

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 28/06/2021 11:00:07 AM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
File Number:	NSD616/2021
File Title:	WESTPAC BANKING CORPORATION ABN 33 007 457 141 v FORUM FINANCE PTY LIMITED & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Dated: 28/06/2021 11:12:13 AM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59
Rule 29.02(1)

Affidavit

No. NSD of 2021

Federal Court of Australia
District Registry: New South Wales
Division: General

Westpac Banking Corporation ABN 33 007 457 141

Applicant

Forum Finance Pty Limited ACN 153 301 172 and another

Respondents

Affidavit of: Caitlin Maria Murray

Address: Level 40, Governor Macquarie Tower, One Farrer Place, Sydney NSW 2000

Occupation: Solicitor

Date: 28 June 2021

Contents

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1.	Affidavit of Caitlin Maria Murray in support of application for Freezing Orders and Search Orders sworn on 28 June 2021	1	2
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3.	Annexure 'B' – email and letter to Felicity Healy dated 28 June 2021	6	12
4.	Annexure 'C' – email from Anna Ross to Caitlin Murray dated 28 June 2021	7	17

Filed on behalf of (name & role of party) Westpac Banking Corporation, applicant

Prepared by (name of person/lawyer) Caitlin Murray

Law firm (if applicable) MinterEllison

Tel (02) 9921 8888 Fax 02 9921 8123

Email caitlin.murray@minterellison.com

Address for service Governor Macquarie Tower, 1 Farrer Place, SYDNEY NSW 2000

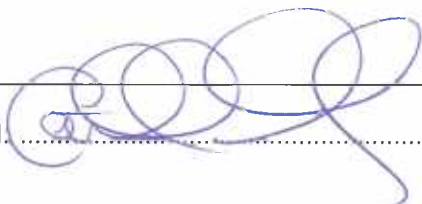
(include state and postcode) Our reference: CMM:AGS:1353397

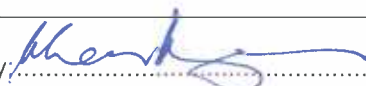
Version 3 form approved 02/05/2019

Document number	Details	Paragraph	Page
5.	Annexure 'D' – email from Felicity Healy to Caitlin Murray dated 28 June 2021	8	24
6.	Annexure 'E' – email from Caitlin Murray to Rod McKemmish dated 28 June 2021	9	25
7.	Annexure 'F' – email from Caitlin Murray to Yian Sun dated 28 June 2021	10	27

I, Caitlin Maria Murray of Level 40, Governor Macquarie Tower, One Farrer Place, Sydney NSW 2000, Solicitor, say on oath:

1. I am a partner of the firm of solicitors, MinterEllison and the solicitor for the plaintiff (**Westpac**) and make this affidavit in support of Westpac's interlocutory application dated 27 June 2021 (**Westpac's Application**).
2. I refer to my previous affidavit in these proceedings sworn earlier on 28 June 2021 (**First Murray Affidavit**).
3. At paragraph [23] of the First Murray Affidavit, I deposed that James Whittaker of Corrs Chambers Westgarth had provided me with a consent to act as an independent solicitor in relation to the search of the Residential Premises of the second respondent.
4. At around 9.10am today I had a telephone conversation with Mr Whittaker during which he informed me that given the timing of the hearing of this application, he considered that he may not be able to act as the independent solicitor, given a pre-existing commitment at 12.30pm today.
5. Following that telephone call, I caused two letters to be sent:
 - (a) the first, to Ms Anna Ross of Corrs, changing the details of the premises at which she would attend as independent solicitor to the Residential Premises; and
 - (b) the second, to Ms Felicity Healy of Corrs, requesting her consent to act as the independent solicitor and attend at the Sydney Office Premises.
6. A copy of my emails and the letters to Ms Ross and Ms Healy are annexed to this affidavit and marked "A" and "B" respectively.
7. Annexed to this affidavit and marked "C" is an updated consent to act that I received by email from Ms Ross.

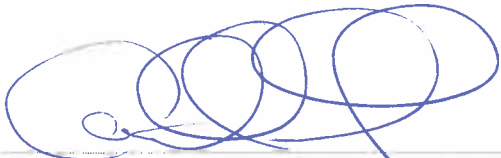
Signed: 

Taken by: 


8. Annexed to this affidavit and marked "D" is a consent to act that I received from Ms Healy.
9. Annexed to this affidavit and marked "E" is an email which I sent to Mr Rod McKemmish in connection with his appointment as the IT expert attending at the Residential Premises.
10. Annexed to this affidavit and marked "F" is a copy of an email which I sent to Mr Yian Sun in connection with his appointment as the IT expert attending at the Sydney Office Premises.

