

Exhibit Certificate

Federal Court of Australia

No NSD642 of 2021

District Registry: New South Wales

Division: Commercial and Corporations

Societe Generale (ABN 71 092 516 286)

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-8**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 9 August 2022.

Signature of witness



Name of witness

Julian Zoller

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD616/2021

WESTPAC BANKING CORPORATION ABN 33 007 457 141 and another named in
Schedule 1
Applicants

FORUM FINANCE PTY LIMITED and others named in Schedule 1
Respondents

Division: General

No: NSD642/2021

SOCIETE GENERALE ABN 71 092 516 286
Applicant

FORUM FINANCE PTY LIMITED ACN 153 301 172 and others named in the Schedule
2
Respondents

Division: General

No: NSD681/2021

SMBC LEASING AND FINANCE, INC. SYDNEY BRANCH ARBN 602 309 366
Applicant

FORUM ENVIRO (AUST) PTY LTD and another named in Schedule 3
Respondents

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 20 October 2021

WHERE MADE: Sydney



THE COURT ORDERS THAT:

In the Westpac Proceeding (NSD616/2021)

Freezing Orders

1. A freezing order be made against the twenty-fifth respondent, 286 Carlisle Street Pty Limited ACN 610 042 343, pursuant to section 23 of the *Federal Court of Australia Act 1976* (Cth) (**Act**) and rule 7.32 of the *Federal Court Rules 2011* (Cth) (**FCR**), in the form of the orders attached as **Annexure A** to these orders.
2. A freezing order be made against the thirty-eighth respondent, Tesoriero Investment Group Pty Ltd ACN 161 088 115, pursuant to section 23 of the Act and rule 7.32 of the FCR, in the form of the orders attached as **Annexure B** to these orders.
3. A freezing order be made against the forty-first respondent, 8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626, pursuant to section 23 of the Act and rule 7.32 of the FCR, in the form of the orders attached as **Annexure C** to these orders.
4. A freezing order be made against the twenty-eighth respondent, Palante Pty Ltd ACN 135 344 151, pursuant to section 23 of the Act and rule 7.32 of the FCR, in the form of the orders attached as **Annexure D** to these orders.
5. Vincenzo Frank Tesoriero, the third respondent, Tesoriero Investment Group Pty Ltd, the thirty-eighth respondent and 286 Carlisle Street Pty Limited, the twenty-fifth respondent (together, the **Tesoriero Parties**) are to file and serve any evidence on which they intend to rely in support of any application to vary or discharge the freezing orders made against the Tesoriero Parties by 5pm on 5 November 2021.
6. The applicants in NSD616/2021 are to file and serve any evidence in response to the Tesoriero Parties' evidence by 12 noon on 11 November 2021.

Substituted service on second respondent, Basile Papadimitriou

7. Pursuant to rule 10.24 of the FCR, service by the applicants in NSD616/2021 of the following documents:



- (a) these Orders;
- (b) the transcript of the hearing in these proceedings on 20 October 2021;
- (c) the interlocutory application dated 23 September 2021 seeking that the second respondent, Basile Papadimitriou (also known as Bill Papas) (**Mr Papas**) be punished for contempt (**Interlocutory Application**);
- (d) the Affidavit of Caitlin Maria Murray sworn 23 September 2021 in support of the Interlocutory Application;
- (e) the Affidavit of Caitlin Maria Murray sworn 18 October 2021 in support of the Interlocutory Application;
- (f) the Form 137 statement of charge under rule 42.12 of the FCR filed on 6 October 2021,

may be effected on Mr Papas, by:

- (g) sending the documents to the addresses noted in the Form 10 Notice of Address for Service:
 - (i) in hard copy to C/ Panetta Lawyers, Level 6, 11 Elizabeth Street Sydney NSW 2000;
 - (ii) by email to the email address law@panetta.com.au;
- (h) sending an email to Ms Louise Agostino at loulou1743@gmail.com with a covering letter asking that Ms Agostino inform Mr Papas that:
 - (i) the documents can be downloaded from the electronic link at https://drive.google.com/drive/folders/1FDxNxEhPdZYwv_ztKiiHk4XV8nsOu_b?usp=sharing; and
 - (ii) a hard copy of the documents has been sent to the physical address referred to on the Form 10 Notice of Address for Service referred to in



order 7(g)(i) above and emailed to the email address referred to in order 7(g)(ii) above;

