

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, 160 MURRAY VALLEY HWY LAKE BOGA PTY LTD

| | Date | Account from which funds withdrawn | Description on outgoing Forum group bank statement | Description on FGFS Xero Loan Statement "160 Murray Valley Hwy, Lake Boga Transactions" | Entity or account to which funds paid | Amount | Westpac Funds | Westpac NZ Funds | SMBC Funds | SocGen Funds | Other Funds |
|---|-----------|------------------------------------|---|---|--|-------------|---------------|------------------|------------|--------------|-------------|
| 1 | 10-Jul-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 163263981 160 Murray Valley | Property Exchange Australia - Internet Transfer PYMT-ID 163263981 160 Murray Valley | Property Exchange Australia | \$93,601.48 | \$92,320.75 | \$1,280.73 | \$0.00 | \$0.00 | \$0.00 |
| 2 | 10-Jul-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 163265729 160 Murray Valley | Property Exchange Australia - Internet Transfer PYMT-ID 163265729 160 Murray Valley | Property Exchange Australia | \$97,969.00 | \$96,628.51 | \$1,340.49 | \$0.00 | \$0.00 | \$0.00 |
| 3 | 11-Aug-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 165085708 Loan to Lake Boga | 160 Murray Valley Highway Lake Boga - Internet Transfer PYMT-ID 165085708 Loan to Lake Boga | 160 Murray Valley Hwy xx1117 | \$2,000.00 | \$1,241.19 | \$1.40 | \$757.41 | \$0.00 | \$0.00 |
| 4 | 17-Aug-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 165392870 Loan to Lake Boga | 160 Murray Valley Highway Lake Boga - Internet Transfer PYMT-ID 165392870 Loan to Lake Boga | 160 Murray Valley Hwy xx1117 | \$3,000.00 | \$1,836.45 | \$1,020.51 | \$143.04 | \$0.00 | \$0.00 |
| 5 | 19-Aug-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 165595633 Loan to Lake Boga | 160 Murray Valley Highway Lake Boga - Internet Transfer PYMT-ID 165595633 Loan to Lake Boga | 160 Murray Valley Hwy xx7866 | \$4,702.50 | \$2,878.63 | \$1,599.65 | \$224.22 | \$0.00 | \$0.00 |
| 6 | 01-Oct-20 | FGFS xx8642 | TRANSFER DEBITS INTERNET BPAY PMT 000168161078 Lower Murray Water | Lower Murray Water - INTERNET BPAY PMT 000168161078 Lower Murray Water | Lower Murray Urban and Rural Water Corporation | \$303.19 | \$79.54 | \$66.44 | \$157.21 | \$0.00 | \$0.00 |
| 7 | 01-Oct-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 [Note see below additional information concerning transaction] | Aksara - Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 - Morwell | Aksara Holding Pty Ltd with reference "VT Petrol Tranche2" | \$6,234.37 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,234.37 |

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|---|---|-----|----------------|
| 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 | Level 40, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 | | |
| (include state and postcode) | 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 "160 Murray Valley Hwy, Lake Boga Transactions" | Entity or account to which funds paid | Amount | Westpac Funds | Westpac NZ Funds | SMBC Funds | SocGen Funds | Other Funds |
|----|--------------------|------------------------------------|---|---|--|---------------------|---------------|------------------|------------|--------------|-------------|
| 8 | 01-Oct-20 | FGFS xx8642 | TRANSFER DEBITS INTERNET BPAY PMT 000168166806 SWAN HILL RURAL CITY | Swan Hill Council - INTERNET BPAY PMT 000168166806 SWAN HILL RURAL CITY | Swan Hill Council | \$943.23 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$943.23 |
| 9 | 08-Oct-20 | FGFS xx8642 | TRANSFER DEBITS INTERNET BPAY PMT 000168639757 Lower Murray Water | Lower Murray Water - INTERNET BPAY PMT 000168639757 Lower Murray Water | Lower Murray Urban and Rural Water Corporation | \$6.15 | \$3.50 | \$0.79 | \$1.87 | \$0.00 | \$0.00 |
| 10 | 18-Nov-20 | FGFS xx8642 | TRANSFER DEBITS INTERNET BPAY PMT 000171142554 Lower Murray Water | 160 Murray Valley Highway Lake Boga - INTERNET BPAY PMT 000171142554 Lower Murray Water | Lower Murray Urban and Rural Water Corporation | \$279.48 | \$35.57 | \$2.81 | \$241.11 | \$0.00 | \$0.00 |
| 11 | 04-Dec-20 | FGFS xx8642 | TRANSFER DEBITS INTERNET BPAY PMT 000172239368 TAX OFFICE PAYMENTS | 160 Murray Valley Highway Lake Boga - Loan for ATO BAS QE Sep20 | ATO | \$1,561.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$1,561.00 |
| 12 | 11-Jan-21 | FGFS xx8642 | TRANSFER DEBITS Aksara Holding Pty L174234091 Aksara Petrol T2 [Note see below additional information concerning transaction] | Aksara - Aksara Petrol T2 | Aksara Holding Pty Ltd with reference "VT Petrol Tranche2" | \$6,234.37 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,234.37 |
| 13 | 11-Jan-21 | FGFS xx8642 | TRANSFER DEBITS INTERNET BPAY PMT 000174285885 SWAN HILL RURAL CITY | Swan Hill Council - INTERNET BPAY PMT 000174285885 SWAN HILL RURAL CITY | Swan Hill Council | \$943.27 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$943.27 |
| 14 | 06-Apr-21 | FGFS xx8642 | TRANSFER DEBITS Aksara Holding Pty L179527358 Aksara Petrol T2 [Note see below additional information concerning transaction] | Aksara - Aksara Petrol T2 | Aksara Holding Pty Ltd with reference "VT Petrol Tranche2" | \$6,234.37 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,234.37 |
| 15 | Total ¹ | | | | | <u>\$224,012.41</u> | \$195,024.13 | \$5,312.82 | \$1,524.85 | \$0.00 | \$22,150.61 |

