

SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 11917 of 2016

Applicant **KORDAMENTHA PTY LTD (ACN 100 169 391)**
AS TRUSTEE FOR THE LM MANAGED
PERFORMANCE FUND

AND

Respondent **THE MEMBERS OF THE LM MANAGED**
PERFORMANCE FUND

AFFIDAVIT OF STACEY CLISBY
AFFIRMED ON: 10 DECEMBER 2021

STACEY CLISBY of Level 14, 12 Creek Street, Brisbane in the State of Queensland, Chartered Accountant, affirms:

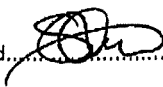
1. I am a Director in the Restructuring division of KordaMentha, the accounting firm under which name KordaMentha Pty Ltd trades.
2. KordaMentha Pty Ltd is the trustee (**Trustee**) of the LM Managed Performance Fund (**MPF**).
3. I am duly authorised by Mr Korda and Mr Mentha, the directors of the Trustee, to affirm this affidavit on behalf of the Trustee.
4. I have been involved in managing the affairs of the MPF since October 2015. I have been the person principally responsible for conducting those affairs on behalf of the Trustee since around January 2021.
5. Except where otherwise indicated, I depose to the matters in this affidavit from my own personal knowledge of the facts and circumstances. Where I depose to matters from information and belief, I believe those matters to be true.
6. This affidavit is affirmed in support of the Trustee's application dated 10 December 2021 (**Application**) made under section 96 of the *Trusts Act 1973 (Qld)* (**Trusts Act**). A copy of the statement of facts in support of the Application is at page A of the Exhibit.

Affirmed.....

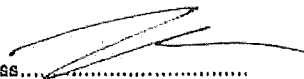
Witness.....

7. As set out in more detail below, the Trustee seeks directions regarding the process that the Trustee should employ concerning the payment of the final distribution payment to members of the MPF, in respect of those members:
- 7.1 for whom the Trustee does not have banking details, and who have not provided banking details to the Trustee; and
 - 7.2 whose final distribution payments are unsuccessful, or whose payments are returned by the recipient bank.
8. The Trustee also seeks orders for substituted service of the Application on the unitholders of the MPF (and any future such applications, in the unlikely event that any further directions are to be sought in the course of the winding-up of the MPF).
9. At the time of affirming this affidavit, there is exhibited before me:
- 9.1 a paginated bundle of documents marked "Exhibit SC-17", comprising hard copies of documents that are referred to throughout this affidavit (**Exhibit**); and
 - 9.2 an electronic USB drive marked "Confidential Exhibit SC-18," which contains an electronic copy of the unitholder register of the MPF, which has been updated following the process set out in this affidavit. This document cannot be readily reproduced in hard copy format, due to its size and format. The Trustee seeks to keep this exhibit confidential, because it contains personal identifying information for members of the MPF including their full names, postal and email addresses and bank account details (**Confidential USB Exhibit**). Further details of this document are provided at paragraph 48 below.
10. The Trustee has previously filed an application in this proceeding seeking various directions from the Court in relation to the winding up of the MPF and distributions to unitholders, being the Interlocutory Application filed on 8 December 2020 (**Previous Directions Application**) made under section 96 of the *Trusts Act 1973 (Qld)* (**Trusts Act**).
11. The background information concerning the various directions sought from the Court in the Previous Directions Application is set out in the supporting affidavit sworn by Jarrod Villani on 4 December 2020 (**Villani Affidavit**) and in a copy of the Statement of Facts upon which the Previous Directions Application was made, located at page A of Exhibit JV-19. To avoid unnecessary duplication, I have read and refer to this material in this affidavit.

Affirmed.....



Witness.....

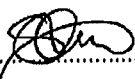


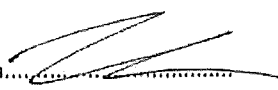
A. BACKGROUND

12. I refer to paragraphs 10 to 63 of the Villani Affidavit in respect of the background information relating to the MPF and the conduct of its winding up by the Trustee.

