

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

Federal Court of Australia NSD 616/2021

SECTION 50 EVIDENCE ACT SUMMARY

(Documents)

PAYMENTS THE APPLICANTS CONTEND WERE MADE TO OR ON BEHALF OF VINCE TESORIERO

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "VT Transactions"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds	JP-17 Cell Ref	Worksheet Name	Documents (noting all documents are currently in the Court Book save for highlighted items, which Westpac intends to tender).
1	08-Mar-19	FGFS xx8642	Internet Transfer Pymt-Id 133795263 Raisano Monaco	[Not recorded in Xero Loan Statement]	Raisano Pty Ltd Acc #573843697	\$13,000.00	\$10,499.09	\$2,481.79	\$19.12	\$0.00	\$0.00	X211	Trace - FGFS	1. Trace FGFS X211 2. <a href="#">MIN.5000.0008.0049</a> lines 224 and 225 3. <a href="#">FOG.1000.0003.6651</a> 4. <a href="#">FOG.1000.0001.7620</a> <a href="#">FOG.1000.0001.7623</a> 5. JP-17, sheet, cell Trace – FGFS 211AD
2	15-Mar-19	FGFS xx8642	Internet Transfer Pymt-Id 134148510 Raisano Vince	[Not recorded in Xero Loan Statement]	Raisano Pty Ltd Acc #573843697	\$13,000.00	\$10,499.09	\$2,481.79	\$19.12	\$0.00	\$0.00	X218	Trace – FGFS	1. Trace FGFS X211 2. <a href="#">MIN.5000.0008.0049</a> lines 224 and 225 3. <a href="#">FOG.1000.0003.6651</a> 4. <a href="#">FOG.1000.0001.7620</a> <a href="#">FOG.1000.0001.7623</a> 5. JP-17, sheet Trace – FGFS, cell 218AD
3	10-Apr-19	FGFS xx8642	Internet Transfer Pymt-Id 135702992 Kew Avenue Loan	[Not recorded in Xero Loan Statement]	Kew Avenuw Pty Ltd Acc #11080101	\$52,500.00	\$50,515.09	\$1,969.73	\$15.18	\$0.00	\$0.00	X248	Trace - FGFS	1. <a href="#">MIN.5000.0008.0049</a> lines 235 and 236 2. <a href="#">FOG.1000.0001.7829</a> 3. JP-17, sheet Trace – FGFS, cell 248AD
4	28-Jun-19	FGFS xx8642	Internet Transfer Pymt-Id 140518043 Menzies Securities	[Not recorded in Xero Loan Statement]	Menzies Securities Acc #902728480	\$50,000.00	\$41,353.84	\$8,646.16	\$0.00	\$0.00	\$0.00	X455	Trace - FGFS	1. <a href="#">MIN.5000.0008.0049</a> lines 342 and 343 2. <a href="#">FOG.1000.0001.8332</a> 3. JP-17, sheet Trace – FGFS, cell 455AD
5	11-Jul-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 141247993 Menzies Securities	[Not recorded in Xero Loan Statement]	Menzies Securities Acc #902728480	\$50,000.00	\$44,693.69	\$5,306.31	\$0.00	\$0.00	\$0.00	X480	Trace - FGFS	1. <a href="#">MIN.5000.0008.0049</a> lines 342 and 343 2. <a href="#">FOG.1000.0001.8332</a> 3. JP-17, sheet Trace – FGFS, cell 480AD

