

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Originating process (Rule 2.2): Federal Court (Corporations) Rules 2000 form 2
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 12/12/2022 5:32:39 PM AEDT
Date Accepted for Filing: 12/12/2022 6:28:36 PM AEDT
File Number: NSD1082/2022
File Title: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION v
MATTHIAS MICHAEL BEKIER & ORS
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 2
Rules 2.2 and 15A.3

Originating process

No. _____ of 2022

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

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION

Plaintiff

MATTHIAS MICHAEL BEKIER (and others named in the Schedule)

Defendants

A. Details of Application

This application is made under s 21 of the *Federal Court of Australia Act 1976* (Cth) (**FCA Act**) and ss 180(1), 206C, 1317E and 1317G of the *Corporations Act 2001* (Cth) (**Corporations Act**).

On the facts stated in the accompanying Statement of Claim the Plaintiff seeks:

DECLARATIONS

Mr Bekier

1. A declaration of contravention pursuant to s 1317E of the Corporations Act that the First Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to The Star Entertainment Group Ltd (**Star**) with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the First Defendant and had the same responsibilities, by:
 - (a) on or around 17 November 2017, approving a circulating resolution of the Board of Star to increase Star's net exposure under a cheque cashing facility (**CCF**) held by Sixin Qin (**Mr Qin**) (**Qin CCF Circulating Resolution**) without having been

Filed on behalf of (name & role of party)	Australian Securities and Investments Commission, Plaintiff
Prepared by (name of person/lawyer)	Andrew Riordan, Kate Green
Law firm (if applicable)	Norton Rose Fulbright Australia
Tel	+61 3 8686 6000
Fax	+61 3 8686 6505
Email	andrew.riordan@nortonrosefulbright.com; kate.green@nortonrosefulbright.com
Address for service (include state and postcode)	Level 5, 60 Martin Place, Sydney, NSW 2000



provided with information about Mr Qin (or persons or entities associated with junkets funded by his CCF):

- (i) relevant to an assessment of whether they were persons of good repute and thus whether, in maintaining a business association with them, companies of which Star was the ultimate holding company and which held casino licences (being The Star Sydney Pty Ltd (**Star Sydney**); The Star Entertainment Qld Custodian Pty Ltd (**Star Qld Custodian**) and The Star Entertainment Qld Ltd (**Star Qld**) (together **the Group**)) would be able to discharge their statutory obligations to remain suitable persons to hold casino licences (**Suitability Obligations**);
- (ii) relevant to an assessment of whether conducting business with them created or increased the risks of Star Sydney and/or Star Qld not complying with their obligations as reporting entities under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (**AML/CTF Act**) (**AML/CTF Obligations**),

(**Qin Probity Information**);

- (b) at a Board meeting of Star held on 3 December 2017, and in light of information contained in a Board paper taken as read at that meeting (**CCF Paper**), indicating that it had been reported that Mr Qin had been detained in China in 2012 for alleged involvement in money laundering (**Qin World Check Information**), failing to take all necessary steps to terminate all business associations between the Group and Mr Qin, or alternatively, suspend all business associations between the Group and Mr Qin unless and until Star's management demonstrated that, notwithstanding that information, Mr Qin was a person of good repute;
- (c) on or around 15 February 2018, approving a circulating resolution of the Board of Star to increase Star's net exposure under a CCF held by Mr Chau Cheok Wa, also known as Mr Alvin Chau (**Mr Chau**), (**Chau CCF Circulating Resolution**) without having been provided with information about Mr Chau (or persons or entities associated with junkets funded by his CCF):
 - (i) relevant to an assessment of whether they were persons of good repute and thus whether, in maintaining a business association with them, Star Sydney, Star Qld Custodian and Star Qld would be able to discharge their Suitability Obligations;
 - (ii) relevant to an assessment of whether conducting business with them created or increased the risks of Star Sydney and/or Star Qld not complying with their AML/CTF Obligations,



(Chau Probity Information);

