

Westpac Banking Corporation v Forum Finance Pty Ltd (in liquidation)

Federal Court of Australia NSD 616/2021

SECTION 50 EVIDENCE ACT SUMMARY

PAYMENTS TO, OR ON BEHALF OF, PALANTE PTY LTD

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "Palante"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
1.	16-Oct-18	FE xx0595	TRANSFER DEBITS Internet Transfer PYMT-ID 125431129 refund loan to Bil	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$110,000.00	\$110,000.00	\$0.00	\$0.00	\$0.00	\$0.00
2.	26-Nov-18	Palante xx2583	Internet Transfer Linked Acc Trns Patante	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$10,000.00	\$10,000.00	\$0.00	\$0.00	\$0.00	\$0.00
3.	05-Nov-18	FE xx0595	TRANSFER DEBITS Internet Transfer PYMT-ID 126624780 Loan return - BP	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$110,000.00	\$110,000.00	\$0.00	\$0.00	\$0.00	\$0.00
4.	22-Feb-19	FGFS xx8642	Internet Transfer Pymt-Id 132835257 Bill Papas	Palante - Internet Transfer PYMT-ID 132835257 Bill Papas TRANSFER DEBIT	Palante Pty Ltd xx2583	\$70,000.00	\$54,742.68	\$6,170.97	\$9,086.36	\$0.00	\$0.00
5.	10-May-19	FGFS xx8642	Internet Transfer Pymt-Id 137498932 Bill Papas Funds	Palante - Internet Transfer PYMT-ID 137498932 Bill Papas Funds TRANSFER DEBIT	Palante Pty Ltd xx2583	\$50,000.00	\$20,967.19	\$29,032.66	\$0.15	\$0.00	\$0.00
6.	10-May-19	FGFS xx8642	Internet B pay PMT 000137378944 Asic	Palante Pty Ltd - INTERNET BPAY PMT 000137378944 ASIC TRANSFER DEBIT	ASIC	\$255.00	\$106.93	\$148.07	\$0.00	\$0.00	\$0.00
7.	04-Jun-19	Palante xx2583	Internet Transfer Macrovue	[Not recorded in Xero Loan Statement]	Macrovue	\$50,000.00	\$37,331.26	\$11,380.59	\$1,288.15	\$0.00	\$0.00

Filed on behalf of (name & role of party)	Westpac Banking Corporation and Westpac New Zealand Limited, Applicants		
Prepared by (name of person/lawyer)	Caitlin Murray		
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	Our reference: 1353397		

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	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "Palante"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
8.	27-Jun-19	FGFS xx8642	Internet Transfer Pymt-Id 140339836 Patante Macrovue	Palante Pty Ltd - Loan to Palante - Transfer of funds into client investment account at Macrovue Pty Ltd	Macrovue	\$150,000.00	\$124,061.53	\$25,938.47	\$0.00	\$0.00	\$0.00
9.	10-Jul-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 141183157 Macrovue	Palante Pty Ltd - Loan to Palante - Transfer of funds into client investment account at Macrovue Pty Ltd	Macrovue	\$200,000.00	\$178,774.74	\$21,225.26	\$0.00	\$0.00	\$0.00
10.	25-Jul-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 142098832 DFMJ6EG5	Palante Pty Ltd - Loan to Palante - Transfer of funds into client investment account at Macrovue Pty Ltd - REF: DFMJ6EG5	Macrovue	\$200,000.00	\$198,908.97	\$1,091.03	\$0.00	\$0.00	\$0.00
11.	13-Sep-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 145208443 Palante	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$150,000.00	\$139,068.84	\$10,931.16	\$0.00	\$0.00	\$0.00
12.	14-Nov-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 149050429 Palante	Palante Pty Ltd - Loan to Palante - Bill Papas	Palante	\$330.00	\$262.27	\$67.73	\$0.00	\$0.00	\$0.00
13.	06-Feb-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 153951018 Palante Int Jan20	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$35,000.00	\$0.00	\$0.00	\$0.00	\$0.00
14.	28-Feb-20	FGFS xx8642	TRANSFER DEBITS INTERNET BPAY PMT 000155361836 ASIC	Palante Pty Ltd - Internet Transfer PYMT-ID 149050429 Palante TRANSFER DEBIT	Consulting	\$267.00	\$248.29	\$18.71	\$0.00	\$0.00	\$0.00
15.	02-Mar-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 155475973 Palante BP 1001	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$32,547.14	\$2,452.86	\$0.00	\$0.00	\$0.00
16.	11-Mar-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 156117734 Rothsay 514533	Palante Pty Ltd - Loan to Palante for ASIC Annual Review	Consulting	\$330.00	\$97.55	\$232.45	\$0.00	\$0.00	\$0.00
17.	02-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 157438851 Palante 1002	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$31,581.26	\$3,418.74	\$0.00	\$0.00	\$0.00
18.	28-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 158784429 Macrovue BP	Palante Pty Ltd - Loan to Palante - Transfer of funds into client investment account at Macrovue Pty Ltd	Macrovue	\$100,000.00	\$70,391.95	\$29,608.05	\$0.00	\$0.00	\$0.00

