

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, 14 JAMES STREET PTY LTD (IN LIQUIDATION)

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "14 James Street Pty Ltd Transactions"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
1	03-Oct-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 146456821 Warehouse Purchase	Warehouse - Internet Transfer PYMT-ID 146456821 Warehouse Purchase TRANSFER DEBIT	Colliers International (VIC) PL (with reference "VT Warehouse")	\$67,200.00	\$55,166.20	\$12,033.80	\$0.00	\$0.00	\$0.00
2	25-Nov-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 149621976 James St Deposit	Warehouse - Internet Transfer PYMT-ID 149621976 James St Deposit TRANSFER DEBIT	SEMAAN P (with reference "8-18 James St")	\$289,072.00	\$229,742.54	\$59,329.46	\$0.00	\$0.00	\$0.00
3	11-Dec-19	FGFS xx8642	TRANSFER DEBITS SEMAAN P 150740990 James St Vince T	Warehouse - SEMAAN P 150740990 James St Vince T TRANSFER DEBIT	SEMAAN P (with reference "James St Vince")	\$174,174.00	\$148,410.55	\$25,763.45	\$0.00	\$0.00	\$0.00
4	22-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 158524646 Deposit James St 1	Rottman and Morris Statutory Trust Account - Internet Transfer PYMT-ID 158524646 Deposit James St 1 TRANSFER DEBIT	Rottman and Morris Statutory Trust	\$100,000.00	\$99,786.66	\$213.34	\$0.00	\$0.00	\$0.00
5	29-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 158928812 James St Extra	Rottman and Morris Statutory Trust Account - Internet Transfer PYMT-ID 158928812 James St Extra TRANSFER DEBIT - Penalty 40k/115k	Rottman and Morris Statutory Trust	\$40,000.00	\$28,156.78	\$11,843.22	\$0.00	\$0.00	\$0.00
6	29-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 158859421 Deposit James St 2	Rottman and Morris Statutory Trust Account - Internet Transfer PYMT-ID 158859421 Deposit James St 2 TRANSFER DEBIT	Rottman and Morris Statutory Trust	\$100,000.00	\$70,391.95	\$29,608.05	\$0.00	\$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		
Law firm (if applicable)	MinterEllison		
Tel	(02) 9921 4279	Fax	(02) 9921 8123
Email	caitlin.murray@minterellison.com		
Address for service (include state and postcode)	Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000		
	Our reference: 1353397		