- (i) sending a short message service (**sms**) to the "Greek phone number" for Mr Papas, being the number identified in confidential exhibit RVP-02 tendered on 6 October 2021 in the proceedings, with the following message:

Dear Mr Papas

This is a message from MinterEllison, solicitors for Westpac in Federal Court of Australia Proceeding NSD616/2021. By this message and the link we serve on you Westpac's application, the affidavit of Caitlin Murray and exhibit CMM-12 and Form 137 Statement of Charge dated 23 September 2021.

https://drive.google.com/drive/folders/1FDxNxxEhPdZYwv_ztKiiHk4XV8nsOu_b?usp=sharing

Please contact Caitlin Murray via email at caitlin.murray@minterellison.com to advise an email address to contact you on.

8. Service of the documents referred to in order 7(a) to (f) on Mr Papas is taken to be effected the business day after the applicants (Westpac Banking Corporation and Westpac New Zealand Limited) by their solicitors has sent each of the forms of communication set out in order 7(g) to (i).

Winding up of PL Entities

9. Direct that by 27 October 2021, Madgwicks Lawyers, the solicitors for Vincenzo Frank Tesoriero are to inform MinterEllison, the solicitors for the applicants in NSD616/2021 and Allens, the solicitors for the provisional liquidators (**Provisional Liquidators**) of Forum Group Financial Services Pty Ltd (provisional liquidators appointed), the fourth respondent, Forum Enviro Pty Ltd (provisional liquidators appointed), the sixth respondent, and Forum Enviro (Aust) Pty Ltd (provisional liquidators appointed), the seventh respondent (together, the **PL Entities**), in writing



as to whether Mr Tesoriero intends to contest the application for the winding up of the PL Entities (**Winding Up Application**).

10. If no indication is given by Mr Tesoriero by 27 October 2021 as to his intention as to the Winding Up Application or Mr Tesoriero informs MinterEllison and Allens that he does not intend to contest the Winding Up Application, the applicants in NSD616/2021 and the Provisional Liquidators have leave to send short minutes of order to Chambers concerning the winding up of the PL Entities.
11. If Mr Tesoriero informs MinterEllison and Allens by 27 October 2021 that he intends to contest the Winding Up Application:
 - (a) Mr Tesoriero is to file and serve any evidence on which he intends to rely in opposition to the Winding Up Application by 5pm on 5 November 2021.
 - (b) The applicants in NSD616/2021 and the Provisional Liquidators are to file and serve any evidence in response by 12 noon on 11 November 2021.

In SMBC and Societe Generale proceedings

Service of documents on Mr Papas

12. Pursuant to rule 10.24 and/or rule 1.32 of the FCR, any document required to be served on Mr Papas, the second respondent in proceedings NSD681/2021 (**SMBC Proceeding**) and NSD642/2021 (**Societe Generale Proceeding**), may be served on him by:
 - (a) sending the documents to the Mr Papas' addresses for service that are on the court files in the proceedings:
 - (i) in hard copy to C/ Panetta Lawyers, Level 6, 11 Elizabeth Street Sydney NSW 2000;
 - (ii) by email to the email address law@panetta.com.au;



- (b) sending an email to Ms Louise Agostino at louloul743@gmail.com with a covering letter asking that Ms Agostino inform Mr Papas that:
 - (i) the documents can be downloaded from the electronic link at [insert];
and
 - (ii) a hard copy of the documents has been sent to the physical address referred to in order 12(a)(i) above and emailed to the email address referred to in order 12(a)(ii) above;
- (c) sending a short message service (sms) to the "Greek phone number" for Mr Papas, being the number identified in confidential exhibit RVP-02 tendered on 6 October 2021 in the Westpac Proceeding, with the following message:

Dear Mr Papas

This is a message from [insert], solicitors for [insert] in Federal Court of Australia Proceeding [insert]. By this message and the link we serve on you [insert].

