

## NOTICE OF FILING

### Details of Filing

Document Lodged: Statement of Agreed Facts  
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)  
Date of Lodgment: 8/05/2026 4:36:31 PM AEST  
Date Accepted for Filing: 8/05/2026 4:36:36 PM AEST  
File Number: NSD2310/2025  
File Title: CHIEF EXECUTIVE OFFICER OF THE AUSTRALIAN TRANSACTION  
REPORTS AND ANALYSIS CENTRE v CASTRA LICENSEE PTY LTD  
(ACN 160 992 709)  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



*Sia Lagos*

Registrar

### Important Information

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

**Chief Executive Officer of the Australian Transaction Reports and Analysis Centre**

Applicant

**Castra Licensee Pty Ltd**

**ACN 160 992 709**

Respondent

**STATEMENT OF AGREED FACTS AND ADMISSIONS**

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Filed on behalf of (name & role of party) Chief Executive Officer of the Australian Transaction Reports and Analysis Centre

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Federal Court of Australia  
District Registry: New South Wales  
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**Chief Executive Officer of the Australian Transaction Reports and Analysis Centre**

Applicant

**Castra Licensee Pty Ltd**

**ACN 160 992 709**

Respondent

**A. Introduction**

1. This Statement of Agreed Facts and Admissions (**SAFA**) is made for the purposes of section 191 of the *Evidence Act 1995* (Cth), jointly by the Applicant (the Chief Executive Officer (**CEO**) of the Australian Transaction Reports and Analysis Centre (**AUSTRAC**)), and the Respondent, Castra Licensee Pty Ltd (ACN 160 992 709) (**Castra**).
2. The AUSTRAC CEO has sought a declaration that Castra contravened sub-section 47(2) of the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (Cth) (**the Act**) and an order that it pay a pecuniary penalty to the Commonwealth.
3. Castra admits that it contravened sub-section 47(2) of the Act as set out in this SAFA. This SAFA identifies facts relevant to:
  - (a) the contravention on 2 April 2024 admitted by Castra; and
  - (b) the appropriate pecuniary penalty to be imposed by the Court pursuant to sub-section 175(1) of the Act.
4. The facts agreed to, and the admissions made, are agreed to and made solely for the purpose of the proceeding and do not constitute an admission outside of the proceeding.

## **B. Parties and Background**

### **B. 1 AUSTRAC**

5. The AUSTRAC CEO is appointed pursuant to section 211 of the Act. He is charged with enforcing compliance with the Act and subordinate legislation, including the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No.1)* (**the Rules**), and has brought the proceeding in that capacity.

### **B. 2 Castra**

6. Castra is a company incorporated in Australia and a person within the meaning of section 5 of the Act. It is, and was at all material times, a reporting entity within the meaning of section 5 of the Act and a provider of designated services to customers within the meaning of section 6 of the Act, as outlined below (see paragraphs 14 to 19).

## **C. Relevant obligations under the Act**

7. By operation of sub-section 47(1) of the Act and rules 11.2 and 11.3 of the Rules:
  - (a) the period from 1 January 2023 to 31 December 2023 was a reporting period (**Reporting Period**); and
  - (b) because 31 March 2024 was a Sunday, the period from 1 January 2024 to 1 April 2024 was the lodgment period for the Reporting Period (**Lodgment Period**).
8. In the period from 1 January 2023 to 2 April 2024 (**Relevant Period**), section 5 of the Act provided that a person was a 'reporting entity' if they provided a 'designated service' within the meaning of section 6 of the Act.
9. Throughout the Relevant Period, sub-section 47(2) of the Act required a reporting entity, within the Lodgment Period for the Reporting Period to give the AUSTRAC CEO a report relating to the reporting entity's compliance with the Act, the regulations and the Rules during the Reporting Period (**AML/CTF Compliance Report**).
10. Throughout the Relevant Period, a reporting entity was not required to give the AUSTRAC CEO an AML/CTF Compliance Report if sub-sections 47(5), 47(6), or 247(4) of the Act and rule 11.4 of the Rules applied to it.
11. At all relevant times, Part 3A of the Act provided for the enrolment of persons who provided designated services and the maintenance of a register containing details of that enrolment as follows:

- (a) section 51C of the Act required the AUSTRAC CEO to maintain a role for the purposes of Part 3A of the Act, known as the reporting entities roll (**Reporting Entities Roll**);
  - (b) section 51B of the Act required a person who commenced providing designated services, whose name was not entered on the Reporting Entities Roll, to apply under sub-section 51E(1) of the Act for enrolment as a reporting entity no later than 28 days after the day on which the person commenced providing the designated service;
  - (c) sub-section 51E(1) of the Act provided that a person may apply in writing to the AUSTRAC CEO for enrolment as a reporting entity;
  - (d) section 51D of the Act provided that if a person applied for enrolment under sub-section 51E(1) of the Act and the person was not already entered on the Reporting Entities Roll, the AUSTRAC CEO was required to enter the person's name and enrolment details on the Reporting Entities Roll; and
  - (e) section 51F of the Act required a reporting entity to advise the AUSTRAC CEO of any changes to its enrolment details:
    - (i) within 14 days of the change arising;
    - (ii) in accordance with the approved form, or in a manner specified in the Rules.
12. Rule 64.2 of the Rules specified that for the purposes of sub-section 51F(1) of the Act, a reporting entity was required to notify the AUSTRAC CEO of, among others, changes to the following enrolment details:
- (a) Chapter 63, Schedule, Part A, Item 4(a): a description of whether the person provides a designated service at or through a permanent establishment in Australia;
  - (b) Chapter 63, Schedule, Part A, Item 8: the address of the registered office of the person;
  - (c) Chapter 63, Schedule, Part A, Item 9: the full street address of the person's principal place of business at which the person provides or proposes to provide a designated service, not being a branch of that person.

13. Section 51F of the Act therefore required Castra to notify the AUSTRAC CEO if any of the above matters had changed.

#### **D. Castra's contravention of section 47 of the Act**

##### **D. 1 Failure to provide AML/CTF Compliance Report**

14. On 10 July 2014, Castra (then known as Menninger Advisory Pty Ltd) applied for enrolment on the Reporting Entities Roll in accordance with sub-sections 51B(1) and 51E(1) of the Act by submitting an AUSTRAC Business Profile Form (**ABPF**) which declared that it had begun providing designated services on 10 July 2014.
15. Castra's ABPF declared that it was providing designated services in relation to financial instruments, namely, dealing in securities, derivatives or foreign exchange contracts and issuing or selling securities or derivatives. These designated services correspond to the following designated services under the Act:
  - (a) Table 1, item 33: in the capacity of an agent of a person disposing of a security where the acquisition or disposal is in the course of carrying on a business of acquiring or disposing of securities in the capacity of agent; and
  - (b) Table 1, item 35: issuing a security to a person where the issue is in the course of carrying on a business of issuing or selling securities or derivatives, the issue does not consist of the issue by a company of a security of the company or an option to acquire a security of the company, the issue does not consist of the issue by a government body of a security of the government body or of an option to acquire a security of the government body and the issue is not an exempt financial market operator issue.
16. On 10 July 2014, in accordance with section 51D of the Act the AUSTRAC CEO entered Castra's name and enrolment details on the Reporting Entities Roll.
17. At no point from 10 July 2014 to date has Castra notified the AUSTRAC CEO in accordance with the requirements of section 51F of the Act that it has ceased providing designated services.
18. At no point during the Reporting Period was Castra a member of a designated business group.
19. The above designated services provided by Castra were not:
  - (a) covered by item 54 of Table 1 in section 6 of the Act; or

(b) only of the kind set out in items 31 and 32 of Table 1 in section 6 of the Act and provided by Castra as a registered remittance affiliate.

20. As a result of the matters referred to at paragraphs 14 to 19 above, Castra admits that on 2 April 2024 (being the day after the last day of the Lodgment Period) it contravened sub-section 47(2) of the Act by failing to give an AML/CTF Compliance Report to the AUSTRAC CEO during the Lodgment Period (**Contravention**).

## **D. 2 Infringement Notice**

21. On 16 September 2024, an AUSTRAC authorised officer issued Castra with an infringement notice for the Contravention (**Infringement Notice**) by sending a copy of the Infringement Notice to Castra's registered address. The Infringement Notice required payment of \$18,780 by no later than 21 October 2024 (**Statutory Timeframe**).

