



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

Applicant

Forum Finance Pty Limited ACN 153 301 172 and others

Respondents

Affidavit of: Geoffrey Keith Anderson

Address: Level 30, 275 Kent Street, Sydney NSW 2000

Occupation: Director, Asset Finance (Westpac Institutional Bank), Westpac Banking Corporation

Date: 8 July 2021

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Filed on behalf of (name & role of party) Westpac Banking Corporation, Applicant
 Prepared by (name of person/lawyer) Caitlin Murray
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 (include state and postcode) Our reference: CMM:AGS:1353397

Version 3 form approved 02/05/2019

Geoffrey Keith Anderson *D.H.*

I, Geoffrey Keith Anderson of Level 30, 275 Kent Street, Sydney NSW 2000, Director, Asset Finance (Westpac Institutional Bank), Westpac Banking Corporation, say on oath:

Introduction

1. I am employed by the Applicant, Westpac Banking Corporation (**Westpac**), as a Director, in the Asset Finance team in the Westpac Institutional Bank division of Westpac.
2. I am authorised to make this affidavit on behalf of Westpac. Except where otherwise indicated, I make this affidavit from my own knowledge. Where I set out information based on information and belief, I believe that information to be true based on my enquiries of the identified people.
3. On 28 June 2021, I swore an affidavit in these proceedings (**First Affidavit**). Unless otherwise defined, capitalised terms in this affidavit have the same meaning given in my First Affidavit.
4. I have also read the Third Affidavit of Caitlin Maria Murray sworn on 2 July 2021 which was filed in these proceedings (**Third Murray Affidavit**). Accompanying the Third Murray Affidavit was Exhibit CMM-2. I refer to the Third Murray Affidavit throughout this affidavit.

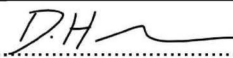
Update on Westpac's exposure

5. As detailed at paragraphs 16 to 17 of the Third Murray Affidavit, as at 12pm on 1 July 2021 Westpac's total exposure in connection with the Eqwe/Forum Programme was \$254,219,440.23.
6. As detailed at paragraphs 19 to 21 of the Third Murray Affidavit, On 1 July 2021 Westpac's solicitors, MinterEllison, sent an email to Joshua Frangi and Christopher Nehme of Fortis Law, the solicitors acting for the first respondent Forum Finance on 1 July 2021, which email attached:
 - (a) a 'Demand for Repurchase Master Sale of Receivables and Goods Agreement' (**Demand**); and
 - (b) a letter to Fortis Law from MinterEllison dated 1 July 2021,
 a copy of which is at ~~pages 118 to 128 of CMM-2.~~ [MIN.5000.0012.0001](#)
[MIN.5000.0012.0072](#)

Signed:



Taken by:



7. The Demand requested payment of \$254,219,440.23 be made to Westpac by 9am, 2 July 2021.
8. As at the date of this affidavit, Westpac's total exposure in connection with the Eqwe/Forum Programme has reduced since the Third Murray Affidavit was sworn as on 1 and 2 July 2021. Westpac applied a number of direct debits to Eqwe's 'collections' bank account held with Westpac (BSB 032298 account number 455353). This is the bank account into which Customer repayments were made, and from which Westpac's systems regularly applied a sweep and allocated payments against certain Affected Customer contracts.
9. Following a reconciliation of funds received after the application of those direct debits, a revised schedule of the balances owing in connection with the Customer contracts under the Eqwe/Forum Programme as at 5 July 2021 has been prepared. Annexed to this affidavit and marked "A" is a copy of that schedule (**Updated Exposure Schedule**). The Updated Exposure Schedule shows that the total amount owing under all of the Customer contracts is the amount of \$253,766,555.76.
10. The information contained in the Updated Exposure Spreadsheet was sourced from Westpac's Infolease receivable system. The Infolease receivable system is an electronic system used internally by Westpac to, among other things, manage its lease exposures. The Infolease receivable system was also one of the methods used to determine the initial amount of Westpac's exposure under the Eqwe/Forum Programme detailed in my First Affidavit. Any payment made in relation to the Customer contracts, including any potential payment made in response to the Demand, is recorded in the Infolease receivable system.
11. Based on my review of these records, including the Infolease receivable system, I am aware that as at the date of this affidavit, the Demand has not been satisfied by Forum Finance and the amount of \$253,766,555.76 remains due and owing to Westpac.