B. UNITHOLDER REGISTER

13. Clause 20 of the MPF Constitution (as described and defined at paragraphs 10 to 13 of the Villani Affidavit) provides that the trustee of the MPF must establish and keep a register of unitholders in the MPF.
14. I refer to paragraphs 64 to 81 of the Villani Affidavit in respect of the steps the Trustee has taken to identify the most up-to-date and accurate version of the unitholder register in the Trustee's possession.
15. LMIM acted as the trustee of the MPF from around December 2001 until 12 April 2013. At all material times, LMIM maintained a unitholder register which recorded for each investment account:
- 15.1 the Investor ID of the relevant investor;
 - 15.2 the Account ID of the relevant investment account;
 - 15.3 the name and contact details of the investor;
 - 15.4 the type of the relevant investor (for example, Personal Investor or Institutional Investor);
 - 15.5 the term of the investment;
 - 15.6 the currency in which the investment was held;
 - 15.7 the number of units comprising the investment;
 - 15.8 the current unit price for the units held;
 - 15.9 the current value of the investment;
 - 15.10 the bank account details of the unitholder;
 - 15.11 the distribution rule for the account (i.e. monthly, quarterly or annual reinvestment or payout); and
 - 15.12 the identity and contact information of the financial advisor or broker who arranged the investment.
16. LMIM's unitholder register was maintained in a database operated through Dynamix AX.

Affirmed.....

Witness.....

17. From time to time, LMIM would export the unitholder register from the Dynamix AX database into other (more accessible) formats, including Microsoft Excel spreadsheets.
18. Between around April and October 2013, the Trustee was provided with various versions of the unitholder register in Microsoft Excel format from various sources, outlined at paragraph 70 of the Villani Affidavit.
19. The unitholder registers possessed by the Trustee (and in particular Register 1) contain various details, as outlined at paragraph 15 above with respect to each investment account of the MPF, including contact and banking details of the investor and details of the investor's unitholding. In some cases, the registers contain contact details of the investor's financial advisor.
20. With reference to paragraph 80 of the Villani Affidavit, the Trustee determined that in its view, Register 1 was the most accurate and complete version of the unitholder register in its possession.
21. By order dated 19 March 2021 (**Directions Orders**), the Court made a direction to the effect that that the Trustee was justified in adopting Register 1 as the unitholder register of the MPF, for the purposes of making a distribution to members and finalising the winding up of the MPF. A copy of the reasons for judgment of Justice Williams appears at pages 1 to 31 of the Exhibit.
22. A copy of Register 1 has previously been provided to the Court as part of Confidential Exhibit JV-20 as filename 'Register 1.xlsx'.

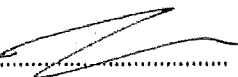
I. **Banking Details of the Unitholder**

23. When the Trustee received Register 1, Register 1 contained various amounts of banking data for each unitholder under the following columns:
 - 23.1 Column V: BankAccountName (**Account Name**);
 - 23.2 Column W: BankAccountGroupID (**Bank Account Group**);
 - 23.3 Column X: BankAccountSortCode (**Sort Code**);
 - 23.4 Column Y: BankAccountSwiftCode (**SWIFT Code**);
 - 23.5 Column Z: BankAccountIBAN (**IBAN**);
 - 23.6 Column AA: BankAccountBSB (**BSB**);
 - 23.7 Column AB: BankAccountNumber (**Account Number**); and

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Witness.....



23.8 Column AC: BankAccountCurrency (**Account Currency**)

(together, **Banking Details**).

24. In order to make a payment to a unitholder's bank account, the Trustee requires sufficient Banking Details for that unitholder. Most countries, including Australia, have their own requirements in respect of payments to bank accounts maintained by financial institutions operating in that country. However, generally:

24.1 If the unitholder register contains the following details for a certain unitholder, this indicates that the Trustee possesses sufficient information to process a local funds transfer payment to either Australian or United Kingdom bank accounts (**Australia and UK Account Details**):

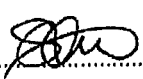
- (a) Account Name;
- (b) BSB (i.e., Bank State Branch) for Australian bank accounts or Sort Code for UK bank accounts; and
- (c) Account Number

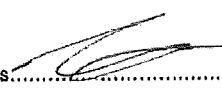
24.2 If the unitholder register contains the following details for a certain unitholder, this indicates that the Trustee possesses sufficient information to process an international funds transfer payment to international bank accounts (**International Account Details**):

- (a) Account Name and the recipient's address;
- (b) SWIFT Code; and
- (c) either an IBAN (i.e., International Bank Account Number) or Account Number.

