you do not name a date or an occasion, it begins immediately. On the other hand, if you lose the capacity to make such decisions before the date or occasion you name, the power begins at that point.

### Note:

*Even if you give your attorney power immediately, you may also continue to make decisions yourself while you are able to do so.*

### How much control will my attorney have?

Once the power to make a decision begins, your attorney will have full control over that decision unless you have explicitly limited that power in this document.

**Note:**

*It is better not to place too many restrictions on your attorney's power, as this may make it difficult for your attorney to make decisions on your behalf.*

### How long does the power continue?

For personal/health matters, it continues so long as you are incapable of understanding the nature and foreseeing the effects of a decision, and of communicating that decision.

With financial matters, it continues until it is revoked.

### How can I be sure that my attorney will act in my interests?

While (if ever) you are unable to oversee your attorney's decisions, the Adult Guardian and the Court have the power to protect your interests. Your attorney may be required to produce a summary of receipts and expenditure or more detailed accounts, and these may be audited. An attorney who does not adequately protect your interests can be removed or changed.

### Can I change or revoke this power of attorney?

Yes, you may change or revoke it at any time, so long as you are capable of understanding what you are doing. In other words, so long as you have the capacity to *make* an enduring power of attorney, you also have the capacity to *change or revoke* it.

If you do change or revoke this power, you must inform your attorney.

### Is there anything else that will end this power?

Yes, several other circumstances will bring this enduring power of attorney to an end:

- **If you get married.** If you marry, the power of attorney is revoked unless your new spouse is already your attorney. (If your new spouse is your attorney, the only power that is revoked is the power of any other attorney you may have.)
- **If you get divorced.** If you divorce, the power of attorney is revoked to the extent that it was given to your former spouse.
- **If you die.** If you die, the enduring power of attorney is revoked in its entirety.
- **If you make an inconsistent document.** This power is revoked to the extent of any inconsistency with any later document you complete, such as an Advance Health Directive or another enduring power of attorney.
- **If your attorney withdraws.** Your attorney may withdraw by giving you a signed notice or by getting the Court's leave to withdraw.
- **If your attorney becomes your paid carer or health-care provider.** If this happens, your attorney's power is revoked.
- **If your attorney becomes incapable.** Your attorney's power is revoked if he/she becomes incapable of understanding the nature and foreseeing the effects of a decision, and of communicating that decision.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

26/01/2020

- If your attorney becomes bankrupt or insolvent.
- If your attorney dies.

### Who is involved in completing this document?

At least three people:

- **You, as principal,** complete the section of Part 1 called *Appointing an Attorney* (clauses 1 to 8).

If you have a physical disability which prevents you from signing, you may instruct another person to sign for you, but you must give the instruction in front of the witness, and the signing must be done in your presence. This person must be eighteen years old or more, and must not be the witness or your attorney. He/she must complete the statement beside the place for his/her signature.

- **The witness** must sign Part 1 after clause 8 and must also complete the section of Part 2 called *The Witness's Certificate* (clause 9).

The witness must be a justice of the peace, commissioner for declarations, lawyer or notary public. The witness must not also sign for you and must not be your attorney, a relation of yours or of the person/s you appoint as attorney. If the power includes dealing with health matters, the witness must not be your current paid carer or health-care provider.

The witness must state that you appeared to understand what you were doing. If the witness is not sure that you understand the nature and effect of the appointment, he/she should refuse to sign the document.

- **The attorney** must complete the section in Part 3 called *Attorney's Acceptance* (clauses 10-12).

Your attorney must be at least eighteen years old and must not be your current paid carer or health-care provider.

### Where can I go for advice?

The Adult Guardian, the Public Trustee or a solicitor can advise you about the enduring power of attorney and how to complete this document.

If you are completing an enduring power of attorney for personal/health matters, it is strongly recommended that you notify your doctor.

### What happens to this document when it is completed?

You should leave the original in a safe place, such as with your bank, but it's important to keep a copy to refer to.

You should also give a copy to anyone else who may need to be involved, such as:

- your attorney;
- your doctor;
- your solicitor;
- your accountant;
- your stockbroker.

You may also wish to carry a card in your purse or wallet, stating that you have made an enduring power of attorney and giving details of that appointment.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.  
26/11/2020

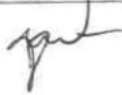
If your attorney will be making decisions about buying or selling land, this document must be registered with the Land Titles Office.

**How do I register this document?**

It is not necessary to do so unless it is likely to be used in transactions relating to buying or selling land. If you register the document, you must take the original to the Land Titles Office and pay the fee.

If the power is revoked, you must deregister the document by lodging a revocation form in the Land Titles Office.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.



26/11/2020 .

