

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 28/06/2021 11:00:07 AM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Interlocutory Application - if seeking Freezing or Search Order - Form 35 - Rule 17.01(1)(a)
File Number:	NSD616/2021
File Title:	WESTPAC BANKING CORPORATION ABN 33 007 457 141 v FORUM FINANCE PTY LIMITED & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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

Dated: 28/06/2021 11:11:58 AM AEST

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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



Interlocutory application

No. NSD of 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
First Respondent

Basile Papadimitriou
Second Respondent

To Forum Finance Pty Limited ACN 153 301 172
And to Basile Papadimitriou

The Applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

Filed on behalf of (name & role of party) Westpac Banking Corporation, Applicant
Prepared by (name of person/lawyer) Caitlin Murray
Law firm (if applicable) MinterEllison
Tel (02) 9921 4279 Fax (02) 9921 8123
Email caitlin.murray@minterellison.com

Address for service Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
(include state and postcode) Our reference: 1353397

[Form approved 01/08/2011]



The Court ordered that the time for serving this application be abridged to

Date: 28 June 2021

Signed by an officer acting with the authority
of the District Registrar



Interlocutory orders sought

General Orders

1. An order that the Applicant be granted leave to file the:
 - (a) Originating Application dated 28 June 2021;
 - (b) this Interlocutory Application dated 28 June 2021;
 - (c) affidavit of Geoffrey Keith Anderson sworn on 28 June 2021;
 - (d) affidavit of Nicholas Antony O'Brien sworn on 27 June 2021; and
 - (e) affidavit of Caitlin Maria Murray sworn on 28 June 2021.
2. An order that paragraphs 1 to 8, 12 to 14 of this Interlocutory application be returnable *instanter*.
3. An order pursuant to rule 1.39 of the *Federal Court Rules 2011* (Cth) (**FCR**) abridging the time for service of the interlocutory application and the supporting affidavits to 5.00pm 29 June 2021 with service to be effected:
 - (a) on the first respondent by 3pm on 28 June 2021 by email to Vobis Equity Attorneys, at the email address francis.farmakidis@vobis.com.au;
 - (b) on the second respondent by 3pm on 28 June 2021 by email to bpapas@forumgroup.com.au; and
 - (c) and otherwise personally on each respondent as soon as possible thereafter.
4. This interlocutory application be listed for further hearing at 9.15am on 2 July 2021.

Freezing Orders

5. A freezing order against the first respondent pursuant to rule 7.32 of the FCR, in the form of the orders attached as **Annexure A** to this interlocutory application.
6. A freezing order against the second respondent pursuant to rule 7.32 of the FCR, in the form of the orders attached as **Annexure B** to this interlocutory application.



Search Orders

7. A search order against the first respondent pursuant to 7.42 of the FCR in the form of the orders attached as **Annexure C**.
8. A search order against the second respondent pursuant to 7.42 of the FCR in the form of the orders attached as **Annexure D**.

Provisional Liquidator

9. An order pursuant to section 472(2) of the *Corporations Act 2001* (Cth) (**Corporations Act**) that Jason Preston and Jason Ireland of Level 12, 20 Martin Place, Sydney NSW 2000 jointly and severally, or such other fit and proper person as the Court sees fit, be appointed provisional liquidator of the First Respondent, Forum Finance Pty Ltd ACN 153 301 172.
10. An order that the provisional liquidator have control over all of the assets of the first respondent.
11. Pursuant to section 472(3)(b), the provisional liquidator may exercise the following powers in addition to those referred to in sections 472(3)(a) and 472(4) of the *Corporations Act*:
 - (a) to carry on the business of the first respondent;
 - (b) to investigate the transactions the subject of any Sales Notice issued by (or purportedly issued by) the first respondent pursuant to the Master Sale of Receivables and Goods Agreement; and
 - (c) to investigate the receipt, disbursement, transfer or use of any funds received from the Applicant pursuant to any transaction the subject of any Sale Notice referred to in (b) above.

Suppression orders

12. An order pursuant to section 37AG of the *Federal Court Act 1976* (Cth) that the publication of information tending to reveal the details or identity of all or any of the persons listed in **Annexure E** be prohibited until further order on the basis that the order is necessary to prevent prejudice to the proper administration of justice.



General orders

13. Leave to enter these orders forthwith.
14. Such further or other orders as the Court deems fit or necessary.
15. Costs.

Service on the Respondents

It is not intended to serve this application on any Respondents until after determination of the ex parte application.

Date: 28 June 2021

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Signed by Caitlin Murray
Lawyer for the Applicant



ANNEXURE A – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: FORUM FINANCE PTY LIMITED ACN 153 301 457 172

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: FORUM FINANCE PTY LIMITED ACN 153 301 457 172

This is a '*freezing order*' made against you on 28 June 2021 by Justice _____ at a hearing without notice to you after the Court was given the undertakings set out in Schedule A to this order and after the Court read the affidavits listed in Schedule B to this order.

THE COURT ORDERS:

INTRODUCTION

- (1) (a) The application for this order is made returnable immediately.
- (b) The time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by 5pm 29 June 2021 with service to be effected:
 - (i) by 3pm on 28 June 2021 by email to Vobis Equity Attorneys, at the email address francis.farmakidis@vobis.com.au; and
 - (ii) otherwise personally on the first respondent as soon as possible thereafter.
- (2) Subject to the next paragraph, this order has effect up to and including 5pm on 2 July 2020 (**the Return Date**). On the Return Date at 9:15am there will be a further hearing in respect of this order before Justice _____.
- (3) Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.



- (4) In this order:
- (a) 'applicant', if there is more than one applicant, includes all the applicants;
 - (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
 - (e) 'Relevant Amount' means the amount of AUD\$254,500,000.
- (5) (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.
- (b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

- (6) (a) You must not remove from Australia or New Zealand or in any way dispose of, deal with or diminish the value of any of your assets in Australia and New Zealand ('Australian and New Zealand assets') up to the unencumbered value of AUD\$254,500,000. ('the Relevant Amount').
- (b) If the unencumbered value of your Australian and New Zealand assets exceeds the Relevant Amount, you may remove any of those assets from Australia and New Zealand or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.
- (7) For the purposes of this order,
- (a) your assets include:
- (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - (iii) the following assets in particular:
 - (A) the assets of the business, Forum Finance Pty Ltd (the first respondent), carried on at level 5/141 Walker St, North Sydney NSW 2060 or, if any or all of the assets have been sold, the net proceeds of the sale ; and
 - (B) the bank account with BSB 082 080 and account number 848483695 held with the National Australia Bank Limited (**NAB**); and
 - (C) the bank account with BSB 082 080 and account number 761644257 held with the NAB.
- (b) the value of your assets is the value of the interest you have individually in your assets.



PROVISION OF INFORMATION

- (8) Subject to paragraph 9, you must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing of all your assets in Australia and New Zealand, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within two working days after being served with this order, swear by a proper officer and serve on the applicant an affidavit setting out the above information.
- (9) (a) This paragraph (9) applies if you are not a corporation and you wish to object to complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (9) also applies if you are a corporation and all of the persons who are able to comply with paragraph 8 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

EXCEPTIONS TO THIS ORDER

- (10) This order does not prohibit:
- (a) paying \$25,000 for your reasonable legal expenses;
 - (b) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
 - (c) in relation to matters not falling within (a) or (b), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you



give the applicant, if possible, at least two working days written notice of the particulars of the obligation.

