

## NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 28/09/2021 4:57:20 PM 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 - Form 35 - Rule 17.01(1)(a)  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v FORUM FINANCE PTY LIMITED & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA  
Reason for Listing: Case Management Hearing  
Time and date for hearing: 20/10/2021, 9:30 AM  
Place: Court Room Not Assigned, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



*Sia Lagos*

Dated: 1/10/2021 2:44:58 PM 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 616 of 2021

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

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

**Forum Finance Pty Limited ACN 153 301 172** and others named in the Schedule  
Respondents

To: **Westpac Banking Corporation ABN 33 007 457 141**  
**SMBC Leasing and Finance, Inc. Sydney Branch ARBN 602 309 366** (the Applicant  
in proceedings no. NSD 681/2021 travelling concurrently with these proceedings).

**ANTONY RESNICK and MARK ROBINSON, in their capacities as the joint and several receivers of Smartprint Fleet Management Pty Limited ACN 132 807 080 (receivers appointed) (in liquidation)**, apply 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:** By Web Conference, Federal Court of Australia

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Filed on behalf of (name & role of party)	Antony Resnick and Mark Robinson, in their capacities as the joint and several receivers of Smartprint Fleet Management Pty Limited (receivers appointed) (in liquidation)		
Prepared by (name of person/lawyer)	Bianca Quan of Cornwalls		
Law firm (if applicable)	Cornwalls		
Tel	(03) 9608 2000	Fax	(03) 9608 2222
Email	<a href="mailto:b.guan@cornwalls.com.au">b.guan@cornwalls.com.au</a> ; <a href="mailto:a.lee@cornwalls.com.au">a.lee@cornwalls.com.au</a>		
<b>Address for service</b> (include state and postcode)	Cornwalls, 114 William Street, MELBOURNE VIC 3000		



The Court ordered that the time for serving this application be abridged to **Not Applicable**

Date: 28 September 2021

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



### Interlocutory orders sought

1. Pursuant to rules 1.32 and/or 9.02 of the *Federal Court Rules 2011* (Cth) (**FCR**), order that:
  - a. Antony Resnick and Mark Robinson in their capacities as the joint and several receivers of Smartprint Fleet Management Pty Limited ACN 132 807 080 (receivers appointed) (in liquidation) (**Smartprint**) (**the Receivers**), be joined as parties to these proceedings for the purpose of making this Application;
  - b. and, to the extent necessary, that SMBC Leasing and Finance, Inc. Sydney Branch ARBN 602 309 366 (**SMBC**), be joined as a party to these proceedings for the purpose of responding to this Application (SMBC being the Applicant in proceedings no. NSD 681/2021 travelling concurrently with these proceedings).
2. Order that the total balance of funds in the Westpac Bank Account of Smartprint bearing BSB/Account number 034061 347417 (**Smartprint Westpac Account**) as at the date of the Orders be paid forthwith to the Macquarie Bank account opened by the Receivers for the purpose of the receivership of Smartprint being:  

Account name:	SmartPrint Fleet Management Pty Ltd (Receivers Appointed)
BSB:	182-222
Account no.:	230832180
3. To the extent necessary, order that any freezing orders made in these proceedings, including the freezing orders made by his Honour Justice Lee on 28 June 2021 (as subsequently varied and extended from time to time), be varied to permit the payment in Order 2 above.
4. A declaration that the balance of funds in the Smartprint Westpac Account is subject to the security interests of Octet Finance Pty Limited ACN 124 477 916 (**Octet**).
5. A declaration that the Receivers are entitled to account the funds in the Smartprint Account to Octet.
6. Such other Order as the Court sees fit.
7. Costs.



### **Service on the Respondents to this Interlocutory Application**

It is intended to serve this application on the following Respondents [to this Interlocutory Application]:

1. Westpac Banking Corporation ABN 33 007 457 141 (the First Applicant in these proceedings);
2. SMBC Leasing and Finance, Inc. Sydney Branch ARBN 602 309 366 (the Applicant in proceedings no. NSD 681/2021 travelling concurrently with these proceedings).

Date: 28 September 2021

A handwritten signature in blue ink, appearing to read "Bianca", written over a horizontal dotted line.

