

Exhibit Certificate

No. NSD616 of 2021

Federal Court of Australia

District Registry: NSW

Division: Commercial and Corporations

Westpac Banking Corporation

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-1**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 14 July 2021.

Signature of witness



Name of witness

Matthew Youssef

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/07/2021 2:01:39 PM AEST and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	NSD642/2021
File Title:	SOCIETE GENERALE (ABN 71 092 516 286) v FORUM FINANCE PTY LIMITED (ACN 152 301 172) & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	Interlocutory Hearing
Time and date for hearing:	01/07/2021, 3:30 PM
Place:	Court Room 21A, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney; By Web Conference, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



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

Dated: 1/07/2021 2:55:13 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Details of claim

On the grounds stated in the statement of claim, accompanying affidavit or other document prescribed by the Rules, the Applicant claims:

1. A declaration that the first respondent and/or the second respondent holds the sum of \$8,688,398 on trust for the applicant.
2. An order that the first respondent and the second respondent account to the applicant for the amount referred to in order 1 above.
3. Damages at common law and/or pursuant to section 236 of the *Australian Consumer Law*.
4. Equitable compensation.
5. Interest pursuant to ss 51A and 52 of the *Federal Court of Australia Act 1976 (Cth)*.
6. Costs.
7. Any further or other order as the court sees fit.

Claim for interlocutory relief

The Applicant also claims interlocutory relief.

1. The orders set out in the Interlocutory Application dated 1 July 2021.
2. An order that the first respondent and/or the second respondent forthwith disclose to the applicant all facts within their knowledge as to the present whereabouts of the sum of:
 - a. \$4,128,757 that was paid by the applicant into the first respondent's account on or about 9 March 2021;
 - b. \$2,299,539 that was paid by the applicant into the first respondent's account on or about 6 May 2021; and
 - c. \$2,558,902 that was paid by the applicant into the first respondent's account on or about 24 May 2021.
3. Such further or other order as the court sees fit.

**Applicant's address**

The Applicant's address for service is:

Place: Ashurst Australia
ATT: Ian Bolster / Matthew Youssef
Level 11
5 Martin Place
Sydney NSW 2000

Email: ian.bolster@ashurst.com / matthew.youssef@ashurst.com

The Applicant's address is Level 25, 1 Bligh Street, Sydney NSW 2000

Service on the Respondent

It is not intended to serve this application on any Respondent until after the hearing for the Applicant's Interlocutory Application dated 1 July 2021.

Date: 1 July 2021

Signed by Ian Timothy Bolster
Lawyer for the Applicant

**Schedule**

No. 5 of 2021

Federal Court of Australia
District Registry: New South Wales
Division: Commercial and Corporations

Respondents

Second Respondent: Basile Papadimitriou (also known as Bill Papas)

Date: 1 July 2021

NOTICE OF FILING

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Details of Filing

Document Lodged: Concise Statement
File Number: NSD642/2021
File Title: SOCIETE GENERALE (ABN 71 092 516 286) v FORUM FINANCE PTY LIMITED (ACN 152 301 172) & ANOR
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



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

Dated: 1/07/2021 2:55:19 PM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

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Concise Statement

No. of 2021

Federal Court of Australia
 District Registry: New South Wales
 Division: Commercial and Corporations

Societe Generale (ABN 71 092 516 286)

Applicant

Forum Finance Pty Limited (ACN 153 301 172) and another
 Respondents

A The important facts giving rise to the claim

1. The proceeding concerns certain payments that were made by the applicant (**SG**) to the first respondent (**Forum Finance**). The second respondent (**Mr Papas**) is the CEO, director and secretary of Forum Finance.
2. On 6 November 2020, the applicant entered into a Receivables Acquisition and Servicing Agreement (**Master Agreement**) with Forum Finance and EQWE Pty Ltd (**EQWE**).
3. The Master Agreement governs the commercial arrangement in which Forum Finance could sell, and SG could purchase, "Offered Receivables" that an "Obligor" (being Veolia Environmental Services (Australia) Pty Ltd (ACN 051 316 584) (**Veolia**) or any other company or legal entity agreed by SG and Forum Finance) may from time to time owe to Forum Finance. The relevant receivables were derived from the provision of "waste digesters" to Veolia. The Master Agreement also appointed EQWE as agent of SG and Forum Finance to enforce their rights in and under the Accepted Receivables (clause 10.1) and included particular obligations on EQWE (in addition to Servicing Guidelines that were entered into between EQWE and SG) in respect of its role as the party servicing the arrangement between SG and Forum Finance including, for example, facilitating payments to be made by Forum Finance to SG and other matters.

Filed on behalf of (name & role of party)	Societe Generale (ABN 71 092 516 286), Applicant		
Prepared by (name of person/lawyer)	Ian Timothy Bolster / Matthew Youssef		
Law firm (if applicable)	Ashurst Australia		
Tel	(02) 9258 6697 / (02) 9258 6323	Tel	(02) 9258 6697 / (02) 9258 6323
Email	ian.bolster@ashurst.com / matthew.youssef@ashurst.com		
Address for service (include state and postcode)	Ashurst Australia Level 11, 5 Martin Place, Sydney NSW 2000		

First Offer Notice

4. On 3 March 2021, SG received an "Offer Notice" from Forum Finance (**First Offer Notice**), through EQWE, offering to sell the receivables that were purportedly to be paid by Veolia pursuant to a Payment Schedule for the supply of a number of Organic Waste Digesters under a purported agreement between Forum Finance and Veolia dated 1 March 2021. It also attached a document titled "Certificate of Acceptance of Delivery" which was purportedly signed by Veolia. The purchase price to be paid by SG to Forum Finance under the First Offer Notice was \$4,128,757 (net of a "Receivable Retention Amount" that SG was entitled to retain). SG made that payment on 9 March 2021.
5. On 9 March 2021, SG received a Verification Statement for a registration made by Forum Finance against Veolia on the Personal Property Securities Register (PPSR) in respect of the purported goods listed in the above Payment Schedule.
6. On 12 March 2021, SG received a document titled "Notice of Assignment", through EQWE, that had purportedly been issued by Forum Finance to Veolia dated 8 March 2021, and which contained a statement to the effect it had been "acknowledged" for and on behalf of Veolia. It was also signed by Mr Papas for and on behalf of Forum Finance.
7. EQWE was provided with the above Payment Schedule, First Offer Notice and Notice of Assignment by email from Mr Papas, and from Mr Papas' Executive Assistant (copied to Mr Papas), to EQWE.
8. Forum Finance subsequently made payments to SG totalling \$252,000 in respect of that First Offer Notice.

Second Offer Notice

9. On 3 May 2021, SG received another "Offer Notice" from Forum Finance (**Second Offer Notice**), through EQWE, offering to sell the receivables that were purportedly to be paid by Veolia pursuant to a Payment Schedule for the supply of a number of Organic Waste Digesters under a purported agreement between Forum Finance and Veolia dated 28 April 2021. It also attached a document titled "Certificate of Acceptance of Delivery" which was purportedly signed by Veolia. The purchase price to be paid by SG to Forum Finance under the Second Offer Notice was \$2,299,539 (net of a "Receivable Retention Amount" that SG was entitled to retain). SG made that payment on 6 May 2021.
10. Also on 6 May 2021, SG received: (a) a document titled "Notice of Assignment", through EQWE, that had purportedly been issued by Forum Finance to Veolia dated 6 May 2021, and which contained a statement to the effect it had been "acknowledged" for and on behalf of Veolia. It was also signed by Mr Papas for and on behalf of Forum Finance; and (b) a

Verification Statement for a registration made by Forum Finance against Veolia on the PPSR in respect of the purported goods listed in the above Payment Schedule.

11. EQWE was provided with the above Payment Schedule, Second Offer Notice and Notice of Assignment by email from Mr Papas' Executive Assistant (copied to Mr Papas) to EQWE.
12. Forum Finance subsequently paid SG \$46,800 in respect of that Second Offer Notice.