(collectively, **Bank Account Details**).

25. I carried out an initial review of Register 1 before Link was formally engaged to discern whether the Trustee held sufficient Bank Account Details to make payments to unitholders. For example, if Register 1 contained an IBAN but no Swift Code for a certain unitholder, the Trustee would hold insufficient International Account Details to process an international funds transfer payment to that unitholder. I identified a number of instances where, in my view, Register 1 did not contain the Bank Account Details required to make a distribution to unitholders.

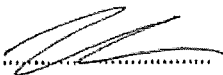
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C. UNITHOLDER REGISTER UPDATE PROCESS

26. In order to finalise the winding up of the MPF, the Trustee has undertaken steps to engage with unitholders and has asked unitholders to confirm, update and/or supplement certain details of the unitholder register, particularly the Banking Details, before any final distribution is made to unitholders.
27. I refer to:
- 27.1 paragraphs 89 to 98 of the Villani Affidavit in respect of the process proposed by the Trustee to update the unitholder register with current banking and other details of the unitholders; and
 - 27.2 paragraphs 99 to 129 of the Villani Affidavit in respect of the practical difficulties associated with communicating with the unitholders of the MPF and the Trustee's proposed method of communication with unitholders.
28. In or around May 2019, the Trustee began planning for the unitholder register update process for the MPF and commenced planning discussions with Link Market Services (Link) for this process.
29. On or around 20 January 2021, the Trustee formally engaged Link to assist with the process of updating the unitholder register, including to assist with communicating to the unitholders, to maintain the unitholder register, and to process updates to the unitholder register. A copy of the formal agreement entered into with Link is at pages 32 to 53 of the Exhibit.
30. As noted above, by order dated 19 March 2021 the Court made a direction to the effect that that the Trustee was justified in adopting Register 1 as the unitholder register of the MPF, for the purposes of making a distribution to members and finalising the winding up of the MPF.
31. On or around 11 June 2021, the Trustee instructed Link to 'go live' with a secure website that had been developed to allow the unitholders to electronically review and request amendments to their contact and Banking Details held in the unitholder register for the MPF (MPF Secure Unitholder Website).
32. The MPF Secure Unitholder Website allows unitholders to review the following details recorded in the unitholder register:
- 32.1 Unitholder Name;
 - 32.2 Number of Units Held;

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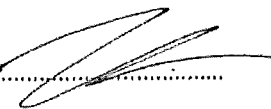
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- 32.3 Holding Currency;
- 32.4 AUD value at 19 March 2013;
- 32.5 Unitholder Postal Address;
- 32.6 Unitholder Email Address; and
- 32.7 Unitholder Bank Account Details.
33. As outlined at paragraphs 94.4 to 94.5 of the Villani Affidavit, unitholders have the option of requesting amendments to certain details recorded in the unitholder register, either through the Secure Unitholder Website or by completing a manual form and returning it to Link by email or post.
34. As outlined at paragraph 83 of the Villani Affidavit, the Trustee intended to send a formal notice to unitholders which advised, *inter alia*, of the Trustee's intention to make a distribution to unitholders.
35. On 10 June 2021, the Trustee made the Distribution Notice available for download by unitholders on the creditor webpage on KordaMentha's website (at <https://www.kordamentha.com/creditors/lm-managed-performance-fund>) (MPF Creditor Website)
36. On 15 June 2021, Link, on instruction from the Trustee, Issued the Distribution Notice by way of the following:
- 36.1 sending an email to approximately 4,349 of the 4,525 unique unitholders in the MPF to their last known email address, or the email address of their advisor if no valid email address was held for the unitholder, which contained a link to download the Distribution Notice from the MPF Creditor Website; and
- 36.2 for the unitholders for whom the Trustee did not hold any valid email addresses, mailing a copy of the Distribution Notice to the remaining approximately 176 unique unitholders in the MPF to the last known postal address noted in the unitholder register.
- A copy of the email referred to in paragraph 36.1 above is at page 54 of the Exhibit, and a copy of the Distribution Notice is at pages 55 to 57 of the Exhibit.
37. Essentially, the Distribution Notice:
- 37.1 Informed unitholders of the Trustee's intention to make a distribution to unitholders;