## APPOINTING AN ATTORNEY

1. I, **MELISSA LOUISE CADDICK** of 5 Wallangra Road, Dover Heights, New South Wales appoint: **ADAM EDWARD GRIMLEY** Apartment 406, 1 Adelaide Street, Bondi Junction in the State of New South Wales and if he is unable or unwilling to act as my Attorney THEN I APPOINT **ANTHONY MARCUS RODO KOLETTI** of 5 Wallangra Road, Dover Heights in the state of New South Wales

of, Ph: (First Attorney)

as my attorney, under this enduring power of attorney for:

(Tick one box only)

- ☐ financial matters  
☐ personal/health matters  
☒ financial *and* personal/health matters.

2. Do you want to set any terms for the power given in clause 1 (i.e. give specific information about your wishes)?

- ☒ No → Go to 4.  
☐ Yes.

3. Write these terms here: (For example: "My attorney/s is not authorised to invest in ABC Pty Ltd shares" or "If I need nursing-home care, I want my attorney to try XYZ Nursing Home first".)

---

*Note: These terms may limit your attorney in making decisions about financial matters.*

4. Have you given your attorney/s power to make decisions about financial matters?

- ☐ No → Go to 6.  
☒ Yes.

5. When do you want the power of your attorney/s for financial matters to begin?

(Tick one box only)

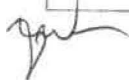
- ☒ Immediately.  
☐ On this date: \_\_\_\_\_  
☐ On this occasion: \_\_\_\_\_

(If you do not complete this clause the power begins immediately)

6. Are you appointing more than one attorney?

- ☐ No → Go to 8.  
☒ Yes.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

 26/11/2020

7. How do you prefer that they make their decisions? (Tick one box only)

- ☐ Severally (any one of them may decide)
- ☐ Jointly (unanimously)
- ☐ As a majority (if you are appointing more than three attorneys, please specify, e.g. 'Simple majority', 'Two-thirds majority')


☒ Other\*

In Accordance with paragraph 1 hereof.

*\*Note: The Powers of Attorney Act 1998 allows you to appoint successive attorney/s for a matter so that the power is given to a particular attorney only when power to a previous attorney ends. You can nominate the circumstances that a power will end (eg. if x is absent from the jurisdiction, y may act).*

8. STATEMENT OF UNDERSTANDING


- (1) I fully understand that, by signing this document, I give power to the attorney/s mentioned in clause 1 to make decisions on my behalf about matters mentioned in the same clause.
- (2) I understand that I may specify or limit the attorney/s power, and instruct the attorney/s about the exercise of the power.
- (3) I understand that this gives the attorney/s power to do, for me, anything I could lawfully do myself in relation to these matters (except for special personal/health matters), subject to any terms mentioned in this form.
- (4) I understand that:
- (a) the power of attorney for financial matters (if applicable) begins at the time stated in clause 5 and continues even if I lose capacity;
- (b) the power of attorney for personal/health matters (if applicable) begins only if/when I lose capacity.
- (5) I understand that I may change or revoke this enduring power of attorney at any time so long as my power to make such a decision is not impaired - in other words, so long as I am capable of making another enduring power of attorney.

  
.....  
MELISSA LOUISE CADDICK

or

If you are signing for principal:

- (a) I am at least eighteen years old
- (b) I am not a witness for this enduring power of attorney or an attorney for the principal.

  
.....  
[Witness signs here]

15th September 2016

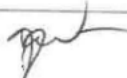
.....  
[Witness writes the date here]

.....  
[Person signing for the principal signs here]

.....  
[Person signing for the principal  
print your full name here]

.....  
[Write the date here]

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

 26/11/2020

## PART 2: For the witness

*Your role goes beyond ensuring that the signature of the principal (the person giving the power) is genuine. You certify that the principal appeared to understand the nature and effect of the document, including the matters stated in clause 8 (Statement of understanding). In the future, you may have to provide information about the principal's capacity to understand these matters when giving the power. If you are doubtful about the principal's capacity, you should make the appropriate inquiries, e.g. from the principal's doctor.*

*It is strongly recommended that, if you are in any doubt, you make a written record of the proceedings and of any questions you asked to determine the principal's capacity.*

### WITNESS'S CERTIFICATE

9. I, **JENNIFER LESLIE WILLIAMSON** 4 Kianga Street, Graceville, in the State of Queensland 4075, state that -

(a) I am a:

- ☐ justice of the peace
- ☐ commissioner for declarations
- ☐ lawyer
- ☐ notary public,

(b) I am not:

- an attorney for the principal
- or a relation of the principal or of the principal's attorney

(c) (Tick one box only)

- ☐ I am not a current paid carer or health provider for the principal
- ☐ I am a current paid carer or health provider for the principal, but this enduring power of attorney appoints an attorney/s for financial matters only.

