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Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)
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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



Sia Lagos

Dated: 2/07/2021 2:59:19 PM AEST

Registrar

Important Information

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Form 59
Rule 29.02(1)

Affidavit

No. NSD616 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 and BASILE PAPADIMITRIOU

Respondents

Affidavit of: **Felicity Louise Healy**
Address: Corrs Chambers Westgarth, Level 17, 8-12 Chifley Place, Sydney, NSW 2000
Occupation: Partner of Corrs Chambers Westgarth
Date: 2 July 2021

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Filed on behalf of (name & role of party) Independent Solicitor
Prepared by (name of person/lawyer) Felicity Healy
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(include state and postcode)

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I, Felicity Louise Healy, of Level 17, 8-12 Chifley Square, Sydney NSW, say on oath:

1. I am a partner of Corrs Chambers Westgarth (**Corrs**), and have been appointed as an independent solicitor for the purpose of supervising the execution of a search order in these proceedings.
2. I make this affidavit on the basis of my own knowledge, except where I have stated otherwise. Where I depose to facts or circumstances based on information and belief, I believe those facts and circumstances are true to the best of my information and belief.

Pre-appointment correspondence

3. On or around 9:30 AM on 28 June 2021, I received an email from Caitlin Murray of Minter Ellison attaching a letter addressed to me of the same date. A copy of that email is annexed to this affidavit and marked FH1.
4. On or around 9:41 AM, I sent an email to Ms Murray confirming my consent to act as an independent solicitor in accordance with her letter (appearing on the second page of FH1). A copy of my email to Ms Murray is annexed to this affidavit and marked FH2.
5. On or around 1:07 PM, I received an email from Ms Murray attaching sealed orders made by Lee J on the same day (**Orders**). A copy of that email and its attachment are annexed to this affidavit and are marked FH3.

Service of documents

6. On or around 1:50 PM on 28 June 2021, I arrived at the street entrance of 141 Walker Street, North Sydney NSW 2060 (**Building**), where I was met by Michael Hughes (Partner) and Andrew Clarke (Lawyer), of Minter Ellison who I understood to be the solicitors for the applicant. Mr Clarke provided me with a white lever arch folder (**White Folder**) containing copies of the following documents:
 - (a) sealed orders of Lee J dated 28 June 2021;
 - (b) originating application dated 28 June 2021;
 - (c) the interlocutory application dated 28 June 2021;
 - (d) affidavit of Geoffrey Keith Anderson sworn on 28 June 2021 with exhibit GKA-1;
 - (e) affidavit of Nicholas Antony O'Brien sworn on 27 June 2021 with exhibit NOB-1;
 - (f) first affidavit of Caitlin Maria Murray sworn on 28 June 2021 with exhibit CMM-1; and
 - (g) second affidavit of Caitlin Maria Murray sworn on 28 June 2021;

together, the **Court Documents**. A copy of the cover page of the White Folder is annexed to this affidavit and marked FH4.

7. I briefly reviewed the contents of the White Folder to confirm that the orders I had received earlier that day were present and that the Court Documents appeared to be complete.
8. Due to public health restrictions, the reception desk on the ground floor of the Building was unmanned. I attempted to access Level 5 of the Building (**Premises**), which I understood to be the location of the offices of Forum Finance Pty Ltd (**Forum Finance**), by elevator. I discovered that access to the Premises by elevator was restricted by electronic key.
9. On or around 1:53 PM, a man exited the elevator. I asked whether he had access to the Premises. He indicated that he did and that he was employed by Forum. I asked whether he could give me access to the Premises for the purpose of serving some documents. He said he could. He swiped his electronic key, allowing me, together with Mr Hughes and Mr Clarke, to access the Premises by elevator.
10. When I arrived at the Premises, I observed that there was no reception desk. I asked Mr Hughes and Mr Clarke to remain seated beside the elevators. A man approached us and identified himself as Anthony. I identified myself using words to the following effect:

FH: My name is Felicity Healy. I'm a partner from Corrs Chambers Westgarth and I'm here as an Independent Solicitor appointed by the Federal Court of Australia, to serve documents. Are you the most senior person on the premises?

11. Anthony indicated that he was not the most senior person at the Premises but that he would return with that person. I waited in the foyer area for approximately one to two minutes. Anthony returned with a man who identified himself as Craig Rollinson. I asked Mr Rollinson if he was the most senior at the Premises and he confirmed that he was. I identified myself using words to the following effect:

FH: My name is Felicity Healy. I'm a partner from Corrs Chambers Westgarth and I'm here as an Independent Solicitor to serve you with orders made by the Federal Court of Australia executing a search order on these premises. Can you please provide me with your title?

CR: I don't have an actual title. But, I am the most senior person here.

12. I came to learn that Mr Rollinson's title is Executive General Manager - Operations at Forum Group.
13. There were a number of employees at the Premises when I arrived. I later came to learn the names of those employees, which are listed below:

- (a) Ms Suzi Philips;
- (b) Ms Rebecca Michael;
- (c) Mr Mark Churchin;
- (d) Ms Eloise Orlandini;
- (e) Mr Jeff Olling;
- (f) Mr Derek Mathrel; and
- (g) Mr Anthony Maxwell.

14. I asked Mr Rollinson if he could instruct all the employees present at the Premises to gather in a meeting room using words to the following effect:

FH: Can you please ask all employees on the premises to gather in a meeting room, while I speak with you in private? Would you please ask them to refrain from using their devices, like mobiles and laptops, until I have finished speaking with you. Please also advise them that there are non-disclosure orders in place, so they are not to discuss the matter with anyone.

15. Once all the employees had gathered in one meeting room, I entered a separate meeting room with Mr Rollinson. Also present in the room with me and Mr Rollinson, was the man who earlier provided me with access to the Premises. Words were exchanged to the following effect:

The man: My name is Jeffrey Olling and I am a lawyer.

FH: Do you hold a current practising certificate?

JO: No, not in this state.

16. On or before 2:00 PM, I served the White Folder containing the Court Documents on Mr Rollinson using words to the following effect:

FH: As required by the Federal Court of Australia, I am serving these documents on you. Would you like me to explain the effect of the Court's orders to you and take you through the documents?

CR: Yes, please.

17. I proceeded to take Mr Rollinson through the Court Documents, and in particular order 7



and Annexure C of the Orders (**Search Order**). I read the terms of the Search Order aloud. I then said words to the following effect:

FH: It is important for you to know that you are entitled to obtain legal advice prior to the execution of the Search Order and that you have a reasonable period in which to do so. Please let me know if you would like to contact your lawyer. I must also let you know that if there is material located during the course of the search that you believe may incriminate you, you should identify that material to me. I will record that material separately and put it in a sealed envelope. Similarly, if there is any material located during the course of the search that you consider to be the subject of a claim of legal professional privilege, please let me know. I will record that material separately and put it in a sealed envelope to allow you time to put on affidavit evidence seeking to maintain the privilege in those documents.

18. While I was in the room, Mr Rollinson contacted his solicitor, who he identified as Francis Farmakidis of Vobis Equity Lawyers. We exchanged words to the following effect:

FH: Have you received a copy of the orders of Justice Lee dated 28 June 2021?

FF: No, I have not.

19. I exited the room, approached Mr Hughes and said words to the following effect:

FH: Michael, would you please attend to service of the Court Documents on Mr Francis of Vobis Equity Lawyers as a matter of urgency?

MH: Yes, we will attend to service now.

20. I entered the room in which Mr Rollinson and Mr Olling were waiting, with Mr Farmakidis in attendance by telephone. After a few minutes, I said words to the following effect:

FH: Francis, have you received the documents?

FF: Yes.

FH: I draw your attention to the Search Order. Order 12 of the orders made by Justice Lee gives your client liberty to apply to vary the orders. If you have an objection and wish to apply to set aside or vary the orders, you will need to contact Justice Lee's Associate immediately.

CR: I wish to seek legal advice.

21. I exited the room, leaving Mr Rollinson and Mr Olling to confer with Mr Farmakidis. I approached Mr Hughes and Mr Clarke and said words to the following effect:

FH: Mr Rollinson is seeking legal advice. I will let you know when you may commence execution of the Search Order.

22. On or around 3:10 PM, Mr Yian Sun arrived at the Premises. He identified himself using words to the following effect:

YS: My name is Yian Sun. I am the independent computer expert.

FH: Mr Rollinson is seeking legal advice. I will let you know when you may commence execution of the Search Order.

23. On or around 3:15 PM, Mr Rollinson approached me and asked me to re-enter the meeting room with Mr Olling. We exchanged words to the following effect:

CR: You may commence the search.

FH: Thank you, I will ask the solicitors from Minter Ellison to join us.

24. I exited the meeting room and returned with Mr Hughes, Mr Clarke and Mr Sun. We exchanged words to the following effect:

FH: Craig, you'll see at pages 25 – 27 of the orders made by Justice Lee today, there is a list identifying the types of documents that can be collected.

CR: Some of the documents on this Premises don't belong to Forum Finance. This office is shared with other Forum Group entities. Forum Finance has no employees.

FH: Do you agree that these documents are within the possession, custody and control of Forum Finance?

CR: Yes. Looking at this list, I think Eloise has already started compiling documents of this nature. I will ask her to speak with you.

25. Mr Rollinson left the meeting room for a moment and returned with a woman who identified herself as Eloise Orlandini. Eloise directed my attention to her laptop screen where I observed a OneDrive folder. We exchanged words to the following effect:

EO: This folder contains documents listed in the Search Order.

FH: Thank you. Are all the agreements in (a) of the List of Things in this folder?

EO: No

FH: Where would copies of these agreements be?

EO: They are in many places on the system.

FH: Are there hard copies of these agreements?

EO: I'm not sure.

26. Mr Hughes and Mr Clarke commenced their search of the Premises, details of which are described at paragraphs 28 to 29 below.

Conduct of the Search

Search for physical materials

27. The Premises is an open plan office space arranged with work stations in the centre of the floor and meeting rooms or offices around the external perimeter, facing the street.
28. I observed Mr Hughes and Mr Clarke undertake the search for physical materials, which commenced in the office of Mr Rollinson, and the desk cubicle immediately outside Mr Rollinson's office. The search continued in the office of Mr Basile Papadimitriou (**Mr Papas**) office and the desk cubicle immediately outside his office, which was subsequently identified as Ms Orlandini's desk.
29. During the course of the search, I employed the process described at paragraphs 29(a) to 29(b) below, for the identification of physical materials.

Identifying relevant material

- (a) If Mr Hughes or Mr Clarke identified a document or bundle of documents (**Item**) that they considered to be within the scope of the Search Order, they would provide that Item to me. I would undertake a preliminary review of the Item. If I formed the view that the Item fell within the scope of the Search Order, I would assign the Item a number by applying a blue sticky note marked with that number to the face of the Item. I recorded a short description of the Item along with the number I assigned to it

in a handwritten list (**List of Documents**).

Material the subject of legal professional privilege

(b) If, when reviewing Items provided to me by Mr Hughes or Mr Clarke as described at (a) above, I identified that the Item or part of the Item may be the subject of a claim for legal professional privilege, I would provide the Item (or part of the Item) to Mr Olling for the purpose of determining whether Forum Finance wished to assert a claim of legal professional privilege over that material. Where I provided an Item to Mr Olling for this purpose, I made a note of this beside the description of the Item in the List of Documents. If Mr Olling indicated to me that Forum Finance wished to make a claim for legal professional privilege over the whole or part of an Item, I would place that Item into a sealed envelope and handwrite the following on the front of the document: "subject to legal professional privilege". I would assign the Item a number by applying a blue sticky note marked with that number to the face of the envelope. While I provided Mr Olling with multiple Items for this purpose during the course of the execution of the Search Order, he indicated to me that Forum Finance only wanted to press a claim in one instance.

30. A copy of the handwritten List of Documents collected during the course of the search conducted on 28 June 2021 (**List 1**) is annexed to this affidavit and marked FH5.
31. A copy of the handwritten List of Documents collected during the course of the search conducted on 29 June 2021 (**List 2**) is annexed to this affidavit and marked FH6.

Search for electronic materials

32. During the course of the search, I employed the process described at paragraphs 32(a) to 32(b) below, for the identification of electronic materials:
- (a) If the applicant's solicitors identified an electronic device that they considered to fall within the scope of the Search Order, they would hand it to me and I would provide it to Mr Sun. Mr Sun would then record the device by its serial number on a form headed "**Property Receipt**". Once I was satisfied that a Property Receipt properly identified the devices I had provided to Mr Sun, I would sign and date that Property Receipt. Mr Sun would counter sign, noting the time at which he received the devices from me.
- (b) When Mr Sun returned the devices to me, he would prepare another Property Receipt recording each device by its serial number. Once I was satisfied that the Property Receipt properly identified the devices that I had provided to Mr Sun, I

would sign and date the Property Receipt. Mr Sun would counter sign, noting the time at which the devices were returned to me.

33. I recall Mr Sun and Mr Rollinson exchanging words to the following effect in my presence:

YS: Who should I speak to about the computer systems?

CR: You need to speak to Derek.

34. Mr Rollinson exited the room and returned with Derek Mathrel, who identified himself as the most senior person on the premises with responsibility for maintaining the computer systems. I recall being present during a conversation between Mr Sun and Mr Mathrel.
35. The applicant's solicitors requested that I arrange for electronic devices to be imaged in accordance with the Search Order. Mr Sun instructed me to collect the laptops or other electronic storage devices in the possession of the employees present at the Premises. I observed Mr Rollinson apply a yellow sticky note to each laptop or storage device, identifying the person to whom it belonged. Mr Sun prepared a Property Receipt in respect of the employee laptops. A copy of that Property Receipt is annexed to this affidavit and marked FH7.

Search of Mr Papas' office

36. During the course of the search of Mr Papas' office, Ms Orlandini handed 2 manila folders to me and said words to the following effect:

EO: These folders were in Bill's office and contain payment schedules, which I think are relevant. There used to be other folders like this in Bill's office but they appear to be missing.

The folders described above are listed as Items 1 and 2 on List 1.

37. It was also brought to my attention that certain of the cupboards in Mr Papas' office were locked. A key was identified by Mr Rollinson and Ms Orlandini for the purpose of unlocking those cupboards. In addition to hardcopy materials, a number of laptops were located in Mr Papas' office. Mr Sun prepared a Property Receipt in respect of the laptops located in Mr Papas' office. A copy of that Property Receipt is annexed to this affidavit and marked FH8.

Joseph Gutteridge



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38. On or around 5:00 PM, I received a telephone call from Rachel King, Partner of Corrs, who I understood to have been appointed as the independent solicitor overseeing the execution of the Search Order at the Perth office of Forum Finance (**Perth Office**). Ms King advised me that an employee at the Perth Office, whom she identified as Joseph Gutteridge, would not provide the password to his computer in order to allow the independent computer expert in attendance at the Perth Office to access his hard drive. I had a conversation with Mr Rollinson to the following effect:

FH: Do you know Joseph Gutteridge? He is refusing to provide his password. Could you please contact him and let him know that he must provide his password.

CR: I will call him now.