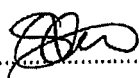
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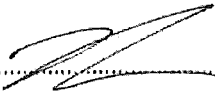


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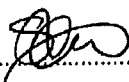
- 37.2 invited unitholders to verify their unitholding information and confirm, and if necessary request an amendment to, their recorded contact and Banking Details to enable the Trustee to make one or more distributions;
- 37.3 provided an overview of the process the Trustee proposes to follow for the updating of the unitholder register; and
- 37.4 provided unitholders with instructions on how to access the MPF Secure Unitholder Website to enable unitholders to electronically review and request amendments to the contact and Banking Details held in the unitholder register for the MPF.
38. The Distribution Notice required unitholders to update or confirm their contact and Banking Details within 90 days of delivery of the Distribution Notice (i.e., by 13 September 2021) (**Initial Update Period**). Due to the volume of requests and enquiries from unitholders, the Trustee extended this period and allowed unitholders to update their details through the Secure Unitholder Website up until 22 October 2021 (**Further Update Period**).
39. In or around June 2015, I carried out a similar process described in paragraph 25 above to identify instances where, in my view, the unitholder register did not contain the Bank Account Details required to make a distribution to unitholders. On 15 June 2021, Link, on instruction from the Trustee, emailed or mailed the 817 identified unitholders a separate notice (**Bank Details Notice**) to advise these unitholders that:
- 39.1 the Trustee had identified that there were no valid Bank Account Details held on the register for one or more of their unit holdings; and
- 39.2 to enable payment of their distribution, the unitholders were required to update their Bank Account Details during the unitholder register update process.
- A copy of the Bank Details Notice (in email and letter form) is at pages 58 to 59 of the Exhibit.
40. Generally, Link has formally managed all unitholder updates to the unitholder register. Link contemporaneously processes updates to the unitholder register, cleanses the data into a digestible format and then provides the Trustee with an updated unitholder register at regular intervals throughout the update process.
41. At regular intervals throughout the update process, Link also provides to the Trustee an export of data which has been supplied by unitholders on the MPF Secure Unitholder Website (MPF Secure Unitholder Website Data).

Affirmed.....

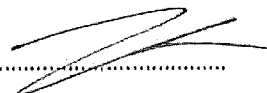
Witness.....

42. The Trustee has analysed the updated unitholder register as and when it is provided by Link. As a result of this analysis, I have been able to identify unitholders to whom the Trustee may need to send additional pieces of correspondence, based on the unitholder's engagement with the unitholder register update process.
43. For example, on or around 20 August 2021, I instructed my colleague, Mr Joseph Kerins, to send an email to 544 unitholders of the MPF:
- 43.1 for whom the Trustee held a valid email address;
 - 43.2 who had not yet accessed the MPF Secure Unitholder Website; and
 - 43.3 for whom the Trustee had identified there were no valid Bank Account Details held on the register for one or more of their unitholdings.
44. Mr Kerins' email advised these unitholders that in order to receive a distribution payment, the unitholders must access the MPF Secure Unitholder Website and provide **(Bank Details Reminder Notice)**:
- 44.1 a current address;
 - 44.2 current Bank Account Details; and
 - 44.3 adequate supporting documentation for these changes.
- A copy of the Bank Details Reminder Notice with enclosures is at pages 60 to 72 of the Exhibit.
45. On or around 8 November 2021, I reviewed the most recent version of the MPF Secure Unitholder Website Data which was provided on 25 October 2021 and the Trustee's email correspondence with unitholders, and determined the following regarding the Trustee's engagement with the unitholder population during the update process:
- 45.1 of the 4,525 unique unitholders (based on Investor ID), 931 unitholders have accessed the MPF Secure Unitholder Website;
 - 45.2 many unitholders, due to the number of accounts held by them, have elected to contact the Trustee directly regarding amendments to personal or Bank Account Details;
 - 45.3 the Trustee has also directly contacted a number of institutions which hold a high volume of accounts;

Affirmed.....