- (d) following discussions at an Audit Committee meeting on 23 May 2018, and at a Board meeting on 24 May 2018, of a report prepared by KPMG which had found that: risks associated with Star's dealings with junkets was "high", that Star had no documented money laundering and terrorism financing risk assessment or risk assessment methodology in relation to junkets, and that, where a junket operator was funded by a third party's CCF, Star did not enquire as to the source of the third party's funds or as to the relationship between the junket operator and the funders (**KPMG Junket Information**), failing to take all necessary steps to ensure inquiries were undertaken and reported back to him and the Board as to Mr Qin's and Mr Chau's probity, sources of wealth and sources of funds;
- (e) at around the time of the July 2018 Board meeting, and in light of information he then knew about the conduct of representatives of and players in the Suncity junket (**Suncity**) in a private gaming room Star Sydney made available to Suncity (**Salon 95**) (which created or increased the risks of Star Sydney, Star Qld and/or Star Qld Custodian breaching their Suitability Obligations and/or AML/CTF Obligations) and his reference in a May 2018 CEO Report taken as read at the July 2018 Board meeting, to "concerns" about this conduct, failing to:
- (i) take steps to inform himself of matters relevant to the "concerns" referred to in that CEO Report;
 - (ii) take steps to terminate all business associations between the Group and Mr Chau and Suncity; or
 - (iii) alternatively, take steps to suspend all business associations between the Group and Mr Chau and Suncity until he obtained information which satisfied him that it was appropriate for the Group to maintain business associations with Suncity and Mr Chau;
 - (iv) alternatively, failing to inform other members of the Board of the information he knew and recommend to the Board that all business associations between the Group and Mr Chau and Suncity be terminated;
- (f) at around the time of the 15 August 2019 Board meeting, in light of allegations that had been published in the media concerning Crown Resorts' relationships with Suncity and Mr Chau (**Crown Allegations**), and in light of information he then knew about the conduct of Suncity representatives and players in Salon 95 (which created or increased the risks of Star Sydney, Star Qld and Star Qld Custodian breaching their Suitability Obligations and AML/CTF Obligations), failing to:



- (i) take steps to inform himself of matters relating to Salon 95 and Suncity subsequent to the May 2018 CEO Report;
 - (ii) take steps to terminate all business associations between the Group and Mr Chau and Suncity; or
 - (iii) alternatively, take steps to suspend all business associations between the Group and Mr Chau and Suncity until he obtained information which satisfied him that it was appropriate for the Group to maintain business associations with Suncity and Mr Chau;
 - (iv) alternatively, failing to inform other members of the Board of the information he knew and recommend to the Board that all business associations between the Group and Mr Chau and Suncity be terminated;
- (g) upon being provided, on 5 March 2020, with a copy of a letter from China UnionPay (**CUP**) to National Australia Bank Ltd (**NAB**) in which CUP sought confirmation that CUP cardholders had not been permitted by Star to use their cards to obtain funds for gaming purposes, by:
- (i) failing to take steps to inform himself of the terms of communications Star had sent to NAB and/or CUP in response to requests by CUP for information about CUP transactions;
 - (ii) failing to ensure that the Board of Star was informed of a process operated by Star by which CUP cardholders had been permitted to obtain funds to be used for gaming, the fact that CUP and NAB had sought confirmation from Star that CUP cards would not be permitted to be used for gaming, and the fact that, on 7 November 2019, Star sent an email to NAB which contained inaccurate, incomplete and misleading representations in respect of that issue (**7 November Email**).

Ms Martin

2. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Second Defendant contravened s 180(1) of the Act in that she failed to discharge her duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Second Defendant and had the same responsibilities, by:
- (a) at around the time of the July 2018 Board meeting, and in light of the information she then knew about the conduct of Suncity representatives in Salon 95 (which created or increased the risks of Star Sydney, Star Qld and Star Qld Custodian breaching their Suitability Obligations and AML/CTF Obligations), failing to take steps to terminate all business associations between the Group, Mr Chau and



Suncity, or alternatively to suspend all business associations with Mr Chau and Suncity until she obtained information to be satisfied that it was appropriate to maintain a business relationship with Mr Chau and Suncity, or alternatively, failing to inform Mr Bekier and the Board of the information she knew and recommend to the Board that all business associations be terminated;