39. I observed Mr Rollinson speaking to Mr Gutteridge on the phone. Mr Rollinson handed me a piece of paper with what I understood to be Mr Gutteridge's password written on it. I took a photo of the password and sent the photo to Ms King by text message.

Objection

40. On or around 5:15 PM, Mr Rollinson advised me that Mr Farmakidis was on the phone and wished to speak to me. We exchanged words to the following effect:

CR: Mr Farmakidis would like to speak with you.

FH: Hello, Mr Faramakidis.

FF: I understand that Mr Sun has collected laptops belonging to employees for imaging. My client is concerned that these employees will not have access to their laptops for the purpose of undertaking their work over the next couple of days. You can understand that in light of the lockdown, it's very important that they have access to their laptops in order to work.

FH: Let me check with the independent computer expert how long it will take and get back to you.

41. I spoke with Mr Sun who confirmed that the laptops could be imaged overnight. I communicated this to Mr Francis using words to the following effect:

FH: I have spoken with the independent computer expert who has indicated that all of the laptops can be imaged overnight and returned to the employees tomorrow morning.

FF: My client is content with that approach.

Adjournment search

42. On or around 6:49 PM, Mr Hughes approached me and indicated that he and Mr Clarke would resume their search the following day. I provided Mr Hughes and Mr Clarke with a copy of List 1. Then, I exchanged words with Mr Rollinson to the following effect:

FH: The applicant's solicitors have advised that they will adjourn the search until tomorrow. Here is a copy of List 1, which I have compiled today itemising the materials asserted to fall within the scope of the Search Order. Are you content for us to return at 8:30 AM tomorrow morning to recommence the search?

CR: Yes.

FH: I will be taking the materials identified in List 1 into my personal custody.

43. I left the Premises with the Items identified in List 1. I put the Items into a plastic container and wrote the following words on the outside of the container:

"Evidence – Do not open without permission of F Healy"

29 June 2021

44. On or around 7:59 AM on 29 June 2021, I received an email from Mr Hughes attaching a further order made by the Court, allowing an additional member of Minter Ellison, Mr Simon Brandis, to attend the Premises for the purpose of carrying out the Search Order. A copy of that email and its attachment are annexed to this affidavit and marked FH9 (**S Brandis Orders**).
45. On or around 8:30 AM on 29 June 2021, I met Mr Hughes, Mr Clarke and Mr Brandis in the foyer of the Building. A few minutes later, we were met by an employee, who escorted us to the Premises. When I arrived, I observed Mr Hughes serve a copy of the S Brandis Orders on Mr Rollinson.
46. The following people were already present at the Premises:
- (a) Mr Rollinson;
 - (b) Ms Orlandini;

- (c) Ms Phillips;
 - (d) Mr Maxwell;
 - (e) Mr Mathrel; and
 - (f) Mr Olling.
47. The search recommenced. Mr Clarke and Mr Brandis commenced their search at the desks of accounting staff while Mr Hughes returned to Mr Papas' office to continue the search.
48. On or around 9:00 AM, Mr Sun arrived at the Premises. Mr Sun returned certain electronic devices to me in relation to which he prepared Property Receipts, appearing on the second page of annexures marked FH7 and FH8, respectively. I then handed Mr Sun a laptop belonging to Ms Orlandini and 2 USBs located in Mr Papas' office, identified as items 48 and 49 on List 1, for the purpose of imaging. Mr Sun prepared a Property Receipt in respect of these devices, which is annexed to this affidavit and marked FH10.
49. During the course of the search on 29 June 2021:
- (a) Mr Clarke handed 2 laptops to me, which he located in the office of Tony Bouchanine. Mr Rollinson advised me that Mr Bouchanine was the CFO of Forum Group. I provided these 2 laptops to Mr Sun. Mr Sun prepared a Property Receipt in respect of these devices, which is annexed to this affidavit and marked FH11. Later that day, after imaging, Mr Sun returned these laptops to me. A copy of the Property Receipt appears on the second page of FH11. At the request of Mr Rollinson, I returned Mr Bouchanine's laptops to Mr Mathrel.
 - (b) Mr Brandis provided me with a laptop that he located in a locked filing cabinet in Mr Bouchanine's office. Mr Hughes provided me with a collection of electronic devices which he located in a locked cabinet behind Ms Orlandini's desk. Of those electronic devices, Mr Sun determined that only one mobile phone was capable of imaging. Accordingly, Mr Sun prepared a Property Receipt in respect of these items, which is annexed to this affidavit and marked FH12. Later that day, after imaging, Mr Sun returned these devices to me. A copy of the Property Receipt appears on the second page of FH12. I returned the laptop to Mr Bouchanine's office and the mobile phone to Ms Philips.
50. On or around 11:58 AM, the applicant's solicitors indicated that they intended to adjourn

the search for approximately 45 minutes. On or around 12:50 PM, the search recommenced. Mr Hughes, Mr Clarke and Mr Brandis began searching desks in the open plan area, including those situated in front of Mr Papas' office.

51. On or around 3:00 PM, I spoke to Mr Olling and exchanged words to the following effect:

FH: Mr Olling, I am required to give Forum Finance a reasonable opportunity to review the materials that the applicant's solicitors have identified as being relevant. Would you like to start that process now?

JO: Yes, but I am only available until 4:00 PM.

52. In affording Forum Finance an opportunity to review the Items identified by the applicant's solicitors as falling within the scope of the Search Order, I employed the following process:

- (a) I would progress through the List of Documents sequentially, handing Items to Mr Olling one item at a time. I observed Mr Olling review each Item in detail and in many cases, page by page.
- (b) If Mr Olling agreed that an Item fell within the scope of the Search Order, he would return the Item to me and confirm his view orally. I would record this by marking the handwritten List of Documents with a tick beside the number of the Item.
- (c) If Mr Olling disagreed that an Item fell within the scope of the Search Order, I would indicate the nature of the objection to Mr Hughes, orally. If Mr Hughes agreed with Mr Olling, I would return the Item (or parts of the Item to which the objection applied) to Mr Olling. If Mr Hughes did not agree with the objection, I would place the Item (or parts of the Item to which the objection applied) in a plastic sleeve and affix a pink sticky note to the face of the plastic sleeve recording both the number of the Item and the nature of the objection. In both cases, I would annotate the List of Documents accordingly.

53. A copy of the annotated version of List 1 is annexed to this affidavit and marked FH13. A copy of the annotated version of List 2 is exhibited annexed to this affidavit and marked FH14.

54. In the time available, Mr Olling reviewed Items numbered 38 – 50, appearing on List 1.

55. On or around 4:20 PM, the applicant's solicitors indicated to me that they had completed their physical search of the Premises. I provided Mr Hughes with a copy of List 2. I had

a conversation with Mr Hughes and Mr Olling to the following effect:

MH: We have completed our physical search of the Premises.

FH: I am required to give Forum Finance a reasonable opportunity to review the documents you have identified as being relevant. I suggest that Mr Hughes and I return tomorrow morning at 8:30 AM for the purpose of completing this exercise.

JO: Yes. I am happy with that approach.

MH: Yes. I am also happy with that approach.

FH: Jeff, here is a copy of List 2, which I have compiled today, itemising the materials asserted to fall within the scope of the Search Order. I will be taking the Items identified in List 1 and List 2 into my personal custody.

56. I then had a conversation with Mr Sun in relation to the progress of his electronic searches and the preparation of his report. He indicated that he required more time to complete searches of Forum Finance's electronic systems and that while he was able to provide an interim report, he would not be in a position to provide a final report prior to 2 July 2021.
57. I placed the Items identified in List 1 and List 2 into the plastic tub and left the Premises with those materials. Later that evening, I separated the Items identified in List 1 and List 2 between 2 sealed plastic tubs.

30 June 2021

58. On or around 5:23 PM on 29 June 2021, I received an email from Mr Clarke attaching a further order made by the Court, adding Ms Gowrie Varma, an Associate employed by Corrs as an independent solicitor for the purpose of carrying out the Search Order at the Premises (**G Varma Orders**). A copy of that email and its attachment are annexed to this affidavit and marked FH15.
59. On or around 8:45 AM on 30 June 2021, Ms Varma and I met Mr Hughes in the foyer of the Building. In my possession were the 2 plastic tubs containing Items 1-91 listed in Lists 1 and 2. Shortly after I arrived, Mr Rollinson and Mr Maxwell arrived in the foyer of the Building and escorted us to the Premises.
60. On or around 8:49 AM, I served a copy of the G Varma Orders on Mr Rollinson.

61. For the purpose of allowing Forum Finance an opportunity to review the Items recorded in Lists 1 and 2, and with the assistance of Ms Varma, I placed the Items in sequential order on tables in a meeting room. I asked Mr Rollinson to confirm who would be reviewing the materials on behalf of Forum Finance. Mr Rollinson indicated that Mr Olling would review the materials on behalf of Forum Finance.
62. I asked Mr Hughes to sit in an adjacent office where he could see me, but could not hear me speaking.
63. On or around 9:08 AM, Mr Olling entered the meeting room and Mr Rollinson exited. Over the course of approximately the next 3 hours and in accordance with the process set out at 52 above, Mr Olling reviewed Items numbered:
- (a) 1-37 of List 1; and
 - (b) 51 to 91 of List 2.
64. During the course of his review, Mr Olling raised a broad objection in relation to Items appearing in List 1 and 2, which relate to Forum Group entities other than Forum Finance. We exchanged words to the following effect:
- FH: I will note your objection, but this is a matter for the Court to determine. Would you like me to note this in my report?*
- JO: Yes, please note that Forum Finance reserves its rights in relation to documents which do not directly relate to the first respondent in these proceedings.*
65. At the conclusion of his review, Mr Olling signed a declaration confirming that he had been given a reasonable opportunity to check the correctness of Lists 1 and 2, and to confirm that the Items listed were to be removed by me in accordance with the terms of the Search Order. A copy of the signed declaration affixed to a copy of each of the annotated versions of Lists 1 and 2 appear at page 1 of FH13 and FH14, respectively.
66. On or before 1:00 PM, with the assistance of Ms Varma, I placed all of the Items listed in List 1 into one sealed plastic tub and all of the Items listed in List 2 into the second sealed plastic tub. I left the Premises with Ms Varma and Mr Sun shortly after.
67. I currently retain possession of the 2 sealed plastic tubs containing Items listed in Lists 1 and 2, which are being securely stored at my office pending further direction from the Court as to the method of delivery of those materials to the Court.
68. I caused a typed version of lists recording Items appearing on Lists 1 and 2 to be prepared. I instructed Ms Varma to include a more thorough description of documents comprising each Item recorded on Lists 1 and 2, where possible. Copies of the typed

lists are annexed to this affidavit and marked FH16 and FH17, respectively.

Post-search correspondence

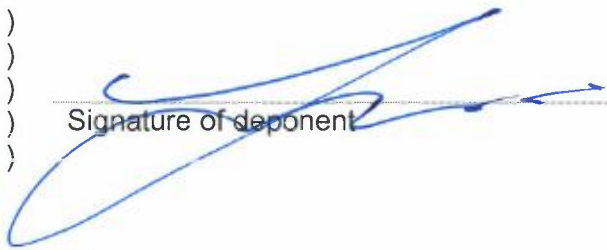
69. On or around 3:00 PM on 30 June 2020, I sent an email to Mr Olling noting that the sum of material in my possession, excluding the Item over which Forum Finance asserted a claim for legal professional privilege, had been scanned and would be available for collection from around 5:00 PM the same day. A copy of that email is annexed to this affidavit and marked FH18.
70. On or around 6:06 PM, I received an email from Mr Sun, summarising the steps taken by him to date, in his role as independent computer expert executing the Search Order at the Premises. A copy of Mr Sun's email is annexed to this affidavit and marked FH19.
71. On or around 9:09AM on 2 July 2021, Mr Sun delivered electronic storage devices containing material collected up to and including 30 June 2021, to my office. Mr Sun prepared a Property Receipt in respect of these materials. A copy of that Property Receipt is annexed to this affidavit and marked FH20. I currently retain possession of those devices, which are being securely stored at my office pending further direction from the Court as to the method of delivery of those devices to the Court. Those devices have not been reviewed by either myself or Forum Finance for the purpose of identifying whether they contain any material:
- (a) falling outside the scope of the Search Order; or
 - (b) that may be the subject of a claim for legal professional privilege.

General observations

72. At all times, in my observation, the search of the Property was carried out by Mr Hughes, Mr Clarke and Mr Brandis in conformity with the Orders.
73. Mr Rollinson and other members of staff at the Premises were courteous and accommodating at all times. Nobody obstructed the conduct of the search.

Sworn by the deponent
at Level 17, 8-12 Chifley Square, Sydney
in NSW
on 2 July 2021
Before me:

)
)
)
)
)
Signature of deponent




Signature of witness

Emma Langlands
Solicitor
100961

"FH1"

Gowrie Varma

From: Caitlin Murray <Caitlin.Murray@minterellison.com>
Sent: Monday, 28 June 2021 9:30 AM
To: Felicity Healy
Cc: Caitlin Murray; Michael Hughes
Subject: Consent to act as an independent solicitor
Attachments: L - Felicity Healy.PDF

Dear Felicity

Please see attached letter.

Could you please urgently let me have your consent to the attached either by responding this email confirming the same or signing and returning to me a copy of this letter?

Kind regards
Caitlin

Caitlin Murray
Partner
T +61 2 9921 4279 M +61 422 977 971
caitlin.murray@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
minterellison.com Follow us on [LinkedIn](#) and [Twitter](#)

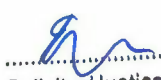
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Annexure marked "FH1" in the Affidavit of

Sworn/Affirmed before me on 2 July 2021
20


.....
Solicitor/Justice of the Peace
Emma Langlands

MinterEllison

27 June 2021

PRIVATE & CONFIDENTIAL

BY EMAIL: felicity.healy@corrs.com.au

Felicity Healy
Partner
Corrs Chambers Westgarth
Level 17
8-12 Chifley Square
Sydney NSW 2000

Dear Ms Healy

Westpac Banking Corporation v Forum Finance Pty Limited ACN 153 301 141 & Basile Papadimitriou

Consent to act as independent lawyers and undertakings to the Court

We act for Westpac Banking Corporation (**Westpac**).

We have received formal instructions from Westpac to file an application for, amongst other orders and relief, a search order (otherwise known as an *Anton Piller* order) in the Federal Court of Australia in respect of Forum Finance Pty Ltd (**Forum Finance**) and Basile Papadimitriou (also known as Bill Papas) (**Order**).

We seek your consent to act as the independent lawyer supervising the execution of the Order (if granted by the Court). We are also separately engaging Yian Sun of CYVERT to act as an independent computer expert for the purposes of him searching and imaging any computers, mobile phones and other electronic or online storage devices that are relevant to the Order. In addition, we seek your agreement to give certain undertakings to the Court in relation to the execution of the Order, which undertakings are a pre-requisite for its grant. We have set out the relevant undertakings in the Schedule.

If our client's application is successful, we anticipate that the Order will be made on 27 June 2021 and that execution of the Order will take place on 28 June 2021. The premises at which the execution of the Order will take place are located at the following premises which is a business addresses of Forum Finance: Level 5, 141 Walker St, North Sydney NSW 2060.