[insert link]

Please contact [insert] via email at [insert] to advise an email address to contact you on.

- 13. Service of documents on Mr Papas pursuant to order 12 is taken to be effected the business day after the applicants by their solicitors has sent each of the forms of communication set out in order 12(a) to 12(c).

In all proceedings

- 14. Order 6 of the orders dated 30 July 2021 (entered 2 August 2021) in each of the proceedings is vacated.
- 15. Westpac Banking Corporation and Westpac New Zealand Limited in the Westpac Proceeding have leave to file and serve a fourth further amended originating application and second further amended statement of claim by 5pm on 5 November



2021 and to the extent necessary any application for leave to serve those proceedings out of the jurisdiction, unless otherwise ordered, will be determined in Chambers.

16. SMBC Leasing and Finance, Inc. Sydney Branch in the SMBC Proceeding has leave to file and serve a further amended originating application and an amended statement of claim by 5pm on 5 November 2021 and to the extent necessary any application for leave to proceed as a consequence, to the extent no issue to the contrary is raised by the parties, will be determined in Chambers.
17. The proceedings be listed for case management at 9.30am on 12 November 2021.
18. Leave to enter these orders forthwith.

Date that entry is stamped: 21 October 2021

Sia Lagos
Registrar



ANNEXURE A – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: 286 Carlisle Street Pty Limited ACN 610 042 343

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: 286 Carlisle Street Pty Limited ACN 610 042 343

This is a '*freezing order*' made against you on 20 October 2021 by Justice Lee at a hearing after the Court was given the undertakings set out in Schedule A to this order.

THE COURT ORDERS:

INTRODUCTION

- (1) Subject to the next paragraph, this order has effect until further order.
- (2) Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
- (3) In this order:
 - (a) 'applicant', if there is more than one applicant, includes all the applicants;
 - (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
 - (e) 'Relevant Amount' means the amount of AUD\$253,766,555.76 and NZD\$44,097,969.
- (4) (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.



- (b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

- (5)
 - (a) You must not remove from Australia or New Zealand or in any way dispose of, deal with or diminish the value of any of your assets in Australia and New Zealand ('Australian and NZ assets') up to the unencumbered value of AUD\$253,766,555.76 and NZD\$44,097,969 (the 'Relevant Amount').
 - (b) If the unencumbered value of your Australian and NZ assets exceeds the Relevant Amount, you may remove any of those assets from Australia and New Zealand or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian and NZ assets still exceeds the Relevant Amount.
 - (c) If the unencumbered value of your Australian and NZ assets is less than the Relevant Amount, and you have assets outside Australia and New Zealand (**Worldwide Assets**):
 - (i) You must not dispose of, deal with or diminish the value of any of your Australian and NZ assets or your Worldwide Assets up to the unencumbered value of the Relevant Amount; and
 - (ii) You may dispose of, deal with or diminish the value of any of your Worldwide Assets, so long as the unencumbered value of all of your Australian and NZ assets and Worldwide Assets still exceeds the Relevant Amount.
- (6) For the purposes of this order,
 - (a) your assets include:
 - (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - (iii) the following assets in particular:
 - A a bank account with a BSB of 082-080 and an account number of 317881512;
 - B a bank account with an account number of 301013986402; and
 - C a bank account with an account number of 301013480794;
 - (b) the value of your assets is the value of the interest you have individually in your assets.



PROVISION OF INFORMATION

- (7) Subject to paragraph 8, you must:
- (a) within 5 business days after being served with these orders (or within such further time as the Court may allow) to the best of your ability inform the applicants in writing of all your Australian and NZ assets and Worldwide Assets, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within 5 business days after being served with this order, swear by a proper officer and serve on the applicants an affidavit setting out the above information.
- (8) (a) This paragraph (8) applies if you are not a corporation and you wish to object to complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (8) also applies if you are a corporation and all of the persons who are able to comply with paragraph 7 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

EXCEPTIONS TO THIS ORDER

- (9) This order does not prohibit:
- (a) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
 - (b) in relation to matters not falling within (a), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.