- (11) You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.
- (12) (a) This order will cease to have effect if you:
- (i) pay the sum of \$254,500,000 into Court; or
 - (ii) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant 12(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

- (13) The costs of this application are reserved to the Court hearing the application on the Return Date.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

(14) Set off by banks

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

(15) Bank withdrawals by the respondent

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

(16) Persons outside Australia and New Zealand

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia or New Zealand.
- (b) The terms of this order will affect the following persons outside Australia and New Zealand:
- (i) you and your directors, officers, employees and agents (except banks and financial institutions);
 - (ii) any person (including a bank or financial institution) who:
 - (A) is subject to the jurisdiction of this Court; and
 - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
 - (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and



- (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

(17) Assets located outside Australia and New Zealand

Nothing in this order shall, in respect of assets located outside Australia or New Zealand, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.

SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- (2) As soon as practicable, the applicant will file and serve upon the respondent copies of:
- (a) this order;
 - (b) the application for this order for hearing on the return date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) As soon as practicable, the applicant will cause anyone notified of this order to be given a copy of it.
- (4) The applicant will pay the reasonable costs of anyone other than the respondents which have been incurred as a result of this order, including the costs of finding out whether that person holds any of the respondent's assets.



- (5) If this order ceases to have effect the applicant will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (6) The applicant will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
- (7) The applicant will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.

SCHEDULE B

AFFIDAVITS RELIED ON

Name of deponent	Date affidavit made
(1) Geoffrey Keith Anderson	28 June 2021
(2) Nicholas Antony O'Brien	27 June 2021
(3) Caitlin Maria Murray	28 June 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray

caitlin.murray@minterellison.com ; T +61 2 9921 8514 ; M +61 422 977 971 ; +61 2 9921 8123
ref: CMM:1353397



ANNEXURE B – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: BASILE PAPADIMITRIOU

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (C) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THIS ORDER FOR THE DOING OF THE ACT; OR**
- (D) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO BASILE PAPADIMITRIOU

This is a 'freezing order' made against you on 28 June 2021 by Justice _____ at a hearing without notice to you after the Court was given the undertakings set out in Schedule A to this order and after the Court read the affidavits listed in Schedule B to this order.

THE COURT ORDERS:

INTRODUCTION

- (1)
 - (a) The application for this order is made returnable immediately.
 - (b) The time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by 5pm 29 June 2021 with service to be effected:
 - (i) by 3pm on 28 June 2021 by leaving it at the residential address of the second respondent, being 23 Margaret Street Rozelle;
 - (ii) by 3pm on 28 June 2021 by email to bpapas@forumgroup.com.au; and
 - (ii) otherwise personally on the second respondent as soon as possible thereafter.
- (2) Subject to the next paragraph, this order has effect up to and including 5pm on 2 July 2020 (**the Return Date**). On the Return Date at 9:15am there will be a further hearing in respect of this order before Justice _____.
- (3) Anyone served with or notified of this order, including you, may apply to the Court at any time to vary or discharge this order or so much of it as affects the person served or notified.



- (4) In this order:
- (a) 'applicant', if there is more than one applicant, includes all the applicants;
 - (b) 'you', where there is more than one of you, includes all of you and includes you if you are a corporation;
 - (c) 'third party' means a person other than you and the applicant;
 - (d) 'unencumbered value' means value free of mortgages, charges, liens or other encumbrances.
 - (e) 'Relevant Amount' means the amount of AUD254,500,000.
- (5) (a) If you are ordered to do something, you must do it by yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions.
- (b) If you are ordered not to do something, you must not do it yourself or through directors, officers, partners, employees, agents or others acting on your behalf or on your instructions or with your encouragement or in any other way.

FREEZING OF ASSETS

- (6) (a) You must not remove from Australia or in any way dispose of, deal with or diminish the value of any of your assets in Australia ('Australian assets') up to the unencumbered value of AUD\$254,500,000. ('the Relevant Amount').
- (b) If the unencumbered value of your Australian assets exceeds the Relevant Amount, you may remove any of those assets from Australia or dispose of or deal with them or diminish their value, so long as the total unencumbered value of your Australian assets still exceeds the Relevant Amount.
- (c) If the unencumbered value of your Australian assets is less than the Relevant Amount, and you have assets outside Australia and in New Zealand ('New Zealand assets'):
- (i) You must not dispose of, deal with or diminish the value of any of your Australian assets and New Zealand assets up to the unencumbered value of your Australian and New Zealand assets of the Relevant Amount; and
 - (ii) You may dispose of, deal with or diminish the value of any of your New Zealand assets, so long as the unencumbered value of your Australian assets and New Zealand assets still exceeds the Relevant Amount.
- (7) For the purposes of this order,
- (a) your assets include:
- (i) all your assets, whether or not they are in your name and whether they are solely or co-owned;
 - (ii) any asset which you have the power, directly or indirectly, to dispose of or deal with as if it were your own (you are to be regarded as having such power if a third party holds or controls the asset in accordance with your direct or indirect instructions); and
 - (iii) the following assets in particular:



- (A) the assets of your business, Forum Finance Pty Ltd (the first respondent), carried on at level 5/141 Walker St, North Sydney NSW 2060 or, if any or all of the assets have been sold, the net proceeds of the sale ; and
 - (B) the bank account with BSB 082 080 and account number 848483695 held with the National Australia Bank Limited (**NAB**); and
 - (C) the bank account with BSB 082 080 and account number 761644257 held with the NAB.
- (b) the value of your assets is the value of the interest you have individually in your assets.

PROVISION OF INFORMATION

- (8) Subject to paragraph 9, you must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing of all your assets in Australia, giving their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of your interest in the assets;
 - (b) within 6 working days after being served with this order, swear and serve on the applicant an affidavit setting out the above information.
- (9) (a) This paragraph (9) applies if you are not a corporation and you wish to object to complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (9) also applies if you are a corporation and all of the persons who are able to comply with paragraph 8 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 8 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.



EXCEPTIONS TO THIS ORDER

- (10) This order does not prohibit:
- (a) you paying up to \$2,500 a week on your ordinary living expenses;
 - (b) paying \$25,000 on your reasonable legal expenses;
 - (c) dealing with or disposing of any of your assets in the ordinary and proper course of your business, including paying business expenses bona fide and properly incurred; and
 - (d) in relation to matters not falling within (a), (b) or (c), dealing with or disposing of any of your assets in discharging obligations bona fide and properly incurred under a contract entered into before this order was made, provided that before doing so you give the applicant, if possible, at least two working days written notice of the particulars of the obligation.
- (11) You and the applicant may agree in writing that the exceptions in the preceding paragraph are to be varied. In that case the applicant or you must as soon as practicable file with the Court and serve on the other a minute of a proposed consent order recording the variation signed by or on behalf of the applicant and you, and the Court may order that the exceptions are varied accordingly.
- (12) (a) This order will cease to have effect if you:
- (i) pay the sum of \$254,500,000 into Court; or
 - (ii) pay that sum into a joint bank account in the name of your lawyer and the lawyer for the applicant as agreed in writing between them; or
 - (iii) provide security in that sum by a method agreed in writing with the applicant to be held subject to the order of the Court.
- (b) Any such payment and any such security will not provide the applicant with any priority over your other creditors in the event of your insolvency.
- (c) If this order ceases to have effect pursuant 12(a) above, you must as soon as practicable file with the Court and serve on the applicant notice of that fact.