**Note:** 'Paid carer' does not mean someone receiving a carer's pension or similar benefit.

(d) (Tick one box only)

- ☐ the principal signed this enduring power of attorney in my presence
- ☐ in my presence, the principal instructed a person to sign this enduring power of attorney for the principal, and that person signed it in my presence and in the presence of the principal

(e) at the time that this enduring power of attorney was signed, the principal appeared to me to understand the matters stated in Clause 8

JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

[Witness signs here]

[Witness writes the date here]

15th September 2016 *[Signature]* 26/11/2020



## PART 3: For the attorney

### IMPORTANT NOTICE

If you accept this power of attorney, you will be taking on serious responsibilities. If you fail to observe these responsibilities, you could be removed as attorney or even convicted of an offence and required to pay compensation.

Besides the particular responsibilities mentioned in Part 1 of this document, there are responsibilities imposed by the *Powers of Attorney Act 1998*.

### What are these responsibilities?

They are both general and specific.

#### General responsibilities (to guide you in decision-making)

You must exercise the power given to you honestly and with reasonable care. It is an offence not to do so, and you may also be required to compensate the principal.

You must comply with the terms of the enduring power of attorney, and any other Court requirement. In addition, you must abide by the general and health-care principles on which the Act is based.

#### General principles include:

- presuming that the principal has the capacity to make a particular decision until there is conclusive evidence that this is not the case;
- recognising his/her right to participate in decisions affecting his/her life to the maximum extent for which he/she has capacity;
- respecting the principal's human worth and dignity and equal claim to basic human rights, regardless of his/her capacity;
- recognising the principal's role as a valued member of society and encouraging his/her self-reliance and participation in community life;
- taking into account the importance of the principal's existing supportive relationships, values and cultural and linguistic environment;
- ensuring that your decisions are appropriate to the principal's characteristics and needs;
- recognising the principal's right to confidentiality of information.

#### The health-care principles are:

Any health-care decision you make for the principal must:

- maintain or promote the principal's health or well-being or is in all the circumstances, in the principal's best interests;
- be made in the way that is least restrictive of the principal's rights;
- where possible, take account of the principal's views and wishes, along with information given by the principal's health-care provider.

#### Financial decisions

Any investments you make on the principal's behalf while he/she lacks the capacity to make financial decisions must be those that are named in the Trusts Act as investments a trustee is authorised to make or are approved by the Court.

#### Note:

Court means either the Supreme Court or the Guardianship and Administration Tribunal.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.  
26/11/2020



### ***For all decisions***

If the principal has other attorneys, you must consult with them regularly and make your decisions as directed in clause 7. If you are a joint attorney, for example, you and the other attorney/s must make your decisions unanimously.

### **Specific responsibilities**

- **Duty to keep records.** If you have the power to make financial decisions, you must keep reasonable records of dealings and transactions made under the power. It is an offence not to do so, and the Court or Adult Guardian may require you to produce them.
- **Duty to keep property separate.** You must keep your property separate from the principal's property unless you and the principal own the property jointly.
- **Duty to present a management plan and get approval for unauthorised transactions.** If you make a financial decision, you must present a plan of management to the Court if the Court requires it.

If the principal's capacity to make decisions is impaired, you must also get approval from the Court for any transactions that have not been authorised in this document.

- **Duty to avoid transactions that involve conflict of interest.** You must not enter into transactions that could or do bring your interests (or those of your relation, business associate or close friend) into conflict with those of the principal. For example, you must not buy the principal's car unless you pay at least its market value.

However, you may enter into such a transaction if it has been authorised in this document or by the Court, or if the transaction provides for the needs of someone that the principal could reasonably be expected to provide for, such as his/her child.

- **Duty in relation to gifts.** You must not give away the principal's property except where the principal would be likely to do so, for example as a marriage gift to a relation of the principal or a donation to his/her favourite charity (so long as the size of the gift is reasonable in the circumstances).
- **Power to maintain the principal's dependants.** You may give reasonable maintenance to the principal's dependants.

### **How do I complete a document for the principal?**

If you have the power to execute (complete) a document for the principal, you do so in the ordinary way, but you must note on the document that you are executing it as the principal's attorney under enduring power of attorney (e.g. 'John Smith, by his duly appointed attorney, Mary Jones').

### **When does my power to make decisions begin?**

It depends whether the power concerns personal/health matters or financial matters.

- **Personal/health matters.** Your power to make decisions for the principal about personal/health matters does not begin until (if ever) the principal is incapable of understanding the nature and foreseeing the effects of a decision, and of communicating that decision. However, you must continue to allow, and assist, the principal to make decisions in so far as he/she is capable.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.  
202/11/92 - JLD

- **Financial matters.** The principal may nominate in this document when your power to make financial decisions begins. If the principal does not nominate a date, then your power begins immediately.

### When does my power end?

Though there is no time limit on enduring power of attorney, certain actions by you, the principal or the Court can bring your power to an end.

In personal/health matters, your power also ends if the principal regains the ability to make the decision in question.

