

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 23/06/2021 4:46:26 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
File Number: NSD1220/2020
File Title: AUSTRALIAN SECURITIES & INVESTMENTS COMMISSION v
MELISSA LOUISE CADDICK & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF
AUSTRALIA



Sia Lagos

Dated: 23/06/2021 4:47:27 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Affidavit

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

No. NSD1220 of 2020

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

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff


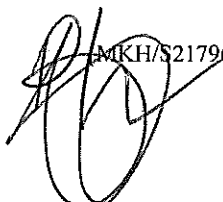
MELISSA LOUISE CADDICK and another

Defendants

Affidavit of: **Martin Vu**
Address: Level 13, 139 Kent Street, Sydney NSW 2000
Occupation: Accountant
Date: 23 June 2021

I, Martin Vu of Level 13 139 Kent Street Sydney NSW 2000, Accountant, say on oath:

1. I am a Principal of Jones Partners and am currently assisting Bruce Gleeson and Daniel Robert Soire with the day to day administration of the Receivership of the Property of Melissa Caddick (**Ms Caddick**) and the Provisional Liquidation of Maliver Pty Limited (**Maliver**).
2. I refer to paragraph 17 of the Affidavit of Mr Bruce Gleeson sworn on 4 May 2021 in the proceedings where Mr Gleeson set out time spent by Jones Partners which was not charged to the Receivership.
3. Where time spent is determined not to be charged to the WIP for a particular matter, it is generally charged against a non-chargeable code.

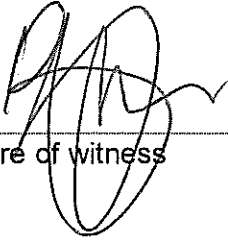
  MKH/S2179682:1}1

4. Annexed hereto and marked "A" is a time cost ledger generated from the Jones Partners timesheets software which sets out time spent regarding the Receivership which has not been charged but recorded in the non-chargeable code (meaning that these items have not been charged).
5. I have reviewed the time ledgers and financial information of Jones Partners and determined that the time spent which has not been charged but included in the non-chargeable code relating to the Receivership totals 22.3 hours and \$12,769 plus GST in time costs.
6. For typical insolvency administrations, the time spent detailed in "A" would generally be charged to the insolvency administration, however in this particular matter, myself and my staff determined it appropriate not to charge such time spent for the following reasons:
 - (a) For certain internal meetings and discussions and meetings with solicitors, where there were multiple attendees and the Receivers determined it was appropriate for certain staff to not to charge the Receivership for time spent to avoid duplication of time charges;
 - (b) There were a considerable quantity of books and records obtained in the Receivership. The documents were provided to us in an individualized format (that is, one document per file) which meant there was over 20,000 documents to review and analyse. For commercial reasons, decisions were made by the Receivers, myself and staff to not charge such time in reviewing documents; and
 - (c) Our analysis and investigations involved the collation of number documents and evidence. For commercial reasons, decisions were made by the Receivers, myself and staff to not charge such time in collating and extracting those documents.

Sworn by the deponent)
 At Sydney)
 In New South Wales)
 on 23 June 2021)
 Before me:)



 Signature of deponent



Signature of witness

Bruce Wiles - JP (NSW) 1954-56.

And as a witness, I certify the following matters concerning the person who made this Affidavit (the "deponent"):

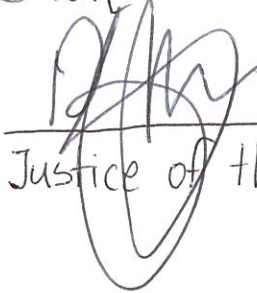
- ~~1. I saw the face of the deponent.~~
2. I have known the deponent for more than 12 months.