Sworn by the deponent
at Sydney
in New South Wales
on 28 June 2021

)
)
)
)
)
Signature of deponent



Before me:


Signature of witness, Michael Richard Hughes
, Solicitor

As a witness, I certify the following matters concerning the person who made this affidavit (**deponent**):

1. I saw the face of the deponent.
2. I have known the deponent for over twelve months:



Signed:

Taken by:

Schedule of Parties

No. of 2021

Federal Court of Australia

District Registry: New South Wales

Division: Sydney

Applicants

Applicant

Westpac Banking Corporation ABN 33 007 457 141**Respondents**

First Respondent

Forum Finance Pty Limited ACN 153 301 172

Second Respondent:

Basile Papadimitriou

Caitlin Murray

From: Caitlin Murray
Sent: Monday 28 June 2021 09:29 AM
To: Anna Ross
Cc: Michael Hughes; Caitlin Murray
Subject: RE: Consent to act as independent solicitor
Attachments: L - Anna Ross re Rozelle.PDF

This page and the following 6 pages comprise(s) the annexure marked "A" referred to in

the affidavit of Caitlin Murray sworn/affirmed before me on 28 June 2021



Solicitor
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW).

Dear Anna

Further to my discussion with James this morning, please see attached an updated letter confirming that you will now attend at the Rozelle premises.

Could you please confirm by return your consent?

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

minterellison.com Follow us on **LinkedIn** and **Twitter**

From: Anna Ross <Anna.Ross@corrs.com.au>
Sent: Sunday 27 June 2021 08:52 PM
To: Caitlin Murray <Caitlin.Murray@minterellison.com>
Cc: Michael Hughes <Michael.Hughes@minterellison.com>
Subject: RE: Consent to act as independent solicitor

Hi Caitlin,

Further to my earlier email (below), I now **attach** a signed version of your letter of 27 June 2021 indicating my consent to act as independent solicitor in relation to the execution of the anticipated search orders referred to in that letter.

I look forward to hearing from you tomorrow regarding the outcome of your client's application.

Regards

Anna Ross | Partner
Corrs Chambers Westgarth
t +61 2 9210 6904 m +61 411 628 948 e anna.ross@corrs.com.au
corrs.com.au

From: Anna Ross
Sent: Sunday, 27 June 2021 8:13 PM
To: Caitlin Murray <Caitlin.Murray@minterellison.com>
Cc: Michael Hughes <Michael.Hughes@minterellison.com>
Subject: RE: Consent to act as independent solicitor

Hi Caitlin,

I confirm that I consent to act as independent solicitor and I am preparing a signed version of this letter which I expect to be able to send to you shortly.

As James may have mentioned, I am available at any time tomorrow after 10:30 am (i.e. I would be able to attend in North Sydney any time after 10:45 am).

Could you please let me know how you anticipate this order to interact with the public health orders currently in place in relation to COVID-19 and whether I need to take any steps in that regard?

Many thanks

Anna Ross | Partner
Corrs Chambers Westgarth
t +61 2 9210 6904 m +61 411 628 948 e anna.ross@corrs.com.au
corrs.com.au

From: Caitlin Murray [<mailto:Caitlin.Murray@minterellison.com>]

Sent: Sunday, 27 June 2021 7:26 PM

To: Anna Ross <Anna.Ross@corrs.com.au>

Cc: Michael Hughes <Michael.Hughes@minterellison.com>; Caitlin Murray <Caitlin.Murray@minterellison.com>

Subject: Consent to act as independent solicitor

Hi Anna

Please see attached letter.

Could you please sign and return the attached letter (or consent by return email if that is easiest tonight) as a matter of urgency.

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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MinterEllison

28 June 2021

PRIVATE & CONFIDENTIAL

BY EMAIL: anna.ross@corrs.com.au

Anna Ross
Partner
Corrs Chambers Westgarth
Level 17
8-12 Chifley Square
Sydney NSW 2000

Dear Ms Ross

Westpac Banking Corporation v Forum Finance Pty Limited ACN 153 301 141 & Basile Papadimitriou

Consent to act as independent lawyers and undertakings to the Court

We act for Westpac Banking Corporation (**Westpac**).

