

NOTICE OF FILING AND HEARING

Filing and Hearing Details

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Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
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File Number: NSD1025/2022
File Title: CHIEF EXECUTIVE OFFICER OF THE AUSTRALIAN TRANSACTION
REPORTS AND ANALYSIS CENTRE v THE STAR PTY LIMITED ACN
060 510 410 & 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



Sia Lagos

Registrar

Important Information

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 of the filing of the document is determined pursuant to the Court's Rules.



Form 15
Rules 8.01(1), 8.04(1)

ORIGINATING APPLICATION

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

No. NSD of 2022

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

THE STAR PTY LIMITED
ACN 060 510 410
First Respondent

THE STAR ENTERTAINMENT QLD LIMITED
ACN 010 741 045
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:

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

Filed on behalf of the Applicant, the Chief Executive Officer of the
Australian Transaction Reports and Analysis Centre

File ref: 21005289

Prepared by: Sonja Marsic
AGS lawyer within the meaning of s 551 of the *Judiciary Act 1903*

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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 (**Star Sydney**) and the Second Respondent (**Star Qld**) commenced to provide a designated service to a customer on and from 30 November 2016, Star Sydney and Star Qld contravened s81(1) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (the **Act**) because Part A of their Joint 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 Star Sydney and Star Qld 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 s85(2)(a) of the Act and by rules 9.1.3, 9.1.4, 9.1.5, 9.4 and 9.7 of the *Anti-Money Laundering and Counter-Terrorism Financing Rules 2007* (Cth) (the **Rules**) made under s85(2)(c); and
 - b. complied with the requirements that were specified in Chapters 9 and 15 of the Rules, being the rules made for the purposes of s85(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 ss85(2)(a) and (c) of the Act and rules 9.1.3, 9.1.4 and 9.1.5 of the Rules; and
 - d. was aligned to appropriate and current risk assessments of the ML/TF risks reasonably faced by Star Sydney and Star Qld with respect to the provision of designated services, as required by ss85(2)(a) and (c) of the Act and rules 9.1.3, 9.1.4 and 9.1.5 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 ss85(2)(a) and (c) of the Act and rule 9.4 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 Star Sydney and Star Qld with respect to the designated services that it provided, as required by ss85(2)(a) and (c) of the Act and rules 9.1.3 and 9.1.5(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 s85(2)(c) of the Act and by rules 9.1.3, 9.1.4 and Chapter 15 of the Rules; and

- h. included an appropriate enhanced customer due diligence program, as required by s85(2)(c) of the Act and by rules 9.1.3, 9.1.4 and Chapter 15 of the Rules; and
 - i. included systems and controls designed to ensure Star Sydney and Star Qld 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 s85(2)(c) of the Act and by rule 9.9.1(2) of the Rules.
2. A declaration that on each occasion that Star Sydney and Star Qld commenced to provide a designated service to a customer on and from 30 November 2016, Star Sydney and Star Qld 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 Star Sydney and Star Qld, as required by s85(3)(a) of the Act; and
 - b. complied with the requirements that were specified in Chapter 4 of the Rules, as required by s85(3)(b) of the Act.

The ongoing customer due diligence contraventions

3. A declaration that, for periods on and from 30 November 2016, Star Sydney contravened s36(1) of the Act by failing to monitor 1,189 customers in relation to the provision of designated services:
 - a. with a view to identifying, mitigating and managing the money laundering risks that Star Sydney reasonably faced; and
 - b. in accordance with Chapter 15 of the Rules.
4. A declaration that, for periods on and from 30 November 2016, Star Qld contravened s36(1) of the Act by failing to monitor 325 customers in relation to the provision of designated services:
 - a. with a view to identifying, mitigating and managing the money laundering risks that Star Qld reasonably faced; and
 - b. in accordance with Chapter 15 of the Rules.

Pecuniary penalty

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

Other orders



6. Costs.
7. Such other orders as the Court thinks fit.

APPLICANT'S ADDRESS

The Applicant's address for service is:

The Australian Government Solicitor,
Level 10, 60 Martin Place
SYDNEY NSW 2000
Email: sonja.marsic@ags.sgov.au

The Australian Government Solicitor's telephone and facsimile numbers are:

Tel: 02 9581 7505
Fax: 02 9268 1198

The Applicant's address is:

Place: Level 27, 727 Collins Street DOCKLANDS VIC 3008

SERVICE ON THE RESPONDENTS

It is intended to serve this application on all Respondents.

Date: 30 November 2022

A handwritten signature in black ink, appearing to be 'SM'.

.....
Sonja Marsic AGS lawyer
for and on behalf of the Australian Government Solicitor
Lawyer for the Applicant



Schedule

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

No. NSD of 2022

Respondents

Second Respondent: The Star Entertainment Qld Limited

Date: 30 November 2022