- (10) You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.
- (11) (a) This order will cease to have effect if you:
- (i) pay the sum of AUD\$253,766,555.76 and NZD\$44,097,969 into Court; or
 - (ii) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant 11(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

- (12) The costs of this application are reserved to the Court hearing the application on the Return Date.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

(13) **Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

(14) **Bank withdrawals by the respondent**

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

(15) **Persons outside Australia**

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
- (i) you and your directors, officers, employees and agents (except banks and financial institutions);
 - (ii) any person (including a bank or financial institution) who:
 - (A) is subject to the jurisdiction of this Court; and
 - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and



- (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and
- (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

(16) Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.



SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANTS

- (1) The applicants undertake to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- (2) As soon as practicable, the applicants will file and serve upon 286 Carlisle Street Pty Limited ACN 610 042 343 (**286 Carlisle St**) copies of:
 - (a) this order;
 - (b) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (c) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;
 - (d) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) As soon as practicable, the applicants will cause anyone notified of this order to be given a copy of it.
- (4) The applicants will pay the reasonable costs of anyone other than the respondents which have been incurred as a result of this order, including the costs of finding out whether that person holds any of assets of 286 Carlisle St.
- (5) If this order ceases to have effect the applicants will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (6) The applicants will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
- (7) The applicants will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.



SCHEDULE B

AFFIDAVITS RELIED ON

Name of deponent

- (1) Geoffrey Keith Anderson
- (2) Nicholas Anthony O'Brien
- (3) Caitlin Maria Murray

Date affidavit made

28 June 2021; 8 July 2021
27 June 2021; 1 July 2021
28 June 2021; 2 July 2021;
7 July 2021; 8 July 2021; 12
July 2021; 14 July 2021; 15
July 2021; 25 August 2021; 30
September 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray
caitlin.murray@minterellison.com ; T +61 2 9921 8514 ; M +61 422 977 971 ; +61 2 9921 8123 ref:
CMM:1353397



ANNEXURE B – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: Tesoriero Investment Group Pty Ltd ACN 161 088 115

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: Tesoriero Investment Group Pty Ltd ACN 161 088 115

This is a '*freezing order*' made against you on 20 October 2021 by Justice Lee at a hearing after the Court was given the undertakings set out in Schedule A to this order.

THE COURT ORDERS:

INTRODUCTION

- (1) Subject to the next paragraph, this order has effect until further order.
- (2) Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
- (3) In this order:
 - (a) 'applicant', if there is more than one applicant, includes all the applicants;
 - (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
 - (e) 'Relevant Amount' means the amount of AUD\$253,766,555.76 and NZD\$44,097,969.
- (4) (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.



- (c) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

- (5)
 - (a) You must not remove from Australia or New Zealand or in any way dispose of, deal with or diminish the value of any of your assets in Australia and New Zealand ('Australian and NZ assets') up to the unencumbered value of AUD\$253,766,555.76 and NZD\$44,097,969 (the 'Relevant Amount').
 - (b) If the unencumbered value of your Australian and NZ assets exceeds the Relevant Amount, you may remove any of those assets from Australia and New Zealand or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian and NZ assets still exceeds the Relevant Amount.
 - (c) If the unencumbered value of your Australian and NZ assets is less than the Relevant Amount, and you have assets outside Australia and New Zealand (**Worldwide Assets**):
 - (i) You must not dispose of, deal with or diminish the value of any of your Australian and NZ assets or your Worldwide Assets up to the unencumbered value of the Relevant Amount; and
 - (ii) You may dispose of, deal with or diminish the value of any of your Worldwide Assets, so long as the unencumbered value of all of your Australian and NZ assets and Worldwide Assets still exceeds the Relevant Amount.
- (6) For the purposes of this order,
 - (a) your assets include:
 - (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - (iii) the following assets in particular:
 - A a bank account with an account number of 310410572179;
 - B a bank account with an account number of 310410572187; and
 - C a bank account with an account number of 310410579469;
 - (b) the value of your assets is the value of the interest you have individually in your assets.



