

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 20/07/2021 1:48:04 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:	Interlocutory Application - Form 35 - Rule 17.01(1)(a)
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
Reason for Listing:	Interlocutory Hearing
Time and date for hearing:	22/07/2021, 2:15 PM
Place:	Court Room 21A, Level 17, Law Courts Building 184 Phillip Street Queens Square, Sydney



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

Dated: 20/07/2021 3:44:12 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.



Interlocutory application

No. NSD616/2021

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 and others names in the schedule

Respondents

To the third respondent, Vincenzo Frank Tesoriero:

The applicant applies for the interlocutory orders set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

Time and date for hearing:

Place:

The Court ordered that the time for serving this application be abridged to

Date:

Signed by an officer acting with the authority
of the District Registrar

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



Interlocutory orders sought

Ex parte orders

1. An order that paragraphs 1 to 5 of this interlocutory application be returnable *instanter*.
2. Pursuant to s 23 of the *Federal Court of Australia Act 1976* (Cth) (the **Act**), the third respondent:
 - a. is restrained until 5pm on 22 July 2021 from leaving Australia;
 - b. is ordered to deliver up to the Court any passports he holds.
3. The applicant is to serve a copy of any order made pursuant to prayer 2 on the Commonwealth Department of Immigration and Border Protection and the Australian Border Force.
4. Under r 1.34 of the *Federal Court Rules 2011* (the **Rules**), compliance with r 42.13 of the Rules be dispensed with insofar as r 42.13 requires that this application be served on the third respondent by leaving this application with him, on the condition that this application is served on the third respondent by delivering a copy to the address for service set out in the Notice of Address for Service filed by the third respondent in this proceeding, being the offices of the solicitors on the record for the third respondent in this proceeding.
5. An order pursuant to rule 1.39 of the Rules abridging the time for service of the interlocutory application to 4 pm on 19 July 2021.

Orders sought on notice

6. Under s 31 of the Act, the third respondent be found guilty of contempt of this Court in that, in breach of the freezing order made by Lee J on 2 July 2021 (as subsequently varied on 9 July 2021) (**Freezing Order**), he did not by 5pm on 14 July 2021:
 - a. inform the applicant in writing of all his assets in Australia, and their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of his interest in the assets, as required by order 8(a) of the Freezing Order; and
 - b. swear and serve on the applicant an affidavit setting out all his assets in Australia, and their value, location and details (including any mortgages, charges or other encumbrances to which they are subject) and the extent of his interest in the assets, as required by order 8(b) of the Freezing Order; or
 - c. if he objected to complying with order 8 on the basis that doing so may tend to prove that he had committed an offence against or arising under an Australian or foreign law or was liable to a civil penalty, then in accordance with order 9 of the Freezing Order:



- i. disclose to the applicant so much of the information required by order 8 to which no objection was taken;
 - ii. prepare an affidavit containing so much of the information required to be disclosed by order 8 to which objection is taken and deliver it to the Court in a sealed envelope; and
 - iii. file and serve on the applicant and the other parties a separate affidavit setting out the basis of the objection, as required by order 9(c).
7. Under s 31 of the Act, in respect of the contempt referred to in prayer 6 above, an order that the third respondent:
 - a. be committed to prison for a term of imprisonment as the Court considers fit; and
 - b. be ordered to pay within 28 days a fine in a sum as the Court considers fit.
8. The third respondent pay the applicants' costs of and incidental to this application on an indemnity basis, or alternatively, on the ordinary basis.
9. Such further or other order as the Court thinks appropriate.

Service on the respondents

It is intended to serve this application on the third respondent.

Date: 20 July 2021

A handwritten signature in blue ink, appearing to read 'Caitlin Murray', written over a horizontal dotted line.

Signed by Caitlin Murray
Lawyers for the applicants