Our firm (on behalf of our clients) will be responsible for payment of your professional fees and disbursements for attendance as an independent lawyer in the execution of the Order. Accordingly, we ask that you forward an invoice to our office at your earliest convenience after the execution of the Order has taken place and you have completed your report.

If the Court makes a search Order, we will provide you with copies of the documents required to be served by you in the course of executing the Order.

We ask that you sign the attached copy of this letter as confirmation of your consent to act as an independent lawyer and for the purposes of giving the undertakings to the Court as set out in the Schedule to this letter. Please return to us as soon as possible a signed copy of this letter which attaches the Schedule of undertakings.

Level 40 Governor Macquarie Tower 1 Farrer Place Sydney
GPO Box 521 Sydney NSW 2001 Australia DX 117 Sydney
T +61 2 9921 8888 F +61 2 9921 8123 minterellison.com

ME_185607265_1

Please contact Caitlin Murray on (02) 9921 4279 / 0422 977 971 or Michael Hughes on (02) 9921 4647 / 0411 263 387 if you have any queries.

Yours faithfully
MinterEllison



Caitlin Murray
Partner

Partner: Caitlin Murray T: +61 2 9921 4279
caitlin.murray@minterellison.com
OUR REF: CMM:MRH:AGS:AAC 1353397

Consents to act and undertakings

I consent to act as an independent lawyer in the execution of the anticipated search Orders referred to above and give the undertakings to the Court set out in the Schedule to this letter.

Signed:

Felicity Healy

SCHEDULE

PROPOSED UNDERTAKINGS TO THE COURT OF 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 (8) below (undertakings by the applicant's lawyers).
2. Before entering the premises, the independent lawyer will:
 - (a) offer to explain the terms and effect of the 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 the 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 it 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 (AEST) on the return date.

EXTRACT OF PROPOSED UNDERTAKING TO THE COURT OF PROSPECTIVE APPLICANTS' LAWYERS

8. The applicant's lawyer will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
9. The applicant's lawyer will provide to the independent lawyer for service on the respondent copies of the following documents:
 - (a) the Order;
 - (b) the application for the 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.

10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. The applicant's lawyer will use best endeavours to follow all directions of the independent lawyer.

"FH2"

Gowrie Varma

From: Felicity Healy
Sent: Monday, 28 June 2021 9:41 AM
To: Caitlin Murray
Cc: Michael Hughes
Subject: RE: Consent to act as an independent solicitor

Dear Caitlin

I confirm my consent to act in accordance with the attached letter.

Kind regards

Felicity

Felicity Healy | Partner
Corrs Chambers Westgarth
t +61 2 9210 6830 m +61 416 545 914 e felicity.healy@corrs.com.au
corrs.com.au

From: Caitlin Murray [mailto:Caitlin.Murray@minterellison.com]
Sent: Monday, 28 June 2021 9:30 AM
To: Felicity Healy <felicity.healy@corrs.com.au>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>
Subject: Consent to act as an independent solicitor

Dear Felicity

Please see attached letter.

Could you please urgently let me have your consent to the attached either by responding this email confirming the same or signing and returning to me a copy of this letter?


Kind regards
Caitlin

Caitlin Murray
Partner
T +61 2 9921 4279 M +61 422 977 971
caitlin.murray@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
minterellison.com Follow us on [LinkedIn](#) and [Twitter](#)



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.....
Solicitor/Justice of the Peace
Emma Langlands

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CS

State of California
Department of Insurance

"FH3"

Gowrie Varma

From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Monday, 28 June 2021 12:59 PM
To: Caitlin Murray; Anna Ross; Rachael King; John Tuck; Rod Dann; Felicity Healy
Cc: Scott Chesterman; Rachel Rouyanian; David McLaren; Michael Hughes
Subject: RE: Update on orders [ME-ME.FID6264995]
Attachments: Order dated 28 June 2021.pdf

Dear all


Sealed orders are attached.

Regards
Anthony

Anthony Sommer
Senior Associate
T +61 2 9921 4182 M +61 431 058 780
anthony.sommer@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
minterellison.com [Follow us on LinkedIn](#) and [Twitter](#)

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Sworn/Affirmed before me on ^{2 July 2021}
20-


.....
Solicitor/Justice of the Peace
Emma Lenglands

From: Caitlin Murray
Sent: Monday 28 June 2021 12:55 PM
To: Anna Ross <Anna.Ross@corrs.com.au>; Rachael King <Rachael.King@corrs.com.au>; John Tuck <John.Tuck@corrs.com.au>; Rod Dann <Rod.Dann@corrs.com.au>; Felicity Healy <felicity.healy@corrs.com.au>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Scott Chesterman <Scott.Chesterman@minterellison.com>; Rachel Rouyanian <Rachel.Rouyanian@minterellison.com>; David McLaren <David.McLaren@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Anthony Sommer <Anthony.Sommer@minterellison.com>
Subject: Update on orders

Dear All

Search orders were made by the Court this morning. We are just waiting to get the sealed orders back from the Court and will let you know as soon as they come in.

Our representatives will bring the relevant documents that need to be served.

Kind regards
Caitlin

Caitlin Murray
Partner
T +61 2 9921 4279 M +61 422 977 971
caitlin.murray@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
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Sensitive: Legal



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

No: NSD616/2021

WESTPAC BANKING CORPORATION ABN 33 007 457 141
Applicant

FORUM FINANCE PTY LIMITED and another named in the schedule
Respondents

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 28 June 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

General Orders

1. The applicant have leave to file the:
 - (a) originating application dated 28 June 2021;
 - (b) the 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;
 - (e) first affidavit of Caitlin Maria Murray sworn on 28 June 2021; and
 - (f) second affidavit of Caitlin Maria Murray sworn on 28 June 2021.
2. Prayers for relief 1 to 8, 12 to 14 of the interlocutory application be returnable *instanter*.
3. Pursuant to rule 1.39 of the *Federal Court Rules 2011 (Cth) (FCR)*, the time for service of the interlocutory application and the supporting affidavits is abridged to 5pm (AEST) on 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 and by leaving a copy of them at the registered office of the first respondent, being Level 5, 141 Walker Street, North Sydney; and
 - (b) on the second respondent by 3pm on 28 June 2021 by email to bpapas@forumgroup.com.au.
4. The balance of the interlocutory application be listed for further hearing before Justice Lee at 9.30am on 2 July 2021.

Freezing Orders

5. A freezing order be made against the first respondent pursuant to s 23 of the *Federal Court of Australia Act 1976 (Cth) (Act)* and FCR 7.32, in the form of Annexure A to these orders.
6. A freezing order be made against the second respondent pursuant to s 23 of the Act and FCR 7.32, in the form of Annexure B to these orders.

Search Orders

7. A search order be made against the first respondent pursuant to s 23 of the Act and FCR 7.42, in the form of Annexure C to these orders.
8. A search order be made against the second respondent pursuant to s 23 of the Act and FCR 7.42, in the form of Annexure D to these orders.

Suppression orders

9. Pursuant to s 37AG of the Act, disclosure of the documents filed pursuant to order 1 and publication of information tending to reveal the details or identity of all or any of the persons listed in Annexure E be prohibited (except for the purposes of the respondents retaining legal representatives and providing information to those legal representatives, and for the purposes of providing the documents filed pursuant to order 1 above to the Independent Solicitors and Independent Computer Experts named in, and for the purposes of, orders 7 and 8 above) until 5pm on 2 July 2021 on the



basis that the order is necessary to prevent prejudice to the proper administration of justice.

General orders

10. Leave to enter these orders forthwith.
11. Costs reserved.
12. Liberty to the respondents to apply to vary these orders by telephone to the Associate to Justice Lee prior to 2 July 2021.

Date that entry is stamped: 28 June 2021

Sia Lagos
Registrar



ANNEXURE A – FREEZING ORDER

PENAL NOTICE – FREEZING ORDER

TO: FORUM FINANCE PTY LIMITED ACN 153 301 172

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 153 301 172

This is a 'freezing order' made against you on 28 June 2021 by Justice Lee 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 5.00pm (AEST) on 29 June 2021 with service to be effected by 3pm on 28 June 2021 by email to Vobis Equity Attorneys, at the email address francis.farmakidis@vobis.com.au, and by leaving a copy of them at the registered office of the first respondent, being Level 5, 141 Walker Street, North Sydney.
- (2) Subject to the next paragraph, this order has effect up to and including 5pm on 2 July 2020 (**Return Date**). On the Return Date at 9:30am there will be a further hearing in respect of this order before Justice Lee.
- (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, being 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, New South Wales 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 Australian 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 on 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 in 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):

- (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 BASILE PAPADIMITRIOU

This is a *'freezing order'* made against you on 28 June 2021 by Justice Lee 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 3pm 28 June 2021 with service to be effected by email to bpapas@forumgroup.com.au.
- (2) Subject to the next paragraph, this order has effect up to and including 5.00pm (AEST) on 2 July 2020 (**Return Date**). On the Return Date at 9:30am (AEST) there will be a further hearing in respect of this order before Justice Lee.
- (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 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, being 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 New South Wales 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 153 301 172

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 153 301 172

This is a 'search order' made against you on 28 June 2021 by Justice Lee 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 5.00pm (AEST) 29 June 2021 with service to be effected by 3pm on 28 June 2021 by email to Vobis Equity Attorneys, at the email address francis.farmakidis@vobis.com.au, and by leaving a copy of them at the registered office of the first respondent, being Level 5, 141 Walker Street, North Sydney.
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 9:30am there will be a further hearing in respect of this order before Justice Lee.
3. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to Justice Lee (phone No. 0423 201 137).
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 Solicitor*' means the person identified as the Independent Solicitor 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
 - (i) 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 Solicitor.

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 Solicitor to remove from the premises into the Independent Solicitor's custody:
 - (i) the listed things or things which reasonably appear to the Independent Solicitor 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 Solicitor 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 Solicitor 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 Solicitor explains the terms of this order to you.
12. Before permitting entry to the premises by anyone other than the Independent Solicitor, you, for a time (not exceeding two hours from the time of service or such longer period as the Independent Solicitor 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 Solicitor 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 Solicitor in (if you wish) a sealed envelope or container.
13. Subject to paragraph 22 below, the Independent Solicitor must not inspect or permit to be inspected by anyone, including the applicant and the applicant's lawyers, any thing handed to the Independent Solicitor in accordance with subparagraphs 12(c) and (d) above and the Independent Solicitor 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 Solicitor informed of the steps being taken;
 - (b) permit the Independent Solicitor 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 Solicitor 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 Solicitor 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 Solicitor.
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 Solicitor to be your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.
18. If the Independent Solicitor is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the Independent Solicitor may permit the search to proceed and the listed things to be removed without full compliance.
19. The applicant's lawyer and the Independent Solicitor 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 5 pm 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 Solicitor, together with a report of what the independent computer expert has done including a list of such electronic and hard copies.
- (f) The Independent Solicitor 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 Solicitor 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 Solicitor 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 Solicitor, to inspect any thing removed from the premises and to:
- (a) make copies of the same; and
 - (b) provide the Independent Solicitor 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 5 pm 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 5 pm 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 “lugis” 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 Solicitor:
 - (a) For the **Sydney** Premises is Felicity Healy, 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: Michael Hughes, Partner, and Andrew Clarke, Lawyer MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;
 - (b) For the **Melbourne** Premises is Scott Chesterman, Partner, and Vanessa Lamborn, Senior Associate, 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, and Alberto DeAngelis, Associate, MinterEllison, Level 22, Waterfront Place, Eagle Street, Brisbane QLD 4000
3. Other members of the search party:
 - (a) For the **Sydney** Premises: 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;
 - (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; and
 - (d) For the **Brisbane** Premises: Michael Tarnawsky, Forensic Technology Specialist, Level 10, 12 Creek Street, Brisbane QLD 4000 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 5 pm 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 Solicitor and of any independent computer expert.
2. The applicant's lawyer will provide to the Independent Solicitor 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 5 pm 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 Solicitor.

Undertakings given to the Court by the Independent Solicitor

1. The Independent Solicitor 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 Solicitor 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 Solicitor will retain custody of all things removed from the premises by the Independent Solicitor 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 Solicitor 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 Solicitor 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 Solicitor 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 Solicitor will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 5 pm 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 5 pm on the Return Date.
4. The independent computer expert will use best endeavours to follow all directions of the Independent Solicitor.

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):

(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: BASILE PAPADIMITRIOU

This is a 'search order' made against you on 28 June 2021 by Justice Lee 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.
2. (b) the time for service of the application, supporting affidavits and originating process is abridged and service is to be effected by 3pm 28 June 2021 with service to be effected by email to bpapas@forumgroup.com.au.
3. 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 9:30am there will be a further hearing in respect of this order before Justice Lee.
4. You may apply to the Court at any time to vary or discharge this order; including, if necessary, by telephone to Justice Lee (phone No. 0423 201 137).
5. This order may be served only between 9am and 2pm on a business day.
6. 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 Solicitor*' means the person identified as the Independent Solicitor 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.
7. 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.
8. This order must be served by, and be executed under the supervision of, the Independent Solicitor.



ENTRY, SEARCH AND REMOVAL

9. 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.
10. 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 Solicitor to remove from the premises into the Independent Solicitor's custody:
 - (i) the listed things or things which reasonably appear to the Independent Solicitor 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 Solicitor 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

11. 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.
12. You are not required to permit anyone to enter the premises until:
 - (a) the Independent Solicitor 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 Solicitor explains the terms of this order to you.



13. Before permitting entry to the premises by anyone other than the Independent Solicitor, you, for a time (not exceeding two hours from the time of service or such longer period as the Independent Solicitor 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 Solicitor 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 Solicitor in (if you wish) a sealed envelope or container.
14. Subject to paragraph 22 below, the Independent Solicitor must not inspect or permit to be inspected by anyone, including the applicant and the applicant's lawyers, any thing handed to the Independent Solicitor in accordance with subparagraphs 12(c) and (d) above and the Independent Solicitor must deliver it to the Court at or prior to the hearing on the Return Date.
15. During any period referred to in paragraph 12 above, you must:
 - (a) inform and keep the Independent Solicitor informed of the steps being taken;
 - (b) permit the Independent Solicitor 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.
16. Any thing the subject of a dispute as to whether it is a listed thing must promptly be handed by you to the Independent Solicitor for safekeeping pending resolution of the dispute or further order of the Court.
17. Before removing any listed things from the premises (other than things referred to in the immediately preceding paragraph), the Independent Solicitor 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 Solicitor.
18. 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 Solicitor to be your director, officer, partner, employee, agent or other person acting on your behalf or on your instructions.
19. If the Independent Solicitor is satisfied that full compliance with the immediately preceding paragraph is not reasonably practicable, the Independent Solicitor may permit the search to proceed and the listed things to be removed without full compliance.
20. The applicant's lawyer and the Independent Solicitor 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 5 pm on the return date or other time fixed by further order of the Court.