Third Offer Notice

13. On 18 May 2021, SG received another "Offer Notice" from Forum Finance (**Third Offer Notice**), through EQWE, offering to sell the receivables that were purportedly to be paid by Veolia pursuant to a Payment Schedule for the supply of a number of Organic Waste Digesters under a purported agreement between Forum Finance and Veolia dated 14 May 2021. The purchase price to be paid by SG to Forum Finance under the Third Offer Notice was \$2,558,902 (net of a "Receivable Retention Amount" that SG was entitled to retain). SG made that payment on 24 May 2021.
14. On 19 May 2021, SG received a Verification Statement for a registration made by Forum Finance against Veolia on the PPSR in respect of the purported goods listed in the above Payment Schedule.
15. On 20 May 2021, SG received a document titled "Notice of Assignment", through EQWE, that had purportedly been issued by Forum Finance to Veolia dated 24 May 2021, and which contained a statement to the effect it had been "acknowledged" for and on behalf of Veolia. It was also signed by Mr Papas for and on behalf of Forum Finance.
16. EQWE was provided with the above Payment Schedule, Third Offer Notice and Notice of Assignment by email from Mr Papas, and from Mr Papas' Executive Assistant (copied to Mr Papas), to EQWE.
17. Forum Finance did not pay any money to SG in respect of the Third Offer Notice.

The purported receivables that were sold to SG do not exist

18. The purported receivables between Veolia and Forum Finance that are the subject of the three Offer Notices, Payment Schedules and Notices of Assignment do not exist. The purported signatures of the Veolia executive on the documents given by Forum Finance to SG in order to obtain the finance were not made by the person whose name appears under them. The purported goods that were being supplied to Veolia and that are the subject of the purported receivables were never acquired or received by Veolia.

B. The relief sought from the Court

19. The relief sought by the applicant is set out in the accompanying Originating Application.

20. SG seeks a declaration that the amount that it has paid to Forum Finance (less the amounts that it has since received) are held on trust for SG.
21. SG also seeks damages against Forum Finance and Mr Papas pursuant to section 236 of the *Australian Consumer Law* for contravening section 18 of the *Australian Consumer Law*, and the tort of deceit (i.e. common law fraud).

C. The primary legal grounds for the relief sought

22. SG was induced into making the payments referred to above based on a state of affairs that was not true, namely, that:
 - a. certain receivables were owing by Veolia to Forum Finance;
 - b. signatures of the Veolia executive on the documents given by Forum Finance to SG in order to obtain the finance were made by the person whose name appears under them;
 - c. goods that were the subject of the purported receivables were acquired or received by Veolia.
23. By preparing and disseminating the documents referred to in paragraphs 4, 5, 9, 10, 13 and 14 above in the circumstances in paragraph 22 above, Forum Finance and Mr Papas engaged in conduct in trade or commerce that represented to SG that Veolia had entered into contracts under which: (a) certain goods were delivered or made available to Veolia; and (b) Veolia owed certain amounts to Forum Finance. That conduct was misleading or deceptive to SG, or likely to mislead or deceive SG, in contravention of section 18 of the *Australian Consumer Law*.
24. Forum Finance and Mr Papas also made representations with knowledge they were false and with the intention that SG act on them, which caused SG loss. That conduct constitutes common law fraud (i.e. the fraud of deceit).
25. SG was induced into making the payments as a result of fraud or mistake, and is therefore entitled to restitution for money had and received (unjust enrichment).

D. The alleged harm suffered by the applicant

26. SG has suffered harm and loss, being the amounts paid by SG to Forum Finance in respect of the First Offer Notice, Second Offer Notice and Third Offer Notice, less amounts received, being the net amount of \$8,688,398, plus interest.

Certificate of lawyer

I Ian Timothy Bolster certify to the Court that, in relation to the concise statement filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the concise statement.

Date: 1 July 2021



Signed by Ian Timothy Bolster

Lawyer for the Applicant

Exhibit Certificate

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: Commercial and Corporations

Westpac Banking Corporation

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-2**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 14 July 2021.

Signature of witness



Name of witness

Matthew Youssef

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor

Ghuman, Norah 65878

From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Monday, 12 July 2021 11:11 AM
To: Kieran Kelly
Cc: Caitlin Murray; Michael Hughes; Andrew Clarke; Bolster, Ian 66697;
rdobson@jonesday.com
Subject: Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of
Australia Proceeding NSD616/2021 [ME-ME.FID6264995]
Attachments: L - Hilton Bradley 12.07.21.PDF
Importance: High

Dear Mr Kelly
Please see the attached correspondence.
Regards

Anthony Sommer
Senior Associate
T +61 2 9921 4182 M +61 431 058 780
anthony.sommer@minterellison.com
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Sensitive: Legal

MinterEllison

12 July 2021

BY EMAIL: kieran.kelly@hiltonbradley.com.au

Kieran Kelly
Hilton Bradley Lawyers
Suite 1101 - Level 11
99 York Street
Sydney NSW 2000

Dear Mr Kelly

**Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia
Proceeding NSD616/2021 (Proceedings)**

Introduction

- 1.1 As you are aware, we act for Westpac Banking Corporation (**Westpac**).
- 1.2 We note that you appeared at the hearings on 9 July 2021 in the Proceedings before his Honour Justice Lee on behalf of your clients Domenico Alessandro Calabretta, Grahame Robert Ward and Thyge Trafford-Jones of Mackay Goodwin in their capacity as voluntary administrators of Forum Group Pty Ltd ACN 153 336 997 (Receivers Appointed) (Administrators Appointed) (**Forum Group**).
- 1.3 We understand that:
 - (a) on or about 8 July 2021, your clients were appointed as voluntary administrators of Forum Group and certain other companies related to Mr Basile Papadimitriou (also known as Bill Papas) (**Mr Papas**) including those listed in the Schedule to this letter which we have identified based on the records of the Australian Securities and Investments Commission since 10 July 2021 (together, the **Administration Companies**); and
 - (b) your clients' appointments were made by Mr Papas as the director of the Administration Companies pursuant to section 436A of the *Corporations Act 2001* (Cth) (**Act**). Please urgently let us know if that was not the case.

Our client's claim in the Proceedings

- 2.1 Our client has a strong prima facie case that all of the amounts that it paid to Forum Finance Pty Ltd (in liquidation) ACN 153 301 172 (**Forum Finance**), the first respondent in the Proceedings, are impressed with a trust in accordance with the principles set out in *Black v S Freedman & Co* (1910) 12 CLR 105 (**Black v Freedman**), presently quantified by our client in its amended originating application filed 8 July 2021 in the amount of \$253,766,555.76. Pursuant to the principles described in *Toksoz v Westpac Banking Corporation* [2012] NSWCA 199 and *Fistar v Riverwood Legion and Community Club Ltd* (2016) 91 NSWLR 732, any persons who have received or had distributed to them any funds by Forum Finance also hold those funds on trust for our client.
- 2.2 Based on investigations to date, which are continuing, and the principles in relation to the tracing of moneys from theft, our client considers that some or all of the Administration Companies are also trustees for Westpac of funds paid to them by Forum Finance that were stolen from Westpac.



Our preliminary review of the bank statements that were made available on 9 July 2021 have shown a regular pattern of the stolen funds being received from Westpac and then immediately paid out to other Forum companies, in particular, Forum Group, Forum Enviro (Aust) Pty Ltd (Administrators Appointed) ACN 607 484 364, Forum Enviro Pty Ltd (Administrators Appointed) ACN 168 709 840 and Forum Group Financial Services Pty Ltd (Administrators Appointed) ACN 623 033 705. It appears that much of the group of companies of which Mr Papas was a director operated in an interrelated way, with significant intercompany transfers. Any of the Administration Companies which received money from Forum Finance, either directly or through another of the Administration Companies or Mr Papas, is a trustee for Westpac in relation to those funds and the assets that they hold are impressed with a trust. To the extent those companies have in turn dissipated the funds they received, those companies have an obligation to account to our client for the money paid away.

