



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: Michael Richard Hughes  
Address: Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Occupation: Solicitor  
Date: 4 February 2022

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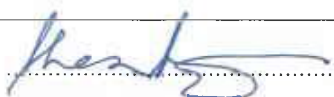
Filed on behalf of (name & role of party) Westpac Banking Corporation and Westpac New Zealand Limited, Applicants  
 Prepared by (name of person/lawyer) Caitlin Murray  
 Law firm (if applicable) MinterEllison  
 Tel (02) 9921 8888 Fax 02 9921 8123  
 Email caitlin.murray@minterellison.com  
**Address 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

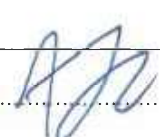
I, Michael Richard Hughes of Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000, Solicitor, say on oath:

1. I am a partner of MinterEllison, the firm of the solicitor on the record in these proceedings for the first applicant, Westpac Banking Corporation (**Westpac**) and the second applicant Westpac New Zealand Limited.
2. Exhibited to me and the time of swearing this affidavit is a bundle of documents labelled Exhibit MRH-1 (**MRH-1**). Throughout this affidavit I make references to documents which appear in MRH-1.
3. On 28 June 2021, Lee J made, among other orders, a search order against Forum Finance Pty Ltd (in Liquidation) (**Forum Finance**), which permitted Westpac, the sole applicant at this time, to search Forum Finance's premises in Sydney, Melbourne, Brisbane and Perth (**Search Order**). A copy of the Search Order is at ~~pages 416 to 461 of MRH 1~~.
4. I was a member of the 'Search Party' (as defined in Annexure A to the Search Order) that attended the 'Sydney Premises' of Forum Finance (being Level 5, 141 Walker Street, North Sydney NSW) (**Sydney Premises**) to execute the Search Order (the **Search**).
5. I attended the Sydney Premises to carry out the Search on 28, 29 and 30 June 2021.
6. On 29 June 2021, during the Search I conducted a search of the large corner office that had been identified to me as the office of the second respondent, Basile Papadimitriou (**Mr Papas**). I recall during my discussions with Felicity Louise Healy (**Ms Healy**), the Court appointed Independent Solicitor in relation to the Search, and the Forum staff then present during the search, namely Messrs Craig Rollinson, and Jeff Olling that the large corner office was referred to as "Bill's Office". That this was Mr Papas' office was also apparent to me because it contained photographs and memorabilia which were personal to him and his interests in football and motor sport.
7. During the search of Mr Papas' office I located on a shelf adjacent to the door and above a small bar area three hardcopy black and red notebooks, each of which contained handwritten notes.
8. After locating these three notebooks I handed them to Ms Healy as was the practice for all documents identified as relevant to the Listed Things (as defined in the Search Order) located during the Search.
9. I have read the affidavit of Ms Healy sworn 2 July 2021 and its accompanying annexures including '**Annexure FH17**' being a typed list of documents collected during the course of the search conducted on 29 June 2021.

Signed: .....



Taken by: .....



10. I am informed by Kate Cockburn, a solicitor employed, at MinterEllison, and verily believe that:

- (a) on or around 3 August, Ms Cockburn attended the Federal Court registry to uplift copies of the hard copy materials collected during the Search from the Court including the following items listed in 'Annexure FH17' to Ms Healy's affidavit, which notebooks match the description of those I located in Mr Papas' office:

No.	Description	Location
89	<p>Hardcopy black and red notebook – undated and untitled. First page with narrative "SOFC Audit Meeting."</p> <p><b>Note:</b> Relevant pages identified with yellow sticky tag. Reviewed for privilege by J Olling. No claim for LPP made.</p>	<p>B Papas</p> <p>MH</p>
90	<p>Hardcopy black and red notebook – updated (sic) and untitled. First page with narrative "Boon – Bounce"</p> <p><b>Note:</b> Relevant pages identified with yellow sticky tag. Reviewed for privilege by J Olling. No claim for LPP made.</p>	<p>B Papas</p> <p>MH</p>
91	<p>Hardcopy black and red notebook – updated (sic) and untitled. First page with narrative "Jerry Marr"</p> <p><b>Note:</b> Relevant pages identified with yellow sticky tag. Reviewed for privilege by J Olling. No claim for LPP made.</p>	<p>B Papas</p> <p>MH</p>

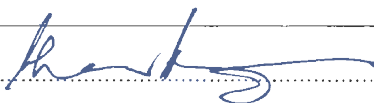
(as extracted from list of documents at Annexure FH17 to Ms Healy's affidavit);

- (b) on around 9 August 2021, Ms Cockburn briefed the copying firm Law Image to scan the materials listed at the table beneath paragraph 10(a) above; and
- (c) on around 11 August 2021, MinterEllison arranged for the scans of the materials to be uploaded to its Nuix document review platform for the purposes of these proceedings (**Case Database**).

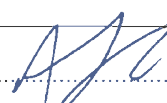
11. A copy of:

- (a) the document described as item 89 at paragraph 10(a) above as retrieved from the Case Database is at ~~pages 1 to 155 of MRH-1~~ starting with the document ID SOH.5000.0002.0166;

Signed: .....



Taken by: .....




(b) the document described as item 90 at paragraph 10(a) above as retrieved from the Case Database is at ~~pages 156 to 260 of MRH 1~~ starting with the document ID SOH.5000.0002.0321; and

(c) the document described as item 91 at paragraph 10(a) above as retrieved from the Case Database is at ~~pages 261 to 415 of MRH 1~~ starting with document ID SOH.5000.0002.0426.

12. I have closely reviewed the documents within MRH-1 and confirm that these are copies of the notebooks which I collected during the Search in the office of Mr Papas as I describe at paragraph 7 above.

Sworn by the deponent  
at Sydney in New South Wales  
on 4 February 2022

)  
)  
)   
)  
) Signature of deponent

Before me:  
Andrew John Clarke  
Solicitor  
Level 40, Governor Macquarie Tower, One Farrer  
Place Sydney NSW 2000

  
Signature of witness

Solicitor  
Level 40, Governor Macquarie Tower, 1 Farrer  
Place NSW 2000.

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

- 1. I saw the face of the deponent.
- 2. I have known the deponent for twelve months.

Signed: .....

Taken by:.....

**Schedule of Parties**

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

Signed: .....

Taken by: .....

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 4:22:11 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 4:28:36 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.