¹ The tracing split between Financier and Other Funds for the Aksara transactions is drawn from the percentage split in the bulk transaction as shown below.

ADDITIONAL INFORMATION ABOUT "VT PETROL TRANCHE 2" PAYMENT

| | 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 |
|---|-----------|------------------------------------|--|---|--|-------------|---------------|------------------|------------|--------------|-------------|
| 7 | 01-Oct-20 | FGFS xx8642 | TRANSFER DEBITS Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 | | Aksara Holding Pty Ltd with reference "VT Petrol Tranche2" | \$22,722.77 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$22,722.27 |
| | | | | Aksara - Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 - Mallacoota | [Allocation based on Xero] | \$3,978.40 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,978.40 |
| | | | | Aksara - Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 - Morwell | [Allocation based on Xero] | \$4,635.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,635.00 |
| | | | | Aksara - Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 - Lake Boga | [Allocation based on Xero] | \$6,234.37 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,234.37 |
| | | | | Aksara - Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 - Dimboola | [Allocation based on Xero] | \$3,675.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,675.00 |
| | | | | Aksara - Internet Transfer PYMT-ID 168127071 Aksara Petrol T2 - Maryborough | [Allocation based on Xero] | \$4,200.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,200.00 |

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|----|-----------|----------------|--|---------------------------|--|-------------|--------|--------|--------|--------|-------------|
| 12 | 11-Jan-21 | FGFS xx8642 | TRANSFER DEBITS Aksara Holding Pty L174234091 Aksara Petrol T2 | | Aksara Holding Pty Ltd with reference "VT Petrol Tranche2" | \$22,722.77 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$22,722.27 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$3,978.40 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,978.40 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$4,635.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,635.00 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$6,234.37 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,234.37 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$3,675.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,675.00 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$4,200.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,200.00 |

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|----|-----------|----------------|--|---------------------------|--|-------------|--------|--------|--------|--------|-------------|
| 10 | 06-Apr-21 | FGFS xx8642 | TRANSFER DEBITS Aksara Holding Pty L179527358 Aksara Petrol T2 | | Aksara Holding Pty Ltd with reference "VT Petrol Tranche2" | \$22,722.77 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$22,722.27 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$3,978.40 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,978.40 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$4,635.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,635.00 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$6,234.37 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$6,234.37 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$3,675.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$3,675.00 |
| | | | | Aksara - Aksara Petrol T2 | [Allocation based on Xero] | \$4,200.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,200.00 |

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| <p>Accounts</p> <p>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</p> <p>160 Murray Valley Hwy xx1117 is a reference to an account in the name of 160 Murray Valley Hwy Lake Boga ATF 160 Murray Valley Hwy Lake Boga Unit Trust held with ANZ with the BSB 013-405 and account number 3202-71117</p> <p>160 Murray Valley Hwy xx7866 is a reference to an account in the name of 160 Murray Valley Hwy Lake Boga ATF 160 Murray Valley Hwy Lake Boga Unit Trust held with the National Australia Bank with the BSB 082-080 and account number 77-748-7866</p> |
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