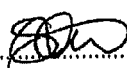
Witness.....



- 45.4 In addition to the 931 unitholders who have accessed the MPF Secure Unitholder Website, the Trustee has been in contact with individuals or institutions representing 2,726 unique unitholders (based on Investor ID); and
- 45.5 In total, either via direct contact or via the MPF Secure Unitholder Website, the Trustee has engaged with 3,657 of the 4,525 unique unitholders (approximately 81%) regarding updating or confirming their personal or Bank Account Details since the update process began.
46. While unitholders are no longer able to request amendments to their contact and Bank Account Details via the Secure Unitholder Website, the Trustee is still processing new direct requests from unitholders to update the unitholder register, as well as pending requests (where the Trustee and Link are awaiting supporting documentation from the unitholders). Further to this, although Link is formally engaged to manage the unitholder register update process and to update the unitholder register accordingly, the Trustee continues to engage in a significant amount of direct correspondence from unitholders.
47. Given the practical difficulties associated with communicating with every unitholder of the MPF, as outlined at paragraphs 100 to 116 of the Villani Affidavit, it is unlikely that the Trustee will be able to engage with the full remaining 19% of unitholders with whom the Trustee has not yet formally engaged. However, I am confident that upon conclusion of the unitholder register update process and at the time of distribution, the Trustee will have communicated its intention to distribute (and its request to confirm Bank Account Details for the distribution) to most of the unitholders because:
- 47.1 the unitholder register update process is ongoing, and unitholders continue to directly contact the Trustee to update Bank Account Details;
- 47.2 Link and the Trustee will continue to identify and attempt to communicate with unitholders who are yet to formally engage with the Trustee; and
- 47.3 the same methods have previously been used to give notice of Court applications and other important developments in the winding up of the MPF.

D. UNITHOLDERS WITH INSUFFICIENT OR INCOMPLETE BANKING DETAILS

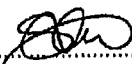
48. On 27 September 2021, following the process described at paragraph 40 above, Link provided the Trustee with a current version of the unitholder register (**Confidential Exhibit SC-18**). A copy of the 27 September 2021 unitholder register is contained on the Confidential USB Exhibit as filename 'Confidential Oscar 7 (no password)'.

Affirmed.....

Witness.....

49. I undertook a review of Confidential Exhibit SC-18 to determine:
- 49.1 the unitholders for whom the register contained the Australia and UK Transfer Details, indicating that the Trustee has sufficient information to process local funds transfer payments to either Australian or United Kingdom bank accounts;
 - 49.2 the unitholders for whom the register contained International Transfer Details, indicating that the Trustee has sufficient information to process an international funds transfer payment to international accounts; and
 - 49.3 the unitholders for whom the register did not contain sufficient Bank Account Details to make either a local funds transfer or an international funds transfer payment.
50. From my review, I identified that the Trustee still held insufficient Bank Account Details to process a distribution payment for 416 unitholders.
51. On or around 19 April 2021, the Trustee also engaged OFX, a foreign exchange and payments company based in Australia, to assist with the international funds transfer payments. A copy of the formal agreement entered into with OFX is at pages 73 to 84 of the Exhibit.
52. On 22 October 2021, the Trustee provided to OFX a register of international funds transfer data contained in Confidential Exhibit SC-18, so that OFX could identify any potential issues in relation to the data the Trustee intended to rely on to make international payments.
53. On 9 November 2021, the Trustee received a response from OFX which raised four potential issues regarding the international funds transfer data. These potential issues impact 114 of the 882 bank account details provided to OFX. The Trustee is currently working through these issues and will contact relevant unitholders for further information (i.e., for alternative address details where only a PO Box address is held) if required.
54. As the unitholder register update process is currently ongoing, it is likely that in the period between 27 September 2021 and the date of distribution, Bank Account Details will be provided and updated in the register for a portion of the 416 unitholders referenced in paragraph 50 above.
55. For the remaining 4,109 unitholders, it is likely that despite holding details in the register for these unitholders, a portion of these details may be out of date or insufficient to process a distribution payment. By way of example, the Trustee is unable to determine whether the bank accounts of the approximately 19% of unitholders who have not formally engaged with the Trustee throughout the unitholder register update process may be closed accounts,