Signed by BIANCA QUAN of Cornwalls  
Lawyer for the Receivers



## Schedule

No. NSD616/2021

Federal Court of Australia  
 District Registry: Sydney  
 Division: General

### Applicants

First Applicant	Westpac Banking Corporation ABN 33 007 457 141
Second Applicant	Westpac New Zealand Limited (company registration number 1763882)

### Respondents

First Respondent:	Forum Finance Pty Limited (in liquidation) ACN 153 301 172
Second Respondent:	Basile Papadimitriou
Third Respondent:	Vincenzo Frank Tesoriero
Fourth Respondent	Forum Group Financial Services Pty Ltd (provisional liquidators appointed) ACN 623 033 705
Fifth Respondent	Forum Group Pty Ltd (Receivers Appointed) (in liquidation) ACN 153 336 997
Sixth Respondent	Forum Enviro Pty Ltd (provisional liquidators appointed) ACN 168 709 840
Seventh Respondent	Forum Enviro (Aust) Pty Ltd (provisional liquidators appointed) ACN 607 484 364
Eighth Respondent	64-66 Berkeley St Hawthorn Pty Ltd ACN 643 383 662
Ninth Respondent	14 James Street Pty Ltd (in liquidation) ACN 638 449 206
Tenth Respondent	26 Edmonstone Road Pty Ltd (in liquidation) ACN 622 944 129
Eleventh Respondent	5 Bulkara Street Pty Ltd (in liquidation) ACN 630 982 160
Twelfth Respondent	6 Bulkara Street Pty Ltd (in liquidation) ACN 639 734 473
Thirteenth Respondent	23 Margaret Street Pty Ltd ACN 623 715 373
Fourteenth Respondent	1160 Glen Huntly Road Pty Ltd ACN 639 447 984
Fifteenth Respondent	14 Kirwin Road Morwell Pty Ltd ACN 641 402 093
Sixteenth Respondent	Canner Investments Pty Ltd ACN 624 176 049
Seventeenth Respondent	123 High Street Taradale Pty Ltd ACN 639 872 512
Eighteenth Respondent	160 Murray Valley Hwy Lake Boga Pty Ltd ACN 641 392 921
Nineteenth Respondent	31 Ellerman Street Dimboola Pty Ltd ACN 641 392 887



Twentieth Respondent	4 Cowslip Street Violet Town Pty Ltd ACN 639 872 352
Twenty-First Respondent	55 Nolan Street Maryborough Pty Ltd ACN 641 392 912
Twenty-Second Respondent	89 Betka Road Mallacoota Pty Ltd ACN 641 393 179
Twenty-Third Respondent	9 Gregory Street Ouyen Pty Ltd ACN 641 392 707
Twenty-Fourth Respondent	9 Main Street Derrinallum Pty Ltd ACN 639 872 736
Twenty-Fifth Respondent	286 Carlisle Street Pty Limited ACN 610 042 343
Twenty-Sixth Respondent	275 High Street Golden Square Pty Ltd ACN 639 870 545
Twenty-Seventh Respondent	Mazcon Investments Hellas IKE
Twenty-Eighth Respondent	Palante Pty Ltd ACN 135 344 151
Twenty-Ninth Respondent	Anastasios Giamouridis
Thirtieth Respondent	The Forum Group of Companies Pty Ltd (in liquidation) ACN 151 964 626
Thirty-First Respondent	lugis Pty Ltd (in liquidation) ACN 632 882 243
Thirty-Second Respondent	lugis (UK) Limited (Company Number 10745974)
Thirty-Third Respondent	lugis Holdings Limited (Company Number 11123437)
Thirty-Fourth Respondent	lugis Global Financial Services Limited (Company Number 11785331)
Thirty-Fifth Respondent	lugis Finance Limited (Company Number 11124046)
Thirty-Sixth Respondent	Spartan Consulting Group Pty Ltd (in liquidation) ACN 168 989 544
Thirty-Seventh Respondent	Intrashield Pty Ltd (in liquidation) ACN 133 426 534
Thirty-Eighth Respondent	Tesoriero Investment Group Pty Ltd ACN 161 088 115
Thirty-Ninth Respondent	Mangusta (Vic) Pty Ltd ACN 631 520 682
Fortieth Respondent	193 Carlisle Street Enterprises Pty Ltd ACN 612 615 237
Forty-First Respondent	8-12 Natalia Ave Oakleigh Pty Ltd ACN 643 838 626
Forty-Second Respondent	lugis Hellas IKE
Forty-Third Respondent	lugis Energy SA