- (b) at around the time of the 15 August 2019 Board meeting, in light of the Crown Allegations and in light of information she then knew about the conduct of Suncity representatives and players in Salon 95 (which created or increased the risks of Star Sydney, Star Qld and Star Qld Custodian breaching their Suitability Obligations and AML/CTF Obligations), failing to take steps to terminate all business associations between the Group and Mr Chau and Suncity, or alternatively to suspend all business associations between the Group and Mr Chau and Suncity until she obtained information to be satisfied that it was appropriate to maintain a business relationship with Mr Chau and Suncity, or alternatively, failing to inform Mr Bekier and the Board of the information she knew and recommend to the Board that all business associations between the Group and Suncity and Mr Chau be terminated;
- (c) in the period between 6 November 2019 and 18 March 2020:
 - (i) failing to prevent Star sending the 7 November Email;
 - (ii) failing to ensure that Mr Bekier and the Board of Star were informed of the process operated by Star by which CUP cardholders were able to obtain funds used for gaming, the fact that CUP and NAB had sought confirmation from Star that CUP cards would not be permitted to be used for that purpose, and that the fact that the 7 November Email which had been sent to NAB contained inaccurate, incomplete and misleading representations in respect of that issue.

Mr Hawkins

- 3. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Third Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Third Defendant and had the same responsibilities, by:
 - (a) at least by around the time of the July 2018 Board meeting and in light of information he then knew about the conduct of Suncity representatives in Salon 95 (which created or increased the risks of Star Sydney, Star Qld and Star Qld Custodian breaching their Suitability Obligations and AML/CTF Obligations), failing to take steps to decline to provide approval for Star Sydney and Star Qld to



enter into a new agreement with Suncity, to terminate all business associations between the Group and Mr Chau and Suncity, alternatively, to suspend all business associations between the Group and Mr Chau and Suncity until he obtained information to be satisfied that it was appropriate to maintain a business relationship with Mr Chau and Suncity, or alternatively, failing to inform Mr Bekier and the Board of the information he knew and recommend to the Board that all business associations between the Group and Mr Chau and Suncity be terminated;

- (b) at around the time of the 15 August 2019 Board meeting, in light of the Crown Allegations and in light of information he then knew about the conduct of Suncity representatives and players in Salon 95 (which created or increased the risks of Star Sydney, Star Qld and Star Qld Custodian breaching their Suitability Obligations and AML/CTF Obligations), failing to take steps to terminate all business associations between the Group and Mr Chau and Suncity, alternatively to suspend all business associations between the Group and Mr Chau and Suncity until he obtained information to be satisfied that it was appropriate to maintain a business relationship with Mr Chau and Suncity, or alternatively, failing to inform Mr Bekier and the Board of the information he knew and recommend to the Board that all business associations between the Group and Suncity and Mr Chau be terminated.

Mr Theodore

- 4. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Fourth Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Fourth Defendant and had the same responsibilities, by, in the period between 6 November 2019 and 18 March 2020:
 - (a) failing to prevent Star sending the 7 November Email to NAB, which contained inaccurate, incomplete and misleading representations;
 - (b) failing to ensure that Mr Bekier and the Board of Star were informed of the process operated by Star by which CUP cardholders were able to obtain funds used for gaming, the fact that CUP and NAB had sought confirmation from Star that CUP cards would not be permitted to be used for that purpose, and the fact that the 7 November Email which had been sent to NAB contained inaccurate, incomplete and misleading representations in respect of that issue.