We have received formal instructions from Westpac to file an application for, amongst other orders and relief, a search order (otherwise known as an *Anton Piller* order) in the Federal Court of Australia in respect of Forum Finance Pty Ltd (**Forum Finance**) and Basile Papadimitriou (also known as Bill Papas) (**Order**).

We seek your consent to act as the independent lawyer supervising the execution of the Order (if granted by the Court). We are also separately engaging Rodney McKemmish of CYTER to act as an independent computer expert for the purposes of him searching and imaging any computers, mobile phones and other electronic or online storage devices that are relevant to the Order. In addition, we seek your agreement to give certain undertakings to the Court in relation to the execution of the Order, which undertakings are a pre-requisite for its grant. We have set out the relevant undertakings in the Schedule.

If our client's application is successful, we anticipate that the Order will be made on 27 June 2021 and that execution of the order will take place 28 June 2021. The premise at which the execution of the order will take place is located at the private premises being the Mr Papadimitriou's residential premises of 23 Margaret Street Rozelle, NSW, 2039.

Our firm (on behalf of our clients) will be responsible for payment of your professional fees and disbursements for attendance as an independent lawyer in the execution of the order. Accordingly, we ask that you forward an invoice to our office at your earliest convenience after the execution of the order has taken place and you have completed your report.

If the Court makes a search order, we will provide you with copies of the documents required to be served by you in the course of executing the Order.

We ask that you sign the attached copy of this letter as confirmation of your consent to act as an independent lawyer and for the purposes of giving the undertakings to the Court as set out in the Schedule to this letter. Please return to us as soon as possible a signed copy of this letter which attaches the Schedule of undertakings.



Please contact Caitlin Murray on (02) 9921 4279 / 0422 977 971 or Michael Hughes on (02) 9921 4647 / 0411 263 387 if you have any queries.

Yours faithfully
MinterEllison



Caitlin Murray
Partner

Partner: Caitlin Murray T: +61 2 9921 4279
caitlin.murray@minterellison.com
OUR REF: CMM:MRH:AGS:AAC 1353397

Consents to act and undertakings

I consent to act as an independent lawyer in the execution of the anticipated search orders referred to above and give the undertakings to the Court set out in the Schedule to this letter.

Signed:

Anna Ross

SCHEDULE

PROPOSED UNDERTAKINGS TO THE COURT OF INDEPENDENT LAWYER

1. The independent lawyer will use his or her best endeavours to serve the respondent with this order and the other documents referred to in undertaking (8) below (undertakings by the applicant's lawyers).
2. Before entering the premises, the independent lawyer will:
 - (a) offer to explain the terms and effect of the Order to the person served with the Order and, if the offer is accepted, do so; and
 - (b) inform the respondent of his or her right to take legal advice.
3. Subject to undertaking (4) below, the independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to the Order until delivery to the Court or further order of the Court.
4. At or before the hearing on the return date, the independent lawyer will provide a written report on the carrying out of the Order to the Court and provide a copy to the applicant's lawyers and to the respondent or the respondent's lawyers. The report will attach a copy of any list made pursuant to the Order and a copy of any report received from an independent computer expert.
5. The independent lawyer will use best endeavours to ensure that members of the search party act in conformity with the order and that it is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.
6. The independent lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
7. The independent lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm (AEST) on the return date.

EXTRACT OF PROPOSED UNDERTAKING TO THE COURT OF PROSPECTIVE APPLICANTS' LAWYERS

8. The applicant's lawyer will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
9. The applicant's lawyer will provide to the independent lawyer for service on the respondent copies of the following documents:
 - (a) the Order;
 - (b) the application for the Order for hearing on the return date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the Order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied (other than confidential exhibits);
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court; and
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.

- 11
10. The applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a listed thing.
 11. The applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
 12. The applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
 13. The applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the return date.
 14. The applicant's lawyer will not disclose to the applicant any information that the lawyer acquires during or as a result of execution of the search order, without the leave of the Court.
 15. The applicant's lawyer will use best endeavours to follow all directions of the independent lawyer.