COSTS

- (13) The costs of this application are reserved to the Court hearing the application on the Return Date.

PERSONS OTHER THAN THE APPLICANT AND RESPONDENT

(14) **Set off by banks**

This order does not prevent any bank from exercising any right of set off it has in respect of any facility which it gave you before it was notified of this order.

(15) **Bank withdrawals by the respondent**

No bank need inquire as to the application or proposed application of any money withdrawn by you if the withdrawal appears to be permitted by this order.

(16) **Persons outside Australia**

- (a) Except as provided in subparagraph (b) below, the terms of this order do not affect or concern anyone outside Australia.



- (b) The terms of this order will affect the following persons outside Australia:
- (i) you and your directors, officers, employees and agents (except banks and financial institutions);
 - (ii) any person (including a bank or financial institution) who:
 - (A) is subject to the jurisdiction of this Court; and
 - (B) has been given written notice of this order, or has actual knowledge of the substance of the order and of its requirements; and
 - (C) is able to prevent or impede acts or omissions outside Australia which constitute or assist in a disobedience of the terms of this order; and
 - (iii) any other person (including a bank or financial institution), only to the extent that this order is declared enforceable by or is enforced by a court in a country or state that has jurisdiction over that person or over any of that person's assets.

(17) Assets located outside Australia

Nothing in this order shall, in respect of assets located outside Australia, prevent any third party from complying or acting in conformity with what it reasonably believes to be its bona fide and properly incurred legal obligations, whether contractual or pursuant to a court order or otherwise, under the law of the country or state in which those assets are situated or under the proper law of any contract between a third party and you, provided that in the case of any future order of a court of that country or state made on your or the third party's application, reasonable written notice of the making of the application is given to the applicant.

SCHEDULE A

UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

- (1) The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
- (2) As soon as practicable, the applicant will file and serve upon the respondent copies of:
 - (a) this order;
 - (b) the application for this order for hearing on the return date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied;
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court;



- (e) the originating process, or, if none was filed, any draft originating process produced to the Court.
- (3) As soon as practicable, the applicant will cause anyone notified of this order to be given a copy of it.
- (4) The applicant will pay the reasonable costs of anyone other than the respondent which have been incurred as a result of this order, including the costs of finding out whether that person holds any of the respondent's assets.
- (5) If this order ceases to have effect the applicant will promptly take all reasonable steps to inform in writing anyone to who has been notified of this order, or who he has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.
- (6) The applicant will not, without leave of the Court, use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in or outside Australia, other than this proceeding.
- (7) The applicant will not, without leave of the Court, seek to enforce this order in any country outside Australia or seek in any country outside Australia an order of a similar nature or an order conferring a charge or other security against the respondent or the respondent's assets.

SCHEDULE B

AFFIDAVITS RELIED ON

Name of deponent	Date affidavit made
(1) Geoffrey Keith Anderson	28 June 2021
(2) Nicholas Antony O'Brien	27 June 2021
(3) Caitlin Maria Murray	28 June 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray

caitlin.murray@minterellison.com ; T +61 2 9921 8514 ; M +61 422 977 971 ; +61 2 9921 8123

ref: CMM:1353397



ANNEXURE C – SEARCH ORDER

PENAL NOTICE – SEARCH ORDER

TO: FORUM FINANCE PTY LIMITED ACN 153 301 457 172

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

- (A) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR**
- (B) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,**

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: FORUM FINANCE PTY LIMITED ACN 153 301 457 172

This is a 'search order' made against you on 28 June 2021 by Justice _____ at a hearing without notice to your after the Court was given the undertakings set out in Schedule B to this order and after the Court read the affidavits listed in Schedule C to this order.

THE COURT ORDERS:

INTRODUCTION

1. (a) the application for this order is made returnable immediately.
- (b) the time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by 5pm 29 June 2021 with service to be effected
 - (i) by 3pm on 28 June 2021 by email to Vobis Equity Attorneys, at the email address francis.farmakidis@vobis.com.au;
 - (ii) otherwise personally on the first respondent as soon as possible thereafter.
2. Subject to the next paragraph, this order has effect up to and including 5pm on 2 July 2020 ('the Return Date'). On the Return Date at 9:15am there will be a further hearing in respect of this order before Justice _____.
3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to the judge referred to in the immediately preceding paragraph (phone No. _____) or to the Duty Judge (phone No. _____).
4. This order may be served only between 9am and 2pm on a business day.



5. In this order:

- (a) *'applicant'* means the person who applied for this order, and if there is more than one applicant, includes all the applicants.
- (b) *'independent computer expert'* means the person identified as the independent computer expert in the search party referred to in Schedule A to this order.
- (c) *'independent lawyer'* means the person identified as the independent lawyer in the search party referred to in Schedule A to this order.
- (d) *'listed thing'* means any thing referred to in Schedule A to this order.
- (e) *'online storage facility'* means any online storage facilities or file sharing platforms used or operated by Forum Finance Pty Ltd including, but not limited to:
 - (i) Cloud based resources, for example Dropbox or Gmail;
 - (ii) Cloud based servers, for example virtual servers running software in Amazon Cloud.
- (f) *'premises'* means the premises and any of the premises identified in Schedule A to this order, including any vehicles and vessels that are under the respondent's control on or about the premises or that are otherwise identified in Schedule A.
- (g) *'search party'* means the persons identified or described as constituting the search party in Schedule A to this order.
- (h) *'storage device'* means any electronic storage devices possessed by Forum Finance Pty Ltd including, but not limited to:
 - (i) Any computers with accessible hard drives;
 - (ii) Mobile or smart phones without accessible hard drive, for example tablet devices such as iPads;
 - (iii) Removable data storage devices including CDs/DVDs, USB flash drives;
 - (iv) USB hard drives and SD Media Cards;
 - (v) Server computers.
- (i) *'thing'* includes a document.
- (j) *'you'*, where there is more than one of you, includes all of you and includes you if you are a corporation.
- (k) any requirement that something be done in your presence means:
 - (i) in the presence of you or of one of the persons described in (6) below; or
 - (ii) if there is more than one of you, in the presence of each of you, or, in relation to each of you, in the presence of one of the persons described in (6) below.

6. This order must be complied with by:

- (a) yourself;



- (b) any director, officer, partner, employee or agent of yourself; or
 - (c) any other person having responsible control of the premises.
7. This order must be served by, and be executed under the supervision of, the independent lawyer.

ENTRY, SEARCH AND REMOVAL

8. Subject to paragraphs 10 to 20 below, upon service of this order you must permit members of the search party to enter the premises so that they can carry out the search and other activities referred to in this order.
9. Having permitted members of the search party to enter the premises, you must:
- (a) permit them to leave and re-enter the premises on the same and the following day until the search and other activities referred to in this order are complete;
 - (b) permit them to search for and inspect the listed things and to make or obtain a copy, photograph, film, sample, test or other record of the listed things;
 - (c) disclose to them the whereabouts of all the listed things in the respondent's possession, custody or power, whether at the premises or otherwise;
 - (d) disclose to them the whereabouts of all computers, computer disks and electronic information storage devices or systems at the premises in which any documents among the listed things are or may be stored, located or recorded and cause and permit those documents to be printed out;
 - (e) do all things necessary to enable them to access the listed things, including opening or providing keys to locks and enabling them to access and operate computers and providing them with all necessary passwords;
 - (f) permit the independent lawyer to remove from the premises into the independent lawyer's custody:
 - (i) the listed things or things which reasonably appear to the independent lawyer to be the listed things and any things the subject of dispute as to whether they are listed things; and
 - (ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to above; and
 - (g) permit the independent computer expert (if there is one) to search any computer or storage device and make a copy or digital copy of any computer hard drive or storage device and permit the independent computer expert (if any) or the independent lawyer to remove any computer hard drive, computer and storage device from the premises as set out in paragraphs 20 and 21 below.

