

# **Merivale Litigation Funding Scheme**

**ARSN 649 312 569**

## **Annual Report**

**For the period 16 April 2021 to 30 June 2021**

**Merivale Litigation Funding Scheme  
Directors' report  
For the period 16 April 2021 to 30 June 2021**

The directors of CASL Governance Ltd, the Responsible Entity of the Merivale Litigation Funding Scheme (the **Scheme**), present their report, together with the financial statements, for the Scheme for the period ended 30 June 2021.

**Directors**

The following persons were directors of the Responsible Entity during the period and up to the date of this report, unless otherwise stated:

- John Walker (appointed 1 September 2020)
- Stuart Price (appointed 1 September 2020)
- Deborah Preston (appointed 1 September 2020)

**Principal activities**

The Scheme is a registered managed investment scheme domiciled in Australia.

The Scheme was constituted on 8 April 2021, registered with the Australian Securities and Investments Commission on 16 April 2021 and commenced operations on 17 April 2021.

The Scheme's dominant purpose is to pursue legal remedies through litigation for qualifying claimants in connection with their individual claims in accordance with the Scheme's Constitution.

The Merivale Class Action (the **Claim**) was commenced against M.R.V.L. Investments Pty Ltd (**Merivale**) in the Federal Court of Australia on 24 December 2019 on behalf of former and current Merivale employees (the **Claimants**) that were employed at any time during the period from 25 December 2013 to 24 December 2019 (the **Claim Period**).

The Claim alleges that throughout the Claim Period, a number of Merivale employees were paid less than the minimum amounts to which they were entitled under the Hospitality Industry (General) Award 2010 (the **Award**).

The Claim seeks, amongst other things, an order pursuant to s545(1) of the *Fair Work Act 2009* that Merivale provide to each Claimant the payments to which they were entitled under the Award.

The Scheme did not have any employees during the period.

The material service providers for the Scheme at the date of this report are as follows:

<b>Service</b>	<b>Provider</b>
Responsible Entity	CASL Governance Ltd
Funder	ICP Funding Pty Ltd
Manager	Investor Claim Partner Pty Ltd
Lawyer	Adero Pty Ltd
Custodian	Equity Trustees Limited
Statutory Auditor	MGI Sydney Assurance Services Pty Ltd

**Review of operations and results**

During the period, the Scheme commenced its operations in accordance with the Product Disclosure Statement and the provisions of the Scheme's Constitution.

The performance of the Scheme, as presented by the results of its operations was as follows:

	<b>For the period 16 April 2021 to 30 June 2021</b>
Operating profit/(loss) for the period (\$)	Nil
Distributions paid and payable (\$)	Nil
Distributions (cents per unit)	Nil

**Significant changes in the state of affairs**

There were no significant changes in the state of affairs of the Scheme during the period.

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**Directors' report**  
**For the period 16 April 2021 to 30 June 2021**

**Matters subsequent to the end of the financial year**

The impact of the Coronavirus (COVID-19) pandemic is ongoing. The situation is developing and is dependent on measures imposed by the Australian Government and other countries, such as maintaining social distancing requirements, quarantine, travel restrictions and any economic stimulus that may be provided. The spread of COVID-19 has the potential to impact or delay the resolution of the Claim and may result in increased cost and expenses over the life of the Scheme.

No other matter or circumstance has arisen since 30 June 2021 that has significantly affected, or may significantly affect the Scheme's operations, the results of those operations, or the Scheme's state of affairs in future financial years.

**Likely developments and expected results of operations**

The Scheme will continue to be managed in accordance with the objectives and guidelines as set out in the Product Disclosure Statement (**PDS**) and the provisions of the Scheme's Constitution.

The results of the Scheme's operations will be affected by a number of factors. The most material factor that will affect the Scheme's results is the progress and success, or otherwise, of the Claim through the respective Courts of Australia.

**Environmental regulation**

The Scheme is not subject to any significant environmental regulation under Australian Commonwealth or State law.

**Indemnity and insurance of officers**

The Scheme has indemnified the directors and officers of the Responsible Entity for costs incurred, in their capacity as a director or officer, for which they may be held personally liable, except where there is a lack of good faith.

During the period, the Scheme paid a premium in respect of a contract to insure the directors and officers of the Responsible Entity against a liability to the extent permitted by the *Corporations Act 2001*. This contract of insurance prohibits disclosure of the nature of the liability and the amount of the premium.