- 2.3 Given our client's claims (or more accurately, choses in action) as against the Administration Companies are proprietary in nature, our client's claims for amounts that are the subject of our client's proprietary interests in the assets of the Administration Companies will prevail over any priority your clients are entitled to with respect to their fees and any statutory right of indemnity in connection with their appointments as administrators.

Your clients should consent to their replacement as administrators of the Administration Companies

- 3.1 As you know, on 9 July 2021 Messrs Preston and Ireland of McGrathNicol were appointed by the Court as joint and several liquidators of Forum Finance.
- 3.2 Messrs Preston and Ireland have consented to act as administrators and liquidators of each of the Administration Companies. We are in the process of obtaining written consents to act in relation to each of the Administration Companies signed by Messrs Preston and Ireland which will be provided to you imminently.
- 3.3 Given the nature of our client's claims as outlined above, our client's position (and that of the broader Westpac Group) is that:
- (a) the affairs of the Administration Companies appear very likely to be complex and will involve claims of fraud, both within Australia and potentially in many other jurisdictions. Such complex administrations will require significant resources and international connections. McGrathNicol, having offices in both Australia and New Zealand (with more than 30 partners and almost 300 staff) and a strategic association with global professional services firm, Alvarez & Marsal, worldwide are able to provide that expertise and resourcing. Without being critical of your clients' firm, our client's position is that McGrathNicol are better placed to handle the affairs of the Administration Companies, noting that they have been appointed by the Court as the liquidators of Forum Finance on 9 July 2021;
 - (b) similarly, our client considers that with offices only in Sydney, your clients are unlikely to have the resources to undertake a liquidation of the Administration Companies, which will involve a thorough and complex investigation of a very large fraud throughout Australia and potentially overseas;
 - (c) there is a significant interest in there being a single administration of the Administration Companies in the context of these companies, rather than that responsibility being divided between multiple insolvency administrators. There is also very great interest in avoiding duplication of effort by multiple administrations – and even worse, a contest between your clients and our client as to the form of the administration and the identity of the administrators – which can only detract from whatever resources might be available for ultimate distribution amongst creditors including our client. Similarly, there is a real benefit in the investigation into the conduct of the Administration Companies and Mr Papas being undertaken with considerable expedition. The investigation into Forum Finance's affairs and conduct is already being impeded by a failure of the company's officers to give the liquidators access to, for example, bank accounts based on an assertion of the interests of the Administration Companies (which is similar to a point taken by Forum Finance when under the control of Mr Papas in relation to documents obtained by search orders);

- (d) in the context of the appointment of your clients as voluntary administrators, having regard to section 440A(2) of the Act, our client considers that the Court would not be satisfied that it is in the interests of the Administration Companies' creditors to continue under administration rather than to have a liquidator appointed. For the Administration Companies to continue under administration of your clients would have the detrimental consequences, to which we refer in paragraph (c) above, of dividing the administration, potentially resulting in duplications of costs and effort and very likely resulting in the application of limited resources to a dispute between your clients and potential liquidators rather than for the benefit of creditors including our client; and
- (e) further, there is nothing to indicate any realistic probability of a deed of company arrangement being proposed or any benefit to creditors of the Administration Companies arising in that way. Ultimately, our client's position is the Administration Companies should be placed into liquidation without delay.
- 3.4 Given these matters, our client (a) intends to urgently apply for the liquidation of those of the Administration Companies of which it is a creditor and (b) at the meetings of the creditors of the respective Administration Companies convened under section 436E of the Act (**First Creditors Meetings**) our client intends to submit a proof of debt in each of the administrations.
- 3.5 In the interests of avoiding your clients incurring any further unnecessary costs in the administration associated with convening the First Creditors Meetings, our client invite your clients to consent to Messrs Preston and Ireland replacing them as administrators of the Administration Companies (and any other related entities to which they have been appointed) and to resign prior to the First Creditors Meeting. Please confirm in writing that your clients consent to their removal and replacement by Messrs Preston and Ireland as administrators of the Administration Companies by no later than **5.00pm (AEST), today 12 July 2021**.
- 3.6 Pending that confirmation, and given the urgent nature of the proceedings and the seriousness of the underlying fraud, Westpac intends to apply to the Court for orders that some or all of the Administration Companies be wound up by the Court and that Messrs Preston and Ireland appointments as liquidators of some or all of the Administration Companies.

Request for information under the IPSC

- 4.1 We are instructed that Westpac requests the following information from your clients pursuant to section 70-45 of the Insolvency Practice Schedule (Corporations) (**IPSC**)¹:
- (a) All records of communications, including but not limited to emails, text messages, WhatsApp messages or other electronic messaging platforms and file notes, that your clients and their staff have had, in the period from 1 June 2021, to date with:
- (i) any director, employees or representatives of any of the Administration Companies; or
- (ii) Mr Papas or his representatives,
- (the Information Requested).**
- 4.2 Westpac considers that the Information Requested is an appropriate request in the circumstances, and note that your clients bear the onus of establishing that it would be unreasonable for them to comply with Westpac's request under section 70-45 of the IPSC and rule 70-15(2) of the *Insolvency Practice Rules (Corporations) 2016* (Cth).²
- 4.3 Please provide the Information Requested by no later than **10.00am (AEST), Tuesday 13 July 2021**.

¹ Schedule 2 to the Act.

² *In the matter of 1st Fleet Pty Ltd (in liquidation)* [2019] NSWSC 6 at [27]; *Re Pacific Biotechnologies Ltd* [2020] VSC 636 at [24]-[36].

4.4 We note that the respective solicitors for:

- (a) Societe Generale (ARBN 092 516 286), the applicant in Federal Court of Australia proceedings NSD642/2021 as against Forum Finance and Mr Papas as respondents; and
- (b) SMBC Leasing and Finance, Inc (ARBN 602 309 366),

whose respective clients we understand are creditors of at least some of the Administration Companies, are copied to this correspondence.

All of our client's rights are expressly reserved.

Yours faithfully
MinterEllison



Contact: Anthony Sommer T: +61 2 9921 4182
anthony.sommer@minterellison.com
Partner: Caitlin Murray T: +61 2 9921 4279
caitlin.murray@minterellison.com
OUR REF: AGS:CMM 1353397

COPY BY EMAIL TO:

Ian Bolster
Ashurst
ian.bolster@ashurst.com

Roger Dobson
Jones Day
rdobson@jonesday.com

Schedule – Administration Companies

	Company name	ACN
1.	The Forum Group of Companies Pty Limited (Administrators Appointed)	151 964 626
2.	Forum Group Pty Ltd (Receivers Appointed) (Administrators Appointed)	153 336 997
3.	Forum Group (QLD) Pty Ltd (Administrators Appointed)	103 609 678
4.	Forum Group (VIC) Pty Ltd (Administrators Appointed)	153 062 018
5.	Forum Fleet Pty Limited (Administrators Appointed)	155 440 994
6.	Forum Enviro Pty Ltd (Administrators Appointed)	168 709 840
7.	Forum Direct Pty Ltd (Administrators Appointed)	054 890 710
8.	Forum Enviro (Aust) Pty Ltd (Administrators Appointed)	607 484 364
9.	Forum Group Financial Services Pty Ltd (Administrators Appointed)	623 033 705
10.	Iugis Pty Ltd (Administrators Appointed)	632 882 243
11.	Iugis Investments Pty Ltd (Administrators Appointed)	647 627 745
12.	Iugis Waste Services Pty Ltd (Administrators Appointed)	647 212 299
13.	Imagetec Financial Services Pty Ltd (Administrators Appointed)	111 978 182
14.	Imagetec Solutions Australia Pty Ltd (Administrators Appointed)	074 715 718
15.	Onesource Australia Holdings Pty Limited (Administrators Appointed)	120 463 541
16.	Smartprint Fleet Management Pty Ltd (Administrators Appointed)	132 807 080
17.	Autonomous Energy Pty Ltd (Administrators Appointed)	113 593 383
18.	Orca Enviro Solutions Pty Ltd (Administrators Appointed)	626 552 645
19.	Orca Enviro Systems Pty Ltd (Administrators Appointed)	627 597 782

Exhibit Certificate

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: Commercial and Corporations

Westpac Banking Corporation

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-3**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 14 July 2021.