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Witness.....



even though the Trustee appears to hold sufficient Bank Account Details for many of these unitholders.

E. CORRESPONDENCE WITH ASIC AND THE PUBLIC TRUSTEE OF QUEENSLAND

56. For unitholders with insufficient or incomplete Bank Account Details in the unitholder register, the Trustee had intended to pay the attributable distribution amount (**Unclaimed Monies**) to the Australian Securities and Investments Commission (**ASIC**) unclaimed monies fund pursuant to the *Corporations Act 2001* (Cth) (**ASIC Unclaimed Monies**).

57. On 17 March 2021, Ms Alda Vucic of KordaMentha, copying Ms Stacey Clisby and Mr David Johnstone of KordaMentha, sent an email to ASIC's 'Unclaimed Money Unit', contact details of which were obtained via the ASIC website. The email stated, *inter alia*:

"As we prepare for finalisation of the winding up and distribution of monies held to members of the Fund, we will be providing members with an opportunity to review and update their address and bank account details to facilitate the distribution. In the event that we are not able to distribute to any member based on the details held (due to incomplete or inaccurate information), we are seeking confirmation from ASIC that you will accept these unclaimed monies".

A copy of this email appears at pages 86 to 87 of the Exhibit.

58. On 23 March 2021, ASIC's 'Unclaimed Money Unit' responded to Ms Vucic's email of 17 March 2021 stating, *inter alia*:

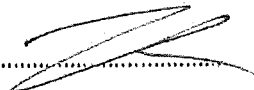
"It is the lodging party's responsibility to ascertain if funds comply with the provisions of the Corporations Act 2001...ASIC has no authority to accept funds that do not comply with the provisions of the above Sections of the Corporations Act 2001. We could only accept funds if a court order specifically refers funds to be paid to ASIC Unclaimed Monies. In this instance, you would need to provide a copy of the Court Order".

A copy of this email response with enclosures appears at pages 85 to 86, and pages 88 to 90 of the Exhibit.

59. On 30 November 2021, I sent an email to Mr David Wollington of the 'Unclaimed Money Unit' of The Public Trustee of Queensland. The email stated, *inter alia*:

"As we prepare for finalisation of the winding up and distribution of monies held to members of the Fund, we have been providing members with an opportunity to review and update their address and bank account details to facilitate the distribution. This process has been

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ongoing since June 2021. In the event that we are not able to distribute to any member based on the details held (due to incomplete or inaccurate information), we are seeking confirmation from the Public Trustee of Queensland that you will accept these unclaimed monies".

60. On 30 November 2021, Mr Wollington responded to my email stating:

"The Public Trustee is able to confirm that based on the situation and circumstance outlined we can accept the unclaimed funds you have referred to".

A copy of this email chain appears at pages 91 to 92 of the Exhibit.

F. INTENDED DISTRIBUTION TO UNITHOLDERS

61. For the reasons outlined in paragraphs 47 and 54 to 55 above, the Trustee is unable to ascertain with certainty the number of unitholders who will have Unclaimed Monies at the time of making this affidavit.

62. In addition, there may be a number of 'bounce back' transfers or payments when the Trustee makes the final distribution payment, for reasons outside the Trustee's knowledge or control.