#### Your actions

- **Your withdrawal.** So long as the principal is capable of using the power given to you, you can withdraw by giving him/her a signed notice or by getting the Court's leave to withdraw.
- **Becoming the principal's paid carer or health-care provider.** If this happens, your power is revoked.

#### Note:

*'Paid carer' does not mean someone receiving a carer's pension or similar benefit.*

- **Becoming incapable.** Your power is revoked if you become incapable of understanding the nature and foreseeing the effects of a decision, and of communicating that decision.
- **Becoming bankrupt or insolvent.** If this happens, your power is revoked.
- **Your death.**

#### The principal's actions

- **Revoking your power.** The principal may revoke your power at any time, so long as his/her capacity to make the decision is unimpaired. In other words, so long as the principal has the capacity to *make* an enduring power of attorney, he/she also has the capacity to *revoke* it.

If the principal revokes your power, he/she must inform you in writing.

- **Appointing a new attorney to have your powers.** If the principal completes a new document giving your powers to another attorney, your powers are revoked to that extent. Because the new document has a later date, it overrides the first.
- **Getting married.** If the principal marries, your power of attorney is revoked unless you are the principal's new spouse. (If you are the principal's new spouse, the only power that is revoked is the power of any other attorney.)
- **Getting divorced.** If the principal divorces and you were the principal's former spouse, your power of attorney is revoked.
- **The principal's death.** If the principal dies, your enduring power of attorney is revoked in its entirety.

#### Actions by the Court

Your power may also be changed or revoked by the Court if you have failed to act in the principal's interests.

### Can I be held liable?

Yes, you can be held liable if you use the enduring power of attorney knowing that it has been changed or revoked, or knowing of an event that effectively revokes it, or even if you have reason to believe that it has been revoked.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.  
26/11/2020

The Court and the Adult Guardian have the power to protect the principal's interests. You may be required to produce a summary of receipts and expenditure or more detailed accounts, and these may be audited. You may also be required to give evidence in relation to the exercise of your powers. If the Court or Adult Guardian believes that you have not adequately protected the principal's interests, you may be removed or your enduring power of attorney may be revoked, and you may be required to compensate the principal.

**Where can I go for advice?**

The Court, the Adult Guardian, the Public Trustee or a solicitor can advise you about this document and your power and responsibilities under it.

The Court can also make a declaration about the validity of this document or whether your power to make a decision for the principal has begun.

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

*JW* — 26/11/2020

## ATTORNEY'S ACCEPTANCE

*As attorney, you complete the section of this form that applies to you by writing on the lines and ticking the boxes. If you are not able to tick all the boxes truthfully, then you must not accept this appointment as attorney.*

### (First attorney completes this section)

10. I, ADAM EDWARD GRIMLEY

state that:

- ☒ I am eighteen or over,
- ☒ I am not a current paid carer of the principal,
- ☒ I am not a current health-care provider for the principal,
- ☒ I have read Part 1, giving me enduring power of attorney,
- ☒ I understand that, by signing this document, I take on the responsibility of exercising the power I have been given in the document,
- ☒ I also understand that I must exercise the power in accordance with the *Powers of Attorney Act 1998* and the *Guardianship and Administration Act 2000*.

[Sign here]

15th September 2016  
[Write the date here]

### (Second attorney, if any, completes this section)

11. I, ANTHONY MARCUS RODO KOLETTI

state that:

- ☒ I am eighteen or over,
- ☒ I am not a current paid carer of the principal,
- ☒ I am not a current health-care provider for the principal,
- ☒ I have read Part 1, giving me enduring power of attorney,
- ☒ I understand that, by signing this document, I take on the responsibility of exercising the power I have been given in the document,
- ☒ I also understand that I must exercise the power in accordance with the *Powers of Attorney Act 1998* and the *Guardianship and Administration Act 2000*.

[Sign here]

15 September 2016  
[Write the date here]

QUEENSLAND GOVERNMENT  
June 2002

I, JENNIFER LESLIE WILLIAMSON,  
Solicitor certify this to be a true and  
correct copy of the corresponding page  
of the original, which I have sighted.

26/11/2020

## Disappearance of Sydney businesswoman Melissa Caddick treated as suspicious

By crime reporter Mark Reddie

Posted Fri 20 Nov 2020 at 1:07pm, updated Wed 25 Nov 2020 at 7:26am



Family of Melissa Caddick plea for her safe return home

NSW detectives are treating the mysterious disappearance of a businesswoman from her cliff-top home in Sydney's eastern suburbs as suspicious.

Melissa Caddick left her Dover Heights home early on Thursday morning last week and is believed to have gone for a run, but didn't take her wallet, keys, or mobile phone.

Two days before she vanished, Australian Federal Police (AFP) raided her Wallangra Road property as part of an ongoing investigation by the Australian Securities and Investments Commission (ASIC).