Signed:



Taken by:



Sworn by the deponent)
at Sydney)
in New South Wales)
on 8 July 2021)



Signature of deponent

Before me:



Signature of witness
Daniel Reece Henningsen, Solicitor

As a witness, I certify the following matters concerning the person who made this affidavit
(deponent):

1. This affidavit is witnessed over audio visual link in accordance with Part 2B of the *Electronic Transactions Act 2000* (NSW).
2. I saw the face of the deponent.
3. I observed the deponent signing a copy of this affidavit in real time.
4. I attest or otherwise confirm witnessing the deponent's signature by signing this affidavit.
5. I am reasonably satisfied this affidavit signed by me is a copy of the affidavit signed by the deponent.
6. I have confirmed the deponent's identity using the following identification document: Australian Passport

Signed:

Taken by:

Schedule of Parties

No. NSD616/2021

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

Applicants

Applicant **Westpac Banking Corporation ABN 33 007 457 141**

Respondents

First Respondent **Forum Finance Pty Limited ACN 153 301 172**

Second Respondent: **Basile Papadimitriou**

Third Respondent: **Vincenzo Frank Tesoriero**

A

Contract Number	Name of Borrower	Balance 5 July 2021 - AUD	Subtotals for each Borrower
025-0865170-011	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,605,159.47	
025-0865170-012	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,203,153.05	
025-0865170-013	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,249,136.84	
025-0865170-014	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,155,479.74	
025-0865170-015	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,911,408.81	
025-0865170-016	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,356,072.99	
025-0865170-017	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,450,867.77	
025-0865170-018	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,491,145.98	
025-0865170-019	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,691,670.94	
025-0865170-020	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,419,178.05	
025-0865170-021	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,027,398.30	
025-0865170-022	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,046,616.53	
025-0865170-023	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 4,230,341.99	
025-0865170-024	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 4,218,620.55	
025-0865170-025	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,697,137.52	
025-0865170-026	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,565,312.43	
025-0865170-027	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,589,247.53	
025-0865170-028	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 4,311,308.17	
025-0865170-029	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,919,926.82	
025-0865170-030	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 5,311,256.61	
025-0865170-031	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,374,853.55	
025-0865170-032	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,753,787.66	
025-0865170-033	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,766,303.15	
025-0865170-034	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,536,933.25	
025-0865170-035	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,943,914.62	
025-0865170-036	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,646,427.32	
025-0865170-037	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,401,292.47	
025-0865170-038	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,219,439.30	
025-0865170-039	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 4,941,477.78	
025-0865170-040	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,594,916.66	
025-0865170-041	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 4,694,207.64	
025-0865170-042	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,625,025.77	
025-0865170-043	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,423,488.55	
025-0865170-044	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,690,396.19	
025-0865170-045	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,045,191.21	
025-0865170-046	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 4,336,042.10	
025-0865170-047	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,400,405.94	
025-0865170-048	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,071,652.92	
025-0865170-049	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,305,141.52	
025-0865170-050	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,033,564.24	
025-0865170-051	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 3,218,351.20	
025-0865170-052	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 2,921,531.10	
025-0865170-053	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$ 1,055,548.14	

This and the following page is the Annexure marked "A" in the Affidavit of Geoffrey Keith Anderson dated 8 July 2021 deposited before me:
Daniel Reece Henningsen
Solicitor