Signature of witness



Name of witness

Matthew Youssef

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor

Ghuman, Norah 65878

From: Youssef, Matthew 66323
Sent: Monday, 12 July 2021 6:41 PM
To: kieran.kelly@hiltonbradley.com.au
Cc: Bolster, Ian 66697; Zoller, Julian 66973; Ghuman, Norah 65878; Caitlin Murray; Anthony Sommer; Michael Hughes; Andrew Clarke
Subject: Societe Generale v Forum Finance Pty Limited (In Liquidation) & Anor; Federal Court of Australia Proceeding Number NSD642/2021 [ASH-AUS.FID30455895]
Attachments: Letter to Hilton Bradley - 12.7.21.pdf; B2. Originating Application - 1.7.21.pdf; B3. Concise Statement - 1.7.21.pdf

Dear Mr Kelly,

Please see the attached letter.

Regards,

Matthew Youssef

Senior Associate

matthew.youssef@ashurst.com

Ashurst

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12 July 2021

BY EMAIL

Hilton Bradley Lawyers
 Level 11, Suite 1101
 99 York Street
 Sydney NSW 2000

ashurst

Dear Mr Kelly

**Societe Generale v Forum Finance Pty Limited (In Liquidation) & Anor
 Federal Court of Australia Proceeding Number NSD642/2021 (SG proceeding)**

1. We act for Societe Generale in the above proceeding.
2. We understand that you act for Domenico Alessandro Calabretta, Grahame Robert Ward and Thyge Trafford-Jones of Mackay Goodwin in their capacities as joint and several administrators (**Administrators**) of the companies set out in the **Schedule**.
3. If the Administrators have been appointed to any companies that are not in the Schedule which form part of the Forum group of companies, or any companies that Mr Basile Papadimitriou (also known as Bill Papas) or Mr Vincenzo Tesoriero is a director of, please let us know as soon as possible.
4. Societe Generale has commenced the SG proceeding against Forum Finance Pty Limited (In Liquidation) (**Forum Finance**) and Mr Basile Papadimitriou (also known as Bill Papas).
5. In the SG proceeding, Societe Generale asserts that Forum Finance holds or held the sum of \$8,688,398 (**Trust Funds**) on trust for it, being amounts paid by Societe Generale to Forum Finance by virtue of the alleged fraud perpetuated against it. Full details of Societe Generale's claim are set out in the enclosed originating application and concise statement.
6. To the extent that the Trust Funds have been transferred from Forum Finance to any other person, then Societe Generale is entitled to follow the Trust Funds, and to the extent that the Trust Funds have been used to acquire any asset, then Societe Generale is entitled to trace the Trust Funds into that asset.
7. Societe Generale is currently investigating the present whereabouts of the Trust Funds, including whether the Trust Funds have been transferred to any of the companies over which the Administrators have been appointed.
8. Societe Generale puts the Administrators on notice that to the extent that the Trust Funds are currently held with any of the companies over which they are appointed, or have been used to acquire assets in any of those companies' names (**Traced Assets**), then:
 - (a) the Trust Funds and any Traced Assets are held on trust for Societe Generale; and

- (b) the relevant company holding the Trust Funds and any Traced Assets owes fiduciary duties to Societe Generale as trustee.
9. Societe Generale assumes that the Administrators are reviewing the flow of funds received into the companies over which they are Administrator, in particular money received from Forum Finance, to identify funds that are held on trust for Societe Generale. We trust that they will be particularly careful in dealing with the assets of the companies under administration, so as not to breach the trust on which they hold such funds. If that is not the case, please let us know urgently.
10. If the Administrators become aware that any of the companies over which they have been appointed is holding or may be holding the Trust Funds or any Traced Assets, then that should be notified to our office as soon as they become aware.
11. Separately, we refer to Minter Ellison's letter to you sent earlier today. Societe Generale also considers that the interests of all parties would be best served by Mr Preston and Mr Ireland taking over the administration of the companies, and it supports Westpac's position. Please copy us in your response to Minter Ellison.
12. Societe Generale reserves all of their rights.

Yours faithfully



Ashurst

Schedule

- The Forum Group of Companies Pty Limited (Administrators Appointed) (ACN 151 964 626)
- Forum Group Pty Ltd (Receivers Appointed) (Administrators Appointed) (ACN 153 336 997)
- Forum Group (QLD) Pty Ltd (Administrators Appointed) (ACN 103 609 678)
- Forum Group (VIC) Pty Ltd (Administrators Appointed) (ACN 153 062 018)
- Forum Fleet Pty Limited (Administrators Appointed) (ACN 155 440 994)
- Forum Enviro Pty Ltd (Administrators Appointed) (ACN 168 709 840)
- Forum Direct Pty Ltd (Administrators Appointed) (ACN 054 890 710)
- Forum Enviro (Aust) Pty Ltd (Administrators Appointed) (ACN 607 484 364)
- Forum Group Financial Services Pty Ltd (Administrators Appointed) (ACN 623 033 705)
- Iugis Pty Ltd (Administrators Appointed) (ACN 632 882 243)
- Iugis Investments Pty Ltd (Administrators Appointed) (ACN 647 627 745)
- Iugis Waste Services Pty Ltd (Administrators Appointed) (ACN 647 212 299)
- Imagetec Financial Services Pty Ltd (Administrators Appointed) (ACN 111 978 182)
- Imagetec Solutions Australia Pty Ltd (Administrators Appointed) (ACN 074 715 718)
- Onesource Australia Holdings Pty Limited (Administrators Appointed) (ACN 120 463 541)
- Smartprint Fleet Management Pty Ltd (Administrators Appointed) (ACN 132 807 080)
- Autonomous Energy Pty Ltd (Administrators Appointed) (ACN 113 593 383)
- Orca Enviro Solutions Pty Ltd (Administrators Appointed) (ACN 626 552 645)
- Orca Enviro Systems Pty Ltd (Administrators Appointed) (ACN 627 597 782)

Exhibit Certificate

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: Commercial and Corporations

Westpac Banking Corporation

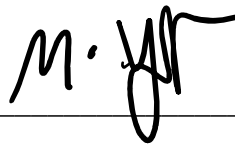
Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-4**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 14 July 2021.

Signature of witness



Name of witness

Matthew Youssef

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor

**NAB Business Everyday Account**

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

007/008172

FORUM FINANCE PTY LTD
PO BOX 1344
NORTH SYDNEY NSW 2059**Account Balance Summary**

Opening balance	\$7,585.75	Cr
Total credits	\$26,701,275.21	
Total debits	\$26,628,001.00	
Closing balance	\$80,859.96	Cr

Statement starts 1 January 2021**Statement ends 31 March 2021****Outlet Details**Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000**Lending Investment & Insurance Enquiries**Banker Saurabh Shukla
Telephone number (02) 8267 2295**Account Details**FORUM FINANCE PTY LTD - WL RENT
BUSINESS EVERYDAY ACBSB number 082-080
Account number 84-848-3695**Transaction Details**