COMPUTERS, STORAGE DEVICES AND ONLINE STORAGE FACILITIES

21. (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 Solicitor, together with a report of what the independent computer expert has done including a list of such electronic and hard copies.
- (f) The Independent Solicitor 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 Solicitor 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 Solicitor may remove the computer or storage from the premises for that purpose and cause that purpose to be achieved.
22. (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

23. Prior to the Return Date, you or your lawyer or representative shall be entitled, in the presence of the Independent Solicitor, to inspect any thing removed from the premises and to:
- (a) make copies of the same; and
 - (b) provide the Independent Solicitor 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

24. 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.
25. (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

- 26. Except for the sole purpose of obtaining legal advice, you must not, until 5 pm 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.
- 27. Until 5 pm 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

- 28. 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

Residential
23 Margaret Street
Rozelle NSW 2039

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 “lugis” 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 Solicitor:
 - (a) For the **Sydney** Premises is Felicity Healy, Partner, Corrs Chambers Westgarth, Level 17, 8 Chifley 8-12 Chifley Square Sydney NSW 2000;
 - (b) For the **Residential** Premises is Anna Ross, Partner, Corrs Chambers Westgarth, Level 17, 8 Chifley 8-12 Chifley Square Sydney NSW 2000
 - (c) For the **Melbourne** Premises is John Tuck, Partner, Corrs Chambers Westgarth, Level 25, 567 Collins Street, Melbourne VIC 3000;
 - (d) For the **Perth** Premises is Rachael King, Partner, Corrs Chambers Westgarth, Level 6, Brookfield Tower 2, 123 St Georges Terrace, Perth WA 6000; and
 - (e) 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: Michael Hughes, Partner, and Andrew Clarke, Lawyer, MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;
 - (b) For the **Residential** Premises: Anthony Sommer, Senior Associate, and Kate Cockburn, Lawyer, MinterEllison, Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000;
 - (c) For the **Melbourne** Premises is Scott Chesterman, Partner, and Vanessa Lamborn, Senior Associate, MinterEllison, Collins Arch, Level 20, 447 Collins Street, Melbourne VIC 3000;
 - (d) For the **Perth** Premises is David Suttner, Senior Associate, MinterEllison, Allendale Square, 77 St Georges Terrace, Perth WA 6000; and
 - (e) For the **Brisbane** Premises is Rachel Rouyanian, Special Counsel, and and Alberto DeAngelis, Associate, MinterEllison, Level 22, Waterfront Place, Eagle Street, Brisbane QLD 4000

3. Other members of the search party:
 - (a) For the **Sydney** Premises: 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 **Residential** Premises: Rodney McKemmish, Principal, CYTER, Suite 2, 301A Castlereagh Street, Sydney NSW 2000 in the capacity of an independent computer expert;
 - (c) 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;
 - (d) 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; and



- (e) For the **Brisbane** Premises: Michael Tarnawsky, Forensic Technology Specialist, Level 10, 12 Creek Street, Brisbane QLD 4000 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 5 pm 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 Solicitor and of any independent computer expert.
2. The applicant's lawyer will provide to the Independent Solicitor 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 5 pm 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 Solicitor.

Undertakings given to the Court by the Independent Solicitor

1. The Independent Solicitor 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 Solicitor 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 Solicitor will retain custody of all things removed from the premises by the Independent Solicitor 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 Solicitor 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 Solicitor 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 Solicitor 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 Solicitor will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 5 pm 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 5 pm on the Return Date.
4. The independent computer expert will use best endeavours to follow all directions of the Independent Solicitor.

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



Schedule

No: NSD616/2021

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

Second Respondent **BASILE PAPADIMITRIOU**

"FH4"

No. NSD616 of 2021

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

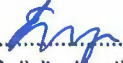
Westpac Banking Corporation ABN 33 007 457 141
Applicant

Forum Finance Pty Limited ACN 153 301 172
First Respondent

Basile Papadimitriou
Second Respondent

This and the following 0 pages is the
Annexure marked "FH4" in the Affidavit of

Sworn/Affirmed before me on 2 July 2021
20


Solicitor/Justice of the Peace
Emma Langlands

Documents to be served by Independent Solicitors

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

123

MinterEllison

Prepared by F Healy
"FH5"
Partner
Cans (Chaures Westyash)

CLIENT 0418601073

DATE - Completed 6:49 pm 28/6/2021

MATTER

TIME (start) am/pm

This and the following 2 pages is the Annexure marked "FH5" in the Affidavit of

TIME (end) am/pm

AUTHOR

PAGE 11 of 58 OF 1 to 58

Sworn/Affirmed before me on 2 July 2021

Circle activity 20

With whom

TO TI CW AT

Solicitor/Justice of the Peace

Emma Langford 8/6/2021

Documents removed from 5/141 Walker St, Order dated 28/6/2021

D.H

1. Yellow Folder (Payment schedules)

G.H

2. Yellow Folder (Certificate of Acceptance & Delivery)

"Finance Documents Very Important"

B.H

3. Red Folder headed Vgij / Vestia

Craig

4. Distribution Agreements - Orca and Vestia Environment. (2 copies)

Craig

5. Term sheet - Formation of Orca Global and Acquisition of Forum

Enviro. (signed) by Louis Anagnostakis and Ors

x 2 - signed by same parties

Craig

6. (Coles - Supply of Goods and Services Agreement.

+ Orca

7. letter between BHD and Forum Finance dated 3 Feb 2020

8. Payment Schedule - ALH Group Ltd 5/12/18

9. Guarantee of Indemnity - To BHD from B Papadimitriou 3/2/20

10. Payment Schedule - ALH - 28/8/2018

11. Payment Schedule - ALH - 13/9/18

12. Payment Schedule - ALH - 15/10/18

13. Payment Schedule - ALH - 5/12/18

14. Email from Vinay Parikh to B. Papas & T Papas 23/6/2021

15. Letter in Foreign language - 1/2/2021

16. Email from L. Price 17/6/2021

17. Notebook of Craig Rollinson - LPP (kept separate in sealed envelope).

18. Certificate of Acceptance & Delivery - Forum 18/8/2020

- Vestia Environmental services (Aust).

19. Master Technology License (x 2)

Agreement - Waste management

20. Master Technology License Agreement - Health UV-C Disinfection

2020

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
21.				5ive Folder headed "BHO/Forum" - containing Principal + Agent Agreement. dated 3/2/20
22.				Draft Distribution Agreement - undated undated - b/w Iugis and Veolia Environmental services (Australia) Pty Ltd
23.				Iugis Invoice dated 2/2/2020 to Veolia Environment - \$90,485.55
24.				Handwritten note headed "UOL"
25.				Iugis Invoice dated 31/1/2020 addressed to Veolia Environmental services Australia - \$91,114.60.
26.				Orca Food Waste Invoice dated 31/12/2012
27.				Draft document "Schedule 4" with handwritten notes. undated.
28.				Delegation of Authority Document dated 1 July 2017
29.				White clear folder & documents - headed "Meeting and Disciplines" undated.
30.				Email from Helen Teller to Craig Pollman and T. Papas dated 12 August 2020
31.				Email from T. Papas to B. Papas dated 17/8/20.
32.				Notebook - Lavinia Agostino - black soft cover.
33.				Manila Folder entitled - Iugis ALH Group.
34.				Manila folder - Veolia - Sulfide Distribution Agreement
35.				Manila folder - Untitled - Payment schedule (Veolia Environmental service (Australia) Pty Ltd - 19 March 2021
36.				Manila Folder entitled - SMCO dated March 2021
37.				Manila Folder entitled - collection of documents including Payment schedule, Certificate of Acceptance of Delivery - 16 Jan 2021 (original) - 1 Feb 2021 (original) - Payment schedule. - 1 Feb 2021 (original) certificate - 1 Feb 2021 (original) certificate - 19 Feb 2020 (copy)

8

Bills
 three

Reminders Who agreed to do what? By when? Without prejudice stipulated?

343

MinterEllison

CLIENT _____ DATE _____ / _____ / _____
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
38.				Manila Folder entitled "Forum Science" containing two plastic sleeves of documents.
39.				Manila Folder entitled "Verica - Calderhead" containing a Mutual Confidentiality and Exclusivity Agreement.
40.				Manila Folder entitled "Forum - Remondis" - containing plastic sleeves of documents
41.				Manila Folder entitled "Forum - Northern Finance 2018" containing one plastic sleeve of documents
42.				Manila Folder entitled "Forum Enviro - Middle East" containing cardboard folder and attached document headed "Forum Enviro Pty Ltd - SOFD UAE"
43.				Annexure A - Rental Agreement with Northern Managed Finance Pty Ltd dated 27 th Feb 2018
44.				Manila folder entitled "Forum Enviro - Northern Finance" containing one plastic sleeve
45.				Green Piling Cabinet Folder containing 2x copy of Distribution Agreement between Orca Environmental Systems Pty Ltd and Verica Environmental Services (Australia) Pty Ltd
46.				Unlabeled Manila Folder containing document entitled "Sales & Marketing" Forum - document entitled "Verica Thursday 16 July 2020 (x2)" - document entitled "Liquid Waste Oil Opportunity"
47.				Manila Folder entitled "Science Group" containing loose documents and another manila folder containing document entitled "Science Annual Financial Report"
48.				USB - Blue - entitled "Samsung"
49.				USB - Black - entitled "ination 8GB"
50.				Manila folder entitled "Forum Enviro - Flex Rent - Capital"

Reminders Who agreed to do what? By when? Without prejudice stipulated?

MinterEllison

"FH6"

Felicity Heddy

This and the following 3 pages is the Annexure marked "FH6" in the Affidavit of

CLIENT

DATE / /

Sworn/Affirmed before me on 2 July 2021

TIME (start)

am/pm

FILE NO

20

TIME (end)

am/pm

AUTHOR

PAGE

OF

Solicitor/Justice of the Peace

Erin Langlands

With whom

TO TI CW AT

Lot of payments captured - 29 June 2021 @ 8:31am

51 - Printout of Computer system headed "Forum Group Financial Services - System Integrity Check" dated 26/11/20

52 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

53 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

54 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 8/12/20.

55 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transaction" dated 8/12/20

56 - Printout of Computer system headed "Forum Group Financial Services - System Integrity Check" dated 8/12/20.

57 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transaction" dated 9/12/20.

58 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

59 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

60 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20.

61 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

62 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

located in new plan

Reminders

Who agreed to do what?

By when?

Without prejudice stipulated?

CLIENT

DATE

MATTER

TIME (start)

am/pm

FILE NO

TIME (end)

am/pm

AUTHOR

PAGE

OF

Circle activity				With whom
TO	TI	CW	AT	
63.				Printout of Computer System headed "Forum Group Financial Services - Contract Expiry Report" dated 1/3/21
64.				Printout of Computer System headed "Forum Group Financial Services + Asset Integrity Check" dated 10/12/20.
65.				Grey hard folder (A4) containing documents - tabbed by marks (containing financial information segregated by marks) - 1st document email from P. Burr to others dated 16/6/17 headed Incentive Progress Update.
66.				Blue folder headed "Vedlia Presentation" containing document entitled "Vedlia Thursday 20 th August 2020"
67.				Annexure dated 20/9/20 - "Forum" listing equipment
68.				Document entitled "Annexure - Forum" dated 23/8/18 listing equipment.
69.				Document entitled "Annexure" dated 13/6/19 listing equipment. (single page)
70.				Document entitled "Annexure" dated 22/2/19 listing equipment. dated 22/2/19 (single page)
71.				Email from L. Price to B Papros dated 31/5/2021 headed "Return of Equipment at End of Recurrent Finance Period"
72.				Document entitled "Confirmation of Transfer of title of goods to Forum Finance Pty Ltd upon receipt by BHO Leasing Pty Ltd of all receivables due under respective purchase of goods and receivables transactions dated 31/8/2018 (original - signed).
73.				Document entitled "Confirmation of Transfer of title of goods to Forum Finance Pty Ltd upon receipt by Equus Pty Ltd of all receivables due under respective purchase of goods + receivables transactions" dated 11 July 2017. (original - signed)

B.H.

MinterEllison

CLIENT DATE / /
 MATTER TIME (start) am/pm
 FILE NO TIME (end) am/pm
 AUTHOR PAGE OF

Circle activity				With whom
TO	TI	CW	AT	
74.				Email from L. Price to E Orlandini and B. Papas dated 2 June 2021 headed "RE: Eloise Orlandini shared 'Pipeline for EOWE - Debt Summary' with you"
75.				Email from S. Das to E Orlandini headed "RE: Tom Tom installation for VW Ltd Original dated 10/6/21 - attaches a document entitled "webfleet login steps"
76.				Red manila folder entitled "Picasso Foods - BHO" containing emails from L. Price of BHO Funding and Rental Plan for Picasso Foods Australia Pty Ltd dated 7/7/2020 (x2)
77.				Blue manila folder entitled "From Emma Arkust (MOC) containing documents - Notice of Assignment dated 20/9/2020 Email from A. Colbot to B. Papas Authorized Representative Certificate Assignment Document } removed by agreement as not relevant
78.				Document entitled "Veolia Thursday 16 July 2021"
79.				White A4 Envelope containing (1) original Loan Schedule and Goods Mortgage (MOC) in the amount of \$245,000 - containing direction to pay Imarr Pty Ltd (2) Direct Debit Request Service Agreement
80.				Manila folder entitled "BHO Leasing Agreements containing Principal + Agent Agreement (original signed by B. Papas - original dated 14 Nov 2018 (2) Master Sale of Receivables and Goods Agreement (original signed) undated. (3) Master Sale of Receivables and Goods Agreement (signed) (4) Master Sale of Receivables and

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
				(81) Document entitled "Veolia - May 2021"
				(82) Photocopy of a document located in Grey Archive Folder headed "Sofa & Inlandfield & PAGES & others" - behind orange tabs "11660" - with yellow sticky note - "Sept 18" (Folder located in accounts area - open plan - behind kitchen)
				(83) Green filing cabinet folder containing documents relating to BHO - NAB account. [Access dongle - returned to office of Tang Boucharine (CFO)]
				(84) Documents extracted from red lever arch file headed "F&FS 16 Aug 19 - 30 Sep 19" - comprising tax invoices and NAB Connect - domestic payment reports - comprising 9 documents } copies taken
				(85) White lever arch folder headed "F&FS 12 Dec 2019 - March 20" - documents extracted comprising NAB Connect - Domestic payment reports (x 3) } copy-photos taken
				(86) Black lever arch folder headed "F&FS 27 Sep 2019 - 12 Dec 19" document. extracted comprising 4x NAB Connect - Domestic payment report.
				(87) Documents (loose) - extract in relation to Veolia Environmental Services dated 31/5/201 (Brandon Ann)
				(88) Documents contained plastic sleeve located Brandon Ann desk Header NAB Connect - Domestic payment report. dated 21/2/2020.
				(89) Hard copy notebook (black & red) - undated. (1st page "JDFC Audit meeting")
				(90) Hard copy notebook (black & red) - undated (1st page "BOOH - bounce")
				(91) Hard copy notebook (black & red) - undated (1st page "Jenny Mann")

Bin
 Photos taken

Tang

Tang

Tang

"FH7" PROPERTY RECEIPT

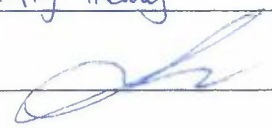
Matter Number / Ref: AU21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