RESTRICTIONS ON ENTRY, SEARCH AND REMOVAL

10. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.
11. You are not required to permit anyone to enter the premises until:



- (a) the independent lawyer serves you with copies of this order and any affidavits referred to in Schedule C (confidential exhibits, if any, need not be served until further order of the Court); and
 - (b) you are given an opportunity to read this order and, if you so request, the independent lawyer explains the terms of this order to you.
12. Before permitting entry to the premises by anyone other than the independent lawyer, you, for a time (not exceeding two hours from the time of service or such longer period as the independent lawyer may permit):-
 - (a) may seek legal advice;
 - (b) may ask the Court to vary or discharge this order;
 - (c) (provided you are not a corporation) may gather together any things which you believe may tend to incriminate you or make you liable to a civil penalty and hand them to the independent lawyer in (if you wish) a sealed envelope or container; and
 - (d) may gather together any documents that passed between you and your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the independent lawyer in (if you wish) a sealed envelope or container.
13. Subject to paragraph 22 below, the independent lawyer must not inspect or permit to be inspected by anyone, including the applicant and the applicant's lawyers, any thing handed to the independent lawyer in accordance with subparagraphs 12(c) and (d) above and the independent lawyer must deliver it to the Court at or prior to the hearing on the Return Date.
14. During any period referred to in paragraph 12 above, you must:
 - (a) inform and keep the independent lawyer informed of the steps being taken;
 - (b) permit the independent lawyer to enter the premises but not to start the search;
 - (c) not disturb or remove any listed things; and
 - (d) comply with the terms of paragraphs 25 and 26 below.
15. Any thing the subject of a dispute as to whether it is a listed thing must promptly be handed by you to the independent lawyer for safekeeping pending resolution of the dispute or further order of the Court.
16. Before removing any listed things from the premises (other than things referred to in the immediately preceding paragraph), the independent lawyer must supply a list of them to you, give you a reasonable time to check the correctness of the list, and give you and the applicant's lawyers a copy of the list signed by the independent lawyer.
17. The premises must not be searched, and things must not be removed from the premises, except in the presence of you or of a person who appears to the independent lawyer to be your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.
18. If the independent lawyer is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the independent lawyer may permit the search to proceed and the listed things to be removed without full compliance.



19. The applicant's lawyer and the independent lawyer must not allow the applicant in person to inspect or have copies of any thing removed from the premises nor communicate to the applicant information about its contents or about anything observed at the premises until 4:30pm on the return date or other time fixed by further order of the Court.

COMPUTERS, STORAGE DEVICES AND ONLINE STORAGE FACILITIES

20. (a) If it is expected that a computer, a storage device, online storage facility or other electronic device which includes a function of storing information ("computer, device or online storage") will be searched, the search party must include a computer expert who is independent of the applicant and of the applicant's lawyers ('the independent computer expert').
- (b) Any search of a computer, device or online storage must be carried out only by the independent computer expert.
- (c) The independent computer expert may make a copy or digital copy of the computer hard drive, the device, information in the online storage facility, or any functionally equivalent repository of information ("image") and remove that copy or digital copy from the premises.
- (d) The independent computer expert may search the computer, device or online storage or the copy or digital copy of the image at the premises and/or away from the premises for listed things and may copy the listed things electronically or in hard copy or both.
- (e) The independent computer expert must as soon as practicable and, in any event, prior to the hearing on the return date, deliver the copy or digital copy of the image and all electronic and hard copies of listed things to the independent lawyer, together with a report of what the independent computer expert has done including a list of such electronic and hard copies.
- (f) The independent lawyer must, at or prior to the hearing on the return date, deliver to the Court all things received from the independent computer expert and serve a copy of the latter's report on the parties.
- (g) If no independent computer expert has been appointed, but the independent lawyer considers it necessary to remove a computer or storage device from the premises for safekeeping or for the purpose of copying its contents electronically and printing out information in documentary form, the independent lawyer may remove the computer or storage from the premises for that purpose and cause that purpose to be achieved.
21. (a) This paragraph (21) applies if you are not a corporation and you wish to object to complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (21) applies if you are a corporation and all of the persons who are able to comply with paragraph 20 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:



- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

INSPECTION

22. Prior to the Return Date, you or your lawyer or representative shall be entitled, in the presence of the independent lawyer, to inspect any thing removed from the premises and to:
- (a) make copies of the same; and
 - (b) provide the independent lawyer with a signed list of things which are claimed to be privileged or confidential and which you claim ought not to be inspected by the applicant.

PROVISION OF INFORMATION

23. Subject to paragraph 24 below, you must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing as to:
 - (i) the location of the listed things;
 - (ii) the name and address of everyone who has supplied you, or offered to supply you, with any listed thing;
 - (iii) the name and address of every person to whom you have supplied, or offered to supply, any listed thing; and
 - (iv) details of the dates and quantities of every such supply and offer.
 - (b) within 2 working days after being served with this order, make and serve on the applicant an affidavit setting out the above information.
24. (a) This paragraph (24) applies if you are not a corporation and you wish to object to complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.



- (b) This paragraph (24) also applies if you are a corporation and all of the persons who are able to comply with paragraph 23 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

PROHIBITED ACTS

25. Except for the sole purpose of obtaining legal advice, you must not, until 4:30pm on the Return Date, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against you by the applicant.
26. Until 4:30pm on the Return Date you must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed things otherwise than in accordance with the terms of this order or further order of the Court.

COSTS

27. The costs of this application are reserved to the Court hearing the application on the Return Date.

SCHEDULE A

Premises

The premises located at:

Sydney
Level 5, 141 Walker St
North Sydney NSW 2060

Melbourne
Building 1, Level 5, 658 Church St
Richmond VIC 3121

Brisbane
26 Edmondstone Rd
Bowen Hills QLD 4006



Perth
Level 8, 182 St Georges Terrace
Perth WA 6000

including any vehicle or vehicles under the respondent's control on or about those premises.

Listed Things

- (a) All documents (hard copy and electronic records) concerning or which refer to the following agreements:
- (i) the principal and agent agreement between Westpac and BHD Leasing with ACN 154 478 707 dated 8 May 2017;
 - (ii) the principal and agent agreement between Westpac and Eqwe Pty Ltd (formerly BHO Funding Ltd) ACN 630 535 554 dated 12 July 2019; and
 - (iii) the Master Sale of Receivable and Goods Agreement between Forum Finance and BHD Leasing with ACN 154 478 707 dated 31 August 2018; and
 - (iv) the Master Sale of Receivable and Goods Agreement between Forum Finance and Eqwe (formerly BHO Funding Ltd) ACN 630 535 554 dated 12 July 2019.
- (b) All documents (hard copy and electronic records) concerning the entry into Payment Schedules, or other purchase orders or contracts with the following customers ("Customers"):
- (i) Veolia Environmental Services (Australia) Pty Ltd ACN 051 316 584
 - (ii) WesTrac Pty Limited ACN 009 342 572
 - (iii) ALH Group Pty Limited ACN 098 212 134
 - (iv) Scentre Shopping Centre Management Pty Ltd ACN 000 712 710
 - (v) Coles Supermarkets Australia Pty Limited ACN 004 189 708
 - (vi) Catholic Healthcare Limited ACN 064 946 318
 - (vii) The Martinez HWL Practice Trust & The East HWL Practice Trust & The Warat HWL Practice Trust & The Marin HWL Practice Trust & Others trading as 'HWL Ebsworth Lawyers' ABN 37 246 549 189,
- (together referred to as **Customers**), including payment schedules on "Forum" or "Iugis" letterhead, executed payment schedules, draft payment schedules; documents referring to or concerning the contracts or payment schedules and any correspondence, communication or other evidence of the creation or execution of a Payment Schedule for a Customer or provision of a Payment Schedule to a Customer.