Filed on behalf of (name & role of party)  
Prepared by (name of person/lawyer)  
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	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "VT Transactions"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds	JP-17 Cell Ref	Worksheet Name	Documents (noting all documents are currently in the Court Book save for highlighted items, which Westpac intends to tender).
6	29-Aug-19	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000144232052 VINCE T PS DEP	[Not recorded in Xero Loan Statement]	Tolhurst Property Sales Trust Acc #408074	\$100,000.00	\$78,585.98	\$21,414.02	\$0.00	\$0.00	\$0.00	X608	Trace - FGFS	1. JP-17, sheet Trace – FGFS, cell 608AD 2. <a href="#">FOG.1001.0007.2148</a> 3. <a href="#">FOG.1001.0006.7626</a> <a href="#">FOG.1001.0006.7627</a> 4. <a href="#">FOG.1000.0003.6990</a> 5. Affidavit of Jason Preston affirmed 10 June 2022 ( <b>Preston June</b> ) at [22(a)]
7	13-Sep-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 145267432 Mark Menzies	[Not recorded in Xero Loan Statement]	Menzies Securities Acc #902728480	\$200,000.00	\$185,425.12	\$14,574.88	\$0.00	\$0.00	\$0.00	X642	Trace - FGFS	1. <a href="#">MIN.5000.0008.0049</a> lines 342 and 343 2. <a href="#">FOG.1000.0001.8332</a> 3. JP-17, sheet Trace – FGFS, cell 455AD
8	26-Sep-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 146013901 VT Overdraft	[Not recorded in Xero Loan Statement]	65 Nelson Street Enterprises Pty Ltd Acc #10572136	\$30,363.10	\$22,520.58	\$7,842.52	\$0.00	\$0.00	\$0.00	X681	Trace - FGFS	1. <a href="#">MIN.5000.0006.1747</a> (Summary of Corporate Directorships, Shareholdings and Trusts) line 45 2. Preston June at [23(e)]
9	05-Dec-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 150377294 Vince T Grays	Vince Tesoriero - Internet Transfer PYMT-ID 150377294 Vince T Grays TRANSFER DEBIT	Greys (VIC) Pty Ltd Trust Account #836721473	\$126,859.68	\$16,080.67	\$110,779.01	\$0.00	\$0.00	\$0.00	X889	Trace - FGFS	1. FGFS Xero Records - Loan VT, Doc ID: <a href="#">FOG.5000.0002.0154</a> 2. <a href="#">FOG.1000.0004.2357</a> <a href="#">FOG.1000.0004.2359</a> 3. Preston June at [20(a)]
10	15-Jan-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000152630245 SETTLEMENT VT	Vince Tesoriero - Loan for Settlement - VT to return funds	Fort Matilda Pty Ltd #371980	\$55,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$55,000	X980	Trace - FGFS	1. FGFS Xero Records - Loan VT, Doc ID: <a href="#">FOG.5000.0002.0154</a> 2. <a href="#">MIN.5000.0008.0049</a> , lines 454 to 456
11	03-Mar-20	FGFS xx8642	TRANSFER DEBITS 13480794 155595020 Vince Loan13480794	[Not recorded in Xero Loan Statement]	286 Carlisle Street Pty Ltd Acc #13480794	\$15,624.24	\$14,529.27	\$1,094.97	\$0.00	\$0.00	\$0.00	X1124	Trace - FGFS	1. <a href="#">FOG.1000.0004.1818</a>
<del>12</del>	<del>03-Mar-20</del>	<del>FGFS xx8642</del>	<del>TRANSFER DEBITS 10579469 155595159 Vince Loan10579469</del>	<del>[Not recorded in Xero Loan Statement]</del>	<del>Vince Tesoriero Acc #10579469</del>	<del>\$22,594.33</del>	<del>\$21,010.88</del>	<del>\$1,583.45</del>	<del>\$0.00</del>	<del>\$0.00</del>	<del>\$0.00</del>	<del>X1125</del>	<del>Trace - FGFS</del>	[Note: transaction reversed in FGFS account and not pressed]
13	06-Oct-20	FGFS xx8642	TRANSFER DEBITS INTERNET TRANSFER PMT 000168461570 VT GRAYS	VT Grays - INTERNET TRANSFER PMT 000168461570 VT GRAYS	Greys (VIC) Pty Ltd Trust Account #836721473	\$239,197.18	\$62,751.52	\$52,418.74	\$124,026.91	\$0.00	\$0.00	X1807	Trace - FGFS	1. FGFS Xero Records - Loan VT, Doc ID: <a href="#">FOG.5000.0002.0154</a> 2. <a href="#">FOG.1000.0001.2368</a> <a href="#">FOG.1000.0001.2370</a> 3. <a href="#">GRY.5000.0001.0016</a> 4. <a href="#">FOG.1000.0001.0255</a> 5. Preston June [20(c)]

