

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, 5 BULKARA PTY LTD (IN LIQUIDATION)

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "5 Bulkara Transactions"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
1	14-Jan-19	FGFS xx8642	Internet Transfer Pymt-Id 130517795 5 Bulkara Street	5 Bulkara - Loan to 5 Bulkara - Pacific Blue Tax Services	Pacific Blue Tax Services Pty Ltd	\$2,200.00	\$739.28	\$590.80	\$869.92	\$0.00	\$0.00
2	17-Jan-19	FGFS xx8642	Internet Transfer Pymt-Id 130788348 Funds	5 Bulkara - Loan to 5 Bulkara - Property Purchase	Bay Beach Sales Pty Ltd Trust Account	\$580,000.00	\$194,900.87	\$155,756.96	\$229,342.17	\$0.00	\$0.00
3	30-Apr-19	FGFS xx8642	Withdrawal	5 Bulkara - Loan for 5 Bulkara Stamp Duty		\$347,171.88	\$346,853.43	\$316.01	\$2.43	\$0.00	\$0.00
4	07-May-19	Tesoriero Investment xx2179	Transfer Out Admin Equity [see below]	[see below]	[5 Bulkara Purchase - see below]	\$1,551,951.46	\$1,550,527.90	\$1,412.67	\$10.88	\$0.00	\$0.00
5	12-Jun-19	FGFS xx8642	Internet Transfer Pymt-Id 139362731 Loan to Bulkara	5 Bulkara - Loan to Bulkara	5 Bulkara St xx5396	\$1,000.00	\$597.30	\$402.70	\$0.00	\$0.00	\$0.00
6	12-Jun-19	FGFS xx8642	Internet Transfer Pymt-Id 139418929 Loan to 5 Bulkara	5 Bulkara - Loan to 5 Bulkara	5 Bulkara St xx5396	\$20,000.00	\$11,945.95	\$8,054.05	\$0.00	\$0.00	\$0.00
7	27-Jun-19	FGFS xx8642	Internet Transfer Pymt-Id 140392201 Edgedesign Bulkara	Payment: The Trustee for 5 Bulkara Street Unit Trust	Edge Design Consultants Pty Ltd	\$88,000.00	\$72,782.76	\$15,217.24	\$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		
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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	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "5 Bulkara Transactions"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
8	01-Jul-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 140635248 Loan to 5Bulkara	5 Bulkara - Loan to 5 Bulkara	5 Bulkara St xx5396	\$50,000.00	\$44,693.69	\$5,306.31	\$0.00	\$0.00	\$0.00
9	01-Aug-19	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000142511224 5 BULKARA ST	[Not recorded in Xero Loan Statement, however, payment in this amount recorded on 25 July 2019 with description "Payment: The Trustee for 5 Bulkara Unit Trust"]	Edge Design Consultants Pty Ltd	\$88,000.00	\$52,313.40	\$35,686.60	\$0.00	\$0.00	\$0.00
10	07-Aug-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 142925457 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5Bulkara	5 Bulkara St xx5396	\$20,000.00	\$11,889.41	\$8,110.59	\$0.00	\$0.00	\$0.00
11	09-Aug-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 143091991 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to Bulkara	5 Bulkara St xx5396	\$20,000.00	\$19,055.29	\$944.71	\$0.00	\$0.00	\$0.00
12	04-Sep-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 144614581 EdgeDesign Bulkara	Payment: The Trustee for 5 Bulkara Street Unit Trust	Edge Design Consultants Pty Ltd	\$25,740.00	\$20,228.03	\$5,511.97	\$0.00	\$0.00	\$0.00
13	10-Sep-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 144978546 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$20,000.00	\$15,717.20	\$4,282.80	\$0.00	\$0.00	\$0.00
14	20-Sep-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 145640262 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5Bulkara	5 Bulkara St xx5396	\$40,000.00	\$29,668.35	\$10,331.65	\$0.00	\$0.00	\$0.00
15	14-Oct-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 147055906 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 147055906 Loan to 5Bulkara TRANSFER DEBIT	5 Bulkara St xx5396	\$20,000.00	\$18,811.49	\$1,188.51	\$0.00	\$0.00	\$0.00
16	05-Dec-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 150377575 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$20,000.00	\$2,535.19	\$17,464.81	\$0.00	\$0.00	\$0.00
17	10-Jan-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 152370226 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 152370226 Loan to 5Bulkara TRANSFER DEBIT	5 Bulkara St xx5396	\$20,000.00	\$16,974.23	\$3,025.77	\$0.00	\$0.00	\$0.00
18	06-Feb-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 153951566 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$5,000.00	\$5,000.00	\$0.00	\$0.00	\$0.00	\$0.00