**Indemnity and insurance of auditor**

The Scheme has not, during or since the end of the financial year, indemnified or agreed to indemnify the auditor of the Scheme or any related entity against a liability incurred by the auditor.

During the period, the Scheme has not paid a premium in respect of a contract to insure the auditor of the Scheme or any related entity of the auditor.

**Fees paid to and interests held in the Scheme by the Responsible Entity or its associates**

Fees paid to the Responsible Entity, including its director's, and its associates out of Scheme property during the period are disclosed in note 9 to the financial statements.

The number of interests held in the Scheme by the Responsible Entity or its associates as at the end of the financial period is set out below:

	<b>Balance at the start of the period</b>	<b>Applications</b>	<b>Redemptions</b>	<b>Other</b>	<b>Balance at the end of the period</b>
<i>Units</i>					
CASL Governance Ltd	Nil	Nil	Nil	Nil	Nil
Investor Claim Partner Pty Ltd	Nil	Nil	Nil	Nil	Nil
ICP Funding Pty Ltd	Nil	Nil	Nil	Nil	Nil
	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>	<u>Nil</u>

**Merivale Litigation Funding Scheme  
Directors' report  
30 June 2021**

**Interests in the Scheme**

The movement in units on issue in the Scheme during the period is disclosed in note 3 to the financial statements.

The Responsible Entity is unable to determine with certainty the relative value, if any, of the Claim by each Claimant. The interests of each Claimant in the Scheme, if any, will be determined in accordance with a Court ordered methodology should the Claim be successful.

As the Responsible Entity has no reasonable basis on which to issue units in the Scheme until a future date, contingent on the outcome of the Claim, the Responsible Entity is only able to record those potential Claimants that *may have* a Claim and have registered their relevant details (the **Active Members**). These Active Members are recorded in the Scheme's Member Register.

There may be a significant number of Claimants that have an interest in the Scheme (the **Passive Members**) who have not registered with the Responsible Entity. These Passive Members by their nature are not recorded in the Scheme's Member Register.

The determination of whether each Active Member or Passive Member has an interest in the Scheme is ultimately determined by the Court whereupon the Responsible Entity will issue the relevant units in the Scheme.

The value of the Scheme's assets and liabilities is disclosed in the statement of financial position and derived using the basis set out in note 1 to the financial statements.

**Auditor's independence declaration**

A copy of the auditor's independence declaration as required under section 307C of the *Corporations Act 2001* is set out immediately after this directors' report.

This report is made in accordance with a resolution of directors, pursuant to section 298(2)(a) of the *Corporations Act 2001*.

On behalf of the directors



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Stuart Price  
Director

20 September 2021  
Sydney



**AUDITOR'S INDEPENDENCE DECLARATION  
TO THE DIRECTORS OF CASL GOVERNANCE LTD AS RESPONSIBLE ENTITY  
FOR THE MERIVALE LITIGATION FUNDING SCHEME**

As auditor for the audit of the financial report of Merivale Litigation Funding Scheme for the period 16 April 2021 to 30 June 2021, I declare to the best of my knowledge and belief, there have been:

- (i) no contraventions of the auditor independence requirements as set out in the *Corporations Act 2001* in relation to the audit; and
- (ii) no contraventions of any applicable code of professional conduct in relation to the audit.

*MGI Sydney Assurance Services*

MGI Sydney Assurance Services Pty Limited  
Chartered Accountants

A handwritten signature in black ink, appearing to read 'Kimmy Jongue', written over a white background.

Kimmy Jongue  
Director  
Sydney, 20 September 2021

**Merivale Litigation Funding Scheme**  
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**General information**

The financial statements reflect the Merivale Litigation Funding Scheme (the "Scheme") as an individual entity. The financial statements are presented in Australian dollars, which is the Scheme's functional and presentation currency.

Merivale Litigation Funding Scheme is a scheme, incorporated and domiciled in Australia. The Responsible Entity of the Scheme is CASL Governance Ltd and its registered office and principal place of business are:

**Registered office**  
30 Purnana Avenue,  
ST GEORGES SA 5064

**Principal place of business**  
Rabobank House, Level 13  
115 Pitt Street  
SYDNEY NSW 2000

A description of the nature of the Scheme's operations and its principal activities are included in the directors' report, which is not part of the financial statements.

The financial statements were authorised for issue, in accordance with a resolution of directors, on the date the directors' declaration was signed. The directors have the power to amend and reissue the financial statements.