22. Castra did not pay the Infringement Notice within the Statutory Timeframe and the Infringement Notice has not been withdrawn.

23. As a result of the matters referred to at paragraphs 21 and 22 above, Castra's liability for the Contravention has not been discharged.

## **E. Facts relevant to relief**

24. Castra committed one contravention of sub-section 47(2) of the Act on 2 April 2024 (being the day after the last day of the Lodgment Period).

### **E. 1 Loss or damage suffered**

25. AML/CTF Compliance Reports are a critical component of the financial intelligence relied on by AUSTRAC and partner agencies in identifying and disrupting serious crime. AML/CTF Compliance Reports support AUSTRAC's ability to monitor reporting entities' compliance with the Act and Rules and to identify risks which may warrant regulatory intervention.

26. Failure to lodge AML/CTF Compliance Reports within the Lodgment Period hinders AUSTRAC's ability to execute its statutory functions. More specifically, it hinders AUSTRAC's ability to:

- (a) engage directly with reporting entities where responses in the compliance report raise a concern in relation to their compliance with specific obligations;
- (b) engage directly with reporting entities where responses in the compliance report raise concerns regarding a reporting entity's understanding of their obligations;

- (c) assess thematic areas of concern or risk within like industry cohorts;
  - (d) determine if there are outlier responses within industry groups and sub-groups that may give rise to a compliance concern;
  - (e) provide advice and feedback to industry in relation to compliance behaviour;
  - (f) act as a point of reference and validation against other disclosure and reporting information that AUSTRAC receives such as through voluntary means, transaction reporting or information received from partner regulators; and
  - (g) assess whether there are any money laundering or terrorism financing risks arising from reported conduct.
27. These proceedings do not make any allegations that Castra engaged in any underlying money laundering or terrorism financing conduct, nor any other breaches of the Act, other than the alleged Contravention.

## **E. 2 Prior contraventions**

28. Castra has not previously been found by the Federal Court in proceedings under this Act to have engaged in any similar conduct.

## **E. 3 Castra's size and financial position**

29. Throughout the Relevant Period, Castra was incorporated in Australia.
30. From 23 April 2014 to 31 December 2024, Castra was a wholly owned subsidiary of Castra Group Pty Ltd (ACN 160 992 450) (**Castra Group**).
31. Since 1 January 2025 to present, Castra has been a wholly owned subsidiary of Marathon Consolidated Ltd (ACN 601 539 324) (**Marathon**). Marathon is a consolidated entity comprising a group of subsidiary companies (**Group**), one of which is Castra. Castra provides wholesale financial services to the Group, which operates under an internal management structure. The Group's financial statements consolidate those of Marathon and its subsidiaries, including Castra.

32. The table below sets out relevant financial results of Castra during the period from Financial Year (FY) 2023, FY2024 and FY2025.

	FY2023	FY2024	FY2025
Revenue from contracts with customers/ rendering of services	\$12,892	\$15,970	\$11,709
Other income	-	-	\$6,000
Total revenue	\$12,892	\$15,970	\$17,709
Total expenses	(\$17,961)	(\$16,090)	(\$34,801)
<b>Total Profit/(Loss)</b>	<b>(\$5,069)</b>	<b>(\$120)</b>	<b>(\$17,092)</b>
Retained losses as at FY end	\$48,534	\$48,654	\$65,746
Total equity as at FY end	\$21,566	\$21,446	\$4,354
Issued capital as at FY end	\$70,100	\$70,100	\$70,100
	held beneficially by Castra Group Pty Ltd ACN 160 992 450	held beneficially by Castra Group Pty Ltd ACN 160 992 450	held beneficially by Marathon Consolidated Ltd ACN 601 539 324

