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Form 59  
Rule 29.02(1)

## Affidavit

No. NSD616/2021

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

**Westpac Banking Corporation ABN 33 007 457 141** and another named in the Schedule  
Applicants

**Forum Finance Pty Limited ACN 153 301 172** and others named in the Schedule  
Respondents

Affidavit of: Kris Hopkins  
Address: Level 8, 447 Collins Street, Melbourne VIC 3000  
Occupation: Chief Operating Officer of HWL Ebsworth Lawyers  
Date: 4 February 2022

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I, Kris Hopkins, of Level 8, 447 Collins Street, Melbourne VIC 3000, Chief Operating Officer, say on oath:

- Exhibited to me at the time of swearing this affidavit is a paginated bundle of documents marked 'Exhibit KH-1' (KH-1). Throughout this affidavit I refer to documents which appear within KH-1.

Filed on behalf of (name & role of party) Westpac Banking Corporation and Westpac New Zealand Limited, applicants  
Prepared by (name of person/lawyer) Caitlin Murray  
Law firm (if applicable) MinterEllison  
Tel (02) 9921 8888 Fax 02 9921 8123  
Email caitlin.murray@minterellison.com  
Address for service Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000  
(include state and postcode) Our reference: CMM:AGS:1353397

Version 3 form approved 02/05/2019

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2. Since January 2021, I have been the Chief Operating Officer (**COO**) of HWL Ebsworth Lawyers (**HWLE**).
3. From April 2011 to January 2021, I was the National Finance Manager – Chief Financial Officer (**CFO**) of HWLE.
4. HWLE is a full service commercial law firm with offices in Adelaide, Brisbane, Canberra, Darwin, Hobart, Melbourne, Norwest, Perth and Sydney.
5. In my role as CFO of HWLE, I was one of the people responsible for signing contractual documents on behalf of HWLE. I would do so when I was required to be the co-signatory to a contract with Juan Martinez, Managing Partner of HWLE.
6. On 23 June 2021, I received an email from Geoffrey Anderson, Director, Asset Finance (Westpac Institutional Bank), Westpac Banking Corporation. That email sought my confirmation as to whether payment schedules and other documents attached to the email matched HWLE's records. A copy of the email with its attachments is at ~~pages 1 to 2 of KH 1.~~ **WES.5004.0001.0137**

7. The email from Mr Anderson attached customer payment schedules with the following descriptions:

- (a) Customer Payment Schedule dated 23 August 2018 for the purchase of 38 INEO + 658 and 38 INEO + 754e (~~pages 3 to 7 of KH 1~~); **CB.F.I.1 pF.I.3 Ln 3**
- (b) Customer Payment Schedule dated 22 February 2019 for the purchase of 32 Develop ineo +759 (~~pages 8 to 11 of KH 1~~); **CB.F.I.1 pF.I.13 Ln 22**
- (c) Customer Payment Schedule dated 13 June 2019 for the purchase of 19 INEO + 659 (~~pages 12 to 15 of KH 1~~); and **CB.F.I.1 pF.I.18 Ln 28**
- (d) Customer Payment Schedule dated 30 September 2020 for the purchase of 36 Ineo+759, 17 BIZHUB 754E, 23 BIZHUB C754E, 5 Ineo 758, 9 LaserJet M605, 1 Ineo 4000 and 1 BIZHUB 758 (~~pages 16 to 21 of KH 1~~), **CB.F.I.1 pF.I.44 Ln 75**  
(the **Payment Schedules**).

8. The email from Mr Anderson also attached certificates with the following descriptions:

- (a) Certificate of Acceptance of Delivery dated 27 August 2018 purportedly recording delivery of equipment on 27 August 2018 (~~page 22 of KH 1~~); **CB.F.I.1 pF.I.3 Ln 3**
- (b) Certificate of Acceptance of Delivery undated purportedly recording delivery of equipment on 1 March 2019 (~~page 23 of KH 1~~); **CB.F.I.1 pF.I.13 Ln 22**

Signed: .....

Taken by: .....

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- (c) Certificate of Acceptance of Delivery purportedly recording delivery of equipment on 13 June 2019 (~~page 24 of KH-1~~); and **CB.F.I.1 pF.I.18 Ln 28**
- (d) Certificate of Acceptance of Delivery purportedly recording delivery of equipment on 1 October 2020 (**October Certificate**) (~~page 25 of KH-1~~), **CB.F.I.1 pF.I.44 Ln 75**  
(the **Delivery Certificates**).

9. The email from Mr Anderson also attached the following documents from Forum Finance Pty Ltd (copies of which are at ~~pages 26 to 30 of KH-1~~):

**MIN.5000.0007.0001**  
**Section 50 Summary of**  
**Fraudulent Transaction**  
**Documents CB.F.I.1**

- (a) A letter from Forum Finance Pty Ltd dated 7 September 2018 in relation to the Payment Schedule dated 23 August 2018 ; **CB.F.I.1 pF.I.3 Ln 3**
- (b) A letter from Forum Finance Pty Ltd dated 1 March 2019 in relation to the Payment Schedule dated 22 February 2019; **CB.F.I.1 pF.I.13 Ln 22**
- (c) A letter from Forum Finance Pty Ltd dated 18 June 2019 in relation to the Payment Schedule dated 13 June 2019; **CB.F.I.1 pF.I.18 Ln 28**
- (d) a letter from Forum Finance Pty Ltd to HWLE dated 24 July 2019; and **CB.F.I.1 pF.I.21 Ln 34**
- (e) A letter from Forum Finance Pty Ltd dated 7 October 2020 in relation to the Payment Schedule dated 30 September 2020, **CB.F.I.1 pF.I.44 Ln 75**  
(the **Forum Letters**).