Date	Particulars	Debits	Credits	Balance
1 Jan 2021	Brought forward			7,585.75 Cr
4 Jan 2021	Gorgra Glgb CBA 068523.....		173.33	
	Dyokip Bank Of Qld 080260.....		234.00	7,993.08 Cr
6 Jan 2021	Tallai Leisure Group Taltal..... CHACHA-555985 Gbs Internet 045575.....		442.00 1,457.78	9,892.86 Cr
8 Jan 2021	Online Z3357958721 INV592506 Dontoo.....		347.60	
	Pendle Ham & Bacon Pendle Ham & Bac 061927.....		7,810.00	18,050.46 Cr
12 Jan 2021	Forum Finance W.E Simmons P/L 128594.....		255.66	18,306.12 Cr
14 Jan 2021	B&e 2592497 B&e Poultry 301500.....		1,492.70	19,798.82 Cr
15 Jan 2021	HOCPEA-556511 Pearsall Iga 141000.....		1,258.40	21,057.22 Cr
18 Jan 2021	EFT000000007208 Cslc 467554.....		717.20	21,774.42 Cr
20 Jan 2021	Inv 592538 Wauwau Reg Aus Bank 048411.....		653.40	22,427.82 Cr
21 Jan 2021	localb 592518 McGuire Donna Lo 010842.....		667.33	
	red funnel Red Funnel 421520.....		1,347.50	24,442.65 Cr
22 Jan 2021	Forum NSW..... Country Range Farm Country Range Fa 141000.....		285.57 1,295.64	26,023.86 Cr
25 Jan 2021	RTGS (WBC-001164) Westpac Abs Operatio Sydney 2000 Au..... Alwdee 3354426 WBC Olp 227956.....		4,358,149.00 563.34	
	Carried forward			4,384,736.20 Cr

09077202/M008172/S012000/ID23999

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			4,384,736.20 Cr
	Alwtow 3354328 WBC Olp			
	227956.....		563.34	
	Forum Grp Fs 175085332			
	To Fgfs.....	4,358,149.00		27,150.54 Cr
29 Jan 2021	TRANSACTION SUMMARY	QUANTITY	U/COST	FEE
	Electronic Deposit	17	\$0.00	\$0.00
	Electronic Withdrawal	1	\$0.00	\$0.00
	Transaction Fees			\$0.00
	Flat Monthly Fee			\$10.00
	Total Fees Charged			\$10.00
	Pendle Ham & Bacon Pendle Ham & Bac			
	061927.....		7,810.00	
	Account Fees.....	10.00		34,950.54 Cr
3 Feb 2021	Dyokip Bank Of Qld			
	080260.....		234.00	35,184.54 Cr
4 Feb 2021	RTGS (WBC-001063) Westpac Abs Operatio			
	Sydney 2000 Au.....		4,286,810.00	
	Gorgra Glgb CBA			
	068523.....		173.33	
	Forum Grp Fs 175752633			
	To Fgfs.....	4,286,810.00		35,357.87 Cr
5 Feb 2021	4Eyfor Beach Burrito			
	301500.....		181.30	
	EFT000000007295 Cslc			
	467554.....		717.20	36,256.37 Cr
8 Feb 2021	Forum NSW.....		7,733.00	43,989.37 Cr
9 Feb 2021	Tallai Leisure Group Taltal.....		442.00	44,431.37 Cr
10 Feb 2021	CHACHA-555985 Gbs Internet			
	045575.....		1,457.78	45,889.15 Cr
11 Feb 2021	Online H5774996544 DONTOO-591517			
	Cameras.....		347.60	46,236.75 Cr
12 Feb 2021	HOCPEA-556511 Pearsall Iga			
	141000.....		1,258.40	
	B&e 593458 B&e Poultry			
	301500.....		1,492.70	48,987.85 Cr
16 Feb 2021	Inv 001 3966752 WBC Olp			
	227956.....		3,050,174.00	
	Forum Grp Fs 176509218			
	To Fgfs.....	3,050,174.00		48,987.85 Cr
18 Feb 2021	Inv 593498 Wauwau Reg Aus Bank			
	048411.....		653.40	
	Inv Bho WBC 3033330 WBC Olp			
	227956.....		712,173.00	
	Inv Bho WBC 3033900 WBC Olp			
	227956.....		2,229,141.00	2,990,955.25 Cr
19 Feb 2021	Forum Grp Fs 176703146			
	To Fgfs.....	2,941,314.00		49,641.25 Cr
22 Feb 2021	Online W2657645595 dontoo 593467			
	Cameras.....		347.60	
	Forum NSW.....		2,328.83	
	red funnel red funnel			
	421520.....		1,347.50	53,665.18 Cr
24 Feb 2021	localb McGuire Donna Lo			
	010842.....		667.33	54,332.51 Cr
26 Feb 2021	TRANSACTION SUMMARY	QUANTITY	U/COST	FEE
	Electronic Deposit	17	\$0.00	\$0.00
	Electronic Withdrawal	3	\$0.00	\$0.00
	Transaction Fees			\$0.00
	Flat Monthly Fee			\$10.00
	Total Fees Charged			\$10.00
	Carried forward			54,332.51 Cr

Account Details

FORUM FINANCE PTY LTD - WL RENT BUSINESS EVERYDAY AC	BSB Number 082-080	Account Number 84-848-3695
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Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			54,332.51 Cr
	Pendle Ham & Bacon Pendle Ham & Bac			
	061927.....		7,810.00	
	Account Fees.....	10.00		62,132.51 Cr
3 Mar 2021	Dyokip Bank Of Qld			
	080260.....		234.00	
	red funnel red funnel			
	421520.....		1,347.50	63,714.01 Cr
4 Mar 2021	Gorgra Glgb CBA			
	068523.....		173.33	63,887.34 Cr
5 Mar 2021	4Eyfor Beach Burrito			
	301500.....		181.30	64,068.64 Cr
8 Mar 2021	Forum NSW.....		7,733.00	71,801.64 Cr
9 Mar 2021	RTGS (CBA-002107) 1/FORUM Finance Pty			
	3/AU/SYDNEY 2000.....		4,128,757.00	
	Country Range Farm Country Range Fa			
	141000.....		1,295.64	
	Forum Grp Fs 177884388			
	To Fgfs.....	4,128,757.00		73,097.28 Cr
10 Mar 2021	Tallai Leisure Group Taltal.....		442.00	
	COLCOL-554256 Cscb			
	364049.....		1,403.60	74,942.88 Cr
11 Mar 2021	RTGS (WBC-003919) Westpac Abs Operatio			
	Sydney 2000 Au.....		2,250,528.00	2,325,470.88 Cr
12 Mar 2021	EFT000000007405 Cslc			
	467554.....		717.20	
	HOCPEA-556511 Pearsall Iga			
	141000.....		1,258.40	
	CHACHA-555985 Gbs Internet			
	045575.....		1,457.78	
	Forum Grp Fs 178094596			
	To Fgfs.....	2,250,528.00		78,376.26 Cr
17 Mar 2021	Online V0089246582 DONT00-594484			
	Cameras.....		347.60	
	594514Wauwau Reg Aus Bank			
	048411.....		653.40	79,377.26 Cr
18 Mar 2021	B&e ERG000010 B&e Poultry			
	301500.....		1,492.70	80,869.96 Cr
26 Mar 2021	Inv Alh Organic 3076860 WBC Olp			
	227956.....		2,759,802.00	
	Inv 002 3071522 WBC Olp			
	227956.....		2,852,437.00	5,693,108.96 Cr
29 Mar 2021	Forum Grp Fs 179062509			
	To Fgfs.....	2,759,802.00		
	Forum Grp Fs 179062480			
	To Fgfs.....	2,852,437.00		80,869.96 Cr
31 Mar 2021	TRANSACTION SUMMARY	QUANTITY	U/COST	FEE
	Electronic Deposit	15	\$0.00	\$0.00
	Electronic Withdrawal	4	\$0.00	\$0.00
	Transaction Fees			\$0.00
	Flat Monthly Fee			\$10.00
	Total Fees Charged			\$10.00
	Carried forward			80,869.96 Cr

09072/02/M008172/S01.2001_ID024001

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance
	Brought forward			80,869.96 Cr
	Account Fees	10.00		80,859.96 Cr

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

090/7/2/02/M0008172/S01.2001_ID024002

**NAB Business Everyday Account**

For further information call 13 22 65 for Personal Accounts or 13 10 12 for Business Accounts.