Mr O'Neill AO

5. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Fifth Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Fifth Defendant and had the same responsibilities, by:
- (a) on or around 17 November 2017, approving the Qin CCF Circulating Resolution without having been provided with Qin Probity Information;
 - (b) at a Board meeting of Star held on 3 December 2017 and in light of information contained in the Qin World Check Information contained in the CCF Paper, failing to direct Star's management to terminate all business associations between the Group and Mr Qin or, alternatively, suspend all business associations between the Group and Mr Qin unless and until Star's management demonstrated that notwithstanding that information, Mr Qin was a person of good repute;
 - (c) on or around 15 February 2018, approving the Chau CCF Circulating Resolution without having been provided with Chau Probity Information;
 - (d) following discussions at an Audit Committee meeting on 23 May 2018, and at a Board meeting on 24 May 2018, of a report prepared by KPMG which contained the KPMG Junket Information, failing to request Star's management to undertake inquiries and report back to the Board as to Mr Qin's and Mr Chau's probity, sources of wealth and sources of funds;
 - (e) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and his knowledge of the risks to the integrity of casinos posed by junkets (**General Junket Risks**) and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (f) at the 15 August 2019 Board meeting, in light of the Crown Allegations and his knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations between the Group and Suncity and Mr Chau until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.



Mr Sheppard

6. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Sixth Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Sixth Defendant and had the same responsibilities, by:
- (a) on or around 17 November 2017, approving the Qin CCF Circulating Resolution without having been provided with Qin Probity Information;
 - (b) at a Board meeting of Star held on 3 December 2017 and in light of information contained in the Qin World Check Information contained in the CCF Paper, failing to direct Star's management to terminate all business associations between the Group and Mr Qin or, alternatively, suspend all business associations between the Group and Mr Qin unless and until Star's management demonstrated that, notwithstanding that information, Mr Qin was a person of good repute;
 - (c) on or around 15 February 2018, approving (or alternatively, acquiescing in the approval of) the Chau CCF Circulating Resolution without having been provided with Chau Probity Information;
 - (d) following discussions at an Audit Committee meeting on 23 May 2018 and at a Board meeting on 24 May 2018, of a report prepared by KPMG which contained the KPMG Junket Information, failing to request Star's management to undertake inquiries and report back to the Board as to Mr Qin's and Mr Chau's probity, sources of wealth and sources of funds;
 - (e) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and his knowledge of the General Junket Risks and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (f) at the 15 August 2019 Board meeting, in light of the Crown Allegations and his knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations between the Group and Suncity and Mr Chau until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.



Ms Lahey AM

7. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Seventh Defendant contravened s 180(1) of the Act in that she failed to discharge her duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Seventh Defendant and had the same responsibilities, by:
- (a) on or around 17 November 2017, approving (or alternatively, acquiescing in the approval of) the Qin CCF Circulating Resolution without having been provided with Qin Probity Information;
 - (b) at a Board meeting of Star held on 3 December 2017, and in light of information contained in the Qin World Check Information contained in the CCF Paper, failing to direct Star's management to terminate all business associations between the Group and Mr Qin or, alternatively, suspend all business associations between the Group and Mr Qin unless and until Star's management demonstrated that notwithstanding that information, Mr Qin was a person of good repute;
 - (c) on or around 15 February 2018, approving the Chau CCF Circulating Resolution without having been provided with Chau Probity Information;
 - (d) following discussions at a Board meeting on 24 May 2018 of a report prepared by KPMG which contained the KPMG Junket Information, failing to request Star's management to undertake inquiries and report back to the Board as to Mr Qin's and Mr Chau's probity, sources of wealth and sources of funds;
 - (e) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and her knowledge of the General Junket Risks and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (f) at the 15 August 2019 Board meeting, in light of the Crown Allegations and her knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations between the Group and Suncity and Mr Chau until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.



Mr Bradley AO

8. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Eighth Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Eighth Defendant and had the same responsibilities, by:
- (a) on or around 17 November 2017, approving the Qin CCF Circulating Resolution without having been provided with Qin Probity Information;
 - (b) at a Board meeting of Star held on 3 December 2017, and in light of information contained in the Qin World Check Information contained in the CCF Paper, failing to direct Star's management to terminate all business associations between the Group and Mr Qin, or alternatively, suspend all business associations with Mr Qin unless and until Star's management demonstrated that notwithstanding that information, Mr Qin was a person of good repute;
 - (c) on or around 15 February 2018, approving (or alternatively, acquiescing in the approval of) the Chau CCF Circulating Resolution without having been provided with Chau Probity Information;
 - (d) following discussions at an Audit Committee meeting on 23 May 2018 and at a Board meeting on 24 May 2018 of a report prepared by KPMG which contained the KPMG Junket Information, failing to request Star's management to undertake inquiries and report back to the Board as to Mr Qin's and Mr Chau's probity, sources of wealth and sources of funds;
 - (e) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and his knowledge of the General Junket Risks and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (f) at the 15 August 2019 Board meeting, in light of the Crown Allegations and his knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations between the Group and Suncity and Mr Chau until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.