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "Palante"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
19.	01-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159117281 Palante Inv 1003	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$29,022.92	\$5,977.08	\$0.00	\$0.00	\$0.00
20.	28-May-20	FGFS xx8642	Internet Transfer PYMT-ID 160585718 Palante Inv 1004 TRANSFER DEBITS	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$34,508.98	\$491.02	\$0.00	\$0.00	\$0.00
21.	02-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 160874607 Rothsay Palante	Palante Pty Ltd - Internet Transfer PYMT-ID 160874607 Rothsay Palante	Rothsay Accounting Services Pty Ltd	\$5,500.00	\$5,422.84	\$77.16	\$0.00	\$0.00	\$0.00
22.	14-Jul-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 163448534 Purchase Share	[Not recorded in Xero Loan Statement]	Glucose Biosensor	\$500,000.00	\$496,394.08	\$3,605.92	\$0.00	\$0.00	\$0.00
23.	08-Jul-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 163050178 Palante Inv 1005	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$34,521.10	\$478.90	\$0.00	\$0.00	\$0.00
24.	03-Aug-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 164640495 Palante Inv 1006	[Not recorded in Xero Loan Statement]	Palante Pty Ltd xx2583	\$35,000.00	\$5,469.81	\$53.92	\$29,476.27	\$0.00	\$0.00
25.	29-Sep-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000168070008 ONCOTEX PALANT	OncoTEX - INTERNET TRANSFER PMT 000168070008 ONCOTEX PALANT	OncoTEX PTY LTD	\$500,000.00	\$272,182.02	\$227,364.03	\$453.95	\$0.00	\$0.00
26.	27-Jan-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 175216387 Macrovue BP	Palante Pty Ltd - Macrovue BP	Macrovue	\$200,000.00	\$104,498.06	\$930.62	\$94,571.32	\$0.00	\$0.00
27.	29-Jan-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 175442258 Bill Papas - Macro	Palante Pty Ltd - Internet Transfer PYMT-ID 175442258 Bill Papas - Macro	Macrovue	\$150,000.00	\$78,373.54	\$697.97	\$70,928.49	\$0.00	\$0.00
28.	12-Feb-21	FGFS xx8642	TRANSFER DEBITS INTERNET BPAY PMT 000176312304 TAX OFFICE PAYMENTS	Palante Pty Ltd - Loan to Palante for TAX OFFICE PAYMENTS - ITR	ATO with reference 551008953110133000	\$102,203.61	\$0.00	\$0.00	\$0.00	\$0.00	\$102,203.61
29.	12-Feb-21	FGFS xx8642	TRANSFER DEBITS INTERNET BPAY PMT 000176312165 TAX OFFICE PAYMENTS	Palante Pty Ltd - Loan to Palante for TAX OFFICE PAYMENTS - ITR	ATO with reference 1711353441516960	\$338,732.76	\$0.00	\$0.00	\$0.00	\$0.00	\$338,732.76