007/009756

FORUM FINANCE PTY LTD
PO BOX 1344
NORTH SYDNEY NSW 2059**Account Balance Summary**

Opening balance	\$80,859.96	Cr
Total credits	\$24,217,685.67	
Total debits	\$24,238,332.00	
Closing balance	\$60,213.63	Cr

Statement starts 1 April 2021
Statement ends 30 June 2021**Outlet Details**Pitt & Bathurst Streets
292 Pitt St, Sydney NSW 2000**Lending Investment & Insurance Enquiries**Banker Saurabh Shukla
Telephone number (02) 8267 2295**Account Details**FORUM FINANCE PTY LTD - WL RENT
BUSINESS EVERYDAY ACBSB number 082-080
Account number 84-848-3695**Transaction Details**

Date	Particulars	Debits	Credits	Balance
1 Apr 2021	Brought forward			80,859.96 Cr
1 Apr 2021	4Eyfor Beach Burrito			
	301500.....		181.30	
	Country Range Farm Country Range Fa			
	141000.....		1,295.64	
	Internet Transfer Pymt-Id 179459553			
	Loan to Group.....	80,000.00		2,336.90 Cr
6 Apr 2021	Gorgra Glgb CBA			
	068523.....		173.33	
	Dyokip Bank Of Qld			
	080260.....		234.00	
	CHACHA-555985 Gbs Internet			
	045575.....		1,457.78	
	COLCOL-554256 Csb			
	364049.....		701.80	4,903.81 Cr
9 Apr 2021	EFT00000007499 Cslc			
	467554.....		717.20	
	HOCPEA-556511 Pearsall Iga			
	141000.....		1,258.40	6,879.41 Cr
12 Apr 2021	Tallai Leisure Group Taltal.....		442.00	7,321.41 Cr
13 Apr 2021	McGuire Donna Louise 594496			
	localb 594496.....		667.33	
	WBC Veolia 3497796 WBC Olp			
	227956.....		757,506.00	
	Westpac Veolia 3497230 WBC Olp			
	227956.....		3,232,024.00	3,997,518.74 Cr
14 Apr 2021	Inv 001 3540624 WBC Olp			
	227956.....		2,121,902.00	
	Forum Grp Fs 180056941			
	To Fgfs.....	757,506.00		
	Forum Grp Fs 180056902			
	To Fgfs.....	3,232,024.00		2,129,890.74 Cr
15 Apr 2021	B&e Inv 595399 B&e Poultry			
	Carried forward			2,129,890.74 Cr

181/7202/M009756/S015379/ID030757

Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance																								
	Brought forward			2,129,890.74 Cr																								
	301500.....		1,492.70																									
	Forum Grp Fs 180157868																											
	To Fgfs.....	2,121,902.00		9,481.44 Cr																								
22 Apr 2021	Inv 595436 Wauwau Reg Aus Bank																											
	048411.....		653.40	10,134.84 Cr																								
23 Apr 2021	red funnel red funnel																											
	421520.....		1,347.50	11,482.34 Cr																								
29 Apr 2021	Online E7232224971 INV595408																											
	Cameras.....		347.60	11,829.94 Cr																								
30 Apr 2021	<table border="1"> <thead> <tr> <th>TRANSACTION SUMMARY</th> <th>QUANTITY</th> <th>U/COST</th> <th>FEE</th> </tr> </thead> <tbody> <tr> <td>Electronic Deposit</td> <td>15</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Electronic Withdrawal</td> <td>3</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Transaction Fees</td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Flat Monthly Fee</td> <td></td> <td></td> <td>\$10.00</td> </tr> <tr> <td>Total Fees Charged</td> <td></td> <td></td> <td>\$10.00</td> </tr> </tbody> </table>				TRANSACTION SUMMARY	QUANTITY	U/COST	FEE	Electronic Deposit	15	\$0.00	\$0.00	Electronic Withdrawal	3	\$0.00	\$0.00	Transaction Fees			\$0.00	Flat Monthly Fee			\$10.00	Total Fees Charged			\$10.00
TRANSACTION SUMMARY	QUANTITY	U/COST	FEE																									
Electronic Deposit	15	\$0.00	\$0.00																									
Electronic Withdrawal	3	\$0.00	\$0.00																									
Transaction Fees			\$0.00																									
Flat Monthly Fee			\$10.00																									
Total Fees Charged			\$10.00																									
	Pendle Ham & Bacon Pendle Ham & Bac																											
	061927.....		7,810.00																									
	Account Fees.....	10.00		19,629.94 Cr																								
3 May 2021	Dyokip Bank Of Qld																											
	080260.....		234.00	19,863.94 Cr																								
4 May 2021	Gorgra Glgb CBA																											
	068523.....		173.33	20,037.27 Cr																								
5 May 2021	CHACHA-555985 Gbs Internet																											
	045575.....		1,457.78																									
	B&e Inv 595445 B&e Poultry																											
	301500.....		1,492.70	22,987.75 Cr																								
6 May 2021	Westpac 3159206 WBC Olp																											
	227956.....		2,211,892.00	2,234,879.75 Cr																								
7 May 2021	RTGS (CBA-002639) 1/FORUM Finance Pty																											
	3/AU/SYDNEY 2000.....		2,299,539.00																									
	RTGS (WBC-003693) Westpac Abs Operatio																											
	Sydney 2000 Au.....		2,517,132.00																									
	Inv 595479 Wauwau Reg Aus Bank																											
	048411.....		653.40																									
	EFT000000007602 Cslc																											
	467554.....		717.20																									
	HOCPEA-556511 Pearsall Iga																											
	141000.....		1,258.40																									
	Forum Grp Fs 181633323																											
	To Fgfs.....	2,211,892.00																										
	Forum Grp Fs 181689331																											
	To Fgfs.....	2,299,539.00																										
	Forum Grp Fs 181689170																											
	To Fgfs.....	2,517,132.00		25,616.75 Cr																								
10 May 2021	COLCOL-554256 Cslc																											
	364049.....		701.80	26,318.55 Cr																								
12 May 2021	Tallai Leisure Group Taltal.....		442.00	26,760.55 Cr																								
18 May 2021	Westpac 3462962 WBC Olp																											
	227956.....		1,658,725.00	1,685,485.55 Cr																								
19 May 2021	Forum Grp Fs 182355365																											
	To Fgfs.....	1,658,725.00		26,760.55 Cr																								
21 May 2021	Westpac 3594884 WBC Olp																											
	227956.....		4,050,403.00	4,077,163.55 Cr																								
24 May 2021	RTGS (CBA-002732) 1/FORUM Finance Pty																											
	3/AU/SYDNEY 2000.....		2,558,902.00																									
	red funnel red funnel																											
	421520.....		1,347.50																									
	Forum Grp Fs 182692110																											
	To Fgfs.....	2,558,902.00																										
	Forum Grp Fs 182645238																											
	To Fgfs.....	4,050,403.00		28,108.05 Cr																								
	Carried forward			28,108.05 Cr																								

Account Details

FORUM FINANCE PTY LTD - WL RENT BUSINESS EVERYDAY AC	BSB Number 082-080	Account Number 84-848-3695
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Transaction Details (continued)