Ms Pitkin AO

9. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Ninth Defendant contravened s 180(1) of the Act in that she failed to discharge her duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Ninth Defendant and had the same responsibilities, by:
- (a) on or around 17 November 2017, approving (or alternatively, acquiescing in the approval of) the Qin CCF Circulating Resolution without having been provided with Qin Probity Information;
 - (b) at a Board meeting of Star held on 3 December 2017 and in light of information contained in the Qin World Check Information contained in the CCF Paper, failing to direct Star's management to terminate all business associations between the Group and Mr Qin or, alternatively suspend all business associations between the Group and Mr Qin unless and until Star's management demonstrated that notwithstanding that information, Mr Qin was a person of good repute;
 - (c) on or around 15 February 2018, approving the Chau CCF Circulating Resolution without having been provided with Chau Probity Information;
 - (d) following discussions at an Audit Committee meeting on 23 May 2018 and a Board meeting on 24 May 2018 of a report prepared by KPMG which contained the KPMG Junket Information, failing to request Star's management to undertake inquiries and report back to the Board as to Mr Qin's and Mr Chau's probity, sources of wealth and sources of funds;
 - (e) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and her knowledge of the General Junket Risks and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (f) at the 15 August 2019 Board meeting, in light of the Crown Allegations and her knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.



Mr Heap

10. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Tenth Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Tenth Defendant and had the same responsibilities, by:
 - (a) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and his knowledge of the General Junket Risks and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (b) at the 15 August 2019 Board meeting, in light of the Crown Allegations and his knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations between the Group and Suncity and Mr Chau until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.

Mr Todorcevski

11. A declaration of contravention pursuant to s 1317E of the Corporations Act that the Eleventh Defendant contravened s 180(1) of the Act in that he failed to discharge his duties to Star with the degree of care and diligence that a reasonable person would exercise, if they were a director of a corporation in Star's circumstances and occupied the office held by the Eleventh Defendant and had the same responsibilities, by:
 - (a) at the July 2018 Board meeting, August 2018 Audit Committee meeting and the August 2018 Board meeting, in light of information in the papers for those meetings that there had been "concerns" about "certain activities" in Salon 95, and that there were "compliance risk increases" associated with Salon 95, and his knowledge of the General Junket Risks and the Suitability Obligations and AML/CTF Obligations, failing to request Star's management to inform the Board as to the nature of concerns that had emerged;
 - (b) at the 15 August 2019 Board meeting, in light of the Crown Allegations and his knowledge of the General Junket Risks, the Suitability Obligations and AML/CTF Obligations, failing to direct Star's management to terminate all business



associations between the Group and Suncity and Mr Chau or, alternatively, suspend all business associations between the Group and Suncity and Chau until Star's management addressed the Crown Allegations so far as they concerned Suncity and Mr Chau and demonstrated to the Board that, despite those allegations, Suncity and Mr Chau were of good repute.

PECUNIARY PENALTIES

12. An order pursuant to s 1317G of the Corporations Act that the First Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
13. An order pursuant to s 1317G of the Corporations Act that the Second Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
14. An order pursuant to s 1317G of the Corporations Act that the Third Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
15. An order pursuant to s 1317G of the Corporations Act that the Fourth Defendant pay to the Commonwealth of Australia a pecuniary penalty in an amount to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
16. An order pursuant to s 1317G of the Corporations Act that the Fifth Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
17. An order pursuant to s 1317G of the Corporations Act that the Sixth Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
18. An order pursuant to s 1317G of the Corporations Act that the Seventh Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
19. An order pursuant to s 1317G of the Corporations Act that the Eighth Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount



or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.

