

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 15/07/2021 11:52:07 AM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
File Number: NSD616/2021  
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 v FORUM  
FINANCE PTY LIMITED & ORS  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF  
AUSTRALIA



*Sia Lagos*

Dated: 15/07/2021 11:53:36 AM AEST

Registrar

### Important Information

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

The 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.



Form 59  
Rule 29.02(1)

### Affidavit

No. NSD 616 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 others named in the Schedule**

Respondents

Affidavit of: Caitlin Maria Murray

Address: Level 40, Governor Macquarie Tower, One Farrer Place, Sydney NSW 2000

Occupation: Solicitor

Date: 15 July 2021

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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 8888 Fax 02 9921 8123  
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**Address for service** Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000  
 (include state and postcode) Our reference: CMM:AGS:1353397

Version 3 form approved 02/05/2019



I, Caitlin Maria Murray of Level 40, Governor Macquarie Tower, One Farrer Place, Sydney NSW 2000, Solicitor, say on oath:

1. I am a partner of the firm of solicitors, MinterEllison and the solicitor for the applicant, Westpac Banking Corporation (**Westpac**).
2. I have previously sworn affidavits in relation to these proceedings, including:
  - (a) my first affidavit and my second affidavit on 28 June 2021;
  - (b) my third affidavit and my fourth affidavit on 2 July 2021;
  - (c) my fifth affidavit on 7 July 2021;
  - (d) my sixth affidavit sworn on 8 July 2021;
  - (e) my seventh affidavit sworn on 12 July 2021; and
  - (f) my eighth affidavit sworn on 14 July 2021,  
(together, my **Earlier Affidavits**).
3. This affidavit is sworn in support of Westpac's application dated 12 July 2021 seeking orders that Jason Ireland; Jason Preston; and Katherine Sozou of McGrathNicol be appointed as provisional liquidators to the proposed fourth to seventh respondents (the **Forum Group Companies Application**).
4. Exhibited to me at the time of swearing this affidavit is a paginated bundle of documents marked 'Exhibit CMM-7' (**CMM-7**). Throughout this affidavit I make reference to documents which appear at CMM-7.

**Subpoena records**

5. As set out in paragraphs [10]-[11] of my seventh affidavit, on 9 July 2021, NAB produced certain bank statements in response to a subpoena issued to it. MinterEllison has continued its analysis in relation to payments shown on the Relevant Accounts Bank Statements, and has prepared a table showing payments received by Westpac into the Relevant Accounts and the transfer of funds out of the Relevant Accounts to entities that, based on the description of the payment, appears to be to one or more of the Forum Group Companies. A copy of this table starts at page 1 of CMM-7.
6. On 12 July 2021, the applicant applied for, and was granted, leave to issue subpoenas to:

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Signed: .....  ..... Taken by: .....  .....

- (a) Forum Group Financial Services Pty Ltd (Administrators Appointed) ACN 623 003 705 (**FGFS**);
- (b) Forum Group Pty Ltd (Receivers Appointed) (Administrators Appointed) ACN 153 336 997 (**FG**);
- (c) Forum Enviro Pty Ltd (Administrators Appointed) ACN 168 709 840 (**FE**); and
- (d) Forum Enviro (Aust) Pty Ltd (Administrators Appointed) ACN 607 484 364 (**FEA**),  
(being the **Forum Group Companies**).
7. On 13 July 2021, shortly before 4pm, the Administrators for the Forum Group companies produced records in response to the subpoenas which included the bank account statements:
- (a) in respect of an account held by FGFS with details 082-080 27-105-8642 (**FGFS Account**) for the period from 1 July 2019 to 30 June 2021;
- (b) in respect of an account held by FG with details 082-080 12-178-2934 (**FG Account**) for the period 1 August 2018 to 6 July 2021;
- (c) in respect of an account held by FE with details 082-080 84-548-0595 (**FE Account**) for the period 1 April 2019 to 31 October 2020; and
- (d) in respect of an account held by FEA with details 082-080 82-508-1722 (**FEA Account**) for the period 1 September 2018 to 31 January 2020,
- together referred to the **Forum Group Companies Accounts statements**.
8. In the evening of 14 July 2021, MinterEllison solicitors under my supervision commenced an analysis of the Forum Group Companies Accounts statements. Set out below I refer to tables and schedules prepared by the MinterEllison solicitors under my supervision which have been prepared based upon their review of the Forum Group Companies Accounts statements.
9. This analysis includes:
- (a) a table summarising the flow of funds for the month of October 2019, which includes the flow of funds between the Forum Group Companies, a copy of which starts at page 20 of CMM 7. Copies of the FGFS Account, FG Account, FE Account and FEA Account statements for October 2019 used in this analysis are at pages 34, 40, 149, and 153 respectively of CMM-7.

Signed: .....



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Taken by: .....



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- (b) a table summarising payments in the periods July and November 2020 which appear to relate to the Relevant Properties (as defined in my fourth affidavit and set out in Schedule A to my fourth affidavit). A copy of property funds flow table starts at 155 of CMM-7. A copy of the FGFS Account bank statement for July 2020 and November 2020 used in this analysis is at 167 and 173 respectively of CMM-7;
- (c) an interim table that shows payments from the FGFS Account that appear to be directed to entities or accounts offshore in the period July and August 2019, a copy of which is at 179 of CMM-7. This table is an interim table which has identified some of the payments which appear to show offshore payments and is not necessarily complete.
- (d) At 182 of CMM-7 is a copy of the FGFS Account statements. The pdf of the bank statements has certain transactions, which appear to be offshore transactions highlighted in yellow.

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Signed: .....



Taken by: .....



Sworn by the deponent  
at Sydney  
in New South Wales  
on 15 July 2021

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Signature of deponent

Before me:



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Signature of witness  
Simon Henry Brandis  
Solicitor  
Level 40, Governor Macquarie Tower, One  
Farrer Place NSW 2000.

As a witness, I certify the following matters concerning the person who made this affidavit  
**(deponent)**:

1. This affidavit is witnessed over audio visual link in accordance with Part 2B of the *Electronic Transactions Act 2000* (NSW).
2. I saw the face of the deponent.
3. I observed the deponent signing a copy of this affidavit in real time.
4. I attest or otherwise confirm witnessing the deponent's signature by signing this affidavit.
5. I am reasonably satisfied this affidavit signed by me is a copy of the affidavit signed by the deponent.
6. I have known the deponent for over twelve months.

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Signed: .....

Taken by: .....

**Schedule of Parties**

No. NSD616 of 2021

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

**Applicants**

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

**Respondents**

First Respondent **Forum Finance Pty Limited ACN 153 301 172**

Second Respondent: **Basile Papadimitriou**

Third Respondent **Vincenzo Frank Tesoriero**