Date	Particulars	Debits	Credits	Balance																								
	Brought forward			28,108.05 Cr																								
28 May 2021	Pendle Ham & Bacon Pendle Ham & Bac 061927.....		7,810.00	35,918.05 Cr																								
31 May 2021	<table border="1"> <thead> <tr> <th>TRANSACTION SUMMARY</th> <th>QUANTITY</th> <th>U/COST</th> <th>FEE</th> </tr> </thead> <tbody> <tr> <td>Electronic Deposit</td> <td>14</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Electronic Withdrawal</td> <td>6</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Transaction Fees</td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Flat Monthly Fee</td> <td></td> <td></td> <td>\$10.00</td> </tr> <tr> <td>Total Fees Charged</td> <td></td> <td></td> <td>\$10.00</td> </tr> </tbody> </table>	TRANSACTION SUMMARY	QUANTITY	U/COST	FEE	Electronic Deposit	14	\$0.00	\$0.00	Electronic Withdrawal	6	\$0.00	\$0.00	Transaction Fees			\$0.00	Flat Monthly Fee			\$10.00	Total Fees Charged			\$10.00			
TRANSACTION SUMMARY	QUANTITY	U/COST	FEE																									
Electronic Deposit	14	\$0.00	\$0.00																									
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Flat Monthly Fee			\$10.00																									
Total Fees Charged			\$10.00																									
	Account Fees	10.00		35,908.05 Cr																								
4 Jun 2021	EFT000000007714 Cslc 467554.....		717.20																									
	B&e 595491 B&e Poultry 301500.....		1,492.70																									
	Pendle Ham & Bacon Pendle Ham & Bac 061927.....		7,810.00	45,927.95 Cr																								
7 Jun 2021	Tallai Leisure Group Tallai Golf Club..... COLCOL-554256 Csb		442.00																									
	364049.....		701.80	47,071.75 Cr																								
9 Jun 2021	RTGS (WBC-001299) Westpac Abs Operatio Sydney 2000 Au.....		2,750,277.00																									
	CHACHA-555985 Gbs Internet 045575.....		1,457.78																									
	Forum Grp Fs 183843679 To Fgfs.....	2,750,277.00		48,529.53 Cr																								
16 Jun 2021	595522 Wauwau Reg Aus Bank 048411.....		653.40	49,182.93 Cr																								
23 Jun 2021	Red Funnel Red Funnel 421520.....		1,347.50	50,530.43 Cr																								
25 Jun 2021	Tibcla Forum Fins		7,733.00																									
	HOCPEA-556511 Pearsall Iga 141000.....		1,258.40	59,521.83 Cr																								
30 Jun 2021	<table border="1"> <thead> <tr> <th>TRANSACTION SUMMARY</th> <th>QUANTITY</th> <th>U/COST</th> <th>FEE</th> </tr> </thead> <tbody> <tr> <td>Electronic Deposit</td> <td>9</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Electronic Withdrawal</td> <td>1</td> <td>\$0.00</td> <td>\$0.00</td> </tr> <tr> <td>Transaction Fees</td> <td></td> <td></td> <td>\$0.00</td> </tr> <tr> <td>Flat Monthly Fee</td> <td></td> <td></td> <td>\$10.00</td> </tr> <tr> <td>Total Fees Charged</td> <td></td> <td></td> <td>\$10.00</td> </tr> </tbody> </table>	TRANSACTION SUMMARY	QUANTITY	U/COST	FEE	Electronic Deposit	9	\$0.00	\$0.00	Electronic Withdrawal	1	\$0.00	\$0.00	Transaction Fees			\$0.00	Flat Monthly Fee			\$10.00	Total Fees Charged			\$10.00			
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Total Fees Charged			\$10.00																									
	COLCOL-554256 Csb 364049.....		701.80																									
	Account Fees	10.00		60,213.63 Cr																								

181/72/02/M009756/S015380/0:30759

Summary of Government Charges

	From 1 July to date	Last year to 30 June
Government		
Withholding tax	\$0.00	\$0.00
Bank Account Debit (BAD) tax	\$0.00	\$0.00

Bank Accounts Debits (BAD) Tax or State Debits Duty has been abolished for all states & territories effective 1/7/2005. Any amount shown on this statement applies to debits processed on or before 30/06/2005.

For further information on any applicable rebates, fees or government charges, please refer to the NAB's "A Guide to Fees & Charges" booklet. Please retain this statement for taxation purposes

Explanatory Notes

Please check all entries and report any apparent error or possible unauthorised transaction immediately.

We may subsequently adjust debits and credits, which may result in a change to your account balance to accurately reflect the obligations between us.

For information on resolving problems or disputes, contact us on 1800 152 015, or ask at any NAB branch.

Exhibit Certificate

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: Commercial and Corporations

Westpac Banking Corporation

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-5**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 14 July 2021.

Signature of witness



Name of witness

Matthew Youssef

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor

Ghuman, Norah 65878

From: Youssef, Matthew 66323
Sent: Tuesday, 13 July 2021 4:07 PM
To: kieran.kelly@hiltonbradley.com.au
Cc: Bolster, Ian 66697; Zoller, Julian 66973; Ghuman, Norah 65878; Caitlin Murray; Anthony Sommer; Michael Hughes; Andrew Clarke
Subject: Societe Generale v Forum Finance Pty Limited (In Liquidation) & Anor; Federal Court of Australia Proceeding Number NSD642/2021 [ASH-AUS.FID30455895]
Attachments: Letter to Hilton Bradley - 13.7.21.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Kelly,

Please see the attached letter.

Regards,

Matthew Youssef

Senior Associate

matthew.youssef@ashurst.com

Ashurst

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Our ref: IBOLST\MYOUSS\1000-108-896
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13 July 2021

BY EMAIL

Hilton Bradley Lawyers
 Level 11, Suite 1101
 99 York Street
 Sydney NSW 2000

ashurst

Dear Mr Kelly

**Societe Generale v Forum Finance Pty Limited (In Liquidation) & Anor
 Federal Court of Australia Proceeding Number NSD642/2021 (SG proceeding)**

1. We refer to our letter dated 12 July 2021.
2. Capitalised terms in this letter have the same meaning as set out in our 12 July letter except as otherwise defined.
3. It has come to Societe Generale's attention that Forum Group Financial Services Pty Ltd (Administrators Appointed) (ACN 623 033 705) (**FGFS**) was in receipt of our client's Trust Funds as follows:
 - (a) On 9 March 2021, Societe Generale paid the sum of \$4,128,757 to Forum Finance's bank account number BSB 082 080, account number 84-848-3695 (**Forum Finance Account**). The statements of the Forum Finance Account (**Forum Finance Statements**) record:
 - (i) the receipt of the sum of \$4,128,757 from Societe Generale on 9 March 2021; and
 - (ii) the transfer of the sum of \$4,128,757 from the Forum Finance Account to "Forum Grp Fs" (followed by what appears to be a transaction number or reference) which we understand to be an account in the name of FGFS (**FGFS Account**) on 9 March 2021.
 - (b) On 6 May 2021, Societe Generale paid the sum of \$2,299,539 to the Forum Finance Account. The Forum Finance Statements record:
 - (i) the receipt of the sum of \$2,299,539 from Societe Generale on 7 May 2021; and
 - (ii) the transfer of the sum of \$2,299,539 from the Forum Finance Account to the FGFS Account on 7 May 2021.
 - (c) On 24 May 2021, Societe Generale paid the sum of \$2,558,902 to the Forum Finance Account. The Forum Finance Statements record:
 - (i) the receipt of the sum of \$2,558,902 from Societe Generale on 24 May 2021; and

- (ii) the transfer of the sum of \$2,558,902 from the Forum Finance Account to the FGFS Account on 24 May 2021.
4. We understand you have been served with the Affidavit of Caitlin Maria Murray dated 12 July 2021 together with its exhibit CMM-5. The bank statements with the relevant transactions referred to above are at pages 128 and 131 of that exhibit.
5. As you know, Mr Papas (the second respondent in the SG proceeding) is the sole director and secretary of FGFS, and is also a shareholder of FGFS (together with Mr Vincenzo Tesoriero, the other recorded director of Forum Finance). Accordingly, there can be no doubt that:
- (a) FGFS received the Trust Funds knowing that Forum Finance held those monies on trust for Societe Generale;
 - (b) on receipt of the Trust Funds, FGFS held the Trust Funds on trust for Societe Generale; and
 - (c) Societe Generale is a creditor of FGFS in respect of the Trust Funds.
6. Societe Generale is currently unaware of any transactions that may have taken place on the FGFS Account in respect of the Trust Funds. Its investigations are continuing. To the extent the Trust Funds have been transferred to any other company over which the Administrators have been appointed, then our comments in our 12 July letter continue to apply.
7. If the Administrators are aware of what happened to the Trust Funds when it was received by FGFS and/or has bank statements for the FGFS Account for the relevant period above, then this should be provided to Societe Generale immediately.
8. Separately, in our 12 July letter we asked that you copy us in any correspondence you have with Minter Ellison concerning the appropriate persons to act as administrators. Please ensure we receive all such correspondence.
9. Societe Generale continues to reserve all of its rights.