#### E. 4 Board and senior management involvement

33. The Contravention arose from the conduct of Castra's senior management. Castra delegated responsibility for giving the AUSTRAC CEO the AML/CTF Compliance Report to Mr Christopher Rockemer. However, Castra accepts that the ultimate responsibility to provide the AML/CTF Compliance Report lay with Castra itself and its sole director and secretary, Mr Matthew Smith. Mr Smith was at all relevant times the AML/CTF Compliance Officer.
34. AUSTRAC was advised that the failure to lodge the AML/CTF Compliance Report was not a result of a deliberate intention to contravene the Act or the Rules. Rather, it was the result of issues with Castra's internal recordkeeping systems and oversight. Since at least 2011 the AUSTRAC online portal has been deliberately designed to limit access and visibility of AML/CTF Compliance Reports to persons with "administrator access",

given the importance of the information required under the report. Mr Rockemer did not have “administrator access” and was therefore unable to see if Castra’s AML/CTF Compliance Report had been lodged and Mr Smith himself failed to check the AUSTRAC online portal or lodge the AML/CTF Compliance Report.

#### **E. 5 Cooperation with AUSTRAC, contrition and remediation**

35. Castra has engaged constructively with AUSTRAC in relation to responding to the allegations raised in its Concise Statement. In particular, Castra has:
- (a) continued to work cooperatively with AUSTRAC on matters relating to AUSTRAC’s ongoing supervisory role and in the conduct of the proceeding; and
  - (b) following the commencement of the proceeding:
    - (i) communicated with AUSTRAC in relation to multiple without prejudice meetings and participated in such meetings;
    - (ii) sought to resolve the matter and sought AUSTRAC’s view on the appropriate amount of a civil penalty; and
    - (iii) admitted to the Contravention at an early stage.
36. On 30 September 2024, Mr Rockemer emailed AUSTRAC to:
- (a) obtain guidance on how to seek withdrawal of the Infringement Notice;
  - (b) explain that AUSTRAC’s reminder emails had been caught in Castra’s anti-virus software;
  - (c) explain that AUSTRAC’s system only allows the primary account holder to submit the AML/CTF Compliance Report and as such any other subsequent accessor cannot see the prompt to lodge the AML/CTF Compliance Report;
  - (d) sought remediation of the issue by seeking how to submit the AML/CTF Compliance Report;
  - (e) provided assurance that Castra’s failure to submit the AML/CTF Compliance Report during the Relevant Period would not re-occur; and
  - (f) advise that rectification of the anti-virus software issues had been completed.

37. On 1 October 2024, Ruth Hawkins of AUSTRAC responded to Mr Rockemer's email of 30 September 2024 advising:
- (a) AUSTRAC had received Castra's request for withdrawal of the Infringement Notice;
  - (b) AUSTRAC was considering Castra's request for withdrawal;
  - (c) the Infringement Notice remained in force and payment was still due on 21 October 2024;
  - (d) if Castra chose not to pay the penalty amount by the due date, AUSTRAC may commence civil penalty proceedings in the Federal Court of Australia seeking a pecuniary penalty of up to \$31,300,000 and other orders for the alleged breach;
  - (e) AUSTRAC was considering Castra's request and would provide it with a response by 21 October 2024;
  - (f) in the event the Infringement Notice is withdrawn after payment, AUSTRAC would provide a refund of the full amount in accordance with s187(4)(b) of the Act.
38. On 10 October 2024, Peter Soros, a delegate of the AUSTRAC CEO and an authorised officer pursuant to s 145 of the Act, wrote to Castra advising:
- (a) he had determined not to withdraw the Infringement Notice;
  - (b) a reporting entity is required by section 51F of the Act to inform AUSTRAC of any changes of enrolment details, including contact details and authorised contacts for the reporting entity, within 14 days of the change taking place and it appeared that Castra did not do so;
  - (c) he would not withdraw the Infringement Notice because Castra failed to comply with its other AML/CTF Act obligations;
  - (d) the Infringement Notice remained in force and payment was due by 21 October 2024; and
  - (e) if the amount was not paid by 21 October 2024, AUSTRAC may take further enforcement action against Castra pursuant to section 189(b) of the Act.

39. Since the Relevant Period, Castra has complied with its obligations under sub-section 47(2) of the Act. Castra has submitted an AML/CTF Compliance Report for the subsequent reporting period from 1 January 2024 to 31 December 2024 and the reporting period from 1 January 2025 to 31 December 2025.

Date: 8 May 2026



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Signed by Gregory John Wrobel

Lawyer for the Applicant



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Signed by Matthew Smith

Sole director and secretary of the Respondent