'B'

This page and the following 4 pages comprise(s) the annexure marked "B" referred to in the affidavit of Caitlin Murray

12

Caitlin Murray

From: Caitlin Murray
Sent: Monday 28 June 2021 09:30 AM
To: Felicity Healy
Cc: Caitlin Murray; Michael Hughes
Subject: Consent to act as an independent solicitor
Attachments: L - Felicity Healy.PDF

[Signature]
Solicitor
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW).

Dear Felicity

Please see attached letter.

Could you please urgently let me have your consent to the attached either by responding this email confirming the same or signing and returning to me a copy of this letter?

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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MinterEllison

27 June 2021

PRIVATE & CONFIDENTIAL

BY EMAIL: felicity.healy@corrs.com.au

Felicity Healy
Partner
Corrs Chambers Westgarth
Level 17
8-12 Chifley Square
Sydney NSW 2000

Dear Ms Healy

Westpac Banking Corporation v Forum Finance Pty Limited ACN 153 301 141 & Basile Papadimitriou

Consent to act as independent lawyers and undertakings to the Court

We act for Westpac Banking Corporation (**Westpac**).

We have received formal instructions from Westpac to file an application for, amongst other orders and relief, a search order (otherwise known as an *Anton Piller* order) in the Federal Court of Australia in respect of Forum Finance Pty Ltd (**Forum Finance**) and Basile Papadimitriou (also known as Bill Papas) (**Order**).

We seek your consent to act as the independent lawyer supervising the execution of the Order (if granted by the Court). We are also separately engaging Yian Sun of CYVERT to act as an independent computer expert for the purposes of him searching and imaging any computers, mobile phones and other electronic or online storage devices that are relevant to the Order. In addition, we seek your agreement to give certain undertakings to the Court in relation to the execution of the Order, which undertakings are a pre-requisite for its grant. We have set out the relevant undertakings in the Schedule.

If our client's application is successful, we anticipate that the Order will be made on 27 June 2021 and that execution of the Order will take place on 28 June 2021. The premises at which the execution of the Order will take place are located at the following premises which is a business addresses of Forum Finance: Level 5, 141 Walker St, North Sydney NSW 2060.

Our firm (on behalf of our clients) will be responsible for payment of your professional fees and disbursements for attendance as an independent lawyer in the execution of the Order. Accordingly, we ask that you forward an invoice to our office at your earliest convenience after the execution of the Order has taken place and you have completed your report.

If the Court makes a search Order, we will provide you with copies of the documents required to be served by you in the course of executing the Order.

We ask that you sign the attached copy of this letter as confirmation of your consent to act as an independent lawyer and for the purposes of giving the undertakings to the Court as set out in the Schedule to this letter. Please return to us as soon as possible a signed copy of this letter which attaches the Schedule of undertakings.

Level 40 Governor Macquarie Tower 1 Farrer Place Sydney
GPO Box 521 Sydney NSW 2001 Australia DX 117 Sydney
T +61 2 9921 8888 F +61 2 9921 8123 minterellison.com

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14

Please contact Caitlin Murray on (02) 9921 4279 / 0422 977 971 or Michael Hughes on (02) 9921 4647 / 0411 263 387 if you have any queries.

Yours faithfully
MinterEllison



Caitlin Murray
Partner

Partner: Caitlin Murray T: +61 2 9921 4279
caitlin.murray@minterellison.com
OUR REF: CMM:MRH:AGS:AAC 1353397

Consents to act and undertakings

I consent to act as an independent lawyer in the execution of the anticipated search Orders referred to above and give the undertakings to the Court set out in the Schedule to this letter.

Signed:

Felicity Healy

SCHEDULE

PROPOSED UNDERTAKINGS TO THE COURT OF INDEPENDENT LAWYER

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 - (a) offer to explain the terms and effect of the Order to the person served with the Order and, if the offer is accepted, do so; and
 - (b) inform the respondent of his or her right to take legal advice.
3. Subject to undertaking (4) below, the independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to the Order until delivery to the Court or further order of the Court.
4. At or before the hearing on the return date, the independent lawyer will provide a written report on the carrying out of the Order to the Court and provide a copy to the applicant's lawyers and to the respondent or the respondent's lawyers. The report will attach a copy of any list made pursuant to the Order and a copy of any report received from an independent computer expert.
5. The independent lawyer will use best endeavours to ensure that members of the search party act in conformity with the order and that it is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.
6. The independent lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
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EXTRACT OF PROPOSED UNDERTAKING TO THE COURT OF PROSPECTIVE APPLICANTS' LAWYERS


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 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court; and
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10. The applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a listed thing.
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15. The applicant's lawyer will use best endeavours to follow all directions of the independent lawyer.