20. An order pursuant to s 1317G of the Corporations Act that the Ninth Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
21. An order pursuant to s 1317G of the Corporations Act that the Tenth Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.
22. An order pursuant to s 1317G of the Corporations Act that the Eleventh Defendant pay to the Commonwealth of Australia a pecuniary penalty or pecuniary penalties in an amount or amounts to be fixed by the Court in respect of each contravention of s 180(1) of the Corporations Act.

DISQUALIFICATION ORDERS

23. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the First Defendant from managing corporations for a period to be determined by the Court.
24. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Second Defendant from managing corporations for a period to be determined by the Court.
25. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Third Defendant from managing corporations for a period to be determined by the Court.
26. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Fourth Defendant from managing corporations for a period to be determined by the Court.
27. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Fifth Defendant from managing corporations for a period to be determined by the Court.
28. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Sixth Defendant from managing corporations for a period to be determined by the Court.
29. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Seventh Defendant from managing corporations for a period to be determined by the Court.



30. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Eighth Defendant from managing corporations for a period to be determined by the Court.
31. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Ninth Defendant from managing corporations for a period to be determined by the Court.
32. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Tenth Defendant from managing corporations for a period to be determined by the Court.
33. An order pursuant to s 206C(1) and/or s 206E of the Corporations Act disqualifying the Eleventh Defendant from managing corporations for a period to be determined by the Court.

OTHER ORDERS

34. Costs
35. Such further or other orders as the Court thinks fit.

Date: 12 December 2022

A handwritten signature in black ink, appearing to read 'AR', written over a horizontal line.

Norton Rose Fulbright Australia
Solicitors for the Plaintiff
Signed by Andrew Riordan, Partner

This application will be heard by the Federal Court of Australia at Law Courts Building
Queens Square, 184 Phillip Street, Sydney NSW am/pm
on



B. NOTICE TO DEFENDANTS

TO:

MATTHIAS MICHAEL BEKIER of [REDACTED]

PAULA MAREE MARTIN of [REDACTED]

GREGORY FRANCIS HAWKINS of [REDACTED]

HARRY JAMES THEODORE of [REDACTED]

JOHN ANTHONY O'NEILL AO of [REDACTED]

WALLACE RICHARD SHEPPARD of [REDACTED]

KATHLEEN LAHEY AM of [REDACTED]

GERARD PATRICK BRADLEY AO of [REDACTED]

SALLY ANNE MAJELLA PITKIN AO of [REDACTED]

BENJAMIN ANDREW HEAP of [REDACTED]

ZLATKO TODORCEVSKI of [REDACTED]

If you or your legal practitioner do not appear before the Court at the time shown above, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

Note Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.



C. FILING

Date of filing:

Registrar

This originating process is filed by Norton Rose Fulbright Australia for the plaintiff.

D. SERVICE

The Plaintiff's address for service is:

Place: c/- Norton Rose Fulbright Australia, Level 5, 60 Martin Place, Sydney, NSW 2000

Email: andrew.riordan@nortonrosefulbright.com; kate.green@nortonrosefulbright.com

It is intended to serve this application on each Defendant.

Schedule of Parties



No. of 2022

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

AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION
Plaintiff

MATTHIAS MICHAEL BEKIER
First Defendant

PAULA MAREE MARTIN
Second Defendant

GREGORY FRANCIS HAWKINS
Third Defendant

HARRY JAMES THEODORE
Fourth Defendant

JOHN ANTHONY O'NEILL AO
Fifth Defendant

WALLACE RICHARD SHEPPARD
Sixth Defendant

KATHLEEN LAHEY AM
Seventh Defendant

GERARD PATRICK BRADLEY AO
Eighth Defendant

SALLY ANNE MAJELLA PITKIN AO
Ninth Defendant

BENJAMIN ANDREW HEAP



Tenth Defendant

ZLATKO TODORCEVSKI

Eleventh Defendant

Date: 12 December 2022