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19	11-Feb-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 154227477 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 154227477 Loan to 5Bulkara TRANSFER DEBIT	5 Bulkara St xx5396	\$17,000.00	\$10,409.10	\$6,590.90	\$0.00	\$0.00	\$0.00
20	05-Mar-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 155779875 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 155779875 Loan to 5Bulkara TRANSFER DEBIT	5 Bulkara St xx5396	\$20,000.00	\$19,999.21	\$0.79	\$0.00	\$0.00	\$0.00
21	10-Mar-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 156028534 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$10,000.00	\$2,956.13	\$7,043.87	\$0.00	\$0.00	\$0.00
22	09-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 157872897 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$15,000.00	\$13,534.83	\$1,465.17	\$0.00	\$0.00	\$0.00
23	16-Apr-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 158139128 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$10,000.00	\$9,521.24	\$478.76	\$0.00	\$0.00	\$0.00
24	08-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159468280 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$20,000.00	\$17,493.66	\$2,506.34	\$0.00	\$0.00	\$0.00
25	12-May-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 159576582 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 159576582 Loan to 5Bulkara	5 Bulkara St xx5396	\$20,000.00	\$17,493.66	\$2,506.34	\$0.00	\$0.00	\$0.00
26	15-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161598959 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 161598959 Loan to 5Bulkara	5 Bulkara St xx5396	\$6,267.79	\$5,810.26	\$457.53	\$0.00	\$0.00	\$0.00
27	19-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 161917170 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 161917170 Loan to 5Bulkara	5 Bulkara St xx5396	\$10,000.00	\$9,270.06	\$729.94	\$0.00	\$0.00	\$0.00
28	24-Jun-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 162228370 Thitchener Consult	Thitchener Consulting - Internet Transfer PYMT-ID 162228370 Thitchener Consult	Thitchener Consulting INV-00013492	\$3,470.00	\$3,216.71	\$253.29	\$0.00	\$0.00	\$0.00
29	07-Jul-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 163002994 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 163002994 Loan to 5Bulkara	5 Bulkara St xx5396	\$20,000.00	\$19,726.34	\$273.66	\$0.00	\$0.00	\$0.00

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30	07-Aug-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 164832498 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 164832498 Loan to 5Bulkara	5 Bulkara St xx5396	\$20,000.00	\$13,835.89	\$11.26	\$6,152.86	\$0.00	\$0.00
31	02-Sep-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 166455986 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 166455986 Loan to 5Bulkara	5 Bulkara St xx5396	\$10,000.00	\$1,167.73	\$648.91	\$8,183.36	\$0.00	\$0.00
32	18-Sep-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 167462408 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara ANZ	5 Bulkara St xx6374	\$17,500.00	\$10,948.48	\$481.34	\$6,070.18	\$0.00	\$0.00
33	29-Sep-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 168045290 5Bulkara Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$14,300.00	\$7,784.41	\$6,502.61	\$12.98	\$0.00	\$0.00
34	06-Oct-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 168490719 Oct20 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$11,700.00	\$3,069.40	\$2,563.99	\$6,066.61	\$0.00	\$0.00
35	02-Nov-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 170111140 Nov20 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$6,371.09	\$6,084.62	\$544.29	\$0.00	\$0.00
36	18-Nov-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 171139143 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 171139143 Loan to 5Bulkara	5 Bulkara St xx6374	\$17,500.00	\$2,227.00	\$175.74	\$15,097.27	\$0.00	\$0.00
37	04-Dec-20	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 172253694 Dec20 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$5,712.10	\$2,803.88	\$4,484.02	\$0.00	\$0.00
38	15-Dec-20	Palante xx2583	Graham Harrington L3520555107 5 Bulkara clean	[Not recorded in Xero Loan Statement]		\$940.00	\$785.01	\$51.03	\$103.96	\$0.00	\$0.00
39	04-Jan-21	Palante xx2583	Ozone Express Lau H1142926379 5 Bullcara	[Not recorded in Xero Loan Statement]		\$537.00	\$448.46	\$29.15	\$59.39	\$0.00	\$0.00
40	12-Jan-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 174327725 Jan21 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$533.56	\$121.48	\$12,344.96	\$0.00	\$0.00