**Merivale Litigation Funding Scheme**  
**Statement of profit or loss and other comprehensive income**  
**For the period 16 April 2021 to 30 June 2021**

	<b>For the period 16 April 2021 to 30 June 2021 \$</b>
<b>Income</b>	
Claim proceeds	-
Total income	<u>-</u>
<b>Expenses</b>	
Responsible Entity fees	-
Custody fees	-
Remuneration of auditors	-
Transaction costs	-
Registry fees	-
Other operating expenses	-
Total expenses	<u>-</u>
<b>Profit for the period</b>	-
Other comprehensive income for the period	<u>-</u>
<b>Total comprehensive income for the period</b>	<u><u>-</u></u>

*The above statement of profit or loss and other comprehensive income should be read in conjunction with the accompanying notes*

**Merivale Litigation Funding Scheme  
Statement of financial position  
As at 30 June 2021**

	<b>Note</b>	<b>2021</b> \$
<b>Assets</b>		
Cash and cash equivalents	2	<u>10</u>
<b>Total assets</b>		<u><b>10</b></u>
<b>Liabilities</b>		<u>-</u>
<b>Total liabilities</b>		<u>-</u>
<b>Net assets attributable to members - equity</b>		<u><u><b>10</b></u></u>

*The above statement of financial position should be read in conjunction with the accompanying notes*

**Merivale Litigation Funding Scheme**  
**Statement of changes in equity**  
**For the period 16 April 2021 to 30 June 2021**

	<b>2021</b>
<b>Balance at 16 April 2021</b>	-
Profit for the year	-
Other comprehensive income for the year	-
	<hr/>
<b>Total comprehensive income for the year</b>	-
<i>Transactions with members:</i>	
Trust Settlement	10
Applications	-
Redemptions	-
Distributions paid	-
	<hr/>
<b>Balance at 30 June 2021</b>	<b><u><u>10</u></u></b>

*The above statement of changes in equity should be read in conjunction with the accompanying notes*

**Merivale Litigation Funding Scheme**  
**Statement of cash flows**  
**For the period 16 April 2021 to 30 June 2021**

	<b>For the period</b>
	<b>16 April 2021 to</b>
<b>Note</b>	<b>30 June 2021</b>
	<b>\$</b>
<b>Cash flows from operating activities</b>	
Net cash used in operating activities	-
<b>Cash flows from financing activities</b>	
Net cash from investing activities	-
<b>Cash flows from financing activities</b>	
Proceeds from Trust Settlement	10
Net cash from financing activities	<b>10</b>
Net increase in cash and cash equivalents	<b>10</b>
Cash and cash equivalents at the beginning of the period	-
<b>Cash and cash equivalents at the end of the period</b>	<b>2      10</b>

*The above statement of cash flows should be read in conjunction with the accompanying notes*

**Merivale Litigation Funding Scheme**  
**Notes to the financial statements**  
**For the period 16 April 2021 to 30 June 2021**

**Note 1. Significant accounting policies**

The principal accounting policies adopted in the preparation of the financial statements are set out below. These policies have been consistently applied to the period presented, unless otherwise stated.

**New or amended Accounting Standards and Interpretations adopted**

The Scheme has adopted all of the new or amended Accounting Standards and Interpretations issued by the Australian Accounting Standards Board ('AASB') that are mandatory for the current reporting period.

Any new or amended Accounting Standards or Interpretations that are not yet mandatory have not been early adopted.

**Basis of preparation**

These general purpose financial statements have been prepared in accordance with Australian Accounting Standards and Interpretations issued by the Australian Accounting Standards Board ('AASB') and the *Corporations Act 2001*, as appropriate for 'for-profit' oriented entities. These financial statements also comply with International Financial Reporting Standards as issued by the International Accounting Standards Board ('IASB').

**Income recognition**

The Scheme recognises income when it is received or when the right to receive payment is established.

**Income tax**

Under current legislation, the Scheme is not subject to income tax provided it attributes the entirety of its taxable income, including realised capital gains, to its unitholders.

**Cash and cash equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

**Financial instruments**

Financial assets are initially measured at fair value. Transaction costs are included as part of the initial measurement, except for financial assets at fair value through profit or loss. Such assets are subsequently measured at either amortised cost or fair value depending on their classification. Classification is determined based on both the business model within which such assets are held and the contractual cash flow characteristics of the financial asset unless an accounting mismatch is being avoided.

Financial assets are derecognised when the rights to receive cash flows have expired or have been transferred and the fund has transferred substantially all the risks and rewards of ownership. When there is no reasonable expectation of recovering part or all of a financial asset, its carrying value is written off.