- (c) All documents (electronic or hard copy) headed Certificate of Acceptance of Delivery in relation to any payment schedule between Forum Finance Pty Ltd and any Customer.
- (d) All documents (electronic or hard copy) headed "Sale Notice" purporting to be issued by Forum Finance Pty Ltd to Eqwe Pty Ltd ACN 630 535 554, including any executed or draft Sale Notice and any correspondence, communication or other evidence of the issue of a Sale Notice to Eqwe.
- (e) All correspondence and other documents relating to any agreement with Eqwe.
- (f) All documents (electronic or hard copy) in relation to any funding provided to Forum Finance or the Customers, directly or indirectly, by Westpac in the period from 8 May 2017 to the date of these orders.
- (g) All documents (electronic or hard copy) in relation to the receipt, disbursement, payment, use or transfer of funds provided directly or indirectly to Forum Finance by Westpac or Eqwe into and out of the following accounts:
 - (i) the bank account with BSB 082 080 and account number 848483695 held with the National Australia Bank Limited (NAB); and
 - (ii) the bank account with BSB 082 080 and account number 761644257 held with the NAB
- (h) emails between Mr Bill Papas and:
 - (i) Mr Luke Price in relation to any Customer; and
 - (ii) any representative of a Customer.
- (i) Any electronic document recording telephone calls, sms messages, whatsapp (or other electronic messaging system or platform) messages or other electronic text messages between:
 - (i) Mr Papas and Mr Price in relation to a Customer; and
 - (ii) Mr Papas and any representative of a Customer in relation to a Payment Schedule with Forum Finance.

Search Party

1. The independent lawyer:
 - (a) For the **Sydney** Premises is James Whittaker, Partner, Corrs Chambers Westgarth, Level 17, 8 Chifley 8-12 Chifley Square Sydney NSW 2000; and
 - (b) For the **Melbourne** Premises is John Tuck, Partner, Corrs Chambers Westgarth, Level 25, 567 Collins Street, Melbourne VIC 3000;



- (c) For the **Perth** Premises is Rachael King, Partner, Corrs Chambers Westgarth, Level 6, Brookfield Tower 2, 123 St Georges Terrace, Perth WA 6000; and
- (d) For the **Brisbane** Premises is Rodney Dann, Partner, Level 42, 111 Eagle Street, Brisbane QLD 4000.
2. The applicant's lawyer or lawyers:
- (a) For the **Sydney** Premises:
- (1) Michael Hughes, Partner, MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;
- (2) Anthony Sommer, Senior Associate, MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;,,
- (b) For the **Melbourne** Premises is Scott Chesterman, Partner, MinterEllison, Collins Arch, Level 20, 447 Collins Street, Melbourne VIC 3000;
- (c) For the **Perth** Premises is David Suttner, Senior Associate, MinterEllison, Allendale Square, 77 St Georges Terrace, Perth WA 6000; and
- (d) For the **Brisbane** Premises is Rachel Rouyanian, Special Counsel, MinterEllison, Level 22, Waterfront Place, Eagle Street, Brisbane QLD 4000
3. Other members of the search party:
- (a) For the **Sydney** Premises:
- (1) Rodney McKemmish, Principal, CYTER, Suite 2, 301A Castlereagh Street, Sydney NSW 2000 in the capacity of an independent computer expert;
- (2) Yian Sun, Senior Forensics Specialist, CYTER, Suite 2, 301A Castlereagh Street, Sydney NSW 2000 in the capacity of an independent computer expert;
- (b) For the **Perth** Premises: Darren Michael, Partner, Evidence Advisory, Level 12, 197 St Georges Terrace, Perth WA 6000 in the capacity of an independent computer expert; and
- (c) For the **Melbourne** Premises: David Caldwell, Director, Forensic IT, Level 18, 114 William Street, Melbourne VIC 3000 in the capacity of an independent computer expert.



SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT

Undertakings given to the Court by the applicant:

1. The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. The applicant will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
3. The applicant will not inform any other person of the identity of the respondents to these proceedings except for the purposes of this proceeding until after 4:30pm on the Return Date and to meet the applicant's statutory, market disclosure and prudential obligations.
4. If the applicant has not already done so, as soon as practicable the applicant will file an interlocutory application for hearing on the Return Date and an originating process [in the form of the draft produced to the Court].

Undertakings given to the Court by the applicant's lawyer

1. The applicant's lawyer will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
2. The applicant's lawyer will provide to the independent lawyer for service on the respondent copies of the following documents:
 - (a) this order;
 - (b) the application for this order for hearing on the Return Date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied (other than confidential exhibits);
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court; and
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.
3. The applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a listed thing.



4. The applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
5. The applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
6. The applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
7. The applicant's lawyer will not disclose to the applicant any information that the lawyer acquires during or as a result of execution of the search order, without the leave of the Court.
8. The applicant's lawyer will use best endeavours to follow all directions of the independent lawyer.

Undertakings given to the Court by the independent lawyer

1. The independent lawyer will use his or her best endeavours to serve the respondent with this order and the other documents referred to in undertaking Part B (2) of the above (undertakings by the applicant's lawyer or lawyers).
2. Before entering the premises, the independent lawyer will:
 - (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
 - (b) inform the respondent of his or her right to take legal advice.
3. Subject to undertaking (4) below, the independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to this order until delivery to the Court or further order of the Court.
4. At or before the hearing on the Return Date, the independent lawyer will provide a written report on the carrying out of the order to the Court and provide a copy to the applicant's lawyers and to the respondent or the respondent's lawyers. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an independent computer expert.
5. The independent lawyer will use best endeavours to ensure that members of the search party act in conformity with the order and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.
6. The independent lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
7. The independent lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.



Undertakings given to the Court by the independent computer expert

1. The independent computer expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the independent computer expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
2. The independent computer expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
3. The independent computer expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
4. The independent computer expert will use best endeavours to follow all directions of the independent lawyer.

SCHEDULE C

AFFIDAVITS RELIED ON

Name of deponent	Date affidavit made
Geoffrey Keith Anderson	28 June 2021
Nicholas Antony O'Brien	27 June 2021
Caitlin Maria Murray	28 June 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The Applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray
caitlin.murray@minterellison.com ; T +61 2 9921 8514 ; M +61 422 977 971 ; +61 2 9921 8123
ref: CMM:1353397



ANNEXURE D – SEARCH ORDER

PENAL NOTICE – SEARCH ORDER

TO: BASILE PAPADIMITRIOU

IF YOU (BEING THE PERSON BOUND BY THIS ORDER):

(C) REFUSE OR NEGLECT TO DO ANY ACT WITHIN THE TIME SPECIFIED IN THE ORDER FOR THE DOING OF THE ACT; OR

(D) DISOBEY THE ORDER BY DOING AN ACT WHICH THE ORDER REQUIRES YOU NOT TO DO,

YOU WILL BE LIABLE TO IMPRISONMENT, SEQUESTRATION OF PROPERTY OR OTHER PUNISHMENT.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS YOU TO BREACH THE TERMS OF THIS ORDER MAY BE SIMILARLY PUNISHED.