Documents obtained by the ABC reveal the 49-year-old was served court orders recently preventing her from leaving Australia or selling any of her assets.

On Friday, Detective Inspector Gretchen Atkins urged anyone in the area to check their CCTV or dashcam to help with the investigation.

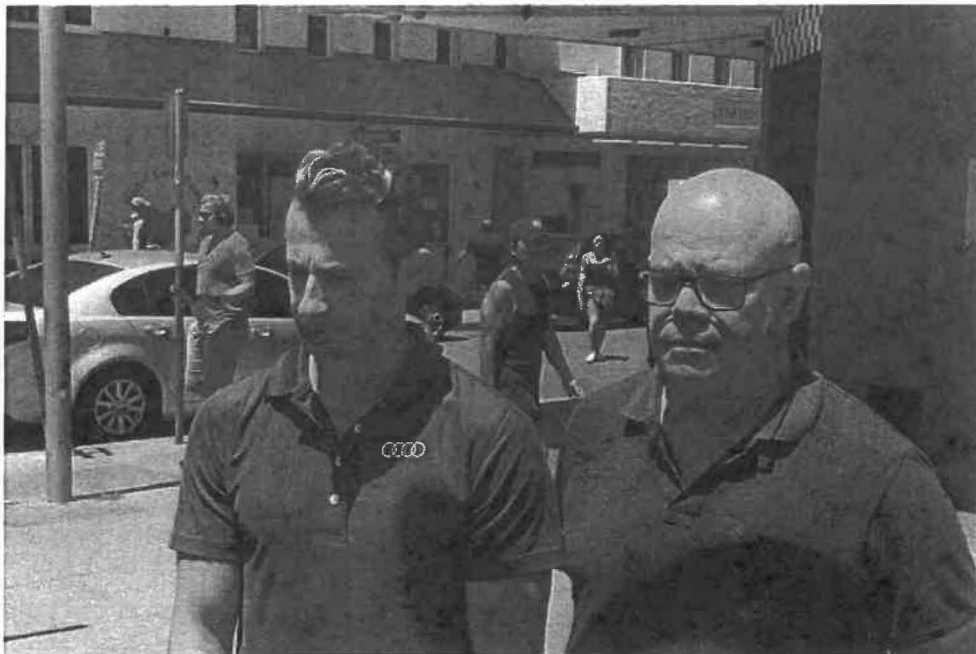
"We have some serious concerns for her personal safety — she did not take any of her personal belongings," she said.

"She hasn't been in touch with her husband, her son, her family or any of her friends since and we're actually appealing to anybody who has seen anything."

### Key points:

- Ms Caddick left her home at 5:30am last Thursday, though CCTV did not capture it
- She had been served orders preventing her from leaving the country
- In a statement her husband urged her to return, and said she was not in trouble

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Ms Caddick's brother and husband made a tearful appeal for any information about her whereabouts. (ABC News: Mark Reddie)

Her husband, Anthony Koletti, remained composed when he fronted the media on Friday during a public appeal for information outside Bondi Police Station.

He described her disappearance as "extremely out of character".

"Melissa is a dedicated and incredible mother, a beautiful daughter, sister and loved wife — we are asking the community to help bring Melissa home — that is all," he said, reading from a statement.

Mr Koletti said he was asleep when his wife left their home about 5:30am last Thursday.

"You know how much we love you; everything is taken care of — you are not in trouble," he said.

"There is nothing else I can give you further — we just want her back, that is all."



Melissa Caddick left her Dover Heights home last Friday morning. (Supplied)

The property is fitted with a security camera, but sources close to the investigation say it had stopped working two days before Ms Caddick went missing.

Her older brother, Adam Grimley, was teary and choked up as he read a statement as part of the public appeal for information.

"Melissa, please let us know you are safe and sound, we love you — to our communities, we need your help to bring my little sister home," he said.

"She is a lovely person, a lovely mother and a great sister to me."

An air, sea and land search has been conducted by police, but officers admit they are struggling to find any solid leads.

"If Melissa, you are out there, we are really appealing for you to get in touch with us and to come home safely," Detective Inspector Atkins said.

"It's suspicious in that we just need to find her."

Ms Caddick, who is the managing director of a Sydney consulting firm, was last seen wearing a black singlet top, leggings and silver Nike sneakers.

Anyone with information should contact Crime Stoppers or Bondi Police.



