

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 7/02/2022 1:37:24 PM AEDT 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: Defence - Form 33 - Rule 16.32
File Number: NSD616/2021
File Title: WESTPAC BANKING CORPORATION ABN 33 007 457 141 & ANOR v FORUM FINANCE PTY LIMITED (IN LIQUIDATION) ACN 153 301 172 & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



Sia Lagos

Dated: 8/02/2022 5:44:56 PM AEDT

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.



Defence

No. NSD616 of 2021

Federal Court of Australia
District Registry: NSW
Division: General

Westpac Banking Corporation ABN 33 007 457 141 and Anor

Applicants

Moussa Bouchahine

46th Respondent

In this pleading, where the Forty-Sixth Respondent (**Mr Bouchahine**) refers to the "Incrimination Privilege" Mr Bouchahine asserts a claim for privilege against self-incrimination or privilege against self-exposure to a penalty and therefore claims relief from complying with rules 16.02, 16.03, 16.07 and 16.08 of the *Federal Court Rules*.

In relation to the Second Further Amended Statement of Claim (**SFASOC**):

1. Mr Bouchahine admits Paragraph 1 of the SFASOC.
2. Mr Bouchahine admits Paragraph 2 of the SFASOC.
3. Mr Bouchahine does not know and does not admit Paragraphs 3-34N of the SFASOC.
4. Mr Bouchahine admits Paragraph 34O of the SFASOC.
5. Mr Bouchahine does not know and does not admit Paragraphs 34P-2665 of the SFASOC.
6. As to paragraph 2666 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
7. As to paragraph 2667 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.

Filed on behalf of (name & role of party) Moussa Bouchahine, Forty-Sixth Respondent
Prepared by (name of person/lawyer) Elias Tabchouri
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(include state and postcode) 133E Parramatta Road Concord NSW 2137

8. As to paragraph 2668 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations
9. As to paragraph 2669 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
10. As to paragraph 2670 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations
11. As to paragraph 2671 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
12. As to paragraph 2672 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
13. As to paragraph 2673 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
14. As to paragraph 2674 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
15. As to paragraph 2675 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
16. As to paragraph 2676 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
17. As to paragraph 2677 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.

- (b) denies the allegations.
- 18. As to paragraph 2678 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
- 19. As to paragraph 2679 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
- 20. As to paragraph 2680 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
- 21. As to paragraph 2681 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
- 22. As to paragraph 2682 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
- 23. As to paragraph 2683 of the SFASOC:
 - (a) Mr Bouchahine claims Incrimination Privilege.
 - (b) denies the allegations.
- 24. Mr Bouchahine does not know and does not admit Paragraphs 2684-2711 of the SFASOC.

Date: 7 february 2022


Signed by Elias Tabchouri
Lawyer for the Forty-Sixth Respondent

Certificate of lawyer

I, Elias Tabchouri, certify to the Court that, in relation to the defence filed on behalf of the Forty-Sixth Respondent, the factual and legal material available to me at present provides a proper basis for:

- (a) each allegation in the pleading; and
- (b) each denial in the pleading; and
- (c) each non admission in the pleading.

Date: 7 February 2022



Signed by Elias Tabchouri
Lawyer for the Respondent