TO: BASILE PAPADIMITRIOU

This is a ‘*search order*’ made against you on 28 June 2021 by Justice _____ at a hearing without notice to you after the Court was given the undertakings set out in Schedule B to this order and after the Court read the affidavits listed in Schedule C to this order.

THE COURT ORDERS:

INTRODUCTION

1. (a) the application for this order is made returnable immediately.
- (b) the time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by 5pm 29 June 2021 with service to be effected
 - (i) on the first respondent by 3pm on 28 June 2021 by email to Vobis Equity Attorneys, at the email address francis.farmakidis@vobis.com.au;
 - (ii) on the second respondent by 3pm on 28 June 2021 by leaving it at his residential address 23 Margaret Street Rozelle and by email to bpapas@forumgroup.com.au; and

otherwise personally on each respondent as soon as possible thereafter.
2. Subject to the next paragraph, this order has effect up to and including 5pm on 2 July 2020 (**‘the Return Date’**). On the Return Date at 9:15am there will be a further hearing in respect of this order before Justice _____.
3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to the judge referred to in the immediately preceding paragraph (phone No. _____) or to the Duty Judge (phone No. _____).



4. This order may be served only between 9am and 2pm on a business day.
5. In this order:
 - (a) '*applicant*' means the person who applied for this order, and if there is more than one applicant, includes all the applicants.
 - (b) '*independent computer expert*' means the person identified as the independent computer expert in the search party referred to in Schedule A to this order.
 - (c) '*independent lawyer*' means the person identified as the independent lawyer in the search party referred to in Schedule A to this order.
 - (d) '*listed thing*' means any thing referred to in Schedule A to this order.
 - (e) '*online storage facility*' means any online storage facilities or file sharing platforms used or operated by Forum Finance Pty Ltd including, but not limited to:
 - (i) Cloud based resources, for example Dropbox or Gmail;
 - (ii) Cloud based servers, for example virtual servers running software in Amazon Cloud.
 - (f) '*premises*' means the premises and any of the premises identified in Schedule A to this order, including any vehicles and vessels that are under the respondent's control on or about the premises or that are otherwise identified in Schedule A.
 - (g) '*search party*' means the persons identified or described as constituting the search party in Schedule A to this order.
 - (h) '*storage device*' means any electronic storage devices possessed by Forum Finance Pty Ltd including, but not limited to:
 - (i) Any computers with accessible hard drives;
 - (ii) Mobile or smart phones without accessible hard drive, for example tablet devices such as iPads;
 - (iii) Removable data storage devices including CDs/DVDs, USB flash drives;
 - (iv) USB hard drives and SD Media Cards;
 - (v) Server computers.
 - (i) '*thing*' includes a document.
 - (j) '*you*', where there is more than one of you, includes all of you and includes you if you are a corporation.
 - (k) any requirement that something be done in your presence means:
 - (i) in the presence of you or of one of the persons described in (6) below; or
 - (ii) if there is more than one of you, in the presence of each of you, or, in relation to each of you, in the presence of one of the persons described in (6) below.



6. This order must be complied with by:
 - (a) yourself;
 - (b) any director, officer, partner, employee or agent of yourself; or
 - (c) any other person having responsible control of the premises.
7. This order must be served by, and be executed under the supervision of, the independent lawyer.

ENTRY, SEARCH AND REMOVAL

8. Subject to paragraphs 10 to 20 below, upon service of this order you must permit members of the search party to enter the premises so that they can carry out the search and other activities referred to in this order.
9. Having permitted members of the search party to enter the premises, you must:
 - (a) permit them to leave and re-enter the premises on the same and the following day until the search and other activities referred to in this order are complete;
 - (b) permit them to search for and inspect the listed things and to make or obtain a copy, photograph, film, sample, test or other record of the listed things;
 - (c) disclose to them the whereabouts of all the listed things in the respondent's possession, custody or power, whether at the premises or otherwise;
 - (d) disclose to them the whereabouts of all computers, computer disks and electronic information storage devices or systems at the premises in which any documents among the listed things are or may be stored, located or recorded and cause and permit those documents to be printed out;
 - (e) do all things necessary to enable them to access the listed things, including opening or providing keys to locks and enabling them to access and operate computers and providing them with all necessary passwords;
 - (f) permit the independent lawyer to remove from the premises into the independent lawyer's custody:
 - (i) the listed things or things which reasonably appear to the independent lawyer to be the listed things and any things the subject of dispute as to whether they are listed things; and
 - (ii) the copies, photographs, films, samples, tests, other records and printed out documents referred to above; and
 - (g) permit the independent computer expert (if there is one) to search any computer or storage device and make a copy or digital copy of any computer hard drive or storage device and permit the independent computer expert (if any) or the independent lawyer to remove any computer hard drive, computer and storage device from the premises as set out in paragraphs 20 and 21 below.



RESTRICTIONS ON ENTRY, SEARCH AND REMOVAL

10. This order may not be executed at the same time as a search warrant (or similar process) is executed by the police or by a regulatory authority.
11. You are not required to permit anyone to enter the premises until:
 - (a) the independent lawyer serves you with copies of this order and any affidavits referred to in Schedule C (confidential exhibits, if any, need not be served until further order of the Court); and
 - (b) you are given an opportunity to read this order and, if you so request, the independent lawyer explains the terms of this order to you.
12. Before permitting entry to the premises by anyone other than the independent lawyer, you, for a time (not exceeding two hours from the time of service or such longer period as the independent lawyer may permit):-
 - (a) may seek legal advice;
 - (b) may ask the Court to vary or discharge this order;
 - (c) (provided you are not a corporation) may gather together any things which you believe may tend to incriminate you or make you liable to a civil penalty and hand them to the independent lawyer in (if you wish) a sealed envelope or container; and
 - (d) may gather together any documents that passed between you and your lawyers for the purpose of obtaining legal advice or that are otherwise subject to legal professional privilege or client legal privilege, and hand them to the independent lawyer in (if you wish) a sealed envelope or container.
13. Subject to paragraph 22 below, the independent lawyer must not inspect or permit to be inspected by anyone, including the applicant and the applicant's lawyers, any thing handed to the independent lawyer in accordance with subparagraphs 12(c) and (d) above and the independent lawyer must deliver it to the Court at or prior to the hearing on the Return Date.
14. During any period referred to in paragraph 12 above, you must:
 - (a) inform and keep the independent lawyer informed of the steps being taken;
 - (b) permit the independent lawyer to enter the premises but not to start the search;
 - (c) not disturb or remove any listed things; and
 - (d) comply with the terms of paragraphs 25 and 26 below.
15. Any thing the subject of a dispute as to whether it is a listed thing must promptly be handed by you to the independent lawyer for safekeeping pending resolution of the dispute or further order of the Court.
16. Before removing any listed things from the premises (other than things referred to in the immediately preceding paragraph), the independent lawyer must supply a list of them to you, give you a reasonable time to check the correctness of the list, and give you and the applicant's lawyers a copy of the list signed by the independent lawyer.
17. The premises must not be searched, and things must not be removed from the premises, except in the presence of you or of a person who appears to the independent lawyer to be



your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.