Detective Inspector Gretchin Atkins said the disappearance was suspicious. (ABC News)



# ASIC & Business Names

## ORGANISATIONAL SEARCH ON MALIVER PTY LIMITED

### Current Extract

This information was extracted from ASIC database on 25 November 2020 at 11:04AM

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

164 334 918	MALIVER PTY LIMITED	DOCUMENT NO.
ABN	164 334 918 67 164 334 918	
Registered in	NSW	
Date Registered	18-Jun-2013	
Review Date	18-Jun-2021	

### Current Organisation Details

Name	MALIVER PTY LIMITED	5E3331085
Name Start	18-Jun-2013	
Status	REGISTERED	
Type	AUSTRALIAN PROPRIETARY COMPANY	
Class	LIMITED BY SHARES	
Subclass	PROPRIETARY COMPANY	
Disclosing Entity	NO	

### Current Registered Office

Address	C/- LSI TAXATION & BUSINESS ADVISORS PTY LTD, 22 WEBSTER AVENUE, HENDRA, QLD, 4011	7EAG62566
Start Date	06-Dec-2018	

### Current Principal Place of Business

Address	5 WALLANGRA ROAD, DOVER HEIGHTS, NSW, 2030	2E0830293
Start Date	24-Jul-2014	

### Current Director

Officer Name	MELISSA CADDICK	2E0830293
ABN	Not available	
Birth Details	21-Apr-1971 SYDNEY NSW	
Address	5 WALLANGRA ROAD, DOVER HEIGHTS, NSW, 2030	
Appointment Date	18-Jun-2013	

### Current Secretary



Officer Name	MELISSA CADDICK	2E0830293
ABN	Not available	
Birth Details	21-Apr-1971 SYDNEY NSW	
Address	5 WALLANGRA ROAD, DOVER HEIGHTS, NSW, 2030	
Appointment Date	18-Jun-2013	

#### Current Issued Capital

Type	Current	5E3331085
Class	ORD ORDINARY	
Number of Shares/Interests issued	10	
Total amount paid/taken to be paid	\$10.00	
Total amount due and payable	\$0.00	

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

#### Current Members

Class	ORD	2E0830293
No. Held	10	
Beneficially Owned	YES	Fully paid YES
Name	CADDICK, MELISSA	
ABN	Not available	
Address	5 WALLANGRA ROAD, DOVER HEIGHTS, NSW, 2030	
Joint Holding	NO	

#### Document Details

Received	Form Type	Processed	No. Pages	Effective	
29-Nov-2018 484B	Change to Company Details Change of Registered Address	29-Nov-2018	2	29-Nov-2018	7EAG62566
31-Jul-2014 484 484B 484C 484A1 484A2	Change to Company Details Change of Registered Address Change of Principal Place of Business (Address) Change Officeholder Name or Address Change Member Name or Address	31-Jul-2014	2	24-Jul-2014	2E0830293
01-Nov-2013 484 484B 484C 484A1	Change to Company Details Change of Registered Address Change of Principal Place of Business (Address) Change Officeholder Name or Address	01-Nov-2013	2	01-Nov-2013	1E9939897

484A2 Change Member Name or Address

25-Oct-2013	484	25-Oct-2013	2	25-Oct-2013	1E9915933
484B	Change to Company Details Change of Registered Address				
18-Jun-2013	201	18-Jun-2013	3	18-Jun-2013	5E3331085
201C	Application For Registration as a Proprietary Company				

Section 146A of the *Corporations Act 2001* states '**A contact address is the address to which communications and notices are sent from ASIC to the company.**'

Address	PO BOX 123, NUNDAH, QLD, 4012
Start Date	13-May-2020

\*\*\* End of Extract \*\*\*



**Williamson**  
& Associates  
ABN 38 009 892 040



Your Ref:  
Our Ref: JLW:20-13302

25 November 2020

Ms N Bearup,  
Litigation Counsel,  
Chief Legal Office,  
ASIC,  
Level 5, 100 Market Street,  
SYDNEY

nicolette.bearup@asic.gov.au

Dear Madam,

**RE: MELISSA CADDICK AND MALIVER PTY LTD ATS ASIC**

We refer to previous correspondence herein.

We confirm we are not acting for Maliver Pty Ltd. Counsel will make the necessary submission to the Court Friday to ensure the Court is aware we are representing Melissa Caddick not Maliver Pty Ltd.

Please find attached the Power of Attorney from Melissa Louise Caddick to Adam Edward Grimley dated 15<sup>th</sup> September 2016.

Ms Caddick is still a missing person under Police Case number E76364514. Melissa's case is now being treated as a Homicide.

We refer you to paragraph 8 of the Penal Notice. There was a time allowed of 3 business days. The Penal Notice was accompanied by a Warrant which provided for ASIC together with AFP to take all of Ms Caddick's financial information. If Ms Caddick had not disappeared it would have been impossible for her to provide the Affidavit requested in paragraph 8 within the time allowed. The execution of the direction in the Notice was frustrated by the removal of all the financial information.

Mr Grimley is unable to provide an Affidavit of the matters in paragraph 8. (a) – (h) on behalf of Melissa Caddick without financial information.

Mr Grimley does not have authority of the company to provide an Affidavit on behalf of the company to the matters in paragraph 8 (a) – (i).

I attach the copy received of the Property Seizure Record. You will see that it is almost blank and unreadable. We look forward to receipt of a legible copy.