## ADDITIONAL PROPERTY RELATED TRANSACTIONS

	Date	Account from which funds withdrawn	Description on outgoing Forum group bank statement	Description on FGFS Xero Loan Statement "VT Transactions"	Entity or account to which funds paid	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds	JP-17 Cell Ref	Worksheet Name	Underlying documents
1	08-Oct-19	FGFS xx8642	TRANSFER DEBITS Internet Transfer PYMT-ID 146669606 VT Erim Downs	Erim Downs - Internet Transfer PYMT-ID 146669606 VT Erim Downs TRANSFER DEBIT	Erim Downs Pty Ltd	\$200,000.00	\$164,185.12	\$35,814.88	\$0.00	\$0.00	\$0.00	X720	Trace - FGFS	1. FGFS Xero Records Erim Downs Transactions, Doc ID: <a href="#">FOG.5000.0002.0154</a> 2. <a href="#">VIN.5000.0003.3027</a>
2	23-Mar-21	FGFS xx8642	TRANSFER DEBITS Aksara Holding Pty L178730988 Aksara Petrol T3	Aksara - Aksara Holding Pty L178730988 Aksara Petrol T3 - Rushworth / Aksara - Aksara Holding Pty L178730988 Aksara Petrol T3 - Ouyen [see note below]	Aksara Holding Pty Ltd with reference "VT Petrol Tranche3" [22 High street, Rushworth]	\$4,725.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,725.00	X2396	Trace - FGFS	1. FGFS Xero Records – Loan 22 High Street, Rushworth, Doc ID: <a href="#">FOG.5000.0002.0154</a> 2. <a href="#">FOG.1001.0007.2148</a> 3. <a href="#">FOG.1001.0006.7626</a> and <a href="#">FOG.1001.0006.7627</a> 4. <a href="#">FOG.1001.0001.7262</a>
3	23-Jun-21	FGFS xx8642	TRANSFER DEBITS Aksara Holding Pty L184634201 Aksara Petrol T3	Aksara - Aksara Holding Pty L18463420 Aksara Petrol T3 - Rushworth / Aksara - Aksara Holding Pty L18463420 Aksara Petrol T3 - Ouyen [see note below]	Aksara Holding Pty Ltd with reference "VT Petrol Tranche3" [22 High Street, Rushworth]	\$4,725.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,725.00	X2736	Trace - FGFS	See above
	Total					\$209,450.00	\$164,185.12	\$35,814.88	\$0.00	\$0.00	\$9,450.00			

TOTAL PAYMENTS THE APPLICANTS CONTEND WERE MADE TO, OR ON BEHALF OF, VINCE TESORIERO

	Amount	Westpac Funds	Westpac NZ Funds	SMBC Funds	SocGen Funds	Other Funds
Total	\$4,278,405.86	\$1,177,186.22	\$381,720.42	\$2,614,443.70	\$24,861.32	\$80,194.20

ADDITIONAL INFORMATION ABOUT "VT PETROL TRANCHE 3" 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	JP-17 Cell Ref	JP-17 Worksheet Name
2	23-Mar-21	FGFS xx8642	TRANSFER DEBITS Aksara Holding Pty L178730988 Aksara Petrol T3	[Not recorded in Xero Loan Statement]	Aksara Holding Pty Ltd with reference "VT Petrol Tranche3"	\$7,875.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,875.00	X2396	Trace - FGFS
				Aksara - Aksara Holding Pty L178730988 Aksara Petrol T3 - Ouyen	9 Gregory	\$3,150.00						A14	Xero - 9 Gregory St
				Aksara - Aksara Holding Pty L178730988 Aksara Petrol T3 - Rushworth	22 High Street, Rushworth	\$4,725.00						A19	Xero - 22 High St

3	23-Jun-21	FGFS xx8642	TRANSFER DEBITS Aksara Holding Pty L184634201 Aksara Petrol T3	[Not recorded in Xero Loan Statement]	Aksara Holding Pty Ltd with reference "VT Petrol Tranche3"	\$7,875.00	\$0.00	\$0.00	\$0.00	\$0.00	\$7,975.00	X2736	Trace - FGFS
				Aksara - Aksara Holding Pty L18463420 Aksara Petrol T3 - Ouyen	9 Gregory	\$3,150.00						A16	Xero - 9 Gregory St
				Aksara - Aksara Holding Pty L18463420 Aksara Petrol T3 - Rushworth	22 High Street, Rushworth	\$4,725.00						A27	Xero - 22 High St

Accounts
Confidential

Source Documents
Confidential