This and the following 1 pages is the Annexure marked "FH7" in the Affidavit of

Ref Number	Description
Sworn/Affirmed before me on <u>2 July 2021</u>	1 x INTEL NUC DC3217ITE (S/N: G6YE31900BL1)
20	1 x ASUS UX434F (S/N: 12MKAN0CV06S615428)
Solicitor/Justice of the Peace <u>Emma Langlands</u>	1 x MICROSOFT SURFACE PRO 1796 (049056483353)
	1 x HP SPECTRE x360 13-aW0124TU (S/N: 5CD0096KGG)
	1 x HP ELITEBOOK 830 G6 (S/N: 5CG0235H81)
	1 x MICROSOFT SURFACE PRO 1796 (013530293353)
	1 x TOSHIBA PORTEGE X30-E (S/N: 9J193390H)

Received From: Felicity Healy
Name

Signature 


Partner
Title/Position

28/6/2021
Date

CMIS
Organisation

5:19 pm.
Time

Received By: YIANN SUN
Name

Signature 

SINR FORENSIC SPECIALIST CYTER
Title/Position Organisation

PROPERTY RECEIPT



Matter Number / Ref: AU21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 X INTEL NUC DC3217IYE (S/N: G6YE319ΦΦ6L1)
	1 X ASUS UX434F (S/N: 12MKANΦCVΦ6S615428)
	1 X MICROSOFT SURFACE PRO 1796 (Φ49Φ56483353)
	1 X HP SPECTRE X36Φ 13-aw Φ124TU (S/N: 5CDΦΦ96KGG)
	1 X HP ELITEBOOK 83Φ G6 (S/N: 5CGΦ235H81)
	1 X MICROSOFT SURFACE PRO 1796 (Φ1353Φ293353)
	1 X TOSHIBA PORTEGE X3Φ-E (S/N: 9519334ΦH1)

Received From: YIHAN SUN

Name

[Signature]

Signature

SNR FORENSIC SPECIALIST

Title/Position

CYTER

Organisation

29/6/2021

Date

9:10 AM

Time

Received By: Felicity Healy

Name

[Signature]

Signature

Partner

Title/Position

CMO

Organisation

"FH8" PROPERTY RECEIPT

Matter Number / Ref: AU21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 x HP SPECTRE 13-4121TU (S/N: 5CD6205MD6)
	1 x SAMSUNG 960X NP960X3A (S/N: BZZT93GB40123F)
	1 x TOSHIBA PORTEGE R660 (S/N: 37136330H)

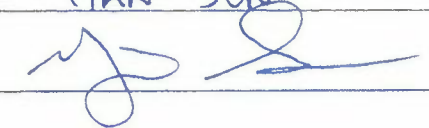
Sworn/Affirmed before me on 2 July 2021
 20
 Solicitor/Justice of the Peace
Emma Langlands

This and the following 1 pages is the
 Annexure marked "FH8" in the Affidavit of

Received From: Felicity Heady
 Name
 Signature 

Partner
 Title/Position
28/6/2021
 Date

COYRS
 Organisation
6.11pm
 Time

Received By: YIANN SUTR
 Name
 Signature 

SNR FORENSIC SPECIALIST
 Title/Position

CYTER
 Organisation

PROPERTY RECEIPT

Matter Number / Ref: AU21036

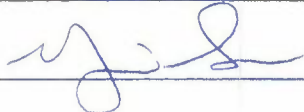
Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 x HP SPECTRE 13-4111TU (S/N: 5C D6 2Φ5MD6)
	1 x SAMSUNG 7ΦΦX NP9ΦΦX3A (S/N: BZZT93G B4 ΦΦ1 23F)
	1 x TOSHIBA PORTEGE R4ΦΦ (S/N: 3713633ΦH)

Received From: YIPAN SUN

Name

Signature



SNR FORENSIC SPECIALIST

Title/Position

Date

29/6/2021

CYTER

Organisation

Time

9:10 PM

Received By: Felicity Healy

Name

Signature



Partner

Title/Position

(ORVS)

Organisation

"FH9"

Gowrie Varma

From: Michael Hughes <Michael.Hughes@minterellison.com>
Sent: Tuesday, 29 June 2021 7:59 AM
To: Felicity Healy
Cc: Caitlin Murray; Andrew Clarke; Simon Brandis
Subject: Westpac v Forum Finance [ME-ME.FID6264995]
Attachments: Further order dated 28 June 2021.pdf

Felicity

Here is an amended order made overnight to permit another member of our team to attend (see order (3)).

Best regards
Michael

Michael Hughes
Partner
T +61 2 9921 4647 M +61 411 263 387
michael.hughes@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
minterellison.com Follow us on [LinkedIn](#) and [Twitter](#)

This and the following ² pages is the
Annexure marked "FH9" in the Affidavit of

Sworn/Affirmed before me on ^{2 July 2021}
20


.....
Solicitor/Justice of the Peace

Emma Langlands

IMPORTANT INFORMATION, PLEASE READ

This email, including any attachments, is confidential and may be legally privileged (and neither is waived or lost by mistaken delivery). Please notify us if you have received this email in error and promptly delete it from your system. Any unauthorised use of this email is expressly prohibited. Our liability in connection with this email (including due to viruses in any attachments) is limited to re-supplying this email and its attachments. We collect personal information to provide and market our services and for other purposes - please refer to our privacy policy for more information on how we collect and handle personal information.

Sensitive: Legal



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

No: NSD616/2021

WESTPAC BANKING CORPORATION ABN 33 007 457 141
Applicant

FORUM FINANCE PTY LIMITED and another named in the schedule
Respondent

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 28 June 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

1. The time in order 3(a) and (b) of the orders dated 28 June 2021 be amended to “as soon as practicable but not later than 11.59pm”.
2. Order 4 of the Annexure C – Penal Notice, made pursuant to order 7 of the orders dated 28 June 2021, be amended to extend the time to serve the order until 5pm on a business day.
3. For the purposes of Schedule A to Annexure C of the orders dated 28 June 2021, Simon Brandis, Lawyer, from MinterEllison be added to the applicant’s lawyers forming part of the search party for the Sydney Premises.
4. Order 5 of the Annexure D – Penal Notice, made pursuant to order 8 of the orders dated 28 June 2021, be amended to extend the time to serve the order until 5pm on a business day.

Date that entry is stamped: 28 June 2021

Sia Lagos
Registrar



Schedule

No: NSD616/2021

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

Second Respondent **BASILE PAPADIMITRIOU**

"FH10" PROPERTY RECEIPT



Matter Number / Ref: 12021036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1x MICROSOFT SURFACE PRO 1866 (492443393853)
	1x SAMSUNG USB THUMB DRIVE
	1x IMATION 8GB USB THUMB DRIVE

This and the following 1 pages is the Annexure marked "FH10" in the Affidavit of Sworn/Affirmed before me on 2 July 2021
 Solicitor/Justice of the Peace
Emma Longlands

Received From: Felicity Healy
Name

Signature

Partner
Title/Position
24/6/2021
Date

COVVS.
Organisation
10 08 am
Time

Received By: YIIM SUN
Name

Signature

SNR FORENSIC SPECIALIST
Title/Position

CYTER
Organisation

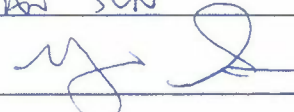
PROPERTY RECEIPT



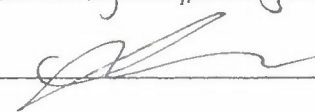
Matter Number / Ref: AU 21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 X MICROSOFT SURFACE PRO 2866 (Φ924Φ3393853)
	1 X SAMSUNG USB THUMB DRIVE
	1 X IMATION 8GB USB THUMB DRIVE

Received From: YIANN SUN
 Name

 Signature

SNR FORENSIC SPECIALIST CYTER
 Title/Position Organisation
29/6/2021 1:12 pm
 Date Time

Received By: Felicity Healy
 Name

 Signature

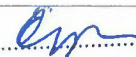
Partner COVRS
 Title/Position Organisation

"FH11" PROPERTY RECEIPT



Matter Number / Ref: AU21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 X TOSHIBA PORTEGE Z30-C (S/N: 1P243727H)
	1 X TOSHIBA PORTEGE Z30-C (S/N: 2E7341)
	This and the following <u>1</u> pages is the Annexure marked "FH11" in the Affidavit of
	Sworn/Affirmed before me on <u>2 July 2021</u>
	20
	 Solicitor/Justice of the Peace Emma Langlands

Received From: Felicity Hedy
Name


Signature

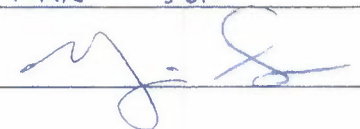
Partner
Title/Position

29/6/21
Date

CVRS
Organisation

11:30am
Time

Received By: TIAN SUN
Name


Signature

SNR FORENSIC SPECIALIST
Title/Position

CYTER
Organisation

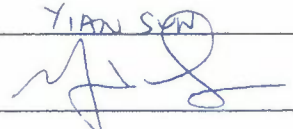
PROPERTY RECEIPT




Matter Number / Ref: AU 21 036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1x TOSHIBA PORTEGE Z30-C (S/N: 10243727H)
	1x TOSHIBA PORTEGE Z30-C (S/N: 2E??42)

Received From: YIAN SEN
Name

Signature

SNK FORENSIC SPECIALIST CYTER
Title/Position Organisation
29/6/2021 3:08 PM
Date Time


Received By: Felicity Healy
Name

Signature

Partner CMS
Title/Position Organisation


"FH12" PROPERTY RECEIPT

Matter Number / Ref: AU 21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 X LENOVO THINKPAD Z4C6-ΦΦBVAU MD (S/N: PF-Φ29PXC 14/Φ6)
	1 X VODAFONE MOBILE PHONE VFD 529 (IMEI: 352462140572837 3524621405728321)
	This and the following <u>2</u> pages is the Annexure marked " <u>FH12</u> " in the Affidavit of
	Sworn/Affirmed before me on <u>2 July 2021</u> 20
	 Solicitor/Justice of the Peace <u>Emma Langland</u>

Received From: Felicity Healy
Name


Signature

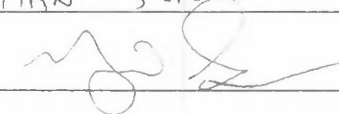
Parke
Title/Position

29/6/2021
Date

CVRS
Organisation

1:46 pm
Time

Received By: YIANN SUN
Name


Signature

SNR FORENSIC SPECIALIST
Title/Position

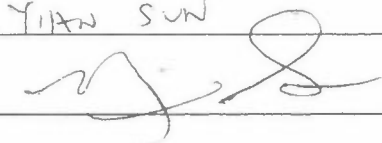
CYTER
Organisation

PROPERTY RECEIPT

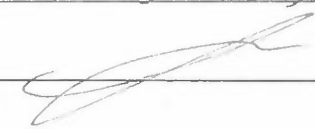
Matter Number / Ref: AV21036

Location: LVL 5, 141 WALKER ST, NORTH SYDNEY

Ref Number	Description
	1 x LENOVO THINKPAD 2FC6 - FF BVAU MD (S/N: PF-029PXC 14/06)
	1 x VODAFONE MOBILE PHONE VFD 529 (IMEI: 352062100572837 3520621005728321)

Received From: YIHAN SUN
Name

Signature

SNR FORENSIC SPECIALIST CYTER
Title/Position Organisation
29/6/2021 4:33pm
Date Time

Received By: Felicity Healy
Name

Signature

Partner COOR.
Title/Position Organisation

List 2

"FH13"

This and the following 3 pages is the Annexure marked "FH13" in the Affidavit of

Sworn/Affirmed before me on 2 July 2021
20



Solicitor/Justice of the Peace
Emma Langlands

I JEFF OLLING of ivgis Pty Ltd

have been given a reasonable opportunity to check the correctness of the attached lists marked 1 and 2, and confirm that the items listed are to be removed by Felicity Healy in accordance with the terms of the Search Order in these proceedings numbered NSD616/2021.


30 June 2021

CLIENT

DATE - Completed 6:49 pm 28/6/2021

MATTER

TIME (start) am/pm

FILE NO

TIME (end) am/pm

AUTHOR

PAGE OF

	Circle activity				With whom
	TO	TI	CW	AT	
	Documents removed from 5/141 Walker St, Order dated 28/6/2021				
	NSD 616/2021				
B.H	✓	1.	Yellow Folder (Payment schedules) - removed document relating to Veolia Environmental Services (NZ) Ltd		
B.H	✓	2.	Yellow Folder (Certificate of Acceptance & Delivery) "Finance Documents Very Important" - contains documents relating to Veolia Environmental Services (NZ) Pty Ltd.		
B.H	✓	3.	Red Folder headed VGI / Veolia		
Craig	✓	4.	Distribution Agreements - Orca and Veolia Environmental. (2 copies)		
Craig	✓	5.	Term sheet - formation of Orca Global and Acquisition of Forum Enviro. (signed) by Louis Anagnostakos and Orca * 2 - signed by same parties		removed by agreement.
Craig	✓	6.	Orca - Supply of Woods and Services Agreement.		
	✓	7.	Letter between BHO and Forum Finance dated 3 Feb 2020		
	✓	8.	Payment Schedule - ALH Group Ltd 5/12/18		
	✓	9.	Warranty & Indemnity - To BHO from B Papadimitriou 3/2/20		
	✓	10.	Payment Schedule - ALH - 28/8/2018		
	✓	11.	Payment Schedule - ALH - 13/9/		
	✓	12.	Payment Schedule - ALH - 15/10/18		
	✓	13.	Payment Schedule - ALH - 5/12/18		
	✓	14.	Email from Vinay Parikh to B. Papas & T Papas 23/6/2021		
	✓	15.	Letter in Foreign language - 1/2/2021		
	✓	16.	Email from L. Orca 17/6/2021		
quinn	✓	17.	Notebook of Craig Rollinson - LPP (kept separate in sealed envelope).		
	✓	18.	Certificate of Acceptance & Delivery - Forum 18/8/2020 - Veolia Environmental Services (Aust).		
	✓	19.	Master Technology License (x 2) Agreement - Waste Management		
	✓	20.	Master Technology License Agreement - Health UV-C Disinfection		

Exception noted

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
✓ 21.				Blue Folder headed "BHO/Forum" - containing Principal + Agent Agreement dated 3/2/20
✓ 22.				Draft Distribution Agreement - updated undated <i>Director - Tax Invoice (outside scope)</i> - b/w Iugis and Veolia Environmental Services (Australia) Pty Ltd
✓ 23.				Iugis Invoice dated 2/2/2020 to Veolia Environmental - \$90,485.55
✓ 24.				Handwritten note headed "COB" <i>Director noted: Tax Invoice - outside scope</i>
✓ 25.				Iugis Invoice dated 31/1/2020 addressed to Veolia Environmental services Australia - \$91,114.60
✓ 26.				Orica Food Waste Invoice dated 31/12/2017
✓ 27.				Draft document "Schedule 4" with handwritten notes undated <i>removed by agreement</i>
✓ 28.				Delegation of Authority document dated 1 July 2017 <i>removed by agreement</i>
✓ 29.				Whole clear folder & documents - headed "meetings and Disciplinary" undated <i>removed by agreement</i>
✓ 30.				Email Prom. Helen Teller to Craig Pollman and T. Papas dated 12 August 2020
✓ 31.				Email from T. Papas to B. Papas dated 17/8/20
✓ 32.				Notebook - Louise Agostino - black soft cover
✓ 33.				Manila Folder entitled - Iugis ALH Group -
✓ 34.				Manila Folder - Veolia - Sulfuric Distribution Agreement - Veolia
✓ 35.				Manila Folder - Untitled - Payment schedule (Veolia Environmental Service (Australia) Pty Ltd - 19 March 2021 - <i>directors contact removed</i>)
✓ 36.				Manila Folder entitled - SMBC dated March 2021
✓ 37.				Manila Folder entitled - collection of documents including Payment schedule, Certificate of Acceptance & Delivery - 16 Jan 2021 (original) - 1 Feb 2021 (original) - Payment schedule - 1 Feb 2021 (original) Certificate - 1 Feb 2021 (original) Certificate - 14 Feb 2020 (copy)

Reminders Who agreed to do what? By when? Without prejudice stipulated?