Identification document relied on (may be original or certified copy)

" A "

This constitutes the Annexure marked "A" referred to in the Affidavit of Martin Vu sworn this 23 day of June 2021

Before me :


 Justice of the Peace (NSW)
 195456

Posting Type	Case Name	Date	Staff Code	Time Hours	Staff Grade	Description	Hourly Rate	Cost	Narrative
Non-Chargeable	Internal - Jones Partners	17/12/2020	MVU	1.7	Principal 2	Client Non-Chargeable	580	986.00	maliver and caddick review documents, consider, investigations, searches
Non-Chargeable	Internal - Jones Partners	18/12/2020	MVU	0.4	Principal 2	Client Non-Chargeable	580	232.00	review and consider maliver and caddick emails
Non-Chargeable	Internal - Jones Partners	18/12/2020	MVU	0.4	Principal 2	Client Non-Chargeable	580	232.00	caddick/maliver review
Non-Chargeable	Internal - Jones Partners	23/12/2020	MVU	0.3	Principal 2	Client Non-Chargeable	580	174.00	maliver and caddick review documents, consider, investigations
Non-Chargeable	Internal - Jones Partners	7/01/2021	PEDWARDS	0.7	Intermediate 1	Client Non-Chargeable	250	175.00	Downloading files re Caddick together with Dan from Google Drive
Non-Chargeable	Internal - Jones Partners	8/01/2021	MVU	0.4	Principal 2	Client Non-Chargeable	580	232.00	maliver and caddick work items, reviewing documents
Non-Chargeable	Internal - Jones Partners	8/01/2021	MVU	0.5	Principal 2	Client Non-Chargeable	580	290.00	maliver and caddick work items, reviewing documents
Non-Chargeable	Internal - Jones Partners	8/01/2021	MVU	0.4	Principal 2	Client Non-Chargeable	580	232.00	maliver and caddick work items, reviewing documents
Non-Chargeable	Internal - Jones Partners	12/01/2021	DSOIRE	0.3	Principal 1	Client Non-Chargeable	595	178.50	caddick discussion non charge
Non-Chargeable	Internal - Jones Partners	12/01/2021	MVU	0.5	Principal 2	Client Non-Chargeable	580	290.00	caddick file notes, discussions with dsoire
Non-Chargeable	Internal - Jones Partners	14/01/2021	MVU	0.1	Principal 2	Client Non-Chargeable	580	58.00	review emails regarding caddick and maliver
Non-Chargeable	Internal - Jones Partners	21/01/2021	MVU	0.4	Principal 2	Client Non-Chargeable	580	232.00	prepare for caddick meeting
Non-Chargeable	Internal - Jones Partners	25/01/2021	MVU	0.6	Principal 2	Client Non-Chargeable	580	348.00	caddick - travel time
Non-Chargeable	Internal - Jones Partners	29/01/2021	MVU	1.4	Principal 2	Client Non-Chargeable	580	812.00	maliver / caddick
Non-Chargeable	Internal - Jones Partners	1/02/2021	MVU	0.9	Principal 2	Client Non-Chargeable	580	522.00	discussion regarding caddick report and work to do
Non-Chargeable	Internal - Jones Partners	1/02/2021	MVU	0.3	Principal 2	Client Non-Chargeable	580	174.00	maliver, caddick letter to asic
Non-Chargeable	Internal - Jones Partners	4/02/2021	MVU	1.1	Principal 2	Client Non-Chargeable	580	638.00	caddick / maliver reports and investigations
Non-Chargeable	Internal - Jones Partners	8/02/2021	MVU	0.6	Principal 2	Client Non-Chargeable	580	348.00	discussion with team regarding work to do and caddick/maliver reports
Non-Chargeable	Internal - Jones Partners	9/02/2021	MVU	2.2	Principal 2	Client Non-Chargeable	580	1,276.00	caddick/maliver - meeting with counsel and solicitor regarding report to court and investigation issues
Non-Chargeable	Internal - Jones Partners	11/02/2021	MVU	2.3	Principal 2	Client Non-Chargeable	580	1,334.00	settle caddick annexures and report
Non-Chargeable	Internal - Jones Partners	12/02/2021	MVU	0.9	Principal 2	Client Non-Chargeable	580	522.00	discussion regarding amendments to caddick report
Non-Chargeable	Internal - Jones Partners	15/02/2021	MVU	0.7	Principal 2	Client Non-Chargeable	580	406.00	discussion with bgleeson and vduckworth regarding final amendments to report to court for caddick and maliver
Non-Chargeable	Internal - Jones Partners	15/02/2021	MVU	1.1	Principal 2	Client Non-Chargeable	580	638.00	settle caddick report for signing
Non-Chargeable	Internal - Jones Partners	15/02/2021	DSOIRE	4.1	Principal 1	Client Non-Chargeable	595	2,439.50	non charge - phone calls with staff / emails / caddick and maliver re reports
22.30							12,769.00		