Caitlin Murray

From: Emily Caradus <emily.caradus@corrs.com.au> on behalf of Anna Ross
<Anna.Ross@corrs.com.au>
Sent: Monday 28 June 2021 09:51 AM
To: Caitlin Murray
Cc: Michael Hughes
Subject: RE: Consent to act as independent solicitor
Attachments: L - Anna Ross re Rozelle.pdf

This page and the following 6 pages comprise(s)
the annexure marked "C" referred to in
the affidavit of Caitlin Murray
sworn/affirmed before me on



Solicitor
An Australian Legal Practitioner within the meaning
of the Legal Profession Uniform Law (NSW).

Dear Caitlin,

Please find **attached** my signed letter, as requested.

Regards
Anna

Anna Ross | Partner
Corrs Chambers Westgarth
t +61 2 9210 6904 m +61 411 628 948 e anna.ross@corrs.com.au
corrs.com.au

From: Caitlin Murray [mailto:Caitlin.Murray@minterellison.com]
Sent: Monday, 28 June 2021 9:29 AM
To: Anna Ross <Anna.Ross@corrs.com.au>
Cc: Michael Hughes <Michael.Hughes@minterellison.com>; Caitlin Murray <Caitlin.Murray@minterellison.com>
Subject: RE: Consent to act as independent solicitor

Dear Anna

Further to my discussion with James this morning, please see attached an updated letter confirming that you will now attend at the Rozelle premises.

Could you please confirm by return your consent?

Kind regards
Caitlin

Caitlin Murray

Partner
T +61 2 9921 4279 M +61 422 977 971
caitlin.murray@minterellison.com
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I look forward to hearing from you tomorrow regarding the outcome of your client's application.

Regards

Anna Ross | Partner
Corrs Chambers Westgarth
t +61 2 9210 6904 m +61 411 628 948 e anna.ross@corrs.com.au
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Could you please let me know how you anticipate this order to interact with the public health orders currently in place in relation to COVID-19 and whether I need to take any steps in that regard?

Many thanks

Anna Ross | Partner
Corrs Chambers Westgarth
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corrs.com.au

From: Caitlin Murray [<mailto:Caitlin.Murray@minterellison.com>]
Sent: Sunday, 27 June 2021 7:26 PM
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Kind regards
Caitlin

Caitlin Murray
Partner
T +61 2 9921 4279 M +61 422 977 971
caitlin.murray@minterellison.com
MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000



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MinterEllison

28 June 2021

PRIVATE & CONFIDENTIAL

BY EMAIL: anna.ross@corrs.com.au

Anna Ross
Partner
Corrs Chambers Westgarth
Level 17
8-12 Chifley Square
Sydney NSW 2000

Dear Ms Ross

Westpac Banking Corporation v Forum Finance Pty Limited ACN 153 301 141 & Basile Papadimitriou

Consent to act as independent lawyers and undertakings to the Court

We act for Westpac Banking Corporation (**Westpac**).

We have received formal instructions from Westpac to file an application for, amongst other orders and relief, a search order (otherwise known as an *Anton Piller* order) in the Federal Court of Australia in respect of Forum Finance Pty Ltd (**Forum Finance**) and Basile Papadimitriou (also known as Bill Papas) (**Order**).

We seek your consent to act as the independent lawyer supervising the execution of the Order (if granted by the Court). We are also separately engaging Rodney McKemmish of CYTER to act as an independent computer expert for the purposes of him searching and imaging any computers, mobile phones and other electronic or online storage devices that are relevant to the Order. In addition, we seek your agreement to give certain undertakings to the Court in relation to the execution of the Order, which undertakings are a pre-requisite for its grant. We have set out the relevant undertakings in the Schedule.

If our client's application is successful, we anticipate that the Order will be made on 27 June 2021 and that execution of the order will take place 28 June 2021. The premise at which the execution of the order will take place is located at the private premises being the Mr Papadimitriou's residential premises of 23 Margaret Street Rozelle, NSW, 2039.

Our firm (on behalf of our clients) will be responsible for payment of your professional fees and disbursements for attendance as an independent lawyer in the execution of the order. Accordingly, we ask that you forward an invoice to our office at your earliest convenience after the execution of the order has taken place and you have completed your report.