10. The email from Mr Anderson also attached an undated letter from NMF and Forum Finance Pty Ltd to HWLE purporting to be a notice of assignment (the **NMF Letter**), a copy of which is at ~~page 31 of KH-1~~ **MIN.5000.0028.0046**

11. The October Certificate includes an acknowledgment purportedly for and on behalf of HWLE with a signature above my name in handwriting. The signature appears to be in handwriting and not an electronic signature.


12. The October Certificate purports to be witnessed by Aaron Elliott (an IT Manager employed by HWLE).

13. The signature purporting to be mine in the October Certificate is not mine.

14. The occasion on which I first saw the Payment Schedules, Delivery Certificates, the Forum Letters and the NMF Letter was on 23 June 2021 when I received Mr Anderson's email.

15. I was first asked by Andrew Lourie, Director, Consumer, Westpac Institutional Bank and Nick O'Brien, Managing Director, Head of Consumer & Industrials, Westpac Institutional

Signed:  .....

Taken by:  .....

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Bank, in a call at 2.30pm on 25 June 2021 whether the signature appearing on the Delivery Certificate was mine.

16. During the conversation deposed to at paragraph 15 above and in a subsequent email sent to Mr O'Brien on 29 June 2021, I confirmed that HWLE did not believe it had ever seen, received or executed the Payment Schedules or the Delivery Certificates. A copy of the email I sent to Mr O'Brien on 29 June 2021 is at ~~pages 32 to 33 of KH-1~~. **WES.5004.0001.0135**
17. In the course of preparing this affidavit, I was also provided with the following documents (copies of which are at ~~pages 34 to 74 of KH-1~~): **WBC.5000.0002.0431**
- (a) a document titled Corporate and Government Print Management purportedly entered into by HWLE and Northern Managed Finance Pty Ltd ABN 43 125 018 582 (**NMF**) dated 28 June 2016 for the lease of the following equipment: 11 KONICA MINOLTA C754E COM2, 12 KONICA MINOLTA 754E COM2 and 10 HP LJ M605X;
  - (b) a document titled Corporate and Government Print Management purportedly entered into by HWLE and NMF dated 17 August 2016 for the lease of the following equipment: 15 KONICA MINOLTA C754E COM2, 14 KONICA MINOLTA 754E COM2 and 8 HP LJ M605X;
  - (c) a document titled Print Plan Management Agreement purportedly entered into by HWLE and NMF dated 24 March 2017 for the lease of the following equipment: 51 KM C754e and 12 KM 754e; and
  - (d) a document titled Print Plan Management Agreement purportedly entered into by HWLE and NMF dated 30 May 2017 for the lease of the following equipment: 20 KM Bizhub 4700P and 19 KM C754eb,
- (the **NMF Agreements**).
18. Prior to preparing this affidavit, I had not seen the NMF Agreements. The signatures on the NMF Agreements that purport to be my signature are not mine.
19. In my roles as COO of HWLE, I have access to the books and records of HWLE. I know from reviewing the books and records of HWLE that HWLE:
- (a) has not entered into any arrangement with respect to the goods referred to by serial number in the Payment Schedules or the NMF Agreements and has not made any lease payments or financing payments in relation to those goods;
  - (b) the goods referred to by serial number in the Payment Schedules and the NMF Agreements have not been delivered to HWLE; and


Signed: .....

Taken by: .....

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- (c) did not lease any equipment from NMF or Forum Finance.
20. I have also searched the books and records of HWLE and:
- (a) have not located within those records an original or a copy of the Payment Schedules, the Delivery Certificates or the Forum Letters except for the versions provided to me by Mr Anderson on 23 June 2021;
- (b) have not located within those records an original or a copy of the NMF Agreements; and
- (c) the only legitimate agreements with NMF in the possession of HWLE are those agreements that were executed at the time HWLE originally contracted with NMF on 28 June 2016 (a copy of which is at ~~pages 75 to 98 of KH 1~~) (these agreements are not to be confused with the document referred to at paragraph 17(a) above)). **MIN.5000.0028.0023**
21. HWLE also entered into legitimate agreements with Forum Finance on 22 February 2019 and 1 October 2020 respectively (copies of which are at ~~pages 99 to 111 of KH 1~~). **WES.5004.0001.0129 / WES.5004.0001.0122**

Sworn by the deponent  
at Melbourne  
in Victoria  
on 4 February 2022

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)  
)  
)   
) \_\_\_\_\_  
Signature of deponent

Before me:



\_\_\_\_\_  
Signature of witness

*SIMON HENRY BRANDIS*  
Solicitor

And as a witness, I certify the following matters concerning the person who made this affidavit (the deponent) in accordance with the requirements of section 27 of the Oaths and Affirmations Act 2018 (VIC):

1. The affidavit was signed or initialled by the deponent by an electronic signature.
2. I witnessed the deponent signing a copy of this affidavit by electronic signature in real time.
3. I attest or otherwise confirm witnessing the deponent's electronic signature over audio visual link.
4. I have used an electronic copy of the affidavit in completing the jurat requirements under section 26 of the Oaths and Affirmations Act 2018 (VIC).
5. I have confirmed the deponent's identity using the following identification document: Driver's License

**Schedule of Parties**

No. NSD616/2021

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

**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
Forty-Fourth Respondent	Eric Constantinidis
Forty-Fifth Respondent	Giovanni (John) Tesoriero
Forty-Sixth Respondent	Moussa (Tony) Bouchahine
Forty-Seventh Respondent	Louisa Maria Agostino
Forty-Eighth Respondent	D&D Group O.E
Forty-Ninth Respondent	Aromatika Fyta Olympou Theion Ike

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/02/2022 4:15:35 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v  
FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172  
& ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 4/02/2022 4:21:57 PM AEDT

Registrar

### Important Information

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

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