Yours faithfully



Ashurst

Exhibit Certificate

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: Commercial and Corporations

Westpac Banking Corporation

Applicant

Forum Finance Pty Limited (ACN 153 301 172) (In Liquidation) and others

Respondents

This is the exhibit marked "**ITB-6**" referred to in the affidavit of Ian Timothy Bolster sworn before me on 14 July 2021.

Signature of witness



Name of witness

Matthew Youssef

Address of witness

Level 11, Martin Place, Sydney NSW 2000

Capacity of witness

Solicitor

Ghuman, Norah 65878

From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Wednesday, 14 July 2021 10:22 AM
To: Kieran Kelly
Cc: Caitlin Murray; Michael Hughes; Andrew Clarke; Luke Whiffen; Yan Ong; Kevin Cheng; Dobson, Roger; Yiasemides, Maria; Bolster, Ian 66697; Youssef, Matthew 66323
Subject: RE: Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]
Attachments: L - Hilton Bradley (Sale) - 14.07.21.PDF
Importance: High

Dear Colleagues

Please see the attached correspondence.

Regards

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](#)



From: Kieran Kelly <kieran.kelly@hiltonbradley.com.au>
Sent: Tuesday 13 July 2021 05:47 PM
To: Anthony Sommer <Anthony.Sommer@minterellison.com>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Luke Whiffen <Luke@hiltonbradley.com.au>; Yan Ong <yan.ong@hiltonbradley.com.au>; Kevin Cheng <kevin@hiltonbradley.com.au>
Subject: RE: Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]

Dear Colleagues,

Please see the attached correspondence.

Kind regards,

Kieran Kelly | Associate Director

M | 0416 473 046

E | kieran.kelly@hiltonbradley.com.au

Level 11, 99 York Street, Sydney NSW 2000

HILTONBRADLEY.COM.AU

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From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Tuesday, 13 July 2021 9:29 AM
To: Kieran Kelly <kieran.kelly@hiltonbradley.com.au>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Luke Whiffen <Luke@hiltonbradley.com.au>; Yan Ong <yan.ong@hiltonbradley.com.au>; Kevin Cheng <kevin@hiltonbradley.com.au>; lan.Bolster@ashurst.com; matthew.youssef@ashurst.com; rdoobson@jonesday.com
Subject: RE: Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]
Importance: High

Dear Colleagues

Please see the attached correspondence.

Regards

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

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From: Kieran Kelly <kieran.kelly@hiltonbradley.com.au>
Sent: Monday 12 July 2021 04:53 PM
To: Anthony Sommer <Anthony.Sommer@minterellison.com>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Luke Whiffen <Luke@hiltonbradley.com.au>; Yan Ong <yan.ong@hiltonbradley.com.au>; Kevin Cheng <kevin@hiltonbradley.com.au>
Subject: RE: Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]

Dear Colleagues,

Please see the attached correspondence.

Kind regards,

Kieran Kelly | Associate Director

M | 0416 473 046

E | kieran.kelly@hiltonbradley.com.au

Level 11, 99 York Street, Sydney NSW 2000

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From: Anthony Sommer <Anthony.Sommer@minterellison.com>
Sent: Monday, 12 July 2021 11:11 AM
To: Kieran Kelly <kieran.kelly@hiltonbradley.com.au>
Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>; Andrew Clarke <Andrew.Clarke@minterellison.com>; Ian.Bolster@ashurst.com; rdoobson@jonesday.com
Subject: Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia Proceeding NSD616/2021 [ME-ME.FID6264995]
Importance: High

Dear Mr Kelly

Please see the attached correspondence.

Regards

—
Anthony Sommer

Senior Associate

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anthony.sommer@minterellison.com

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Sensitive: Legal

MinterEllison

14 July 2021

BY EMAIL: kieran.kelly@hiltonbradley.com.au

Kieran Kelly
Hilton Bradley Lawyers
Suite 1101 - Level 11
99 York Street
Sydney NSW 2000

Dear Mr Kelly

**Westpac Banking Corporation v Forum Finance Pty Limited & Ors - Federal Court of Australia
Proceeding NSD616/2021 (Proceedings)**

1. We refer to:
 - (a) our letter dated 13 July 2021 sent at 9.29am (AEST) (**Our 13 July Letter**);
 - (b) your letter of 12 July 2021 received by email at 4.53pm (AEST) (**Your 12 July Letter**);
and
 - (c) your letter of 13 July 2021 received by email at 5.47pm (AEST) (**Your 13 July Letter**).
2. Unless otherwise defined, capitalised terms in this letter have the same meaning given in Our 13 July Letter.
3. We note that Your 13 July Letter refers to your clients' alleged efforts to sell certain unspecified "*goods*" apparently under their control, along with the "*companies' businesses*", and the request set out in paragraph 9 of Our 13 July Letter.
4. We are at loss to understand your clients' seeking to sell any property or business of the Companies Under Administration, in haste, within 2 business days of their appointment, without first seeking our client's views about the matter given its substantial claims in the Proceedings of which you and your clients are aware.
5. At the outset, it stands completely at odds with the statement made in Your 12 July Letter, that it was your clients' "*preference*" to "*cooperate fully*" with our client and the liquidators of Forum Finance. The facts are that your clients appear to have proceeded, quite consciously, without communicating with our client, which only found about the proposed sale from its own sources. These matters tell to our client's lack of confidence in your clients' ability to carry out their duties as administrators of the Companies Under Administration, and why they should be replaced as such at the First Creditors Meeting by Messrs Preston and Ireland and Ms Sozou of McGrathNicol, after (but obviously subject to) our client's applications in relation to the four respondent Companies Under Administration are heard on Thursday.
6. Second, your clients are squarely on notice of our client's proprietary claims over the same assets which, it would seem, they are seeking to sell. The requirement that any prospective purchaser be given notice of our client's claim, causes no damage to the Companies Under Administration; indeed it has been shown to be protective of the very people with whom to whom your clients seek to transact, and who would in due course make their own tortious claims against your clients for failing to secure proper title.



7. Third, your letter is completely opaque as to the actual process your clients have actually undertaken (beyond placing the online advertisement referred to in paragraph 5 of Our 13 July Letter which our client discovered), such as the number and identity of the parties with whom your clients have dealt, whether your clients have undertaken their own due diligence to satisfy themselves as to critical matters, such as their power of sale, title (which is plainly in issue), and the value of the property and business they are seeking to sell, or that there was a proper basis to include the financial information that was contained in the advertisement.
8. Further, we consider it wholly unsatisfactory that your clients demand that our client withdraw a claim to allow a sale, yet our client has to learn from the *Australian Financial Review* this morning that your clients have shut at least one of the businesses because it was unviable.¹
9. Given these matters and as to the request you have made, the position outlined in Our 13 July Letter has not changed. Nor will our client provide any comfort that it will not pursue its proprietary claims as against any party to whom the property and business currently under your client's control is passed.
10. We note that the respective solicitors for Societe Generale and SMBC Leasing and Finance, Inc are copied to this correspondence.
11. All of our client's rights are expressly reserved.

Yours faithfully
MinterEllison



Contact: Anthony Sommer T: +61 2 9921 4182
anthony.sommer@minterellison.com
Partner: Caitlin Murray T: +61 2 9921 4279
caitlin.murray@minterellison.com
OUR REF: AGS:CMM 1353397

COPY BY EMAIL TO:

Ian Bolster
Ashurst
ian.bolster@ashurst.com

Roger Dobson
Jones Day
rdobson@jonesday.com

¹ *Australian Financial Review* (online), 'Administrators shut one Papas business, two more under review', available at <https://www.afr.com/companies/financial-services/administrators-shut-one-papas-business-two-more-under-review-20210713-p589f8> (accessed 14 July 2021).