

NOTICE OF FILING

Details of Filing

Document Lodged: Defence - Form 33 - Rule 16.32
Court of Filing FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 5/01/2023 12:12:00 PM AEDT
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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



Sia Lagos

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.



Defence

No. NSD616 of 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

This Defence to the Second Further Amended Statement of Claim as amended by the Addendum filed 15 December 2022 and is filed for the 29th and 50th Respondents.

1. The 29th and 50th Respondents respond only to averments as against them in the Second Further Amended Statement of Claim as amended by the Addendum filed 15 December 2022, and this Defence is filed for the 29th and 50th Respondents.
2. In relation to paragraph 32(c), the 29th Respondent admits he is the holder of 1% of the issued share capital of the 27th Respondent, Mazcon Investments Helias IKE.
3. The 29th Respondent admits the allegations against him in paragraph 34 set out in the Addendum filed 15 December 2022.
4. In relation to paragraph 56, the 29th and 50th Respondents:
 - a. did not know of, nor participated in a scheme and do not admit the allegations in paragraph 56 that either of them were involved in the scheme as there pleaded;
 - b. as to subparagraph 56(h), the 29th Respondent avers that the Funds (as defined in paragraph 6a below) were used to acquire assets, namely, prototypes for food digesters and food digesters, but not to acquire the Jointly Owned Real Property nor the Tesoreiro Real Property.

Filed on behalf of (name & role of party)	29 th & 50 th Respondents		
Prepared by (name of person/lawyer)	Gayanie Walton		
Law firm (if applicable)	GA Lawyers		
Tel	(02) 9554 8111	Fax	(02) 9554 8128
Email	info@galawyers.com.au		
Address for service (include state and postcode)	Level 1, 254 Kingsgrove Road, Kingsgrove, NSW, 2208		

5. In relation to paragraphs 1872(i) 1875(i), and 1928(j), the 29th Respondent denies receiving payments from FGFS which he had no legitimate basis to receive.
6. The 29th and 50th Respondents do not know and cannot admit the allegations in paragraphs 2366 and 2367.
7. In relation to paragraph 2368 set out in the Addendum filed 15 December 2022:
 - a. the 29th and 50th Respondents deny that they held or hold on trust for Westpac and WZNL the funds paid as set out in the summary prepared pursuant to s 50 of the *Evidence Act* (the “**Funds**”); and
 - b. the 29th and 50th Respondents deny that they held or hold on trust for Westpac and WZNL the traceable proceeds of the Funds.
8. In relation to paragraph 2369 set out in the Addendum filed 15 December 2022, the 29th Respondent denies that:
 - a. he holds the Funds that he received on trust;
 - b. he holds the traceable proceeds of the Funds that he received on trust; and
 - c. he is liable to pay equitable compensation to Westpac and WZNL.
9. In relation to paragraph 2369A set out in the Addendum filed 15 December 2022 the 50th Respondent denies that:
 - a. it holds the Funds that it received on trust;
 - b. it holds the traceable proceeds of the Funds that it received on trust; and
 - c. it is liable to pay equitable compensation to Westpac and WZNL.
10. Further the 29th and 50th Respondents:
 - a. at all times acted bona fide;
 - b. provided valuable consideration for the payments that are set out in the summary prepared by the Applicants pursuant to s 50 of the *Evidence Act*;
 - c. had no notice that the Funds were fraudulently obtained from the Applicants nor that the Funds were infected with any wrongdoing;
 - d. do not admit that the Applicants paid money which was paid to either the 29th or the 50th Respondent; and
 - e. do not admit that the Applicants are entitled to make a claim in relation to the Funds insofar as they were not paid out by the Applicants.

11. Further, Westpac and WZNL are not entitled to any of the orders set out in paragraphs 230 to 232 and 390 to 391 of the Sixth Further Amended Originating Application.

Date: 5 January 2023

A handwritten signature in black ink, appearing to read 'G. Anton', written over a horizontal dotted line.

Signed by George Anton
Lawyer for the 29th and 50th Respondents

This pleading was prepared by George Anton, Lawyer

Certificate of lawyer

I, George Anton, certify to the Court that, in relation to the defence filed on behalf of the Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 5 January 2023



Signed by George Anton
Lawyer for the Respondent

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 (in liquidation) ACN 623 033 705
Fifth Respondent:	Forum Group Pty Ltd (Receivers Appointed) (in liquidation) ACN 153 336 997
Sixth Respondent:	Forum Enviro Pty Ltd (in liquidation) ACN 168 709 840
Seventh Respondent:	Forum Enviro (Aust) Pty Ltd (in liquidation) 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 (in liquidation)
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 Tsai Olympou Theion Ike
Fiftieth Respondent	A. Giamouridis P.C