18. If the independent lawyer is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the independent lawyer may permit the search to proceed and the listed things to be removed without full compliance.
19. The applicant's lawyer and the independent lawyer must not allow the applicant in person to inspect or have copies of any thing removed from the premises nor communicate to the applicant information about its contents or about anything observed at the premises until 4:30pm on the return date or other time fixed by further order of the Court.

COMPUTERS, STORAGE DEVICES AND ONLINE STORAGE FACILITIES

20.
 - (a) If it is expected that a computer, a storage device, online storage facility or other electronic device which includes a function of storing information ("computer, device or online storage") will be searched, the search party must include a computer expert who is independent of the applicant and of the applicant's lawyers ('the independent computer expert').
 - (b) Any search of a computer, device or online storage must be carried out only by the independent computer expert.
 - (c) The independent computer expert may make a copy or digital copy of the computer hard drive, the device, information in the online storage facility, or any functionally equivalent repository of information ("image") and remove that copy or digital copy from the premises.
 - (d) The independent computer expert may search the computer, device or online storage or the copy or digital copy of the image at the premises and/or away from the premises for listed things and may copy the listed things electronically or in hard copy or both.
 - (e) The independent computer expert must as soon as practicable and, in any event, prior to the hearing on the return date, deliver the copy or digital copy of the image and all electronic and hard copies of listed things to the independent lawyer, together with a report of what the independent computer expert has done including a list of such electronic and hard copies.
 - (f) The independent lawyer must, at or prior to the hearing on the return date, deliver to the Court all things received from the independent computer expert and serve a copy of the latter's report on the parties.
 - (g) If no independent computer expert has been appointed, but the independent lawyer considers it necessary to remove a computer or storage device from the premises for safekeeping or for the purpose of copying its contents electronically and printing out information in documentary form, the independent lawyer may remove the computer or storage from the premises for that purpose and cause that purpose to be achieved.
21.
 - (a) This paragraph (21) applies if you are not a corporation and you wish to object to complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
 - (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.



- (d) This paragraph (21) applies if you are a corporation and all of the persons who are able to comply with paragraph 20 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 20 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (e) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

INSPECTION

22. Prior to the Return Date, you or your lawyer or representative shall be entitled, in the presence of the independent lawyer, to inspect any thing removed from the premises and to:
- (a) make copies of the same; and
 - (b) provide the independent lawyer with a signed list of things which are claimed to be privileged or confidential and which you claim ought not to be inspected by the applicant.

PROVISION OF INFORMATION

23. Subject to paragraph 24 below, you must:
- (a) at or before the further hearing on the Return Date (or within such further time as the Court may allow) to the best of your ability inform the applicant in writing as to:
 - (i) the location of the listed things;
 - (ii) the name and address of everyone who has supplied you, or offered to supply you, with any listed thing;
 - (iii) the name and address of every person to whom you have supplied, or offered to supply, any listed thing; and
 - (iv) details of the dates and quantities of every such supply and offer.
 - (b) within 2 working days after being served with this order, make and serve on the applicant an affidavit setting out the above information.



24. (a) This paragraph (24) applies if you are not a corporation and you wish to object to complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that you:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (b) This paragraph (24) also applies if you are a corporation and all of the persons who are able to comply with paragraph 23 on your behalf and with whom you have been able to communicate, wish to object to your complying with paragraph 23 on the grounds that some or all of the information required to be disclosed may tend to prove that they respectively:
- (i) have committed an offence against or arising under an Australian law or a law of a foreign country; or
 - (ii) are liable to a civil penalty.
- (c) You must:
- (i) disclose so much of the information required to be disclosed to which no objection is taken; and
 - (ii) prepare an affidavit containing so much of the information required to be disclosed to which objection is taken, and deliver it to the Court in a sealed envelope; and
 - (iii) file and serve on each other party a separate affidavit setting out the basis of the objection.

PROHIBITED ACTS

25. Except for the sole purpose of obtaining legal advice, you must not, until 4:30pm on the Return Date, directly or indirectly inform any person of this proceeding or of the contents of this order, or tell any person that a proceeding has been or may be brought against you by the applicant.
26. Until 4:30pm on the Return Date you must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed things otherwise than in accordance with the terms of this order or further order of the Court.

COSTS

27. The costs of this application are reserved to the Court hearing the application on the Return Date.



SCHEDULE A

Premises

The premises located at:

Sydney
Level 5, 141 Walker St
North Sydney NSW 2060

Melbourne
Building 1, Level 5, 658 Church St
Richmond VIC 3121

Brisbane
26 Edmondstone Rd
Bowen Hills QLD 4006

Perth
Level 8, 182 St Georges Terrace
Perth WA 6000

23 Margaret Street
Rozelle NSW 2029

including any vehicle or vehicles under the respondent's control on or about those premises.

Listed Things

- (a) All documents (hard copy and electronic records) concerning or which refer to the following agreements:
- (i) the principal and agent agreement between Westpac and BHD Leasing with ACN 154 478 707 dated 8 May 2017;
 - (ii) the principal and agent agreement between Westpac and Eqwe Pty Ltd (formerly BHO Funding Ltd) ACN 630 535 554 dated 12 July 2019; and
 - (iii) the Master Sale of Receivable and Goods Agreement between Forum Finance and BHD Leasing with ACN 154 478 707 dated 31 August 2018; and
 - (iv) the Master Sale of Receivable and Goods Agreement between Forum Finance and Eqwe (formerly BHO Funding Ltd) ACN 630 535 554 dated 12 July 2019.
- (b) All documents (hard copy and electronic records) concerning the entry into Payment Schedules, or other purchase orders or contracts with the following customers ("Customers"):
- (i) Veolia Environmental Services (Australia) Pty Ltd ACN 051 316 584



- (ii) WesTrac Pty Limited ACN 009 342 572
 - (iii) ALH Group Pty Limited ACN 098 212 134
 - (iv) Scentre Shopping Centre Management Pty Ltd ACN 000 712 710
 - (v) Coles Supermarkets Australia Pty Limited ACN 004 189 708
 - (vi) Catholic Healthcare Limited ACN 064 946 318
 - (vii) The Martinez HWL Practice Trust & The East HWL Practice Trust & The Warat HWL Practice Trust & The Marin HWL Practice Trust & Others trading as 'HWL Ebsworth Lawyers' ABN 37 246 549 189,
(together referred to as **Customers**), including payment schedules on “Forum” or “Iugis” letterhead, executed payment schedules, draft payment schedules; documents referring to or concerning the contracts or payment schedules and any correspondence, communication or other evidence of the creation or execution of a Payment Schedule for a Customer or provision of a Payment Schedule to a Customer.
- (c) All documents (electronic or hard copy) headed Certificate of Acceptance of Delivery in relation to any payment schedule between Forum Finance Pty Ltd and any Customer.
 - (d) All documents (electronic or hard copy) headed “Sale Notice” purporting to be issued by Forum Finance Pty Ltd to Eqwe Pty Ltd ACN 630 535 554, including any executed or draft Sale Notice and any correspondence, communication or other evidence of the issue of a Sale Notice to Eqwe.
 - (e) All correspondence and other documents relating to any agreement with Eqwe.
 - (f) All documents (electronic or hard copy) in relation to any funding provided to Forum Finance or the Customers, directly or indirectly, by Westpac in the period from 8 May 2017 to the date of these orders.
 - (g) All documents (electronic or hard copy) in relation to the receipt, disbursement, payment, use or transfer of funds provided directly or indirectly to Forum Finance by Westpac or Eqwe into and out of the following accounts:
 - (i) the bank account with BSB 082 080 and account number 848483695 held with the National Australia Bank Limited (NAB); and
 - (ii) the bank account with BSB 082 080 and account number 761644257 held with the NAB
 - (h) emails between Mr Bill Papas and:
 - (i) Mr Luke Price in relation to any Customer; and



- (ii) any representative of a Customer.
- (i) Any electronic document recording telephone calls, sms messages, whatsapp (or other electronic messaging system or platform) messages or other electronic text messages between:
 - (i) Mr Papas and Mr Price in relation to a Customer; and
 - (ii) Mr Papas and any representative of a Customer in relation to a Payment Schedule with Forum Finance.