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30.	15-Feb-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 176427720 Macrovue BP	Palante Pty Ltd - Internet Transfer PYMT-ID 176427720 Macrovue BP	Macrovue	\$150,000.00	\$58,799.01	\$0.00	\$91,200.99	\$0.00	\$0.00
31.	10-Mar-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 177952353 Palante	Rothsay - Internet Transfer PYMT-ID 177952353 Palante	Consulting	\$330.00	\$0.00	\$0.00	\$0.00	\$0.00	\$330.00
32.	31-Mar-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 179333533 GT 500 Deposit	Moto 1 Garage - Internet Transfer PYMT-ID 179333533 GT 500 Deposit	Ford Mustang Shelby GT500	\$100,000.00	\$44,890.55	\$12,025.91	\$39,522.94	\$3,560.61	\$0.00
33.	08-Apr-21	FGFS xx8642	TRANSFER DEBITS INTERNET BPAY PMT 000179735539 ASIC	Palante Pty Ltd - INTERNET BPAY PMT 000179735539 ASIC	Consulting	\$273.00	\$0.00	\$0.00	\$0.00	\$0.00	\$273.00
34.	08-Apr-21	Spartan Consulting xx6572	TRANSFER DEBITS Macrovue ITF Clie n V8751427700 Macrovue AV4WRT2H	[Not recorded in Xero Loan Statement]	Macrovue	\$10,000.00	\$5,182.81	\$964.35	\$3,768.48	\$84.37	\$0.00
35.	25-May-21	Spartan Consulting xx6572	TRANSFER DEBITS MACROVUE J8770988054 VUVBFDAJ	[Not recorded in Xero Loan Statement]	Macrovue	\$60,000.00	\$33,247.98	\$1,781.85	\$13,264.24	\$11,705.93	\$0.00
36.	26-May-21	Spartan Consulting xx6572	TRANSFER DEBITS MACROVUE L6801286128 VUVBFDAJ	[Not recorded in Xero Loan Statement]	Macrovue	\$40,000.00	\$22,165.32	\$1,187.90	\$8,842.83	\$7,803.96	\$0.00
37.	28-May-21	Spartan Consulting xx6572	TRANSFER DEBITS MOTO 1 GARAGE Q9085715341	[Not recorded in Xero Loan Statement]	Ford Mustang Shelby GT500	\$50,000.00	\$27,706.65	\$1,484.87	\$11,053.54	\$9,754.94	\$0.00
38.		Total				<u>\$3,653,221.37</u>	\$2,406,476.27	\$398,838.25	\$373,457.68	\$32,909.81	\$441,539.37

PAYMENTS FROM PALANTE PTY LTD TO OTHER RESPONDENTS

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "Palante"	Entity or account to which funds paid, or paid for the benefit of	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
1	01-Feb-19	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	Basile Papadimitriou	\$7,540.10	\$7,540.10	\$0.00	\$0.00	\$0.00	\$0.00
2	04-Feb-19	Palante xx2583	Internet Transfer Papas doctor fee	[Not recorded in Xero Loan Statement]	Basile Papadimitriou	\$500.00	\$500.00	\$0.00	\$0.00	\$0.00	\$0.00
3	04-Feb-19	Palante xx2583	Internet Transfer Papas mgmt fee	[Not recorded in Xero Loan Statement]	Basile Papadimitriou	\$600.00	\$600.00	\$0.00	\$0.00	\$0.00	\$0.00
4	21-Feb-19	Palante xx2583	Withdrawal	[Not recorded in Xero Loan Statement]	413/3 Nagurra Place Rozelle (Louisa Agostino)	\$46,285.00	\$46,285.00	\$0.00	\$0.00	\$0.00	\$0.00
5	13-Mar-19	Palante xx2583	Internet Bpay Newington College	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$7,105.10	\$6,623.46	\$194.80	\$286.84	\$0.00	\$0.00
6	12-Apr-19	Palante xx2583	Withdrawal	[Not recorded in Xero Loan Statement]	Louise Agostino xx0805	\$115,035.00	\$107,237.04	\$3,153.96	\$4,644.00	\$0.00	\$0.00
7	08-May-19	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$14,760.20	\$13,759.64	\$404.69	\$595.87	\$0.00	\$0.00
8	11-Jun-19	Palante xx2583	Dr Benjamin Norris M4726831055 Agostino_	[Not recorded in Xero Loan Statement]	Louise Agostino	\$16,172.00	\$12,074.42	\$3,680.94	\$416.64	\$0.00	\$0.00
9	15-Jul-19	Palante xx2583	Off Grid Outfitter C0767229443 Papas	[Not recorded in Xero Loan Statement]	2018 X1 GT Camper Trailer	\$54,468.80	\$40,667.78	\$12,397.75	\$1,403.28	\$0.00	\$0.00
10	17-Jul-19	Palante xx2583	Louisa Agostino M2064188886 Notprovided	[Not recorded in Xero Loan Statement]	Louise Agostino xx0805	\$2,000.00	\$1,493.25	\$455.22	\$51.53	\$0.00	\$0.00
11	23-Jul-19	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$14,527.20	\$10,846.37	\$3,306.56	\$374.26	\$0.00	\$0.00
12	08-Aug-19	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$7,142.10	\$751.55	\$229.11	\$25.93	\$0.00	\$6,135.50
13	10-Sep-19	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$7,177.10	\$0.00	\$0.00	\$0.00	\$0.00	\$7,177.10
14	24-Jun-20	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$13,092.20	\$12,163.83	\$928.37	\$0.00	\$0.00	\$0.00