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
38.				Manila Folder entitled "Forum Science" containing two plastic sleeves of documents - (1) Rental Agreement (2) Payment Schedules
39.				Manila Folder entitled "Veolia - Confidential" containing a Mutual Confidentiality and Exclusivity Agreement.
40.				Manila Folder entitled "Forum - Remondis" - containing plastic sleeves of documents - Remondis Australia Pty Ltd - excluded not a customer.
41.				Manila Folder entitled "Forum - Northern Finance 2018" containing one plastic sleeve of documents - Cahoki Heath, ALH, Coles.
42.				Manila Folder entitled "Forum Enviro - Middle East" containing cardboard folder and attached document headed "Forum Enviro Pty Ltd - SOFA UAE" outside scope notice
43.				Annexure A - Rental Agreement with Northern Managed Finance Pty Ltd dated 27 th Feb 2018
44.				Manila folder entitled "Forum Enviro - Northern Finance" - Annexure. containing one plastic sleeve
45.				Green Ring (label) Folder containing 2x copy of Distribution Agreement between Orca Environmental Systems Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd ✓
46.				Unlabeled Manila folder containing document entitled "Sales & Marketing" Forum - document entitled "Veolia Thursday 16 July 2020 (x2)" ✓ - document entitled "Liquid Waste Oil Opportunity" P.H.
47.				Manila Folder entitled "Science Group" containing loose documents and another manila folder containing document entitled "Science Annual Financial Report" ✓
48.				USB Blue entitled "Samsung" - returned (image) P.H.
49.				USB - Black - entitled: "Innovation SAS" - returned (image) P.H.
50.				Manila folder entitled "Forum Enviro - Flex Rent - Capital" ✓


B.I.I

Reminders Who agreed to do what? By when? Without prejudice stipulated?

"FH14"

This and the following ⁴ pages is the
Annexure marked "FH14" in the Affidavit of

Sworn/Affirmed before me on 2 July 2021
20


.....
Solicitor/Justice of the Peace
Emma Langlands

I JEFF OLLING of ivg's Pty Ltd

have been given a reasonable opportunity to check the correctness of the attached lists marked
1 and 2, and confirm that the items listed are to be removed by Felicity Healy in accordance with
the terms of the Search Order in these proceedings numbered NSD616/2021.


30 June 2021

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	

Lot of payments captured - 29 June 2021 @ 8:29am

51 - Printout of Computer system headed "Forum Group Financial Services - System Integrity Check" dated 26/11/20

52 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

53 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

54 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 8/12/20.

55 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transaction" dated 8/12/20

56 - Printout of Computer system headed "Forum Group Financial Services - System Integrity Check" dated 8/12/20.

57 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transaction" dated 9/12/20.

58 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

59 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

60 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20.

61 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

2 - Printout of Computer system headed "Forum Group Financial Services - Interface File Transactions" dated 9/12/20

unders Who agreed to do what? By when? Without prejudice stipulated?

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
✓				63. Printout of Computer System headed "Forum Group Financial Services - Contract Expiry Report" dated 1/3/21
✓				64. Printout of Computer System headed "Forum Group Financial Services - Asset Integrity Check" dated 10/12/20.
				65. Grey word folder (#4) containing documents - tagged by marks (containing financial information segregated by marks) - 1st document email from P. Burr to dms dated 16/6/17 headed "Incentive Progress Update. Excluded by agreement - overheard in nature."
✓				66. Blue folder headed "Veolia Presentation" containing document entitled "Veolia Thursday 20 th August 2020"
✓				67. Annexure dated 20/9/20 - "Forum" listing equipment
✓				68. Document entitled "Annexure - Forum" dated 23/8/18 listing equipment.
✓				69. Document entitled "Annexure" dated 13/6/19 listing equipment. (single page)
✓				70. Document entitled "Annexure" dated 22/2/19 listing equipment. dated 22/2/19 (single page)
✓				71. Email from L. Price to B Pagos dated 31/5/2021 headed "Return of Equipment at End of Renewable Finance Period"
✓				72. Document entitled "Confirmation of Transfer of title of goods to Forum Finance Pty Ltd upon receipt by BHO Leasing Pty Ltd of all renewables due under respective purchase of goods and renewables transactions dated 31/8/2018 (original - signed).
✓				73. Document entitled "Confirmation of Transfer of title of goods to Forum Finance Pty Ltd upon receipt by Equve Pty Ltd of all renewables due under respective purchase of goods & renewables transactions" dated 11 July 2017. (original - signed)

Reminders Who agreed to do what? By when? Without prejudice stipulated?

MinterEllison

CLIENT _____ DATE _____ / _____ / _____
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity	With whom		
TO	TI	CW	AT
74.	Email from L. Price to E Orlandini and B. Papas dated 2 June 2021 headed "RE: Eloise Orlandini shared 'Pipeline for EOWE - Deal Summary' with you"		
75.	Email from S. Das to E Orlandini headed "RE: Tom Tom invitation for VW held original dated 10/6/21 - attached a document entitled "Westfleet Login Steps"		
76.	Red Manila Folder entitled "Picasso Foods - BHO" containing emails from L. Price of BHO Funding and Rental Plan for Picasso Foods Australia Pty Ltd dated 7/7/2020 (x2) removed by agreement.		
77.	Blue Manila folder entitled "Forum Elms Arkurst SMC containing documents		
	- Notice of Assignment dated 20/9/2020		
	Email from A. Cottrell to B. Papas		
	Authorised Representative Certificate		
	Arkurst Documents		
	} removed by agreement as not relevant.		
78.	Document entitled "Veolia Thursday 16 July 2021"		
79.	White A4 Envelope containing (1) original loan schedule and goods mortgage (N&A) in the amount of \$245,000 containing direction to pay Imarr Pty Ltd (2) direct debit request service agreement removed.		
80.	Manila folder entitled "BHO Leasing Agreement containing Principal + Agent Agreement (original signed by B. Papas. undated dated 14 Nov 2018 (3) made sale of receivables and goods agreement BHO Leasing + Forum Arkurst Pty Ltd (original signed) undated. (4) made sale of receivables and goods agreement (signed)		

B.11

B.11
 removed
 20-
 agreement

MinterEllison

CLIENT _____ DATE / /
 MATTER _____ TIME (start) _____ am/pm
 FILE NO _____ TIME (end) _____ am/pm
 AUTHOR _____ PAGE _____ OF _____

Circle activity				With whom
TO	TI	CW	AT	
81				Document entitled "Veolia - May 2021"
82				Photocopy of a document located in Grey Archive Folder headed "Soft & Inlandfield & P&GS & others" - behind orange tabs "11660" - with yellow sticky note - "Sep 18" (Folder located in accounts area - open plan - behind kitchen)
83				Green filing cabinet folder containing documents relating to BHO - NAB account. [Access dongle - returned to office of Tang Boucharine (CFO)]
84				Documents extracted from red lever arch file headed "F&FS 16 Aug 19 - 30 Sep 19" comprising tax invoices and NAB connect - domestic payment reports - comprising 9 documents
85				White lever arch folder headed "F&FS 12 Dec 2019 - March 20" - documents extracted comprising NAB connect - domestic payment reports (x3)
86				Black lever arch folder headed "F&FS 27 Sep 2019 - 12 Dec 19" document, extracted comprising 4x NAB connect - domestic payment report.
87				Documents (loose) - extract in relation to Veolia Environmental services dated 31/5/201 (Brandon Amis)
88				Documents contained plastic sleeve located Brandon Amis desk Header New Connect - domestic payment report, dated 21/2/2020.
89				Hard copy notebook (black & red) - undated. (1st page "SOFC" Audit meeting)
90				Hard copy notebook (black & red) - undated (1st page "BOOH - Bounce")
91				Hard copy notebook (black & red) - undated (1st page "Jenny Merr")

Bin
 Photos taken
 Tang
 laptop used
 as invoice
 Tang
 Tang

document source in relation to NAB Connect.

Fudex
 Brauna
 Kenneths

"FH15"

Gowrie Varma

From: Andrew Clarke <Andrew.Clarke@minterellison.com>
Sent: Tuesday, 29 June 2021 5:23 PM
To: Felicity Healy
Cc: Michael Hughes; Caitlin Murray; Gowrie Varma
Subject: Additional Orders - NSD616/2021 [ME-ME.FID6264995]
Attachments: NSD616_2021 orders dated 29 June 2021.pdf

Dear Felicity

Please see **attached** further orders of the Court with respect to the Search Orders.

Gowrie Varma has been added as an independent solicitor for the purposes of the Sydney premises.

Regards
Andrew

Andrew Clarke

Lawyer

T +61 2 9921 8514

andrew.clarke@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

minterellison.com Follow us on **LinkedIn** and **Twitter**




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Sensitive: Legal

This and the following *2* pages is the
Annexure marked "*FH15*" in the Affidavit of

Sworn/Affirmed before me on *2 July 2021*
20


.....
Solicitor/Justice of the Peace
Emma Langlands



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

No: NSD616/2021

WESTPAC BANKING CORPORATION ABN 33 007 457 141
Applicant

FORUM FINANCE PTY LIMITED and another named in the schedule
Respondents

ORDER

JUDGE: JUSTICE LEE

DATE OF ORDER: 29 June 2021

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Search Orders

1. Paragraph 9(a) of Annexure C be amended to allow the search party at the Sydney Premises to re-enter the premises for the purposes of conducting the search until such time as the search has been completed.
2. Schedule A to Annexure C of the orders made on 28 June 2021 be amended to add Gowrie Varma, an employed solicitor of Corrs Chambers Westgarth to the details of the independent solicitor for the purpose of the search party in connection with the Sydney Premises.

Date that entry is stamped: 29 June 2021

Sia Lagos
Registrar



Schedule

No: NSD616/2021

Federal Court of Australia

District Registry: New South Wales


Division: General

Second Respondent **BASILE PAPADIMITRIOU**

"FH16"

This and the following ⁶ pages is the Annexure marked "FH16" in the Affidavit of

Sworn/Affirmed before me on 2 July 2021
20


.....
Solicitor/Justice of the Peace
No. NSD616 of 2021
Emma Langlands

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

WESTPAC BANKING CORPORATION ABN 33 007 457 141

Applicant

FORUM FINANCE PTY LIMITED and BASILE PAPADIMITRIOU

Respondents

LIST OF DOCUMENTS

List 1

No.	Description	Location
1	Unmarked yellow manila folder containing various loose documents including: <ul style="list-style-type: none">documents entitled "Payment Schedule" between Forum Finance Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd;documents entitled "Certificate of Acceptance of Delivery" in relation to products supplied by Forum Finance Pty Ltd to Veolia Environmental Services (Australia) Pty Ltd;documents entitled "Sale Notice" and dated 2 July 2020; andvarious versions of the documents above, which constitute signed originals.	B Papas [provided by EO]
2	Yellow manila folder marked "Finance Documents – Very Important" containing various loose documents including: <ul style="list-style-type: none">documents entitled "Payment Schedule" between Forum Finance Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd;documents entitled "Certificate of Acceptance of Delivery" in relation to products supplied by Forum Finance Pty Ltd to Veolia Environmental Services (Australia) Pty Ltd;documents entitled "Sale Notice" and dated 12 August 2020; and	B Papas [MH and AC]

	<ul style="list-style-type: none"> document entitled "Settlement Advice" in relation to Westrac Pty Limited dated 13 July 2020. 	
	<p>Objection in relation to documents within item [2] entitled "Payment Schedule" between Forum ORCA Enviro Solutions NZ Limited and Veolia Environmental Services (NZ) Limited and Veolia Environmental Services (Australia) Pty Ltd as guarantor</p>	
3	<p>Red folder headed "Iugis Veolia" including various loose documents, including:</p> <ul style="list-style-type: none"> a plastic sleeve enclosing: <ul style="list-style-type: none"> two signed original documents entitled "iugis Master Technology Licence Agreement, Waste Management" ; two signed original documents entitled "iugis Master Technology Licence Agreement, Health UV-C Disinfection"; a plastic sleeve enclosing photocopy of document entitled "iugis Master Technology Licence Agreement, Health UV-C Disinfection"; a plastic sleeve enclosing photocopy of document entitled "iugis Master Technology Licence Agreement, Waste Management"; loose original signed document comprising 2 pages entitled "Master Technology Licence Agreement, Health Management – Annexure – Form of TLA Schedule" dated 23 July 2020; loose original signed document comprising 1 page entitled "Master Technology Licence Agreement, Waste Management – Annexure – Form of TLA Schedule" dated 23 July 2020; loose documents entitled "Certificate of Acceptance of Delivery" relating to Veolia Environmental Services (Australia) Pty Ltd; loose documents entitled "Master Technology Licence Agreement – Waste Management" relating to Veolia Environmental Services (Australia) Pty Ltd; and loose documents entitled "Payment Schedule" between Forum Finance Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd. 	B Papas [MH and AC]
4	Two undated draft documents, both entitled "Distribution agreement" between Orca Enviro Systems Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd with handwritten annotations	B Papas [MH and AC]
5	Removed by agreement and returned to J Olling	