*Financial assets at amortised cost*

A financial asset is measured at amortised cost only if both of the following conditions are met: (i) it is held within a business model whose objective is to hold assets in order to collect contractual cash flows; and (ii) the contractual terms of the financial asset represent contractual cash flows that are solely payments of principal and interest.

*Financial assets at fair value through profit or loss*

Financial assets not measured at amortised cost or at fair value through other comprehensive income are classified as financial assets at fair value through profit or loss. The Scheme does not hold any Financial assets at fair value through profit or loss.

**Merivale Litigation Funding Scheme**  
**Notes to the financial statements**  
**For the period 16 April 2021 to 30 June 2021**

**Note 1. Significant accounting policies (continued)**

**Net assets attributable to unitholders**

The Scheme is a litigation funding scheme with the following classes of Members:

- (i) Manager;
- (ii) Funder;
- (iii) Lawyer;
- (iv) Representative;
- (v) Active Funded;
- (vi) Active Unfunded; and
- (vii) Passive.

Each class of Members has certain rights and obligations which are specified in the Scheme's Constitution and the PDS. The Court will ultimately determine the specific rights and obligations of each class of Members.

**Applications and redemptions**

Applications for an interest in the Scheme by Claimants are submitted via the relevant Application Form. An application by a Claimant may be to become an Active Funded or an Active Unfunded Member. Due to the nature of the Scheme, the Court will ultimately determine whether a Claimant has any rights to Scheme Property.

In accepting an application from a Claimant, the Responsible Entity does not and cannot issue units in the Scheme until the Court has made its determination of the criteria to qualify as a Member.

A Claimant that becomes an Active Member of the Scheme may withdraw from the Scheme in accordance with the terms of the Constitution and PDS. If an Active Member withdraws from the Scheme, there may be residual obligations owed to the Lawyer, Manager and Funder Member classes.

Members have no right to redeem an interest in the Scheme as the Scheme does not hold material monetary assets.

**Distributions**

Distributions are recognised when declared during the financial year and no longer at the discretion of the Scheme.

Provision is made for the amount of any distribution declared, being appropriately authorised and no longer at the discretion of the Scheme, on or before the end of the financial year but not distributed at the reporting date.

Distributions from the Scheme generally will be at the direction of a Court order in relation to the Claim. It is possible the Court may order any proceeds arising from the Claim to be handled and distributed to Claimants by an authorised third-party.

**Goods and Services Tax ('GST') and other similar taxes**

Income, expenses and assets are recognised net of the amount of associated GST, unless the GST incurred is not recoverable from the tax authority. In this case it is recognised as part of the cost of the acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the tax authority is included in other receivables or other payables in the statement of financial position.

Cash flows are presented on a gross basis. The GST components of cash flows arising from investing or financing activities which are recoverable from, or payable to the tax authority, are presented as operating cash flows.

Commitments and contingencies are disclosed net of the amount of GST recoverable from, or payable to, the tax authority.

**New Accounting Standards and Interpretations not yet mandatory or early adopted**

Australian Accounting Standards and Interpretations that have recently been issued or amended but are not yet mandatory, have not been early adopted by the Scheme for the annual reporting period ended 30 June 2021. The Scheme has not yet assessed the impact of these new or amended Accounting Standards and Interpretations.

**Merivale Litigation Funding Scheme  
Notes to the financial statements  
30 June 2021**

**Note 2. Cash and cash equivalents**

	2021 \$
Cash at bank	10
	<u>10</u>

**Note 3. Net assets attributable to members**

Movements in the number of units and net assets attributable to members during the period are set out below:

	For the period 16 April 2021 to 30 June 2021	
	Units	\$
Opening balance	-	-
Trust Settlement		10
Profit for the year	-	-
Applications	-	-
Redemptions	-	-
Distributions paid	-	-
	<u>-</u>	<u>-</u>
Net assets attributable to Members at the end of the financial period	<u>-</u>	<u>10</u>

In accordance with the provisions of the Scheme's Constitution, each unit represents a right to an individual share in the Scheme and does not extend to a right to the underlying assets of the Scheme. The Court will ultimately determine those that qualify as a Member of the Scheme, their relevant unit holdings, and the amounts to be distributed to each Member should the Claim be successful.

The requirement to register and operate the Claim as a Managed Investment Scheme arose from 22 August 2020 following legislative changes by Government.

It is therefore not possible to provide any commentary on the typical behaviour with regard to withdrawals, redemptions or applications. As such, the amount expected to be settled within twelve months after the end of the reporting period cannot be reliably determined.