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7	01-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159110896 James St Extra2	Rottman and Morris Statutory Trust Account - Loan to James St for Penalty (75k/115k) - 40k already paid	Rottman and Morris Statutory Trust	\$75,000.00	\$62,191.96	\$12,808.04	\$0.00	\$0.00	\$0.00
8	05-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159221685 JPM James St Value	JPM Valuers & Property Consultants Pty Ltd - Market Value Assessment for Mortgage Security Purposes - James St [Note Xero Loan Statement records the date as 20 April 2020 and amount as \$5,000]	JPM Valuers Property Consultants (with reference JPM7742")	\$5,500.00	\$1,598.82	\$3,901.18	\$0.00	\$0.00	\$0.00
9	06-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159250363 Deposit James St 3	Rottman and Morris Statutory Trust Account - Internet Transfer PYMT-ID 159250363 Deposit James St 3 TRANSFER DEBIT	Rottman and Morris Statutory Trust	\$100,000.00	\$29,069.52	\$70,930.48	\$0.00	\$0.00	\$0.00
10	13-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159697207 Deposit James St 4	Rottman and Morris Statutory Trust Account - James St Deposit 4	Rottman and Morris Statutory Trust	\$100,000.00	\$87,468.28	\$12,531.72	\$0.00	\$0.00	\$0.00
11	20-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 160145041 Deposit James St 5	Rottman and Morris Statutory Trust Account - James St Deposit 5	Rottman and Morris Statutory Trust	\$100,000.00	\$95,541.77	\$4,458.23	\$0.00	\$0.00	\$0.00
12	27-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 160521563 Deposit James St 6	Rottman and Morris Statutory Trust Account - Deposit James St 6	Rottman and Morris Statutory Trust	\$100,000.00	\$98,597.10	\$1,402.90	\$0.00	\$0.00	\$0.00
13	03-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 160913384 Deposit James St 7	Rottman and Morris Statutory Trust Account - Internet Transfer PYMT-ID 160913384 Deposit James St 7	Rottman and Morris Statutory Trust	\$100,000.00	\$98,597.10	\$1,402.90	\$0.00	\$0.00	\$0.00
14	05-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161171997 Rotman Morris21387	Rottman and Morris Statutory Trust Account - Legal fee - James St	Rottman and Morris Statutory Trust	\$8,800.00	\$8,716.03	\$83.97	\$0.00	\$0.00	\$0.00
15	09-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161267803 James St Int Pntly	Rottman and Morris Statutory Trust Account - James St Penalty Interest	Rottman and Morris Statutory Trust	\$68,000.00	\$67,351.15	\$648.85	\$0.00	\$0.00	\$0.00
16	10-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161327502 Deposit James St 8	Rottman and Morris Statutory Trust Account - Deposit James St 8	Rottman and Morris Statutory Trust	\$100,000.00	\$68,215.04	\$31,784.96	\$0.00	\$0.00	\$0.00
17	16-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161717884 iFIXIT Plumbing	iFIXIT Plumbing Services Pty Ltd - Internet Transfer PYMT-ID 161717884 iFIXIT Plumbing	iFIXIT Plumbing Services Pty Ltd	\$880.00	\$0.00	\$0.00	\$0.00	\$0.00	\$880.00
18	16-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161718320 James St Val	First Valuation Group - Internet Transfer PYMT-ID 161718320 James St Val	First Valuation Group	\$7,290.00	\$6,757.88	\$532.12	\$0.00	\$0.00	\$0.00

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19	19-Jun-20	FGFS xx8642	TRANSFER DEBITS Rotman and Morris 161977070 Rotman James St	Rottman and Morris Statutory Trust Account - Rotman and Morris 161977070 Rotman James St	Rottman and Morris Statutory Trust	\$1,760.00	\$1,631.53	\$128.47	\$0.00	\$0.00	\$0.00
20	19-Jun-20	FGFS xx8642	TRANSFER DEBITS Rottman and Morris S161976825 Deposit James St 9	Rottman and Morris Statutory Trust Account - Rottman and Morris S161976825 Deposit James St 9	Rottman and Morris Statutory Trust	\$100,000.00	\$92,700.63	\$7,299.37	\$0.00	\$0.00	\$0.00
21	24-Jun-20	FGFS xx8642	TRANSFER DEBITS Rottman and Morris S162218807 Deposit James St 9	Rottman and Morris Statutory Trust Account - Rottman and Morris S162218807 Deposit James St 10	Rottman and Morris Statutory Trust	\$100,000.00	\$92,700.63	\$7,299.37	\$0.00	\$0.00	\$0.00
22	30-Jun-20	FGFS xx8642	TRANSFER DEBITS Rotman and Morris 162647345 Rotman James St	Rottman and Morris Statutory Trust Account - Legal fee - James St	Rottman and Morris Statutory Trust	\$1,760.00	\$1,688.75	\$71.25	\$0.00	\$0.00	\$0.00
23	02-Jul-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 162764888 OzWide James St291	Ozwide Security Solutions - Internet Transfer PYMT-ID 162764888 OzWide James St291	OZWISE SECURITY SOLUTIONS (with reference "James St Inv 291")	\$13,283.00	\$12,745.27	\$537.73	\$0.00	\$0.00	\$0.00
24	02-Jul-20	FGFS xx8642	TRANSFER DEBITS Rottman and Morris S162815583 Deposit James St 1	Rottman and Morris Statutory Trust Account - Rottman and Morris S162815583 Deposit James St 11	Rottman and Morris Statutory Trust	\$100,000.00	\$95,951.74	\$4,048.26	\$0.00	\$0.00	\$0.00
25	13-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT I163332436 ROTMANMORRIS21	Rottman and Morris Statutory Trust Account - INTERNET TRANSFER PMT 000163332436 ROTMANMORRIS21	Rottman and Morris Statutory Trust	\$1,760.00	\$1,735.92	\$24.08	\$0.00	\$0.00	\$0.00
26	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163685544 16 JAMES	[Items 26 to 33 consolidated as one item on Xero with description "Consolidate 14 James Street Pty Ltd Loan Accounts - Consolidate 14 James Street Pty Ltd Loan Accounts". Xero Loan Statement refers to date as 30 September 2020]	Property Exchange Australia Ltd	\$20,694.87	\$20,592.40	\$102.47	\$0.00	\$0.00	\$0.00
27	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163685739 19 PARSONS	As above	Property Exchange Australia Ltd	\$20,694.87	\$20,592.40	\$102.47	\$0.00	\$0.00	\$0.00
28	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163686302 39 PARSONS	As above	Property Exchange Australia Ltd	\$20,694.87	\$20,592.40	\$102.47	\$0.00	\$0.00	\$0.00
29	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163685972 18 JAMES	As above	Property Exchange Australia Ltd	\$20,694.87	\$20,592.40	\$102.47	\$0.00	\$0.00	\$0.00

