



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD852/2015

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

Applicant

TAB LTD ACN 081 765 308 and others named in the schedule

Respondent

ORDER

JUDGE: JUSTICE PERRAM

DATE OF ORDER: 16 March 2017

WHERE MADE: Sydney

THE COURT DECLARES THAT:

1. The First Respondent, Tab Limited (TAB) engaged in:
 - (a) a contravention of s 51B(1)(a) of the Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (Cth) (Act) in November 2011 by failing to apply in writing to the Applicant by 29 November 2011 for enrolment as a reporting entity.
 - (b) contraventions of s 41(2)(a) of the Act between July 2010 and August 2014 by failing to give suspicious matter reports to the Applicant within the timeframe stipulated in s 41(2)(a) in respect of:
 - i. the failure to provide a suspicious matter report to AUSTRAC for an instance of suspected match-fixing in August 2010;
 - ii. the failure to provide suspicious matter reports to AUSTRAC on time for 32 instances of suspected credit betting between July 2010 and March 2013; and
 - iii. the failure to provide suspicious matter reports to AUSTRAC on time in respect of 51 TAB accounts in relation to instances of suspected credit card fraud.
 - (c) a contravention of s 32(1) of the Act in March 2015 by commencing to provide a designated service to a non-account customer in a retail outlet having failed to carry out the applicable customer identification procedure.

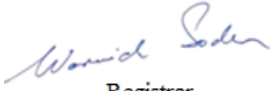


2. The Second Respondent, Tabcorp Holdings Limited (TAH) engaged in contraventions of s 41(2)(a) of the Act between September 2010 and August 2012 by failing to give suspicious matter reports to the Applicant within the timeframe stipulated in s 41(2)(a) for 20 instances of suspected credit betting.
3. The Third Respondent, Tabcorp Wagering (Vic) Pty Ltd (Tabcorp Vic) engaged in a contravention of s 41(2)(a) of the Act in or about July 2014 by failing to give a suspicious matter report to the Applicant within the timeframe stipulated in s 41(2)(a) in respect of suspected credit card fraud.
4. TAB and Tabcorp Vic together engaged in a contravention of s 81 of the Act between September 2012 and December 2015 by commencing to provide designated services in circumstances where the joint anti-money laundering and counter-terrorism financing program that applied to TAB and Tabcorp Vic did not fully meet the requirements of the Act.

THE COURT ORDERS THAT:

5. The Respondents pay to the Commonwealth of Australia a pecuniary penalty in the total sum of AUD\$45 million within 28 days of the date of this order.
6. The Respondents pay the Applicant's costs as agreed within 28 days of the date of this order.
7. The proceeding otherwise be dismissed.
8. Pursuant to s 37AI of the Federal Court of Australia Act 1976 (Cth), and until further order, the information identified in Schedule 2 (being information contained in the document entitled 'Confidential Annexure 1' to the statement of agreed facts filed on 22 February 2017 (Agreed Facts)) be kept confidential and not be published or otherwise disclosed to any person other than the parties or their legal representatives on the grounds that the order is necessary to prevent prejudice to the proper administration of justice.
9. The Respondents file a redacted copy of the Agreed Facts with the Court.

Date that entry is stamped: 16 March 2017


Registrar



Schedule 1

No: NSD852/2015

Federal Court of Australia

District Registry: New South Wales

Division: General

Second Respondent TABCORP HOLDINGS LIMITED ACN 063 780 709

Third Respondent TABCORP WAGERING (VIC) PTY LTD ACN 134 587 107



Schedule 2

No. NSD 852 of 2015

Federal Court of Australia

District Registry: New South Wales

Division: General

Item	Paragraph	Parts of the Agreed Facts to be kept confidential
1	[116(a)]	The words following the words “ACTRAP was an automated system” and to the end of that sub-paragraph.
2	[116(b)]	The words following the words “The BANA system is” and to the end of that sub-paragraph.
3	[117(a)]	The words following the words “REX is a system that” and to the end of that sub-paragraph.
4	[117(c)]	The words following the words “HULC is a system that” and to the end of that sub-paragraph.
5	[118(a)]	The whole of the sub-paragraph.
6	[118(b)]	The whole of the sub-paragraph.
7	[118(c)]	The whole of the sub-paragraph.