*Capital risk management*

The Scheme considers its net assets attributable to Members as capital. However due to its nature the Scheme does not hold material monetary assets.

Whilst applications and withdrawals may occur during the life of the Scheme, there is no basis on which the Responsible Entity can reasonably calculate or forecast the net assets attributable to Members as this can only be determined at a future date by the Court if the Claim is successful.

**Note 4. Distributions**

There were no distributions paid or payable during the financial period.

**Merivale Litigation Funding Scheme  
Notes to the financial statements  
30 June 2021**

**Note 5. Financial instruments**

***Financial risk management objectives***

The Scheme has very limited financial risks due to its nature. The Responsible Entity has established processes and policies to ensure that these financial risks are properly managed to protect the interests of its Members on a proactive basis.

The Responsible Entity has an established risk management framework with compliance activities to ensure the identification, monitoring and reporting of risks and emerging risks including financial risks.

The critical financial risks affecting the Scheme are (i) Counterparty Risk and (ii) Market Price Risk.

***Counterparty Risk***

The Scheme relies on the Manager, Funder and Lawyer to discharge their obligations under the various agreements relating to the Scheme. The Responsible Entity has the responsibility to ensure these parties, and any other relevant parties, fulfil their contractual obligations to the Scheme.

The Responsible Entity relies critically on the Funder meeting the costs incurred in pursuing the Claim and the associated costs of administering the Scheme.

Whilst there are legal avenues the Responsible Entity may pursue to enforce contractual obligations to the Scheme by various counterparties, the ability to do so relies on the availability of adequate financial resources. As the Scheme does not hold any material monetary assets, the Responsible Entity will attempt to source these financial resources from third parties such as the Funder.

***Market Price Risk***

Ultimately the value of the Scheme assets is dependent on the success of the Claim. Litigation by its nature does not provide any guaranteed timeframe or outcome, and therefore the value of the Scheme assets is subject to significant uncertainty from external factors.

**Note 6. Fair value measurement**

The Scheme does not recognise any financial assets or liabilities at fair value as these are recognised at amortised cost. The carrying amount of these assets and liabilities approximate their fair value.

The Scheme does not recognise any non-financial assets at fair value in the balance sheet for the financial period.

**Note 7. Remuneration of auditors**

For the financial period, the following fees were paid or payable for services provided by the auditor of the Scheme:

	<b>For the period 16 April 2021 to 30 June 2021 \$</b>
<i>Audit services – MGI Sydney</i> Audit of the financial statements	4,500
<i>Other services – MGI Sydney</i> Compliance plan audit of the Scheme	4,000
	<u>9,500</u>

The auditor's remuneration is paid by the Responsible Entity. Fees are stated exclusive of GST.

**Merivale Litigation Funding Scheme**  
**Notes to the financial statements**  
**30 June 2021**

**Note 8. Contingent liabilities**

The Scheme had no contingent liabilities as at 30 June 2021.

Refer to Note 10 for more information on '*Scheme related expenses*' that may become liabilities of the Scheme if determined by the Court at a future date. These are not considered contingent liabilities as there is no legal obligation until the Court determines, if at all, those expenses as payable out of Scheme property.

**Note 9. Related party transactions**

*Responsible Entity*

CASL Governance Ltd is the Responsible Entity of the Scheme.

Both ICP Funding Pty Ltd and Investor Claim Partner Pty Ltd are related parties of the Responsible Entity, and Scheme related transactions between these entities are reported below.

*Transactions with related parties*

The following transactions occurred with related parties:

	<b>For the period 16 April 2021 to 30 June 2021 \$</b>
Payment for other expenses:	
Fees paid by Funder to CASL Governance Ltd for the provision of Responsible Entity services to the Scheme	46,000
Reimbursement by Funder of Scheme related expenses paid by CASL Governance Ltd	31,367

*Scheme related expenses*

The Court ultimately determines the amounts that may be deducted from Scheme property. This includes the amounts that may be payable to the Funder and Manager. The Funder has agreed to pay the costs of the Scheme and the costs to pursue the Claim, with an expectation that these amounts may be recoverable from Scheme property if the Claim is successful. Any costs paid by Funder for Scheme related expenses will be recoverable from Scheme property to the extent determined by Court.

These amounts paid by the Funder do not become a liability of the Scheme until the Court has ordered them to be so, and at the level the Court determines as appropriate. For this reason, the financial statements of the Scheme do not recognise any Scheme related expenses paid by Funder other than within this note for related parties, until the determination by the Court occurs and a legal liability arises.