PROVISION OF INFORMATION

(7) Subject to paragraph (8), you must:

- (a) within 5 business days after being served with this orders (or within such further time as the Court may allow) to the best of your ability inform the applicants in writing of all your Australian and NZ assets and Worldwide Assets, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within 5 business days after being served with this order, swear by a proper officer and serve on the applicants an affidavit setting out the above information.
- (8) (a) This paragraph (8) applies if you are not a corporation and you wish to object to complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (8) also applies if you are a corporation and all of the persons who are able to comply with paragraph 7 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

EXCEPTIONS TO THIS ORDER

(9) This order does not prohibit:

- (a) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
- (b) in relation to matters not falling within (a) or (b), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.



- (10) You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.
- (11) (a) This order will cease to have effect if you:
- (i) pay the sum of AUD\$253,766,555.76 and NZD\$44,097,969 into Court; or
 - (ii) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant 11(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

- (12) The costs of this application are reserved to the Court hearing the application on the Return Date.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

(13) **Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

(14) **Bank withdrawals by the respondent**

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

(15) **Persons outside Australia**

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
- (i) you and your directors, officers, employees and agents (except banks and financial institutions);
 - (ii) any person (including a bank or financial institution) who:
 - (A) is subject to the jurisdiction of this Court; and
 - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and



(C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and

(iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

(16) Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.



SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANTS

- (1) The applicants undertake to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- (2) As soon as practicable, the applicants will file and serve upon Tesoriero Investment Group Pty Ltd ACN 161 088 115 (**Tesoriero Investment Group**) copies of:
 - (a) this order;
 - (b) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (c) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;
 - (d) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) As soon as practicable, the applicants will cause anyone notified of this order to be given a copy of it.
- (4) The applicants will pay the reasonable costs of anyone other than the respondents which have been incurred as a result of this order, including the costs of finding out whether that person holds any of assets of Tesoriero Investment Group.
- (5) If this order ceases to have effect the applicants will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (6) The applicants will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
- (7) The applicants will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.



SCHEDULE B

AFFIDAVITS RELIED ON

Name of deponent

- (1) Geoffrey Keith Anderson
- (2) Nicholas Anthony O'Brien

- (3) Caitlin Maria Murray

Date affidavit made

28 June 2021; 8 July 2021

27 June 2021; 1 July 2021

28 June 2021; 2 July 2021;
7 July 2021; 8 July 2021; 12
July 2021; 14 July 2021; 15
July 2021; 25 August 2021; 30
September 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray
caitlin.murray@minterellison.com; T +61 2 9921 8514; M +61 422 977 971; +61 2 9921 8123 ref:
CMM:1353397



ANNEXURE C – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: 8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: 8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626

This is a '*freezing order*' made against you on 20 October 2021 by Justice Lee at a hearing after the Court was given the undertakings set out in Schedule A to this order.

THE COURT ORDERS:

INTRODUCTION

- (1) Subject to the next paragraph, this order has effect until further order.
- (2) Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
- (3) In this order:
 - (a) 'applicant', if there is more than one applicant, includes all the applicants;
 - (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
 - (e) 'Relevant Amount' means the amount of AUD\$253,766,555.76 and NZD\$44,097,969.
- (4) (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.



- (b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

- (5)
 - (a) You must not remove from Australia or New Zealand or in any way dispose of, deal with or diminish the value of any of your assets in Australia and New Zealand ('Australian and NZ assets') up to the unencumbered value of AUD\$253,766,555.76 and NZD\$44,097,969 (the 'Relevant Amount').
 - (b) If the unencumbered value of your Australian and NZ assets exceeds the Relevant Amount, you may remove any of those assets from Australia and New Zealand or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian and NZ assets still exceeds the Relevant Amount.
 - (c) If the unencumbered value of your Australian and NZ assets is less than the Relevant Amount, and you have assets outside Australia and New Zealand (**Worldwide Assets**):
 - (i) You must not dispose of, deal with or diminish the value of any of your Australian and NZ assets or your Worldwide Assets up to the unencumbered value of the Relevant Amount; and
 - (ii) You may dispose of, deal with or diminish the value of any of your Worldwide Assets, so long as the unencumbered value of all of your Australian and NZ assets and Worldwide Assets still exceeds the Relevant Amount.
- (6) For the purposes of this order,
 - (a) your assets include:
 - (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - (iii) the following assets in particular:
 - a bank account with a BSB of 082-080 and an account number of 205819116;
 - (b) the value of your assets is the value of the interest you have individually in your assets.