Search Party

- 4. The independent lawyer:
 - (a) For the **Sydney** Premises is James Whittaker, Partner, Corrs Chambers Westgarth, Level 17, 8 Chifley 8-12 Chifley Square Sydney NSW 2000; and
 - (a) For the **Melbourne** Premises is John Tuck, Partner, Corrs Chambers Westgarth, Level 25, 567 Collins Street, Melbourne VIC 3000;
 - (b) For the **Perth** Premises is Rachael King, Partner, Corrs Chambers Westgarth, Level 6, Brookfield Tower 2, 123 St Georges Terrace, Perth WA 6000; and
 - (c) For the **Brisbane** Premises is Rodney Dann, Partner, Level 42, 111 Eagle Street, Brisbane QLD 4000.
- 5. The applicant's lawyer or lawyers:
 - (a) For the **Sydney** Premises:
 - (1) Michael Hughes, Partner, MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;
 - (2) Anthony Sommer, Senior Associate, MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;;
 - (b) For the **Melbourne** Premises is Scott Chesterman, Partner, MinterEllison, Collins Arch, Level 20, 447 Collins Street, Melbourne VIC 3000;
 - (c) For the **Perth** Premises is David Suttner, Senior Associate, MinterEllison, Allendale Square, 77 St Georges Terrace, Perth WA 6000; and
 - (d) For the **Brisbane** Premises is Rachel Rouyanian, Special Counsel, MinterEllison, Level 22, Waterfront Place, Eagle Street, Brisbane QLD 4000
- 6. Other members of the search party:
 - (d) For the **Sydney** Premises:
 - (1) Rodney McKemmish, Principal, CYTER, Suite 2, 301A Castlereagh Street, Sydney NSW 2000 in the capacity of an independent computer expert;



- (2) Yian Sun, Senior Forensics Specialist, CYTER, Suite 2, 301A Castlereagh Street, Sydney NSW 2000 in the capacity of an independent computer expert;
- (e) For the **Perth** Premises: Darren Michael, Partner, Evidence Advisory, Level 12, 197 St Georges Terrace, Perth WA 6000 in the capacity of an independent computer expert; and
- (f) For the **Melbourne** Premises: David Caldwell, Director, Forensic IT, Level 18, 114 William Street, Melbourne VIC 3000 in the capacity of an independent computer expert.

SCHEDULE B

UNDERTAKINGS GIVEN TO THE COURT

Undertakings given to the Court by the applicant:

1. The applicant undertakes to submit to such order (if any) as the Court may consider to be just for the payment of compensation (to be assessed by the Court or as it may direct) to any person (whether or not a party) affected by the operation of the order.
2. The applicant will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
3. The applicant will not inform any other person of the identity of the respondents to these proceedings except for the purposes of this proceeding until after 4:30pm on the Return Date and to meet the applicant's statutory, market disclosure and prudential obligations.
4. If the applicant has not already done so, as soon as practicable the applicant will file an interlocutory application for hearing on the Return Date and an originating process [in the form of the draft produced to the Court].

Undertakings given to the Court by the applicant's lawyer

1. The applicant's lawyer will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
2. The applicant's lawyer will provide to the independent lawyer for service on the respondent copies of the following documents:
 - (a) this order;
 - (b) the application for this order for hearing on the Return Date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied (other than confidential exhibits);
 - (iii) any written submission; and



- (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court; and
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.
3. The applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a listed thing.
 4. The applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
 5. The applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
 6. The applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
 7. The applicant's lawyer will not disclose to the applicant any information that the lawyer acquires during or as a result of execution of the search order, without the leave of the Court.
 8. The applicant's lawyer will use best endeavours to follow all directions of the independent lawyer.

Undertakings given to the Court by the independent lawyer

1. The independent lawyer will use his or her best endeavours to serve the respondent with this order and the other documents referred to in undertaking Part B (2) of the above (undertakings by the applicant's lawyer or lawyers).
2. Before entering the premises, the independent lawyer will:-
 - (a) offer to explain the terms and effect of the search order to the person served with the order and, if the offer is accepted, do so; and
 - (b) inform the respondent of his or her right to take legal advice.
3. Subject to undertaking (4) below, the independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to this order until delivery to the Court or further order of the Court.
4. At or before the hearing on the Return Date, the independent lawyer will provide a written report on the carrying out of the order to the Court and provide a copy to the applicant's lawyers and to the respondent or the respondent's lawyers. The report will attach a copy of any list made pursuant to the order and a copy of any report received from an independent computer expert.
5. The independent lawyer will use best endeavours to ensure that members of the search party act in conformity with the order and that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.



6. The independent lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
7. The independent lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.

Undertakings given to the Court by the independent computer expert

1. The independent computer expert will use his or her best endeavours to act in conformity with the order and to ensure that the order, so far as it concerns the independent computer expert, is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
2. The independent computer expert will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
3. The independent computer expert will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the Return Date.
4. The independent computer expert will use best endeavours to follow all directions of the independent lawyer.

SCHEDULE C

AFFIDAVITS RELIED ON

Name of deponent	Date affidavit made
Geoffrey Keith Anderson	28 June 2021
Nicholas Antony O'Brien	27 June 2021
Caitlin Maria Murray	28 June 2021

NAME AND ADDRESS OF APPLICANT'S LAWYERS

The Applicant's lawyers are:

MinterEllison
Governor Macquarie Tower
Level 40, 1 Farrer Place
Sydney NSW 2000

Attention: Caitlin Murray
caitlin.murray@minterellison.com ; T +61 2 9921 8514 ; M +61 422 977 971 ; +61 2 9921 8123
ref: CMM:1353397

**ANNEXURE E – SUPPRESSION ORDER PERSONS**

- A. Veolia Environmental Services (Australia) Pty Ltd ACN 051 316 584
- B. WesTrac Pty Limited ACN 009 342 572
- C. ALH Group Pty Limited ACN 098 212 134
- D. Scentre Shopping Centre Management Pty Ltd ACN 000 712 710
- E. Coles Supermarkets Australia Pty Limited ACN 004 189 708
- F. Catholic Healthcare Limited ACN 064 946 318
- G. The Martinez HWL Practice Trust & The East HWL Practice Trust & The Warat HWL Practice Trust & The Marin HWL Practice Trust & Others trading as 'HWL Ebsworth Lawyers' ABN 37 246 549 189