**Note 10. Events after the reporting period**

The impact of the Coronavirus (COVID-19) pandemic is ongoing. The situation is developing and is dependent on measures imposed by the Australian Government and other countries, such as maintaining social distancing requirements, quarantine, travel restrictions and any economic stimulus that may be provided. The spread of COVID-19 has the potential to impact or delay the settlement or final deterioration of the Funded Claim and result in increased cost and expenses over the life of the Scheme.

No other matter or circumstance has arisen since 30 June 2021 that has significantly affected, or may significantly affect the Scheme's operations, the results of those operations, or the Scheme's state of affairs in future financial years.

**Merivale Litigation Funding Scheme**  
**Directors' declaration**  
**For the period 16 April 2021 to 30 June 2021**

In the opinion of the directors of the Responsible Entity:

- the attached financial statements and notes comply with the *Corporations Act 2001*, the Accounting Standards, the *Corporations Regulations 2001* and other mandatory professional reporting requirements;
- the attached financial statements and notes comply with International Financial Reporting Standards as issued by the International Accounting Standards Board as described in note 1 to the financial statements;
- the attached financial statements and notes give a true and fair view of the Scheme's financial position as at 30 June 2021 and of its performance for the financial period ended on that date; and
- there are reasonable grounds to believe that the Scheme will be able to pay its debts as and when they become due and payable.

Signed in accordance with a resolution of directors made pursuant to section 295(5)(a) of the *Corporations Act 2001*.

On behalf of the directors



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Stuart Price  
Director

20 September 2021  
Sydney



## INDEPENDENT AUDITOR'S REPORT TO THE MEMBERS OF MERIVALE LITIGATION FUNDING SCHEME

### Opinion

We have audited the accompanying financial report of Merivale Litigation Funding Scheme (the Scheme), which comprises the statement of financial position as at 30 June 2021, statement of other comprehensive income, the statement of changes in equity and the statement of cash flows for the period 16 April 2021 to 30 June 2021, notes comprising a summary of significant accounting policies and other explanatory information, and the directors' declaration.

In our opinion, the accompanying financial report of Merivale Litigation Funding Scheme, is in accordance with the *Corporations Act 2001*, including:

- (a) giving a true and fair view of the Scheme's financial position as at 30 June 2021 and of its performance for the period 16 April 2021 to 30 June 2021; and
- (b) complying with Australian Accounting Standards and the *Corporations Regulations 2001*.

### Basis for Opinion

We conducted our audit in accordance with Australian Auditing Standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Report section of our report. We are independent of the Scheme in accordance with the auditor independence requirements of the *Corporations Act 2001* and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to our audit of the financial report in Australia. We have also fulfilled our other ethical responsibilities in accordance with the Code.

We confirm that the independence declaration required by the *Corporations Act 2001*, which has been given to the directors of the Responsible Entity of the Scheme, would be in the same terms if given to the directors as at the time of this auditor's report.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Other Information

The directors of CASL Governance Ltd (the Responsible Entity) are responsible for the other information. The other information comprises the information in the annual report for the year ended 30 June 2021 but does not include the financial report and the auditor's report thereon.

Our opinion on the financial report does not cover the other information and we do not express any form of assurance conclusion thereon.



In connection with our audit of the financial report, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial report or our knowledge obtained in the audit or otherwise appears to be materially misstated.

If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

### **Responsibilities of the Directors of the Responsible Entity for the Financial Report**

The directors of the Responsible Entity of the Scheme are responsible for the preparation of the financial report that gives a true and fair view in accordance with Australian Accounting Standards and the *Corporations Act 2001* and for such internal control as the directors of the Responsible Entity determine is necessary to enable the preparation of the financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the directors of the Responsible Entity are responsible for assessing the ability of the Scheme to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors of the Responsible Entity either intend to liquidate the Scheme or to cease operations, or have no realistic alternative but to do so.

### **Auditor's Responsibilities for the Audit of the Financial Report**

Our objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of our responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: [http://www.auasb.gov.au/auditors\\_responsibilities/ar2.pdf](http://www.auasb.gov.au/auditors_responsibilities/ar2.pdf). This description forms part of our auditor's report.

MGI Sydney Assurance Services  
MGI Sydney Assurance Services Pty Limited  
Chartered Accountants

A handwritten signature in black ink, appearing to read 'Kimmy Jongue', written over a white background.

Kimmy Jongue  
Director  
Sydney, 20 September 2021