PROVISION OF INFORMATION

- (7) Subject to paragraph 8, you must:



- (a) within 5 business days after being served with this orders (or within such further time as the Court may allow) to the best of your ability inform the applicants in writing of all your Australian and NZ assets and Worldwide Assets, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within 5 business days after being served with this order, swear by a proper officer and serve on the applicants an affidavit setting out the above information.
- (8) (a) This paragraph (8) applies if you are not a corporation and you wish to object to complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (8) also applies if you are a corporation and all of the persons who are able to comply with paragraph 7 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

EXCEPTIONS TO THIS ORDER

- (9) This order does not prohibit:
- (a) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
 - (b) in relation to matters not falling within (a), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.
- (10) You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by



or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.

- (11) (a) This order will cease to have effect if you:
- (i) pay the sum of AUD\$253,766,555.76 and NZD\$44,097,969 into Court; or
 - (ii) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant 11(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

- (12) The costs of this application are reserved.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

(13) **Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

(14) **Bank withdrawals by the respondent**

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

(15) **Persons outside Australia**

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
 - (i) you and your directors, officers, employees and agents (except banks and financial institutions);
 - (ii) any person (including a bank or financial institution) who:
 - (A) is subject to the jurisdiction of this Court; and
 - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
 - (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and
 - (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.



(16) Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.



SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANTS

- (1) The applicants undertake to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- (2) As soon as practicable, the applicants will file and serve upon 8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626 (**8-12 Natalia Ave**) copies of:
 - (a) this order;
 - (b) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (c) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;
 - (d) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) As soon as practicable, the applicants will cause anyone notified of this order to be given a copy of it.
- (4) The applicants will pay the reasonable costs of anyone other than the respondents which have been incurred as a result of this order, including the costs of finding out whether that person holds any of assets of 8-12 Natalia Ave.
- (5) If this order ceases to have effect the applicants will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (6) The applicants will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
- (7) The applicants will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.



SCHEDULE B

AFFIDAVITS RELIED ON

Name of deponent

- (1) Geoffrey Keith Anderson
- (2) Nicholas Anthony O'Brien
- (3) Caitlin Maria Murray

Date affidavit made

28 June 2021; 8 July 2021
27 June 2021; 1 July 2021
28 June 2021; 2 July 2021;
7 July 2021; 8 July 2021; 12
July 2021; 14 July 2021; 15
July 2021; 25 August 2021; 30
September 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray
caitlin.murray@minterellison.com; T +61 2 9921 8514; M +61 422 977 971; +61 2 9921 8123 ref:
CMM:1353397



ANNEXURE D – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: Palante Pty Ltd ACN 135 344 151

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: Palante Pty Ltd ACN 135 344 151

This is a 'freezing order' made against you on 20 October 2021 by Justice Lee at a hearing after the Court was given the undertakings set out in Schedule A to this order.

THE COURT ORDERS:

INTRODUCTION

- (1) Subject to the next paragraph, this order has effect until further order.
- (2) Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.
- (3) In this order:
 - (a) 'applicant', if there is more than one applicant, includes all the applicants;
 - (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
 - (e) 'Relevant Amount' means the amount of AUD\$253,766,555.76 and NZD\$44,097,969.
- (4) (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.