6	Undated document entitled "Coles – Supply of Goods and Services Agreement" between Coles Supermarkets Australia Pty Ltd and Orca Enviro Systems Pty Ltd executed by B Papas (on 2 October 2018) and others	C Rollinson office AC
7	Letter dated 3 February 2020 from L Price of BHO Funding Pty Ltd to Forum Finance Pty Ltd entitled "Principal and Agent Agreement – Business Terms – Forum Finance Pty Limited"	C Rollinson AC
8	Document entitled "Payment Schedule" between Forum Finance Pty Ltd and ALH Group Pty Ltd dated 5 December 2018	C Rollinson AC
9	Guarantee and indemnity addressed to BHO Funding Pty Limited from B Papadimitriou dated 3 February 2020	C Rollinson AC
10	Document entitled "Payment Schedule" between Forum Finance Pty Ltd and ALH Group Pty Ltd dated 28 August 2018	C Rollinson AC
11	Document entitled "Payment Schedule" between Forum Finance Pty Ltd and ALH Group Pty Ltd dated 13 September 2018	C Rollinson AC
12	Document entitled "Payment Schedule" between Forum Finance Pty Ltd and ALH Group Pty Ltd dated 15 October 2018	C Rollinson AC
13	Document entitled "Payment Schedule" between Forum Finance Pty Ltd and ALH Group Pty Ltd" dated 5 December 2018	C Rollinson AC
14	Hard copy of email with subject line "Westpac and Orca waste digesters" from V Parikh to B Papas and T Papas dated 23 June 2021, attaching payment schedules and notifications	C Rollinson AC
15	Document comprising 1 single-sided page in a foreign language dated 1 February 2021	C Rollinson AC
	Objection to the whole of item [15] on the basis that relevance of the document cannot be ascertained given it is in a foreign language and refers to lugis Energy	
16	Hardcopy of email with subject line "Westrac Payouts and 1 July Cashflows" from L Price to T Bouchahine with copy to K Constable dated 17 June 2021	C Rollinson AC
17	<i>Subject to a Claim for Legal Professional Privilege</i> Notebook of C Rollinson	C Rollinson AC

	Note: Item 17 is contained in sealed envelope and segregated from the other documents.	
18	Bundle of documents commencing with a document entitled "Certificate of Acceptance of Delivery" in respect of Veolia Environmental Services (Australia) dated 18 August 2020	C Rollinson
19	Bundle of documents including: <ul style="list-style-type: none"> • 2 copies of a document entitled "Master Technology Licence Agreement – Waste Management" between Forum Enviro (Aust) Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd"; and • 2 copies of a document entitled "Master Technology Licence Agreement – Health UV-C Disinfection" between Forum Enviro (Aust) Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd". 	C Rollinson
20	Loose bundle of documents secured by bulldog clip, including: <ul style="list-style-type: none"> • a document entitled "Master Technology Licence Agreement – Waste Management" between Forum Enviro (Aust) Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd"; • a document entitled "Master Technology Licence Agreement – Health UV-C Disinfection" between Forum Enviro (Aust) Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd"; and • loose copies of certificates of acceptance of delivery and payment schedules in relation to Veolia Environmental Services (Australia) Pty Ltd". 	C Rollinson
21	Blue folder marked "BHO/Forum" containing letter dated 3 February 2020 from L Price of BHO Funding Pty Ltd to Forum Finance Pty Ltd entitled "Principal and Agent Agreement – Business Terms – Forum Finance Pty Limited", attaching original Principal and Agent Agreement signed by B Papas and others on 23 June 2020	C Rollinson
22	Undated draft document entitled "Distribution Agreement" between Iugis Pty Ltd and Veolia Environmental Services (Australia) Pty Limited with handwritten annotations	C Rollinson
23	Invoice issued by Iugis Pty Ltd addressed to Veolia Environmental Services (Australia) Pty Limited dated 29 February 2020 in the amount of \$90,485.35 along with undated handwritten note	C Rollinson

	Objection in relation to the whole of item [23] on the basis that the document does not fall within the scope of the Search Order	
24	Undated handwritten note comprising 2 A5 lined pages and headed "Cash"	C Rollinson
25	Invoice issued by Iugis Pty Ltd addressed to Veolia Environmental Services Australia Pty Limited dated 31 January 2020 in the amount of \$91,119.60	C Rollinson
	Objection in relation to the whole of item [25] on the basis that the document does not fall within the scope of the Search Order	
26	Credit note issued by Orca Enviro Systems Pty Ltd addressed to Veolia Environmental Services (Australia) Pty Limited dated 31 December 2019 in the amount of \$1,375.00	C Rollinson
27	Draft document entitled "Schedule 4 – Service Levels" with handwritten notes (undated) [removed – not pressed]	C Rollinson
28	Document entitled "Delegation of Authority Document" dated 1 July 2017 [removed – not pressed]	C Rollinson
29	White clear folder of documents headed "Meetings and Disciplines" (undated) [removed – not pressed]	C Rollinson
30	Hardcopy of email with subject line "Fwd: Variation to distribution agreement – pricing and payment structure" from H Telfer to C Rollinson and T Papas dated 12 August 20	C Rollinson
31	Hardcopy of email with subject line "FW: Payment Schedule and Delivery Order" from T Papas to B Papas dated 17 August 2020, attaching flowchart	C Rollinson
32	Notebook of Louise Agostino Note: Item [32] was provided to J Olling, who formed the view that they did not wish to make a claim for LPP	Open plan area near B Papas office
33	Manila folder entitled "Iugis - ALH Group" including: <ul style="list-style-type: none"> • an undated loose document entitled "BHO Westpac Funding – IUGIS/ORCA"; and • a plastic sleeve containing documents entitled "Payment Schedule" between Forum Finance Pty Ltd and ALH Group Pty Ltd. 	B Papas
34	Manila folder entitled "Veolia – Surficide Distribution Agreement" containing document entitled "Distribution	B Papas

	Agreement" dated 19 June 2020 between Iugis Pty Ltd and Veolia Environmental Services (Australia) Pty Ltd	
35	Unmarked manila folder containing documents entitled "Payment Schedule" and "Certificate of Acceptance of Delivery" in respect of Veolia Environmental Services (Australia) Pty Limited dated 19 March 2021	B Papas
	Objection in relation to certain documents within item [35] entitled "Payment Schedule" between ORCA Enviro Solutions NZ Limited and Veolia Environmental Services (NZ) Limited and Veolia Environmental Services (Australia) Pty Ltd as guarantor	
36	Manila folder entitled "SMBC - March 2021" containing loose documents commencing with an original document entitled "Master Technology Licence Agreement – Health Management" between Veolia Environmental Services (Australia) Pty Ltd and Forum Enviro (Aust) Pty Ltd dated 23 July 2020 and signed by B Papas and others	B Papas
37	Unmarked manila folder containing a collection of loose documents including documents entitled "Payment Schedule" and "Certificate of Acceptance of Delivery" including: <ul style="list-style-type: none"> • original dated 18 January 2021; • originals dated 1 February 2021; and • a copy dated 19 February 2021. 	B Papas
38	Manila folder entitled "Forum Scentre" containing two plastic sleeves of documents including: <ul style="list-style-type: none"> • an original signed document entitled "Rental Agreement" between Northern Managed Finance Pty Ltd and Scentre Shopping Centre dated 20 November 2017; and • a bundle of loose documents commencing with an undated document entitled "BHO Westpac Funding – Forum Group". 	B Papas
39	Manila folder entitled "Veolia – confidentiality" containing an undated original document entitled "Mutual Confidentiality and Exclusivity Agreement" between Veolia Environmental Services (Australia) Pty Ltd and Orca Enviro Systems Pty Ltd signed by B Papas and another	B Papas
40	Removed by agreement and returned to J Olling	
41	Manila folder entitled "Forum – Northern Finance 2018" containing a plastic sleeve of documents relating to the following customers:	B Papas

	<ul style="list-style-type: none"> • Catholic Health Ltd; • ALH Group Pty Ltd; and • Coles Supermarkets Aus Pty Ltd. 	
42	Removed by agreement and returned to J Olling	
43	Document entitled "Annexure A" and identified as Annexure A to the Rental Agreement between Northern Managed Finance Pty Ltd and Veolia Environmental Services Australia Pty Ltd dated 27 February 2018	B Papas
44	Manila folder entitled "Forum Enviro – Northern Finance" containing one plastic sleeve of documents commencing with an undated document entitled "Forum Enviro Pty Ltd – Northern Managed Finance Pty Ltd"	B papas
45	Green filing cabinet folder containing two copies of a document entitled "Distribution agreement" between Orca Enviro Systems Pty Limited and Veolia Environmental Services (Australia) Pty Limited dated 19 December 2018	B Papas
46	Unmarked manila folder containing 2 copies of a document entitled "Veolia Thursday 16 July 2020" Note: Non responsive documents removed from this folder and returned to J Olling	B Papas
47	Manila folder marked "Scentre Group" containing unmarked manila folder, containing a document entitled "Scentre Group Annual Financial Report" dated 31 December 2016 Note: Non responsive documents removed from this folder and returned to J Olling	B Papas
48	USB device – Removed as the device has been imaged by Y Sun	B Papas
49	USB device – Removed as the device has been imaged by Y Sun	B Papas
50	Manila folder marked "Forum Environ – Flexi Rent" containing one plastic sleeve of documents commencing with an undated document entitled ""Forum Enviro Pty Ltd – Flexi Rent Capital Pty Ltd" and containing tax invoices issued to Flexirent Capital Pty Ltd in respect of delivery to Veolia	B Papas
End of List		

"FH17"

No. NSD616 of 2021

Federal Court of Australia

District Registry: New South Wales


Division: General

This and the following ⁴ pages
Annexure marked "FH17" in the Affidavit.

Sworn/Affirmed before me on 2 July 2021
20

WESTPAC BANKING CORPORATION ABN 33 007 457 141

Applicant


Solicitor/Justice of the Peace
Emma Langlands

FORUM FINANCE PTY LIMITED and BASILE PAPADIMITRIOU

Respondents

LIST OF DOCUMENTS

List 2

No.	Description	Location
51	Printout of Computer System headed "Forum Group Financial Services – System Integrity Check" dated 26 November 2020	Filing cabinets located in proximity to Accounts department [A Clarke/ S]
52	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
53	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
54	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 8 December 2020	Filing cabinets located in proximity to Accounts department
55	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 8 December 2020	Filing cabinets located in proximity to Accounts department

56	Printout of Computer System headed "Forum Group Financial Services – System Integrity Check" dated 8 December 2020	Filing cabinets located in proximity to Accounts department
57	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
58	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
59	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
60	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
61	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
62	Printout of Computer System headed "Forum Group Financial Services – Interface File Transactions" dated 9 December 2020	Filing cabinets located in proximity to Accounts department
63	Printout of Computer System headed "Forum Group Financial Services – Contract Expiry Report" dated 1 March 2021 2020	Filing cabinets located in proximity to Accounts department [A Clarke]
64	Printout of Computer System headed "Forum Group Financial Services – Asset Integrity Check" dated 10 December 2020	Filing cabinets located in proximity to Accounts department

		[A Clarke]
65	Removed by agreement and returned to J Olling	
66	Blue manila folder marked "Veolia Presentation" containing document entitled "Veolia Thursday 20 August 2020"	Office of B Papas [M Hughes]
67	Document entitled "Annexure" on "forum" letterhead dated 30 September 2020 containing a list of equipment	Office of B Papas MH
68	Document entitled "Annexure" on "forum" letterhead dated 23 August 2018 containing a list of equipment	Office of B Papas MH
69	Document comprising one double sided page entitled "Annexure (A)" on "forum" letterhead dated 13 June 2019 containing a list of equipment	Office of B Papas MH
70	Document comprising one double sided page entitled "Annexure (A)" on "forum" letterhead dated 22 February 2019 containing a list of equipment	Office of B Papas MH
71	Hardcopy of email with subject line "Return of Equipment at End of Receivables Finance Period" from L Price to B Papas dated 31 May 2021	Office of B Papas MH
72	Original document entitled "Confirmation of Transfer of Title of Goods to Forum Finance Pty Limited Upon Receipt by BHD Leasing Pty Limited of All Receivables Due Under Respective Purchase of Goods and Receivables Transactions" dated 31 August 2018 and signed by L Price and M Sheeran	Office of B Papas MH
73	Original document entitled "Confirmation of Transfer of Title of Goods to Forum Finance Pty Limited Upon Receipt by Eqwe Pty Limited of All Receivables Due Under Respective Purchase of Goods and Receivables Transactions" dated 15 July 2019 and signed by L Price and M Sheeran	Office of B Papas MH
74	Hardcopy of email with subject line "RE: Eloise Orlandini shared Pipeline for EQWE- Deal Summary with you" from L Price to E Orlandini and B Papas dated 2 June 2021	Office of B Papas MH
75	Removed by agreement and returned to J Olling	
76	Red manila folder marked "Picasso – Important" with yellow sticky note marked "Picasso Foods – BHO" containing hardcopy emails from L Price of BHO Funding Note: Non responsive documents removed from this folder and returned to J Olling	Office of B Papas MH
77	Blue manila folder marked "Forum Enviro Ashurst SMBC" containing original document entitled "Notice of assignment" addressed to Veolia Environmental Services	Office of B Papas

	(Australia) Pty Ltd from Forum Enviro (Aust) Pty Ltd dated 30 September 2020 signed by B Papas Note: Non responsive documents removed from this folder and returned to J Olling	
78	Document entitled "Veolia Thursday 16 July 2021"	Office of B Papas MH
79	Removed by agreement and returned to J Olling	
80	Manila folder marked "BHD Leasing – Agreements" containing: <ul style="list-style-type: none"> • an original undated document entitled "Master Sale of Receivables and Goods Agreement" between BHD Leasing Pty Limited Trading as BHO Finance and Forum Finance Pty Limited signed by B Papas; and • an original undated document entitled "Master Sale of Receivables and Goods Agreement" between BHD Leasing Pty Limited Trading as BHO Finance and Forum Finance Pty Limited signed by B Papas Note: Non responsive documents removed from this folder and returned to J Olling	Office of B Papas MH
81	Document entitled "Veolia – May 2021"	B Papas MH
82	Loose undated document comprising one page located in grey lever arch folder marked "Sofer & Infrashield & FGFS & Others" behind orange tab "11660". Attached was a yellow sticky note marked "Sept 18". Note: Photo taken of folder and original returned to office. Photocopy only taken of relevant page.	Folder located in Accounts area of open plan area [S]
83	Green filing cabinet folder marked "BHO – NAB Account" containing documents relating to NAB Account ending 1316 in the name of Forum Group Pty Ltd Note: Folder contained dongle to access account, which was returned to the desk of T Bouchanine	Tony office [S]
84	Loose documents located in red lever arch folder marked "FGFS 16/8/19 to 30/9/19" including tax invoices and NAB Connect – domestic payment reports Note: Photo taken of folder and original returned to office. Photocopy only taken of relevant page.	Tony office [s]
	Objection in relation to the whole of item [84] on the basis that the documents do not fall within the scope of the Search Order	
85	Loose documents located in white lever arch folder marked "FGFS 12/12/19 to 3/20" including 3 documents entitled "NAB Connect – domestic payment reports"	Tony

	Note: Photo taken of folder and original returned to office. Photocopy only taken of relevant page.	
86	Loose documents located in black lever arch folder titled "FGFS 27/09/19 to 12/12/19" including 4 documents entitled "NAB Connect – domestic payment reports" Note: Photo taken of folder and original returned to office. Photocopy only taken of relevant page.	Tony
87	Loose bundle of documents entitled "Contract billing update" and "AR Debtors Journal Print" relating to "Veolia Environmental Services" dated between 25 January 2021 and 31 May 2021	Brandon Chin desk [s]
88	Loose bundle of documents contained in plastic sleeve marked "NMF Contracts Purchased – FGFS" containing 6 documents entitled "NAB Connect – Domestic payment report" Note: Non responsive documents removed from this folder and returned to J Olling	Brandon Chin desk [s]
89	Hardcopy black and red notebook – undated and untitled. First page with narrative "SOFC Audit Meeting". Note: Relevant pages identified with yellow sticky tag. Reviewed for privilege by J Olling. No claim for LPP made.	B Papas office MH
90	Hardcopy black and red notebook – updated and untitled. First page with narrative "Boon – Bounce" Note: Relevant pages identified with yellow sticky tag. Reviewed for privilege by J Olling. No claim for LPP made.	B Papas office MH
91	Hardcopy black and red notebook – updated and untitled. First page with narrative "Jerry Marr" Note: Relevant pages identified with yellow sticky tag. Reviewed for privilege by J Olling. No claim for LPP made.	B Papas office MH
End of List		

"FH18"

Gowrie Varma

From: Felicity Healy
Sent: Thursday, 1 July 2021 3:00 PM
To: Jeffrey Olling
Cc: Gowrie Varma
Subject: RE: Search Order Lee J Forum Finance

This and the following ² pages is the Annexure marked "FH18" in the Affidavit of

Sworn/Affirmed before me on ^{2 July 2021}
20

Dear Jeff


.....
Solicitor/Justice of the Peace

Further to my email below, I can confirm that scanning of the hard copy documents is almost complete and that photocopies of the documents should be available from around 5pm today.