If the Court makes a search order, we will provide you with copies of the documents required to be served by you in the course of executing the Order.

We ask that you sign the attached copy of this letter as confirmation of your consent to act as an independent lawyer and for the purposes of giving the undertakings to the Court as set out in the Schedule to this letter. Please return to us as soon as possible a signed copy of this letter which attaches the Schedule of undertakings.



Please contact Caitlin Murray on (02) 9921 4279 / 0422 977 971 or Michael Hughes on (02) 9921 4647 / 0411 263 387 if you have any queries.

Yours faithfully
MinterEllison



Caitlin Murray
Partner

Partner: Caitlin Murray T: +61 2 9921 4279
caitlin.murray@minterellison.com
OUR REF: CMM:MRH:AGS:AAC 1353397

Consents to act and undertakings

I consent to act as an independent lawyer in the execution of the anticipated search orders referred to above and give the undertakings to the Court set out in the Schedule to this letter.

Signed:

Anna Ross

SCHEDULE

PROPOSED UNDERTAKINGS TO THE COURT OF INDEPENDENT LAWYER

1. The independent lawyer will use his or her best endeavours to serve the respondent with this order and the other documents referred to in undertaking (8) below (undertakings by the applicant's lawyers).
2. Before entering the premises, the independent lawyer will:
 - (a) offer to explain the terms and effect of the Order to the person served with the Order and, if the offer is accepted, do so; and
 - (b) inform the respondent of his or her right to take legal advice.
3. Subject to undertaking (4) below, the independent lawyer will retain custody of all things removed from the premises by the independent lawyer pursuant to the Order until delivery to the Court or further order of the Court.
4. At or before the hearing on the return date, the independent lawyer will provide a written report on the carrying out of the Order to the Court and provide a copy to the applicant's lawyers and to the respondent or the respondent's lawyers. The report will attach a copy of any list made pursuant to the Order and a copy of any report received from an independent computer expert.
5. The independent lawyer will use best endeavours to ensure that members of the search party act in conformity with the order and that it is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent, and will give such reasonable directions to other members of the search party as are necessary or convenient for the execution of the order.
6. The independent lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
7. The independent lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm (AEST) on the return date.

EXTRACT OF PROPOSED UNDERTAKING TO THE COURT OF PROSPECTIVE APPLICANTS' LAWYERS

8. The applicant's lawyer will pay the reasonable costs and disbursements of the independent lawyer and of any independent computer expert.
9. The applicant's lawyer will provide to the independent lawyer for service on the respondent copies of the following documents:
 - (a) the Order;
 - (b) the application for the Order for hearing on the return date;
 - (c) the following material in so far as it was relied on by the applicant at the hearing when the Order was made:
 - (i) affidavits (or draft affidavits);
 - (ii) exhibits capable of being copied (other than confidential exhibits);
 - (iii) any written submission; and
 - (iv) any other document that was provided to the Court.
 - (d) a transcript, or, if none is available, a note, of any exclusively oral allegation of fact that was made and of any exclusively oral submission that was put, to the Court; and
 - (e) the originating process, or, if none was filed, any draft originating process produced to the Court.

10. The applicant's lawyer will answer to the best of the lawyer's ability any question as to whether a particular thing is a listed thing.
11. The applicant's lawyer will use the lawyer's best endeavours to act in conformity with the order and to ensure that the order is executed in a courteous and orderly manner and in a manner that minimises disruption to the respondent.
12. The applicant's lawyer will not, without leave of the Court, use any information, document or thing obtained as a result of the execution of this order for the purpose of any civil or criminal proceeding, either within or outside Australia, other than this proceeding.
13. The applicant's lawyer will not inform any other person of the existence of this proceeding except for the purposes of this proceeding until after 4:30pm on the return date.
14. The applicant's lawyer will not disclose to the applicant any information that the lawyer acquires during or as a result of execution of the search order, without the leave of the Court.
15. The applicant's lawyer will use best endeavours to follow all directions of the independent lawyer.

Caitlin Murray

From: Felicity Healy <felicity.healy@corrs.com.au>
Sent: Monday 28 June 2021 09:58 AM
To: Caitlin Murray
Cc: Michael Hughes
Subject: Signed Consent - F Healy

This page and the following — pages comprise(s) the annexure marked "D" referred to in the affidavit of Caitlin Murray sworn/affirmed before me on



Solicitor
 An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW).