- (c) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

- (5)
 - (a) You must not remove from Australia or New Zealand or in any way dispose of, deal with or diminish the value of any of your assets in Australia and New Zealand ('Australian and NZ assets') up to the unencumbered value of AUD\$253,766,555.76 and NZD\$44,097,969 (the 'Relevant Amount').
 - (b) If the unencumbered value of your Australian and NZ assets exceeds the Relevant Amount, you may remove any of those assets from Australia and New Zealand or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian and NZ assets still exceeds the Relevant Amount.
 - (c) If the unencumbered value of your Australian and NZ assets is less than the Relevant Amount, and you have assets outside Australia and New Zealand (**Worldwide Assets**):
 - (iii) You must not dispose of, deal with or diminish the value of any of your Australian and NZ assets or your Worldwide Assets up to the unencumbered value of the Relevant Amount; and
 - (iv) You may dispose of, deal with or diminish the value of any of your Worldwide Assets, so long as the unencumbered value of all of your Australian and NZ assets and Worldwide Assets still exceeds the Relevant Amount.
- (6) For the purposes of this order,
 - (c) your assets include:
 - (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - (iii) the following assets in particular:
 - A a bank account with a BSB of 082-080 and an account number of 835042583; and
 - B the trading account held with Macrovue Pty Ltd in the name Palante Pty Ltd with account number 1545;
 - (d) the value of your assets is the value of the interest you have individually in your assets.



PROVISION OF INFORMATION

- (7) Subject to paragraph 8, you must:
- (a) within 5 business days after being served with this orders (or within such further time as the Court may allow) to the best of your ability inform the applicants in writing of all your Australian and NZ assets and Worldwide Assets, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within 5 business days after being served with this order, swear by a proper officer and serve on the applicants an affidavit setting out the above information.
- (8) (a) This paragraph (8) applies if you are not a corporation and you wish to object to complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (d) This paragraph (8) also applies if you are a corporation and all of the persons who are able to comply with paragraph 7 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 7 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (e) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

EXCEPTIONS TO THIS ORDER

- (9) This order does not prohibit:
- (a) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
 - (b) in relation to matters not falling within (a), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.



- (10) You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.
- (11) (a) This order will cease to have effect if you:
- (i) pay the sum of AUD\$253,766,555.76 and NZD\$44,097,969 into Court; or
 - (ii) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (d) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (e) If this order ceases to have effect pursuant 11(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

- (12) The costs of this application are reserved.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

(13) Set off by banks

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

(14) Bank withdrawals by the respondent

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

(15) Persons outside Australia

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.
- (b) The terms of this order will affect the following persons outside Australia:
 - (i) you and your directors, officers, employees and agents (except banks and financial institutions);
 - (ii) any person (including a bank or financial institution) who:
 - (A) is subject to the jurisdiction of this Court; and
 - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
 - (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and



- (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

(16) Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.



SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANTS

- (1) The applicants undertake to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- (2) As soon as practicable, the applicants will file and serve upon Palante Pty Ltd ACN 135 344 151 (**Palante**) copies of:
 - (a) this order;
 - (b) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (c) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;
 - (d) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) As soon as practicable, the applicants will cause anyone notified of this order to be given a copy of it.
- (4) The applicants will pay the reasonable costs of anyone other than the respondents which have been incurred as a result of this order, including the costs of finding out whether that person holds any of assets of Palante.
- (5) If this order ceases to have effect the applicants will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (6) The applicants will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
- (7) The applicants will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.



SCHEDULE B

AFFIDAVITS RELIED ON

Name of deponent

- (1) Geoffrey Keith Anderson
- (2) Nicholas Anthony O'Brien

- (3) Caitlin Maria Murray

Date affidavit made

28 June 2021; 8 July 2021

27 June 2021; 1 July 2021

28 June 2021; 2 July 2021;
7 July 2021; 8 July 2021; 12
July 2021; 14 July 2021; 15
July 2021; 25 August 2021; 30
September 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray
caitlin.murray@minterellison.com; T +61 2 9921 8514 ; M +61 422 977 971 ; +61 2 9921 8123 ref:
CMM:1353397



Schedule 1

No. NSD616/2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Applicants

First Applicant

Westpac Banking Corporation ABN 33 007 457 141

Second Applicant

Westpac New Zealand Limited (company registration
number company number 1763882)

Respondents

First Respondent:

Forum Finance Pty Limited (in liquidation) ACN 153 301
172

Second Respondent:

Basile Papadimitriou

Third Respondent:

Vincenzo Frank Tesoriero

Fourth Respondent:

Forum Group Financial Services Pty Ltd (provisional
liquidators appointed) ACN 623 033 705

Fifth Respondent:

Forum Group Pty Ltd (Receivers Appointed) (in liquidation)
ACN 153 336 997

Sixth Respondent:

Forum Enviro Pty Ltd (provisional liquidators appointed)
ACN 168 709 840

Seventh Respondent:

Forum Enviro (Aust) Pty Ltd (provisional liquidators
appointed) ACN 607 484 364

Eighth Respondent:

64-66 Berkeley St Hawthorn Pty Ltd ACN 643 838 662

Ninth Respondent:

14 James Street Pty Ltd (in liquidation) ACN 638 449 206

Tenth Respondent:

26 Edmonstone Road Pty Ltd (in liquidation) ACN 622 944
129

Eleventh Respondent:

5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160

Twelfth Respondent:

6 Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473

Thirteenth Respondent:

23 Margaret Street Pty Ltd ACN 623 715 373



Fourteenth Respondent:	1160 Glen Huntly Road Pty Ltd ACN 639 447 984
Fifteenth Respondent:	14 Kirwin Road Morwell Pty Ltd ACN 641 402 093
Sixteenth Respondent:	Canner Investments Pty Ltd ACN 624 176 049
Seventeenth Respondent:	123 High Street Taradale Pty Ltd ACN 639 872 512
Eighteenth Respondent:	160 Murray Valley Hwy Lake Boga Pty Ltd ACN 641 392 921
Nineteenth Respondent:	31 Ellerman Street Dimboola Pty Ltd ACN 641 392 887
Twentieth Respondent:	4 Cowslip Street Violet Town Pty Ltd ACN 639 872 352
Twenty-First Respondent:	55 Nolan Street Maryborough Pty Ltd ACN 641 392 912
Twenty-Second Respondent:	89 Betka Road Mallacoota Pty Ltd ACN 641 393 179
Twenty-Third Respondent:	9 Gregory Street Ouyen Pty Ltd ACN 641 392 707
Twenty-Fourth Respondent:	9 Main Street Derrinallum Pty Ltd ACN 639 872 736
Twenty-Fifth Respondent:	286 Carlisle Street Pty Limited ACN 610 042 343
Twenty-Sixth Respondent:	275 High Street Golden Square Pty Ltd ACN 639 870 545
Twenty-Seventh Respondent:	Mazcon Investments Hellas IKE
Twenty-Eighth Respondent:	Palante Pty Ltd ACN 135 344 151
Twenty-Ninth Respondent:	Anastasios Giamouridis
Thirtieth Respondent	The Forum Group of Companies Pty Ltd (in liquidation) ACN 151 964 626
Thirty-First Respondent	Iugis Pty Ltd (in liquidation) ACN 632 882 243
Thirty-Second Respondent	Iugis (UK) Limited
Thirty-Third Respondent	Iugis Holdings Limited
Thirty-Fourth Respondent	Iugis Global Financial Services Limited
Thirty-Fifth Respondent	Iugis Finance Limited
Thirty-Sixth Respondent	Spartan Consulting Group Pty Ltd (in liquidation) ACN 168 989 544
Thirty-Seventh Respondent	Intrashield Pty Ltd (in liquidation) ACN 133 426 534
Thirty-Eighth Respondent	Tesoriero Investment Group Pty Ltd ACN 161 088 115
Thirty-Ninth Respondent	Mangusta (Vic) Pty Ltd ACN 631 520 682
Fortieth Respondent	193 Carlisle Street Enterprises Pty Ltd ACN 612 615 237
Forty-First Respondent	8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626
Forty-Second Respondent	Iugis Hellas IKE



Forty-Third Respondent

Iugis Energy SA



Schedule 2

No: NSD642/2021

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

Second Respondent	Basile Papadimitriou (also known as Bill Papas)
Third Respondent	Forum Group Financial Services Pty Ltd (provisional liquidators appointed)



Schedule 3

No: NSD681/2021

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Respondent

Basile Papadimitriou (also known as Bill Papas)