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15	17-Aug-20	Palante xx2583	Louisa Agostino P8384286218	[Not recorded in Xero Loan Statement]	Louise Agostino xx0805	\$4,000.00	\$3,340.48	\$217.15	\$442.37	\$0.00	\$0.00
16	28-Aug-20	Palante xx2583	The Lp/Louise R7128976028 Louise Bill	[Not recorded in Xero Loan Statement]	Louise Agostino	\$825.00	\$688.97	\$44.79	\$91.24	\$0.00	\$0.00
17	07-Sep-20	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$22,635.00	\$18,902.96	\$1,228.77	\$2,503.27	\$0.00	\$0.00
18	28-Sep-20	Palante xx2583	The Lp/Louise X0584555006 Louise Bill	[Not recorded in Xero Loan Statement]	Louise Agostino	\$825.00	\$688.97	\$44.79	\$91.24	\$0.00	\$0.00
19	06-Oct-20	Palante xx2583	_Louisa Agostino N5895928867	[Not recorded in Xero Loan Statement]	Louise Agostino xx0805	\$10,000.00	\$8,351.21	\$542.86	\$1,105.93	\$0.00	\$0.00
20	04-Nov-20	Palante xx2583	The Lp/Louise X3520228339 Training Bill and Lo	[Not recorded in Xero Loan Statement]	Louise Agostino	\$825.00	\$688.97	\$44.79	\$91.24	\$0.00	\$0.00
21	13-Nov-20	Palante xx2583	The Lp/Louise N4192645263 Bill & Lou	[Not recorded in Xero Loan Statement]	Louise Agostino	\$825.00	\$688.97	\$44.79	\$91.24	\$0.00	\$0.00
22	15-Dec-20	Palante xx2583	Graham Harrington L3520555107 5 Bulkara clean	[Not recorded in Xero Loan Statement]	5 Bulkara Street Pty Ltd	\$940.00	\$785.01	\$51.03	\$103.96	\$0.00	\$0.00
23	21-Dec-20	Palante xx2583	The ip/Louise Q6181615556	[Not recorded in Xero Loan Statement]	Louise Agostino	\$825.00	\$688.97	\$44.79	\$91.24	\$0.00	\$0.00
24	04-Jan-21	Palante xx2583	Ozone Express Lau H1142926379 5 Bullcara	[Not recorded in Xero Loan Statement]	5 Bulkara Street Pty Ltd	\$537.00	\$448.46	\$29.15	\$59.39	\$0.00	\$0.00
25	27-Jan-21	Palante xx2583	Graham Harrington L9742417256 Gardening Bulkara	[Not recorded in Xero Loan Statement]	5 Bulkara Street Pty Ltd	\$150.00	\$125.27	\$8.14	\$16.59	\$0.00	\$0.00
26	01-Feb-21	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$3,919.30	\$3,273.09	\$212.76	\$433.45	\$0.00	\$0.00
27	23-Apr-21	Palante xx2583	The Lp/Louise K2815414046 Louise and Bill	[Not recorded in Xero Loan Statement]	Louise Agostino	\$800.00	\$668.10	\$43.43	\$88.47	\$0.00	\$0.00
28	04-May-21	Palante xx2583	Internet Bpay Newington College 00644799	[Not recorded in Xero Loan Statement]	School fees (Basile Papadimitriou)	\$3,919.00	\$3,272.84	\$212.75	\$433.41	\$0.00	\$0.00
29	23-Jun-21	Palante xx2583	Louisa Agostino Q5525986059	[Not recorded in Xero Loan Statement]	Louise Agostino xx0805	\$25,000.00	\$20,878.02	\$1,357.16	\$2,764.83	\$0.00	\$0.00

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30		Total				\$382,430.10	\$324,032.73	\$28,878.55	\$16,206.21	\$0.00	\$13,312.60

TOTAL FUNDS PAID TO, OR FOR THE BENEFIT OF, PALANTE PTY LTD

	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
Total	\$3,168,587.66	\$2,082,443.54	\$369,959.70	\$357,251.50	\$32,909.81	\$326,023.16

<b>Accounts</b>
FGFS xx8642 is a reference to an account in the name Forum Group Financial Services Pty Ltd held with the National Australia Bank with the BSB 082-080 and account number 27-15-8642
Palante xx2583 is a reference to account in the name Palante Pty Ltd held with the National Australia Bank with BSB 082-080 and account number 83-504-2583
Spartan Consulting xx6572 is a reference to an account in the name Spartan Consulting Group held with Westpac Bank with BSB 082-080 and account number 96-869-6572
FE xx0595 is reference an account held with National Australia Bank with the BSB 082-080 and account number 84-548-0595