Felicity Healy | Partner
 Corrs Chambers Westgarth
 t +61 2 9210 6830 m +61 416 545 914 e felicity.healy@corrs.com.au
 corrs.com.au

Please contact Caitlin Murray on (02) 9621 4279 / 0422 977 971 or Michael Hughes on (02) 9621 4647 / 0411 263 387 if you have any queries.

Yours faithfully
 MinterEllison



Caitlin Murray
 Partner

Partner, Caitlin Murray T. +61 2 9621 4279
 m +61 416 545 914 e felicity.healy@corrs.com.au
 OUR REG. CMU MINTER-ELISON 1363197

Consents to act and undertakings

I consent to act as an independent lawyer in the execution of the anticipated search Orders referred to above and give the undertakings to the Court set out in the Schedule to this letter.

Signed


 Felicity Healy

Consent to Act and Undertakings
 28 June 2021

Page 1

'E'

25

Caitlin Murray

From: Caitlin Murray
Sent: Monday 28 June 2021 09:42 AM
To: Rod McKemmish
Cc: Michael Hughes; Caitlin Murray
Subject: RE: Consent to act as computer expert

This page and the following 1 pages comprise(s) the affidavit of Caitlin Murray sworn/affirmed before me on [Signature]
Solicitor
An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (NSW).

Dear Rod

I refer to our letter of yesterday.

I confirm that the details of the independent solicitor attending the premises with you have changed. The independent solicitor will now be Anna Ross of Corrs Chambers.

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000
minterellison.com Follow us on **LinkedIn** and **Twitter**

From: Rod McKemmish <rmckemmish@cyter.com>
Sent: Sunday 27 June 2021 07:12 PM
To: Caitlin Murray <Caitlin.Murray@minterellison.com>
Cc: Michael Hughes <Michael.Hughes@minterellison.com>
Subject: RE: Consent to act as computer expert

Caitlin

I confirm my consent to act.

Regards

Rod

Rodney McKemmish

Principal

m: +61-410 502066 | e: rmckemmish@cyter.com | w: cyter.com
Suite 2, 301A Castlereagh St, Sydney, NSW, 2000

CYTER
Cyber and Technology Risk

Forensic | Analytics | Cyber | Technology

From: Caitlin Murray <Caitlin.Murray@minterellison.com>

Sent: Sunday, 27 June 2021 6:44 PM

To: Rod McKemmish <rmckemmish@cyter.com>

Cc: Caitlin Murray <Caitlin.Murray@minterellison.com>; Michael Hughes <Michael.Hughes@minterellison.com>

Subject: Consent to act as computer expert

Dear Rod

Please see attached letter.

Can you please let me have your consent as a matter of urgency tonight – confirmation by return email will be sufficient.

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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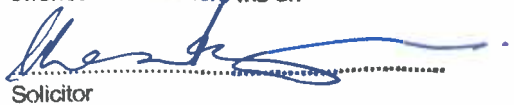
(F)

27

Caitlin Murray

From: Caitlin Murray
Sent: Monday 28 June 2021 09:50 AM
To: Yian Sun
Cc: Michael Hughes; Caitlin Murray
Subject: RE: Consent to act as computer expert

This page and the following — pages comprise(s)
the annexure marked "F" referred to in
the affidavit of Caitlin Murray
sworn/affirmed before me on


Solicitor
An Australian Legal Practitioner within the meaning
of the Legal Profession Uniform Law (NSW).

Yian

I confirm that the independent solicitor attending with you today has changed and will now be Felicity Healy from Corrs.

Kind regards
Caitlin

Caitlin Murray

Partner

T +61 2 9921 4279 M +61 422 977 971

caitlin.murray@minterellison.com

MinterEllison Governor Macquarie Tower 1 Farrer Place Sydney NSW 2000

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From: Yian Sun <ysun@cyter.com>
Sent: Sunday 27 June 2021 08:22 PM
To: Caitlin Murray <Caitlin.Murray@minterellison.com>
Cc: Michael Hughes <Michael.Hughes@minterellison.com>
Subject: Re: Consent to act as computer expert

Hi Caitlin,

Find attached the signed consent.

I will return the hard copy as soon as practicable.

Cheers