025-0865170-054	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,174,428.68	
025-0865170-055	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,215,126.45	
025-0865170-056	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	1,074,585.40	
025-0865170-057	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,377,578.59	
025-0865170-058	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,201,218.81	
025-0865170-059	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	875,193.10	
025-0865170-060	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,135,655.94	
025-0865170-061	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	873,605.87	
025-0865170-062	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,610,909.99	
025-0865170-063	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	1,132,492.09	
025-0865170-064	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	3,329,518.80	
025-0865170-065	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	1,707,203.29	
025-0865170-066	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	3,392,791.14	
025-0865170-067	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	904,198.26	
025-0865170-068	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,747,388.63	
025-0865170-069	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,030,845.48	
025-0865170-070	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	923,501.64	
025-0865170-071	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,041,266.63	
025-0865170-072	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	3,948,616.09	
025-0865170-073	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	4,117,041.02	
025-0865170-074	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	3,155,030.45	
025-0865170-075	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	951,819.47	
025-0865170-076	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,271,829.88	
025-0865170-077	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	1,900,177.13	
025-0865170-078	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	1,038,469.37	
025-0865170-079	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	3,383,667.33	
025-0865170-080	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	792,398.36	
025-0865170-081	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	13,869,914.83	
025-0865170-082	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	20,465,090.23	
025-0865170-083	VEOLIA ENVIRONMENTAL SERVICES (AUSTRALIA) PTY LTD	\$	2,904,839.19	\$ 210,996,734.51
025-0865269-001	ALH GROUP PTY LTD	\$	527,615.05	
025-0865269-002	ALH GROUP PTY LTD	\$	1,021,154.99	
025-0865269-003	ALH GROUP PTY LTD	\$	1,078,352.90	
025-0865269-004	ALH GROUP PTY LTD	\$	841,935.50	
025-0865269-005	ALH GROUP PTY LTD	\$	3,204,882.41	
025-0865269-006	ALH GROUP PTY LTD	\$	3,073,139.47	
025-0865269-007	ALH GROUP PTY LTD	\$	2,262,572.97	
025-0865269-008	ALH GROUP PTY LTD	\$	2,809,765.48	
025-0865269-009	ALH GROUP PTY LTD	\$	2,154,288.81	
025-0865269-010	ALH GROUP PTY LTD	\$	2,251,229.55	
025-0865269-011	ALH GROUP PTY LTD	\$	1,703,234.79	\$ 20,928,171.92
025-0865485-001	COLES SUPERMARKETS AUSTRALIA PTY LTD	\$	1,540,528.31	
025-0865485-002	COLES SUPERMARKETS AUSTRALIA PTY LTD	\$	1,365,061.55	
025-0865485-003	COLES SUPERMARKETS AUSTRALIA PTY LTD	\$	1,264,597.89	
025-0865485-004	COLES SUPERMARKETS AUSTRALIA PTY LTD	\$	1,029,360.03	\$ 5,199,547.78
025-0865486-001	HWI FBSWORTH LAWYERS	\$	2,152,033.57	
025-0865486-002	HWI FBSWORTH LAWYERS	\$	1,228,795.29	
025-0865486-003	HWI FBSWORTH LAWYERS	\$	1,038,219.91	
025-0865486-004	HWI FBSWORTH LAWYERS	\$	1,066,701.77	
025-0865486-005	HWI FBSWORTH LAWYERS	\$	2,106,618.50	\$ 7,591,869.04
025-0866793-001	CATHOLIC HEALTHCARE LIMITED	\$	1,429,632.40	
025-0866793-002	CATHOLIC HEALTHCARE LIMITED	\$	990,962.67	\$ 2,420,595.07
025-0866950-001	WESTRAC PTY LTD	\$	1,310,043.63	
025-0866950-002	WESTRAC PTY LTD	\$	601,747.39	
025-0866950-003	WESTRAC PTY LTD	\$	1,280,899.29	
025-0866950-004	WESTRAC PTY LTD	\$	1,789,767.90	\$ 4,982,458.21
025-0867938-001	SCIENTIFIC SHOPPING CENTRE MANAGEMENT PTY LTD	\$	1,647,179.23	\$ 1,647,179.23
	TOTAL	\$	253,766,555.76	\$ 253,766,555.76

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 8/07/2021 4:47:10 PM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

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



Dated: 8/07/2021 5:42:28 PM AEST

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

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.