Member of  
the Queensland  
Society of  
Notaries

4 Rakeevan Road, Graceville  
PO Box 2112 Graceville Qld 4075

T 07 3278 2109  
F 07 3278 5957  
E williamson@jlw.com.au  
W www.jlw.com.au

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Mr Grimley would also like all items taken to be particularised and photographed.

We were advised AFP officers all wore video cameras. A copy of all the videos are requested. We understand there were about 20 AFP officers at the raid and about 20 ASIC staff at the raid.

Mr Grimley is our only source of information in regard to the ASIC investigation. He is currently under an unbearable load with the Police Investigation of his sisters' disappearance.

Whilst we can appreciate ASIC wish to move swiftly to complete their investigations, the defendant is missing. We confirm the ASIC search conducted today shows Ms Caddick as the sole director and holder of shares in Maliver Pty Ltd. We are unable to substitute another officer of the Company.

We are currently collating a list of recurring expenses for the defendant.

The homicide squad has only today been engaged in the search. In view of this development it may be prudent to consider an adjournment of the matter for two weeks to allow the homicide squad to complete their enquiries.

During the two week adjournment we will be able to continue to piece together the information ASIC have requested in the Penal Notice.

Yours faithfully



Jennifer Williamson  
Principal Solicitor

Premises Searched/Seized from: Location: \_\_\_\_\_ Suspect Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

[illegible]

<b>Case Officer/Warrant Holder to complete</b> I certify that the property described above was seized at the above premises OR from the above named person.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: _____ Station: _____	<b>Property Officer/Seizing Officer to complete</b> I certify that the property described above was seized at the above premises OR from the above named person.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: _____	<b>Owner or other person* to complete</b> I certify that I am the owner/occupier/person named above or other person representing owner/occupier of the premises/conveyance or person named above, present at the time the property listed above was seized. The items have been correctly described and I have received a copy of this record.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: _____ <small>*Cross out whichever is not applicable</small>	<b>Exhibit Registrar to complete</b> I certify that I have received the property listed above in accordance with the AFP NATIONAL GUIDELINES ON PROPERTY AND EXHIBITS.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: ____/____/____ Location: _____
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- AFP594 (10/12)



Premises Searched/Seized from: Location: \_\_\_\_\_ Suspect Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

<b>Case Officer/Warrant Holder to complete</b> I certify that the property described above was seized at the above premises OR from the above named person.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: ____/____/____ Station: _____	<b>Property Officer/Seizing Officer to complete</b> I certify that the property described above was seized at the above premises OR from the above named person.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: ____/____/____	<b>Owner or other person* to complete</b> I certify that I am the owner/occupier/person named above or other person representing owner/occupier of the premises/conveyance or person named above, present at the time the property listed above was seized. The items have been correctly described and I have received a copy of this record.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: ____/____/____ <small>*Cross out whichever is not applicable</small>	<b>Exhibit Registrar to complete</b> I certify that I have received the property listed above in accordance with the AFP NATIONAL GUIDELINES ON PROPERTY AND EXHIBITS.  Signature: _____ Name (Print): _____ Rank & No.: _____ Date: ____/____/____ Location: _____
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- AFP594 (10/12)



Premises Searched/Seized from: Location: \_\_\_\_\_ Suspect Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

[illegible]

Station:

Date:

Date:

Date.

**Location:**

- AFP594 (10/12)



Premises Searched/Seized from: Location: \_\_\_\_\_ Suspect Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

AFP594 (10/12)





[illegible]

Signature: \_\_\_\_\_  
Name (Print): \_\_\_\_\_  
Rank & No.: \_\_\_\_\_  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_  
Location: \_\_\_\_\_

- AFP594 (10/12)

Premises Searched/Seized from: Location: \_\_\_\_\_ Suspect Name: \_\_\_\_\_ DOB: \_\_\_\_/\_\_\_\_/\_\_\_\_

AFP594 (10/12)

recipient of this message, or if this message has been addressed to you in error, please immediately alert Williamson & Associates Solicitors by email and then destroy this message and its attachments. You must not use or distribute this information in any way.



**From:** Nicolette Bearup <Nicolette.Bearup@asic.gov.au>  
**Sent:** Thursday, 26 November 2020 12:01 PM  
**To:** Jenny Williamson <williamson@jlw.com.au>  
**Cc:** Emman Farroukh <Emman.Farroukh@asic.gov.au>; Marina Kofman <Marina.Kofman@asic.gov.au>; Isabella Allen <Isabella.Allen@asic.gov.au>; Alec Cassidy <Alec.Cassidy@asic.gov.au>  
**Subject:** ASIC v Caddick and Maliver Pty Ltd NSD 1220 / 2020 [SEC=OFFICIAL:Sensitive]  
**Importance:** High

Dear Ms Williamson

I refer to your letter of 25 November.