63. However, I believe that it is in the best interests of the unitholders for the Trustee to make this Application now. As the Trustee has not been able to engage with 19% of the unitholders of the MPF (despite the steps it has undertaken to do so), it seems clear that the Trustee will be unable to pay the final distribution to at least some unitholders of the MPF. If the Trustee were to wait until after closure of the unitholder register update process, before bringing this Application:

63.1 the Trustee would not have the benefit of making a final distribution at the same time as the unitholder register update process concluded;

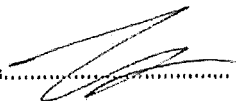
63.2 this Application would add further future costs to the MPF winding up process, and thereby complicate the calculation of the final distribution to be paid to members; and

63.3 in terms of delay, I estimate that this Application would add a further three months to the process of winding up the MPF.

64. In relation to paragraphs 63.1 to 63.3 above, I refer to the following matters:

64.1 It is not practical for the Trustee to process the distribution payment until such time as the process for managing Unclaimed Monies is finalised, as the final amount

Affirmed.....

Witness.....

available for distribution will be informed by the estimated future costs of the MPF, which will differ depending on the process adopted for managing Unclaimed Monies;

64.2 If the Trustee were to wait until after closure of the unitholder register update process to make this Application, more unitholders may close and update bank accounts in the period following the closure of the unitholder register update process, which would necessitate continued updates to the register and an additional risk of obsolete bank account details;

64.3 For the reasons outlined above, delaying this application until after closure of the unitholder register update process would create additional time and cost risk, and would unnecessarily delay distribution payments to unitholders;

64.4 The Trustee's proposed approach would permit the Trustee to conclude the update process and make a final distribution to unitholders concurrently.

65. Given the reasons identified above, and the Trustee's (continuing) efforts outlined at paragraphs 26 to 47 above, the Trustee seeks a direction from the Court that it would be justified in:

65.1 identifying, at the date of distribution, the unitholders to whom the Trustee will not be able to process a final distribution payment, due to the insufficient Bank Account Details being held by the Trustee on the unitholder register;

65.2 after processing the distribution payment to unitholders, identifying any additional unitholders whose distribution payments have been unsuccessful or have been returned by the recipient bank; and

65.3 paying the distribution amounts attributable to these unitholders to the Public Trustee of Queensland, or into the Supreme Court of Queensland.

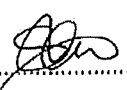
G. SUBSTITUTED SERVICE

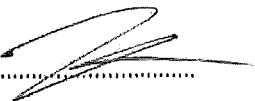
66. I refer to paragraphs 209 to 215 of the Villani Affidavit.

67. The Trustee proposes to serve this affidavit and any other material relating to the Application (**Application Materials**) on the unitholders of the MPF by the same process adopted in respect of the directions application filed 8 December 2020, that is by:

67.1 uploading the Application Materials to the MPF Creditor Website; and

67.2 either:

Affirmed.....

Witness.....

- (a) sending an email notification with a link to the MPF Creditor Website (**Application Notification**) to unitholders using the email addresses contained in the compiled listing of last-known email addresses for the unitholders of the MPF (**Email Listing**); or
- (b) where the Trustee receives a response to an email, such as an undeliverable message, from all email addresses associated with a unitholder, including any alternative email address and advisor email address recorded on the Email Listing associated with the relevant unitholder, indicating that the Application Notification was not received by the intended recipient (as opposed to being temporarily unavailable or delayed), and the applicant has a postal address for that member, by sending a notice by pre-paid post to the postal address of the member, which notifies them of the general nature of the Court documents and that the Court documents have been posted on the Trustee's website.

Affirmed by STACEY CLISBY
On 10 December 2021

This affidavit was made, signed and witnessed in accordance with the Justice Legislation (COVID-19 Emergency Response—Documents and Oaths) Regulation 2020.

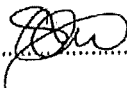
The contents of the affidavit are true.

I understand that providing false statements in an affidavit is offence.

At Brisbane, Queensland, in the presence of:


Signed


Australian legal practitioner

Affirmed.....


Witness.....