Emma Langlands

Could you please confirm:

- Whether you wish to have an electronic copy of the hard copy documents. If so, we can arrange for them to be uploaded via a secure data transfer site known as Kiteworks;
- Hard copies of the documents will be available for collection from our office just after 5pm today. Could you please let us know who will be collecting and at what time?
- The document which is the subject of the claim for Legal Professional Privilege has not been copied and remains in a sealed envelope. The Court will expect that an affidavit is prepared before tomorrow's hearing explaining the basis for maintaining the claim.

Lastly could you please confirm the name of the solicitors acting for Forum Finance so we can ensure service of the Reports is effected on the legal representatives for the applicant and respondent.

Regards

Felicity Healy | Partner
Corrs Chambers Westgarth
t +61 2 9210 6830 m +61 416 545 914 e felicity.healy@corrs.com.au
corrs.com.au

From: Jeffrey Olling [mailto:jolling@iugis.com]
Sent: Wednesday, 30 June 2021 5:31 PM
To: Felicity Healy <felicity.healy@corrs.com.au>
Cc: Gowrie Varma <gowrie.varma@corrs.com.au>
Subject: RE: Search Order Lee J Forum Finance

Ok great thanks Felicity.

Regards,

Jeff



Jeff Olling
Global Chief of Stakeholder Relations

M +61 417 550 975
A Lvl 5, 141 Walker Street, North Sydney NSW 2060
W iugis.com

Australia | New Zealand | United Kingdom | Greece | Germany
| United Arab Emirates



From: Felicity Healy <felicity.healy@corrs.com.au>
Sent: Wednesday, 30 June 2021 5:13 PM
To: Jeffrey Olling <jolling@iugis.com>
Cc: Gowrie Varma <gowrie.varma@corrs.com.au>
Subject: RE: Search Order Lee J Forum Finance

Hi Jeff

Apologies - my earlier response was only in respect of the List of Documents.

In relation to the copies of the documents removed from 5/141 Walker Street pursuant to the Search Order made by Justice Lee, we have made arrangements for those documents to be urgently photocopied on site at Corrs today. However due to the COVID shutdown this means the process will take at least one full business day. I will provide you with an update during the course of tomorrow but one possibility is that we could provide the documents electronically in tranches to speed up this process. Could you let me know if you would like to adopt this approach?

As you are aware the documents (including copies) cannot be provided to the applicant but must be produced to the Court (subject to any objections which you may have).

Please feel free to reach out if you require any further clarification.

Regards

Felicity Healy | Partner
Corrs Chambers Westgarth
t +61 2 9210 6830 m +61 416 545 914 e felicity.healy@corrs.com.au
corrs.com.au

From: Jeffrey Olling [<mailto:jolling@iugis.com>]
Sent: Wednesday, 30 June 2021 4:35 PM
To: Felicity Healy <felicity.healy@corrs.com.au>
Subject: Search Order Lee J Forum Finance

Hi Felicity,

My understanding was you were going to provide a copy of the documents that you took today, or are they going to our solicitors?

Thanks for your time.

Regards,

iugis

Jeff Olling
Global Chief of Stakeholder Relations

M +61 417 550 975
A Lvl 5, 141 Walker Street, North Sydney NSW 2060
W iugis.com

Australia | New Zealand | United Kingdom | Greece | Germany
| United Arab Emirates



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"FH19"

Gowrie Varma

From: Yian Sun <ysun@cyter.com>
Sent: Thursday, 1 July 2021 6:06 PM
To: Felicity Healy
Cc: Gowrie Varma
Subject: Independent computer expert summary

Hi Felicity,

Find below a summary of the events of the search order.

Attending the premises

1. On 28th June 2021 at around 1515 Hrs, I attended the office of the Forum Financial at Lvl 5, 141 Walker St, North Sydney.


Discussion with IT Manager

2. At 1525 Hrs in the presence of the independent solicitor, I had a discussion with Mr Derek Meathrel ("Mr Meathrel") regarding the IT setup and data locations for the Forum Financial.
3. During the discussion with Mr Meathrel, I note the following:
 - The emails for Forum Financial are stored within the Microsoft Office 365 environment.
 - Documents for Forum Financial are stored in both OneDrive and Sharepoint with the Microsoft Office 365 environment.
 - Previously, documents for Forum Financial were stored on a virtual server at a datacentre in Alexandria, NSW.
 - The accounting system used by Forum Financial is BMS and is hosted in a virtual server at a datacentre in Alexandria, NSW.
 - Filebound is a software solution used by Forum Financial to scrape data from invoices. The system is also stored in a virtual server at a datacentre in Alexandria, NSW.
 - Employees are issued laptops or desktop computers to use which may store documents and emails relating to Forum Finance.
 - There are also various number of servers which are hosted at a datacentre in Alexandria, NSW.
 - Mr Meathrel provided me with a list of servers which is attached below.

Internal IP	Hostname	Purpose
172.31.151.10	dc4.fg.internal	AD Domain Controller (FG / fg.internal)
172.31.151.11	ok-fg-spmt	
172.31.151.12	fg-dc2	AD Domain Controller (FG / fg.internal)
172.31.151.13		
172.31.151.14	netsvc1	Network Services server (RADIUS,VPN, etc)
172.31.151.15		
172.31.151.16	mail16-01.fg.internal	Exchange server for internal mailboxes
172.31.151.17	fg-file01	Windows File Server, backing store for ShareFile
172.31.151.18	fg-domino	Lotus Notes server for SODB sales Orders system
172.31.151.19	fg-myob	Shared MYOB desktop
172.31.151.20	bms-forum	Linux accounts server
172.31.151.21	fg-fiscal	Linux fiscal projections server
172.31.151.22	fg-nswws290	Shared Adobe products desktop
172.31.151.23	fg-print01	Windows print server
172.31.151.24	fg- psicap01.fg.internal	PSICapture server
172.31.151.25	fg-thehive	Intranet web server
172.31.151.26	fg-reporting	Crystal Reports server (internal use)

This and the following ³ pages is the Annexure marked "FH19" in the Affidavit of

Sworn/Affirmed before me on ^{2 July 2021}
20


.....
Solicitor/Justice of the Peace
Emma Langlands

172.31.151.27	fg-cirrato01	Solns pre-sales demo server
172.31.151.28	fg-uipath	Unipath server
172.31.151.29	fg-jitterbit	Jitterbit Server
172.31.151.32	fg-dm01	Solns Filebound customer web server
172.31.151.33	fg-dm02	Solns Filebound customer web server
172.31.151.34	fg-dm04	Solns Filebound internal SQL server
172.31.151.35	fg-dm03	Solns Filebound internal web server
172.31.151.37	fg-fb-esm	Solns Filebound Enterprise Service server
172.31.151.38	fg-soln-demo	Solns pre-sales demo server
172.31.151.39	fg-testsrv	Solns Pre-sales test server

4. The servers at the data centre is managed and operated by a third party IT service party called Our Kloud.
5. Mr Meathrel provided my details to Our Kloud to discuss obtaining a backup copy of the servers.
6. At 1540 Hrs, I was provided with login details granting Global Administrator access into the Microsoft Office 365 environment of the Forum Group.

Collection of data

7. At around 1719 Hrs, I was provided with 10 laptops and desktop computers by the independent solicitor. I was instructed by the independent solicitor to create a forensic copy of these devices.
8. I created forensic copies of the 10 devices provided at our office at Suite 2, 301 Castlereagh St, Sydney NSW and returned them to the independent solicitor on 29th June 2021.
9. On 29th June 2021, I was provided with further devices by the independent solicitor. I was instructed by the independent solicitor to create a forensic copy of these devices.
10. I created forensic copies of the devices provided at the Forum Financial office and returned them to the independent solicitor on 29th June 2021.
11. On 29th June 2021, I was instructed to perform various searches on emails and documents stored within the Microsoft Office 365 Environment. The searches were:
 - Emails and documents containing the keywords veolia or westrac or "alh group" or coles or "catholic healthcare" or hwl or scentre
 - Emails containing the keyword eqwe OR lukep@eqwe.com.au
 - Documents containing the keyword eqwe
 - Emails and documents containing the keywords "forum finance" AND ("sale notice" OR "certificate of acceptance")
12. The search results were subsequently downloaded for the Microsoft Office 365 environment.
13. I was also instructed by the independent solicitor to prioritise the mailboxes of Craig Rollinson, Eloise Orlandi, Suzi Phillips and Louise Agostino in the backup of emails from the Microsoft Office 365 environment. The mailboxes were subsequently downloaded for the Microsoft Office 365 environment.
14. The downloading of the remaining data is ongoing.
15. A table containing the data collected that will be provided to the court is provided below.

Evidence ID	Description	Custodian	Disk Size/Actual Size (GB)	Image Size (GB)
AU21036A1	Laptop of Jeffrey Olling	Jeffrey Olling	256	83.5
AU21036B1	Laptop of Rebecca Michael	Rebecca Michael	256	120
AU21036C1	Laptop 1 of 3 Bill Papas	Bill Papas	128	105
AU21036D1	Laptop 2 of 3 Bill Papas	Bill Papas	80	36
AU21036F1	PC of Anthony Maxwell	Anthony Maxwell	128	32.8
AU21036G1	Laptop of Derek Meathrel	Derek Meathrel	256	178

AU21036H1	Laptop of Craig Rollinson	Craig Rollinson	512	187
AU21036I1	Laptop of Mark Churchin	Mark Churchin	1000	99.3
AU21036J1	Laptop of Suzi Phillips	Suzi Phillips	512	80.6
AU21036K1	Mailbox of Bill Papas	Bill Papas Mailbox	48.5	37.7
AU21036K3	Search for emails containing eqwe OR lukep@eqwe.com.au in O365 Exchange	Search 1	2.33	1.92
AU21036K4	Search for emails containing veolia or westrac or "alh group" or coles or "catholic healthcare" or hwl or scentre in O365 Exchange	Search 2	5.22	3.48
AU21036K5	Search for emails containing "forum finance" AND ("sale notice" OR "certificate of acceptance") in O365 Exchange	Search 3	4.44	3.78
AU21036K6	Search for emails containing "forum finance" AND westpac in O365 Exchange	Search 4		43.2
AU21036K7	Mailbox of Craig Rollinson, Eloise Orlandi, Suzi Phillips and Louise Agostino	Craig Rollinson Eloise Orlandi Suzi Phillips Louise Agostino		40.8
AU21036L1	Laptop 3 of 3 Bill Papas	Bill Papas	512	414
AU21036M1	Laptop of Eloise Orlandini	Eloise Orlandini	256	137
AU21036N1	OneDrive Search 1 Files containing the keywords veolia or westrac or "alh group" or coles or "catholic healthcare" or hwl or scentre in Sharepoint/OneDrive	Search 1	5.04	3.94
AU21036N2	OneDrive Search 2 Files containing the keyword eqwe in Sharepoint/OneDrive	Search 2	4.6	4.16
AU21036N3	OneDrive Search 3 Files containing the keywords "forum finance" AND "certificate of acceptance" in Sharepoint/OneDrive	Search 3	0.216	0.2
AU21036N4	OneDrive Search 4 Files containing the keywords "forum finance" AND (westpac OR "sale notice") in Sharepoint/OneDrive	Search 4	9.44	6.29
AU21036O1	Samsung 1GB USB	Samsung 1GB USB	2	0.01
AU21036P1	Imation 8GB USB Thumb Drive	Imation 8GB USB Thumb Drive	8	1.21
AU21036Q1	Laptop 1 of 2 Tony Bouchahine	Tony Bouchahine	256	93.7
AU21036R1	Laptop of Brandon Chin	Brandon Chin	512	54.2
AU21036S1	Laptop 2 of 2 Tony Bouchahine	Tony Bouchahine	512	114
AU21036T1	Vodafone Mobile Phone of Bill Papas	Bill Papas	8	2.79

Telephone call with Our Kloud

16. On 30th June 2021 at 1310 Hrs, I was contacted by Mr Paula Salibe ("Mr Salibe") of Our Kloud. During the whole duration of the call, I was in the presence of the independent solicitor.
17. I asked Mr Salibe to prepare a list of all Forum Group servers along with their corresponding storage size.
18. I also asked Mr Salibe provide a backup of all Forum Group servers.
19. Mr Salibe indicated he will come back to me with the requests and the likely timing of providing a copy of the Forum Group Servers.

Follow up with Our Kloud regarding Forum Group Servers

20. On 1st July 2021, I made to phone calls to Mr Salide regarding the requests made with him on 30th June 2021. Both calls were not answered by Mr Salibe.

21. As at 1730 Hrs on 1st July 2021, there has been no response by Mr Salibe.

Let me know if you have any further questions or queries.

Cheers,

Yian

Yian Sun
Senior Forensic Specialist

m: +61-402951403 | e: ysun@cyter.com | w: cyter.com



Forensic | Analytics | Cyber | Technology

"FH20" PROPERTY RECEIPT

This and the following 0 pages is the Annexure marked "FH20" in the Affidavit of

Sworn/Affirmed before me on 2 July 2021
 Emma Langlands
 20 CYTER Cyber and Technology Risk

Matter Number / Ref: AU21036

Location: 8 CHIFLEY SQUARE, SYDNEY NSW

Solicitor/Justice of the Peace

Ref Number	Description
	1 X SEAGATE EXPANSION 2TB PORTABLE DRIVE (S/N: NAA8V0QD)
	2 X SEAGATE EXPANSION 1TB PORTABLE DRIVE (S/N: NAC35KHW, NAC35JQD)
	1 X SEAGATE BACKUP PLUS 2TB PORTABLE DRIVE (S/N: NAA9LMF1S)

Received From: YIANN SUN
 Name
[Signature]
 Signature

SNR FORENSIC SPECIALIST CYTER
 Title/Position Organisation
2/7/2021 9:09 AM
 Date Time

Received By: GOWRIE VARMA
 Name
[Signature]
 Signature

INDEPENDENT SOLICITOR COFES
 Title/Position Organisation