

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 15/07/2021 12:59:52 PM 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 1:01:20 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 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
 Email caitlin.murray@minterellison.com
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 affidavits on 28 June 2021;
 - (b) my third affidavit and my fourth affidavits 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;
 - (f) my eighth affidavit sworn on 14 July 2021; and
 - (g) my ninth affidavit sworn on 15 July 2021, (together, my **Earlier Affidavits**).
3. This affidavit is sworn in support of Westpac's application dated 15 July 2021 for amendments to the freezing orders against the Second Respondent made by this Court on 28 June 2021 (as varied on 2 July 2021 and 9 July 2021).
4. Exhibited to me at the time of swearing this affidavit is a paginated bundle of documents marked 'Exhibit CMM-8' (**CMM-8**). Throughout this affidavit I make reference to documents which appear at CMM-8.

Second Respondent's overseas assets

5. At pages 1 to 299 CMM-8 is a copy of a report prepared by Control Risks (who I know to be a global risk and strategic consulting firm engaged by MinterEllison on behalf of Westpac) which includes, among other things, a table listing all of the entities in Australia and overseas which have been identified to date as entities in which the Second Respondent owns shares (the **Control Risks Report**).
6. The Control Risks Report identifies that the Second Respondent, Mr Papas:
 - (a) is a shareholder in the following entities registered in Singapore:

Signed:



Taken by:



- (i) Environmental Solutions International Pte. Ltd (Company Number 201621588Z);
- (b) in respect of the following entities registered in New Zealand:
 - (i) is a director of Forum Group NZ Limited (Company Number 9429048598200); and
 - (ii) the 100% shareholder of iugis (NZ) Limited (Company Number 9429046666581);
- (c) is a shareholder in the following entities registered in Germany:
 - (i) iugis (EU) Gmbh (Company Number 4390971);
- (d) in respect of the following entities registered in the United Kingdom:
 - (i) is the 100% shareholder of iugis (UK) Limited (Company Number 10745974);
 - (ii) is a 75% shareholder of iugis Global Financial Services Limited (Company Number 11785331);
 - (iii) is the 100% shareholder of iugis Holdings Limited (Company Number 11123437);
 - (iv) is the 100% shareholder of the parent entity of iugis Finance Limited (Company Number 11124046);
- (e) is a shareholder in the following entities registered in Greece:
 - (i) iugis Hellas IKE;
 - (ii) Mazcon Investments Hellas IKE

(together, the **Overseas Entities**)

7. On 13 July 2021, I caused Simon Brandis (**Mr Brandis**), a solicitor in my employ, to conduct searches of the records held by InfoTrack with respect to each of the Overseas Entities. A copy of the InfoTrack searches for the Overseas Entities (excluding the one German and two Greek entities, which I am informed by Mr Brandis and verily believe are not available through InfoTrack) is at pages 300 to 324 of CMM-8.
8. On 13 July 2021, I caused Mr Brandis to conduct searches of the records held by the Accounting and Corporate Regulatory Authority of Singapore (**ACRA**) with respect to the

Signed:



Taken by:



two Overseas Entities registered in Singapore. A copy of the company extracts downloaded from the records held by ACRA is at pages 325 to 328 of CMM-8.

9. On 13 July 2021, I caused Mr Brandis to conduct searches of the records held by the New Zealand Companies Office with respect to the two Overseas Entities registered in New Zealand. A copy of the Company Extracts downloaded from the records held by the New Zealand Companies Office for those two Overseas Entities is at pages 329 to 332 of CMM-8.
10. On 13 July 2021, I caused Mr Brandis to conduct searches of the records held by Companies House with respect to the four Overseas Entities registered in the United Kingdom. Copies of the Company Snapshots downloaded from the records held by Companies House is at pages 333 to 342 of CMM-8.

Signed:



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Taken by:



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

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Signature of deponent

Before me:



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.

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**