



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: Trevor John Chapman  
Address: Auckland, New Zealand  
Occupation: Head of Credit Restructuring  
Date: 21 December 2021

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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		
<b>Address for service</b> (include state and postcode)	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000 Our reference: CMM:AGS:1353397		

I, **TREVOR JOHN CHAPMAN** of Auckland, New Zealand, Head of Credit Restructuring, swear:

1. I am Head of Credit Restructuring at Westpac New Zealand Limited (**WNZL**), the second applicant in the proceedings.
2. As Head of Credit Restructuring, I am responsible for managing WNZL's exposure resulting from the transactions with IUGIS (NZ) Limited (in liquidation) (**IUGIS NZ**) and its sole director, Basile Papadimitriou, which are the subject of WNZL's claims in the proceedings.
3. I have knowledge of the matters to which I depose and am duly authorised to swear this affidavit on WNZL's behalf.
4. In this affidavit, I provide an update on the status of proceedings WNZL brought against IUGIS NZ in the High Court of New Zealand under CIV/2021-404-1155 (**NZ Proceedings**). IUGIS NZ is the only defendant to the NZ Proceedings. On behalf of WNZL, I instructed WNZL's New Zealand lawyers to commence the NZ Proceedings and I have oversight of them.
5. WNZL commenced the NZ Proceedings on 30 June 2021. On that same day, it obtained freezing orders against IUGIS NZ (**Freezing Orders**), including over its bank account with ANZ Bank New Zealand Limited (**ANZ**) with the account number 01-0277-0773014-00 (**ANZ Account**). I have seen bank statements for the ANZ Account and am aware from these that NZ\$141,721.29 remained in the ANZ Account as at 30 June 2021. A copy of the ANZ Account bank statement for the month ending 30 June 2021 is annexed and marked **TJC-1**. No other assets of IUGIS NZ have been located in New Zealand.
6. On 13 August 2021, by resolution of the company's creditors at a watershed meeting held under Part 15 (Voluntary Administration) of the *Companies Act* 1993 (NZ), IUGIS NZ was placed into liquidation and Andrew John Grenfell and Kare Johnston of McGrathNicol were appointed as liquidators (**Liquidators**). I exercised WNZL's vote, as a creditor of IUGIS NZ, in favour of the resolution to place IUGIS NZ into liquidation.
7. On 21 October 2021, the High Court of New Zealand varied the Freezing Orders to release the ANZ Account from the Freezing Orders. A copy of the sealed order varying the Freezing Orders is annexed and marked **TJC-2**. I instructed WNZL's New Zealand lawyers to seek this variation. The variation was sought in order to allow the Liquidators to access the funds remaining in the ANZ Account to meet their costs and fees incurred

Signed: 

Taken by: 

in administering the liquidation of IUGIS NZ. The Liquidators consented to WNZL's application for variation of the Freezing Orders.

8. In my role as Head of Credit Restructuring, I am familiar with New Zealand corporate insolvency law. I am aware that section 248(1)(c)(i) of the *Companies Act 1993* (NZ) provides that with effect from the commencement of the liquidation of a company, unless the liquidator agrees or the court orders otherwise, a person must not continue legal proceedings against the company or in relation to its property. I understand the effect of this to be that the NZ Proceedings are currently stayed as a consequence of IUGIS NZ being in liquidation.

Sworn at **AUCKLAND**  
on this 21<sup>st</sup> day of December 2021  
before me:

)  
)  
)



**Trevor John Chapman**



**A Solicitor of the High Court of New Zealand**

Benoit Jacques Upton,

Barrister & Solicitor

High Court of New Zealand.

**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 Tsai Olympou Theion Ike

**Annexure certificate**

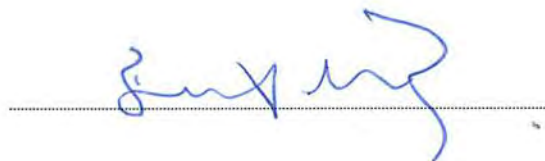
No. NSD 616 of 2021

Federal Court of Australia  
 District Registry: Sydney  
 Division: General

**Westpac Banking Corporation ABN 33 007 457 141 and another**  
 Applicants

**Forum Finance Pty Limited ACN 153 301 172 and others**  
 Respondents

This is the annexure marked 'TJC-1' now produced and shown to Trevor John Chapman at the time of swearing his affidavit on 21 December 2021 before me



Solicitor

Benoit Jacques Upton  
 Barrister & Solicitor  
 High Court of New  
 Zealand

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		
<b>Address for service</b>	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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## Statement of Accounts

Your accounts at a glance as at 30 June 2021

0294

ORCA ENVIRO SOLUTIONS NZ LIMITED  
 CROW HORWATH  
 LEVEL 29  
 188 QUAY ST  
 AUCKLAND CENTRAL  
 AUCKLAND 1010

### Account information

Account type	Business Current Account	Account number	Confidential
Statement number	00039	Opening balance	2,005,224.16
Statement period	31 May 2021 - 30 Jun 2021	Closing balance	141,721.29



