

NOTICE OF FILING AND HEARING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 1/03/2022 8:01:29 AM AEDT and has been accepted for filing under the Court's Rules. Filing and hearing details follow and important additional information about these are set out below.

Filing and Hearing Details

Document Lodged:	Originating Application - Form 15 - Rule 8.01(1)
File Number:	NSD134/2022
File Title:	CHIEF EXECUTIVE OFFICER OF THE AUSTRALIAN TRANSACTION REPORTS AND ANALYSIS CENTRE v CROWN MELBOURNE LIMITED ACN 006 973 262 & ANOR
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing:	To Be Advised
Time and date for hearing:	To Be Advised
Place:	To Be Advised



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

Dated: 1/03/2022 8:44:57 AM AEDT

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 Reason for Listing shown above is descriptive and does not limit the issues that might be dealt with, or the orders that might be made, at the hearing.

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.



Originating application

No. NSD

of 2022

**FEDERAL COURT OF AUSTRALIA
DISTRICT REGISTRY: NEW SOUTH WALES
DIVISION: COMMERCIAL AND CORPORATIONS**

**CHIEF EXECUTIVE OFFICER OF THE AUSTRALIAN
TRANSACTION REPORTS AND ANALYSIS CENTRE**
Applicant

CROWN MELBOURNE LIMITED
ACN 006 973 262
First Respondent

**BURSWOOD NOMINEES LTD ATF THE BURSWOOD
PROPERTY TRUST TRADING AS CROWN PERTH**
ACN 078 250 307
Second Respondent

The Applicant applies for the relief set out in this application.

The Court will hear this application, or make orders for the conduct of the proceeding, at the time and place stated below. If you or your lawyer do not attend, then the Court may make orders in your absence.

You must file a notice of address for service (Form 10) in the Registry before attending Court or taking any other steps in the proceeding.

Time and date for hearing:

Place: Law Courts Building
Queens Square, Sydney, New South Wales

Date:

Signed by an officer acting with the authority
of the District Registrar



Details of claim

On the grounds stated in the Statement of Claim, the Applicant claims:

The AML/CTF Program contraventions

1. A declaration that on each occasion that the First Respondent (**Crown Melbourne**) commenced to provide a designated service to a customer from 1 March 2016 to 1 November 2020, Crown Melbourne contravened s81(1) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (the **Act**) because Part A of its Standard Anti-Money Laundering and Counter-Terrorism Financing (**AML/CTF**) Program was not a Program that:
 - a. had the primary purpose of identifying, mitigating and managing the risk that Crown Melbourne may reasonably face that the provision of designated services at or through a permanent establishment in Australia might (whether inadvertently or otherwise) involve or facilitate money laundering or financing of terrorism (**ML/TF**), as required by s84(2)(a) of the Act and by rules 8.1.3, 8.1.4, 8.1.5, 8.4, 8.6 and 8.7 of the Rules made under s84(2)(c); and
 - b. complied with the requirements that were specified in Chapters 8 and 15 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules 2007* (Cth) (the **Rules**), being the rules made for the purposes of s84(2)(c) of the Act; and
 - c. provided for an appropriate risk methodology that was capable of identifying and assessing the ML/TF risks of its designated services, as required by ss84(2)(a) and (c) of the Act and rules 8.1.3, 8.1.4 and 8.1.5 of the Rules; and
 - d. was aligned to appropriate and current risk assessments of the ML/TF risks reasonably faced by Crown Melbourne with respect to the provision of designated services, as required by ss84(2)(a) and (c) of the Act and rules 8.1.3, 8.1.4 and 8.1.5 of the Rules; and
 - e. included or established an appropriate framework for approval and ongoing oversight by the Board and senior management of the Part A Program, as required by ss84(2)(a) and (c) of the Act and rule 8.4 of the Rules; and
 - f. included appropriate risk-based systems and controls that were capable by design of mitigating and managing the ML/TF risks reasonably faced by Crown Melbourne with respect to the designated services that it provided, as required by ss84(2)(a) and (c) of the Act and rules 8.1.3 and 8.1.5(4) of the Rules; and
 - g. included an appropriate risk-based transaction monitoring program to monitor the transactions of customers and to identify transactions that may be suspicious for



the purposes of s41 of the Act, as required by s84(2)(c) of the Act and by rules 8.1.3, 8.1.4 and Chapter 15 of the Rules; and