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30	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163686169 29 PARSONS	As above	Property Exchange Australia Ltd	\$20,694.87	\$20,592.40	\$102.47	\$0.00	\$0.00	\$0.00
31	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163686658 8 OLIVE	As above	Property Exchange Australia Ltd	\$28,032.87	\$27,894.07	\$138.80	\$0.00	\$0.00	\$0.00
32	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163686516 10 JAMES	As above	Property Exchange Australia Ltd	\$59,677.87	\$59,382.38	\$295.49	\$0.00	\$0.00	\$0.00
33	17-Jul-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000163686390 12 JAMES	As above	Property Exchange Australia Ltd	\$60,143.87	\$59,846.07	\$297.80	\$0.00	\$0.00	\$0.00
34	25-Aug-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 165891162 Sani Servcing 6750	Sani Servicing and Repairs - Internet Transfer PYMT-ID 165891162 Sani Servcing 6750	Sani Servicing and Repairs	\$268.40	\$0.00	\$0.00	\$0.00	\$0.00	\$268.40
35	27-Aug-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 166083640 James St iFIXIT	iFIXIT Plumbing Services Pty Ltd - Internet Transfer PYMT-ID 166083640 James St iFIXIT	iFIXIT Plumbing Services Pty Ltd	\$110.00	\$12.85	\$7.14	\$90.02	\$0.00	\$0.00
36	15-Oct-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 169064090 Clear Suspense	[Not on the Xero Loan Statement for 14 James St. This has been recorded in the Xero Loan Statement for 64-66 Berkeley St, Hawthorn Transactions]	14 JAMES STREET PTY LTD	\$246.00	\$195.55	\$14.99	\$35.46	\$0.00	\$0.00
37	16-Nov-20	FGFS xx8642	TRANSFER DEBITS Fort Matilda Pty Ltd170951443 Fort Matilda Final	Fort Matilda - Fort Matilda Pty Ltd170951443 Fort Matilda Final	Fort Matilda Pty Ltd	\$360,000.00	\$331,500.68	\$26,159.28	\$2,340.04	\$0.00	\$0.00
38	Total					<u>\$2,466,432.36</u>	\$2,136,707.41	\$326,111.03	\$2,465.52	\$0.00	\$1,148.40

Accounts
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