# Business Current Account

Account name ORCA ENVIRO SOLUTIONS NZ LIMITED



00039

Account number

31 May 2021 - 30 Jun 2021

Statement number  
Statement period

Date	Transaction type and details	Withdrawals	Deposits	Balance
31 May	Opening balance			2,005,224.16
09 Jun	DC WESTPAC ABS OPERATIO WBC LEASING VEOLIA 36		1,951,564.03	3,956,788.19
17 Jun	DD 3,000,000.00AUD ORCAEN ANZ FX FX4000085216	3,258,071.87		698,716.32
17 Jun	DD FX PAYMENT CHARGES ORCAEN ANZ FX 0001-5762892	9.00		698,707.32
17 Jun	DD O'SEAS BANK CHARGES ORCAEN ANZ FX 0001-5762892	25.50		698,681.82
21 Jun	DC IWL LTD INTERWASTE		6,267.50	704,949.32
24 Jun	DD 520,000.00AUD ORCAEN ANZ FX FX4000095590	563,185.03		141,764.29
24 Jun	DD FX PAYMENT CHARGES ORCAEN ANZ FX 0001-5794937	9.00		141,755.29
24 Jun	DD O'SEAS BANK CHARGES ORCAEN ANZ FX 0001-5794937	25.50		141,729.79
30 Jun	MONTHLY ACCOUNT FEE	8.50		141,721.29
<b>Totals at end of page</b>		<b>\$3,821,334.40</b>	<b>\$1,957,831.53</b>	<b>\$141,721.29</b>
<b>Totals at end of period</b>		<b>\$3,821,334.40</b>	<b>\$1,957,831.53</b>	<b>\$141,721.29</b>

Your available credit is \$141,721.29 as at the closing date of this statement.

AP Automatic Payment      BP Bill Payment      DC Direct Credit      ED Electronic Dishonour      FX Foreign Exchange      IF International Payment  
 AT Automatic Teller Machine      CQ Cheque/Withdrawal      DD Direct Debit      EP EFTPOS Transaction      IA International Money Machine      VT Visa Transaction

**Annexure certificate**

No. NSD 616 of 2021

Federal Court of Australia

District Registry: Sydney

Division: General

**Westpac Banking Corporation ABN 33 007 457 141 and another**

Applicants

**Forum Finance Pty Limited ACN 153 301 172 and others**

Respondents

This is the annexure marked 'TJC-2' now produced and shown to Trevor John Chapman at the time of swearing his affidavit on 21 December 2021 before me



Solicitor

Benoit Jacques Upton  
 Barrister and Solicitor  
 High Court of New Zealand

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	
<b>Address for service</b> (include state and postcode)	Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000 Our reference: CMM:AGS:1353397	

Version 3 form approved 02/05/2019

IN THE HIGH COURT OF NEW ZEALAND  
AUCKLAND REGISTRY

I TE KŌTI MATUA O AOTEAROA  
TĀMAKI MAKAURAU ROHE

CIV/2021-404-1155

**BETWEEN**                    **WESTPAC NEW ZEALAND LIMITED**, a company  
registered in New Zealand, Westpac on Takutai Square,  
16 Takutai Square, Auckland 1010

**APPLICANT**

**AND**                            **IUGIS (NZ) LIMITED (IN LIQUIDATION)**, a company  
registered in New Zealand, REB Group Limited, 1  
Parkhead Place, Auckland 0632

**RESPONDENT**

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VARIATION OF FREEZING ORDERS

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Dated:                            21 October 2021



MinterEllisonRuddWatts

PO Box 105 249 Auckland City 1143  
Telephone +64 9 353 9700  
Facsimile +64 9 353 9701  
Solicitor Acting: Jade Yu  
jade.yu@minterellison.co.nz  
Partner Responsible: Sean Gollin

TO: The Respondent

AND TO: ANZ Bank New Zealand Limited (Non-Party Respondent)

**Orders made by Lang J by consent on 21 October 2021**

1. The interlocutory application made by Westpac New Zealand Limited dated 19 October 2021 for variation of freezing orders was determined by the Honourable Justice Lang on 21 October 2021.
2. The determination was made with the consent of the parties.
3. The following order was made:
  - (a) the freezing orders granted in favour of Westpac New Zealand Limited against IUGIS (NZ) Limited (in liquidation) (**IUGIS NZ**) by the Honourable Justice Jagose on 30 June 2021, which were extended until further order of the Court by the Honourable Justice Lang on 8 July 2021, (as extended, the **Freezing Orders**) are varied to release the following assets from the Freezing Orders:
    - (i) any money in the bank account held and/or controlled by IUGIS NZ at ANZ Bank New Zealand Limited, account number: 01-0277-0773014-00, being the assets referred to at paragraph 4(b) of the Freezing Orders.

DATED this 21<sup>st</sup> day of October 2021

SHAOREEQ AU  
DEPUTY REGISTRAR

(Deputy Registrar)



## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/02/2022 3:58:22 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 4:04:37 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.