- h. included an appropriate enhanced customer due diligence program, as required by s84(2)(c) of the Act and by rules 8.1.3, 8.1.4 and Chapter 15 of the Rules; and
 - i. included systems and controls designed to ensure Crown Melbourne complied with the reporting requirements under Part 3 of the Act with respect to suspicious matters, threshold transactions and international funds transfer instructions, as required by s84(2)(c) of the Act and by rule 8.9.1(2) of the Rules.
2. A declaration that on each occasion that the Second Respondent (**Crown Perth**) commenced to provide a designated service to a customer from 1 March 2016 to 1 November 2020, Crown Perth contravened s 81(1) of the Act because Part A of its Standard AML/CTF Program was not a Program that:
- a. had the primary purpose of identifying, mitigating and managing the risk that Crown Perth may reasonably face that the provision of designated services at or through a permanent establishment in Australia might (whether inadvertently or otherwise) involve or facilitate money laundering or financing of terrorism, as required by s84(2)(a) of the Act and by rules 8.1.3, 8.1.4, 8.1.5, 8.4, 8.6 and 8.7 of the Rules made under s84(2)(c); and
 - b. complied with the requirements that were specified in Chapters 8 and 15 of the Rules, being the rules made for the purposes of s84(2)(c) of the Act; and
 - c. provided for an appropriate risk methodology that was capable of identifying and assessing the ML/TF risks of its designated services, as required by ss84(2)(a) and (c) of the Act and rules 8.1.3, 8.1.4 and 8.1.5 of the Rules; and
 - d. was aligned to appropriate and current risk assessments of the ML/TF risks reasonably faced by Crown Perth with respect to the provision of designated services, as required by ss84(2)(a) and (c) of the Act and rules 8.1.3, 8.1.4 and 8.1.5 of the Rules; and
 - e. included or established an appropriate framework for approval and ongoing oversight by the Board and senior management of the Part A Program, as required by ss84(2)(a) and (c) of the Act and rule 8.4 of the Rules; and
 - f. included appropriate risk-based systems and controls that were capable by design of mitigating and managing the ML/TF risks reasonably faced by Crown Perth with respect to the designated services that it provided, as required by ss84(2)(a) and (c) of the Act and rules 8.1.3 and 8.1.5(4) of the Rules; and



of designated services at or through a permanent establishment in Australia might (whether inadvertently or otherwise) involve or facilitate money laundering or financing of terrorism, as required by s85(2)(a) of the Act; and

- b. complied with the requirements that were specified in Chapters 9 and 15 of the Rules made for the purposes of s85(2)(c) of the Act.
6. A declaration that on each occasion that Crown Melbourne and Crown Perth commenced to provide a designated service to a customer on and from 2 November 2020, Crown Melbourne and Crown Perth contravened s81(1) of the Act, because Part B of their Joint AML/CTF Program was not a Program that:
- a. had the sole or primary purpose of setting out the applicable customer identification procedures for the purposes of the application of the Act to all customers of Crown Melbourne and Crown Perth, as required by s85(3)(a) of the Act; and
 - b. complied with the requirements that were specified in Chapter 4 of the Rules made for the purposes of s85(3)(b) of the Act.

The ongoing customer due diligence contraventions

7. A declaration that, for periods on and from 1 March 2016, Crown Melbourne contravened s36(1) of the Act by failing to monitor 382 customers in relation to the provision of designated services:
- a. with a view to identifying, mitigating and managing the money laundering risks that Crown Melbourne reasonably faced; and
 - b. in accordance with Chapter 15 of the Rules.
8. A declaration that, for periods on and from 1 March 2016, Crown Perth contravened s36(1) of the Act by failing to monitor 165 customers in relation to the provision of designated services:
- a. with a view to identifying, mitigating and managing the money laundering risks that Crown Perth reasonably faced; and
 - b. in accordance with Chapter 15 of the Rules.

Pecuniary penalty

9. An order that the Respondents pay the Commonwealth a pecuniary penalty pursuant to s 175(1) of the Act.

Other orders

10. Costs.



11. Such other orders as the Court thinks fit.

Applicant's address

The Applicant's address for service is:

Place: Australian Government Solicitor, Level 10, 60 Martin Place, Sydney, NSW, 2000

Email: sonja.marsic@ags.gov.au

The Applicant's address is:

Place: Level 27, 727 Collins Street DOCKLANDS VIC 3008.

Service on the Respondent

It is intended to serve this application on all Respondents.

Date: 1 March 2022

A handwritten signature in blue ink, appearing to be "Sm", written over a dotted horizontal line.

Signed by Sonja Marsic
AGS Lawyer
for and on behalf of the Australian
Government Solicitor
Lawyer for the Applicant



Schedule

No. NSD of 2022

Federal Court of Australia

District Registry: New South Wales

Division: Commercial and Corporations

Respondents

Second Respondent: Burswood Nominees Ltd atf The Burswood Property Trust Trading As Crown
Perth ACN 078 250 307

Date: 1 March 2022