I enclose by way of service copies of an Interlocutory Process and supporting affidavit of Isabella Allen.

ASIC acknowledges your client's very difficult circumstances and the challenges posed by this matter given Ms Caddick's status as a missing person.

As you would be aware, ASIC is concerned about the preservation of assets in the context of an investigation into substantial consumer losses. Given the difficult circumstances surrounding this matter, ASIC considers that the property of Ms Caddick and Maliver Pty Ltd can be best preserved and protected in the interests of investors and others who may have claims against them by making an application to the Court:

- a) to amend its Originating Process as set out in the enclosed Interlocutory Process;
- b) for the appointment of joint and several receivers and managers of the property of the First Defendant;
- c) for the appointment of provisional liquidators to the Second Defendant.

This would result in an independent person appointed by the Court being able to identify the assets of the Defendants and take control of them, to the extent they are not being held by ASIC as evidence, and also conduct appropriate investigations, including into what has happened to investor funds and report to ASIC and the Court.

Your 25 November letter appears to seek an adjournment of the hearing listed for 27 November 2020 to 11 December 2020. We understand that to mean that you are requesting that the 27 November 2020 hearing be vacated. For reasons set out above, ASIC does not consent to a vacation of the 27 November hearing. In ASIC's view it is important that the matter progresses so that the interests of the investors are protected as best as possible.

We also note that as Melissa Caddick is missing she cannot provide the affidavit required in paragraph 8 of the 10 November Court orders and the difficulties you state Mr Grimley will have in providing the information required to be covered by the affidavit.

ASIC is reviewing the power of attorney sent this morning.

In order to progress the matter, on 27 November ASIC intends to seek orders from the Court to allocate a hearing date for the joint hearing of the above applications, together with procedural orders for the preparation for the hearing. We will communicate with you separately regarding the proposed orders that ASIC will seek with a view to seeing if the orders can be agreed.



In respect of your comments in paragraph 6(a) of your 25 November letter, it may better assist the Court if Mr Grimley provides information regarding the assets of the defendants that is within his knowledge that have not yet been identified in the materials that ASIC has filed in the proceeding to date. However, if Mr Grimley can identify a specific document held by ASIC that would assist him in this task, ASIC can consider a request for the provision of a copy of such document.

In respect of the matters raised in paragraph 9, ASIC will endeavour to provide a legible copy of the Property Seizure Record, which contains an itemised list of items seized. Requests in respect of AFP camera footage should be raised directly with the AFP. ASIC is unable to comment on the storage of seized evidence.

Regards

**Nicolette Bearup**

Litigation Counsel, Chief Legal Office

**Australian Securities and Investments Commission**

Level 5, 100 Market Street, Sydney, 2000

Tel: +61 2 9911 5745 | Mob: +61 0478 325 087

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## Jenny Williamson

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**From:** Jenny Williamson  
**Sent:** Thursday, 26 November 2020 1:20 PM  
**To:** Nicolette Bearup  
**Subject:** RE: ASIC v Caddick and Maliver Pty Ltd NSD 1220 / 2020 [SEC=OFFICIAL:Sensitive]

Dear Madam,

Can you please send through ASIC's proposed Orders as soon as possible, so that we have time to consider, and ideally, reach agreement on them before the hearing tomorrow 9.30 a.m. Sydney time 8.30 a.m. Brisbane time.

We have not yet received exhibits to Ms Allen's main Affidavit – can you please provide.

We have not received a copy of Mr Conner's Affidavit which is referred to in Ms Allen's last affidavit – can you please also provide.

Yours faithfully,

JENNIFER WILLIAMSON  
Principal Solicitor

**Williamson & Associates**  
PO Box 2112 Graceville QLD 4075  
4 Rakeevan Road, Graceville  
Ph: 3278 2109  
Fax: 3278 5957  
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**From:** Nicolette Bearup <[Nicolette.Bearup@asic.gov.au](mailto:Nicolette.Bearup@asic.gov.au)>  
**Sent:** Thursday, 26 November 2020 12:01 PM  
**To:** Jenny Williamson <[williamson@jlw.com.au](mailto:williamson@jlw.com.au)>  
**Cc:** Emman Farroukh <[Emman.Farroukh@asic.gov.au](mailto:Emman.Farroukh@asic.gov.au)>; Marina Kofman <[Marina.Kofman@asic.gov.au](mailto:Marina.Kofman@asic.gov.au)>; Isabella Allen <[Isabella.Allen@asic.gov.au](mailto:Isabella.Allen@asic.gov.au)>; Alec Cassidy <[Alec.Cassidy@asic.gov.au](mailto:Alec.Cassidy@asic.gov.au)>  
**Subject:** ASIC v Caddick and Maliver Pty Ltd NSD 1220 / 2020 [SEC=OFFICIAL:Sensitive]  
**Importance:** High