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41	21-Jan-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 174925815 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara Offset	5 Bulkara St xx6374	\$17,500.00	\$718.26	\$163.53	\$16,618.21	\$0.00	\$0.00
42	27-Jan-21	Palante xx2583	Graham Harrington L9742417256 Gardening Bulkara	[Not recorded in Xero Loan Statement]		\$150.00	\$125.27	\$8.14	\$16.59	\$0.00	\$0.00
43	01-Feb-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 175498322 Feb21 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$6,792.37	\$60.49	\$6,147.14	\$0.00	\$0.00
44	03-Feb-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 175708656 Loan to 5 Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$30,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30,000.00
45	17-Feb-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 176543834 Loan to Bul Offset	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 176543834 Loan to Bul Offset	5 Bulkara St xx6374	\$17,500.00	\$12,000.73	\$0.00	\$5,499.27	\$0.00	\$0.00
46	19-Feb-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 176724704 Loan to 5 Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 176724704 Loan to 5 Bulkara	5 Bulkara St xx5396	\$15,000.00	\$11,862.85	\$0.00	\$3,137.15	\$0.00	\$0.00
47	01-Mar-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 177307858 Mar21 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$6,889.52	\$4,288.53	\$1,821.95	\$0.00	\$0.00
48	03-Mar-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 177489801 Loan to 5 Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Loan to 5 Bulkara	5 Bulkara St xx5396	\$10,000.00	\$5,299.63	\$3,298.87	\$1,401.50	\$0.00	\$0.00
49	19-Mar-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 178563313 Loan to Bul Offset	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 178563313 Loan to Bul Offset	5 Bulkara St xx6374	\$17,500.00	\$2,563.67	\$0.00	\$13,701.93	\$1,234.40	\$0.00
50	24-Mar-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 178810784 Loan to 5 Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 178810784 Loan to 5 Bulkara	5 Bulkara St xx5396	\$50,000.00	\$7,324.76	\$0.00	\$39,148.38	\$3,526.86	\$0.00
51	08-Apr-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 179736180 April 2021 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$5,835.77	\$1,563.37	\$5,137.98	\$462.88	\$0.00

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52	27-Apr-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 180898944 Loan to 5 Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 180898944 Loan to 5 Bulkara	5 Bulkara St xx5396	\$45,000.00	\$2,965.33	\$652.93	\$41,352.02	\$29.72	\$0.00
53	03-May-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 181279994 May 2021 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$856.65	\$188.63	\$11,946.14	\$8.59	\$0.00
54	17-May-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 182203626 Loan to 5Bulkara	The Trustee for 5 Bulkara Street Unit Trust - Internet Transfer PYMT-ID 182203626 Loan to 5Bulkara	5 Bulkara St xx6374	\$17,500.00	\$10,990.22	\$19.20	\$1,187.99	\$5,302.58	\$0.00
55	01-Jun-21	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 183246443 June 2021 Rent	[Not recorded in Xero Loan Statement]	5 Bulkara St xx5396	\$13,000.00	\$3,314.90	\$0.41	\$7,807.31	\$1,877.38	\$0.00
56	Total					<u>\$3,487,428.13</u>	\$2,675,088.04	\$325,628.85	\$444,268.83	\$12,442.42	\$30,000.00

ADDITIONAL INFORMATION ABOUT "EQUITY PAYMENT" PAYMENTS

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statements	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
	07-May-19	FGFS xx8642	Internet Transfer PMT 000137193705 5 Bulkara Sett	[Not recorded in Xero Loan Statement for Tesoriero Investments, recorded in Xero Loan statement for 5 Bulkara Transactions with description "5 Bulkara Transactions"]	Tesoriero Investment xx2179	\$1,600,000.00	\$1,598,532.37 (99.908%)	\$1,456.41 (0.091%)	\$11.22 (0.001%)	\$0.00	\$0.00
4	9-May-2019	Tesoriero Investment xx2179	Transfer Out Admin Equity	[Not recorded in Xero Loan Statement]	Various - used as settlement funds to complete the purchase of 5 Bulkara Street, Wagstaffe	\$1,551,951.46 ¹	\$1,550,527.90	\$1,412.67	\$10.88	\$0.00	\$0.00

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
5 Bulkara St xx5396 is a reference to an account in the name 5 BULKARA STREET PTY LTD held with the National Australia Bank with BSB 082-080 and account number 27-033-5396
5 Bulkara St xx6374 is a reference to an account in the name 5 Bulkara Street Pty Ltd ATF 5 Bulkara Street Unit held with the National Australia Bank with BSB 082-062 and account number 87-419-6374

¹ The tracing split between Financier and Other Funds is drawn from the percentage split in the linked transaction as shown above.