



## Investigation Report – Interactive gambling

### Complaint No. 2011000520

<b>File No.</b>	ACMA2011/339-38
<b>URL</b>	http://www.blackjackballroom.com/
<b>Domain name</b>	blackjackballroom.com
<b>Website name</b>	Blackjack Ballroom Casino
<b>IP address</b>	207.34.202.10
<b>Registrant</b>	Internet Traffic Solutions [listed as: Administrative Contact]
<b>Host</b>	TELUS Communications Inc.
<b>Host country</b>	Canada
<b>Date/s of complaint</b>	1 February 2011
<b>Date content was viewed by investigator</b>	20 May 2011
<b>Relevant Legislation/Code</b>	<i>Interactive Gambling Act 2001</i> and Internet Industry Association Interactive Gambling Industry Code (December 2001)

### Investigation conclusion

That the content assessed in this investigation is hosted outside Australia and is a prohibited Internet gambling service as defined under the *Interactive Gambling Act 2001* (the Act) and must:

- a) be referred to the Australian Federal Police under section 24(1)(a) of the Act; and
- b) be notified to the makers of scheduled filters, in accordance with subclause 24(1)(b) of the Act, and the registered code of practice for Internet service providers.

## The complaint

1. On 1 February 2011, the ACMA received a complaint that content at the URL: [www.blackjackballroom.com](http://www.blackjackballroom.com) provided access to an online gambling service.

## The website

2. The investigator entered the URL given by the complainant: [www.blackjackballroom.com](http://www.blackjackballroom.com) which resolved to the URL: <http://www.blackjackballroom.com/> and this was the URL which was investigated.
3. The content at the URL: <http://www.blackjackballroom.com/> provides casino style gambling services. At the time of access, the site claimed to offer: '430+ of the latest Las Vegas style casino games'.
4. The content is hosted outside Australia and may be a **prohibited Internet gambling service** as defined under section 6 of the Act.

## Assessment

5. On 20 May 2011, the investigator accessed the URL: <http://www.blackjackballroom.com/>.
6. The investigator registered, deposited funds and used the downloaded software to play a game for money. This process took approximately one hour.
7. The investigator took screen shots of the home page, registration, depositing of funds and game play. These are provided at **Attachment A** as items 1 – 4 respectively.

## Issues

8. The issue for this investigation is whether the URL provides an individual physically present in Australia with access to a prohibited Internet gambling service.
9. The complainant also refers to 'misleading advertising' in the complaint. This is not a matter for the investigation and the complainant will be referred to the ACCC for guidance when it is notified of the results of the investigation in accordance with section 20 (5) of the Act.

## Finding

10. The Delegate finds that the content on the internet gambling site Blackjack Ballroom Casino is hosted outside Australia and is a prohibited internet gambling service as defined under section 6 of the Act.

## Reasons

11. In order to establish whether the URL provided access to a prohibited internet gambling service, the investigator:
  - Accessed the home page to identify if a possible prohibited internet gambling service was indicated.
  - Registered on the site to determine if an individual physically present in Australia could participate in the service.
  - Deposited funds to determine if consideration could be provided by an individual physically present in Australia.
  - Conducted game play to determine whether the service was a gambling service and that some valuable benefit could be received.

#### Item 1 — Home page

12. The content at the URL <http://www.blackjackballroom.com/> is an Internet gambling site titled 'Blackjack Ballroom Casino'. The 'Blackjack Ballroom Casino's' home page indicates that the site offers a range of casino-style games such as 'roulette, blackjack, video poker and slots', that users can participate in over the Internet.
13. The investigator determined that a possible prohibited Internet gambling service was indicated by the site's appearance of an online casino, the kinds of gaming services it offered and the statement 'At Blackjack Ballroom...[y]ou have access to a range of all the exciting and entertaining games, just like any land-based casino'. The investigator selected 'Play Now!' This concluded Item 1.

#### Item 2 — Registration

14. The investigator selected 'Install Casino'. The casino software started to load and then led to an error message which required a re-load of the software.
15. A screen came titled: 'Create Account'. The requested details were: name, date of birth, gender, address (which included Australia as an option in its drop down menu), a password (to be created), email, currency and phone number. The investigator supplied the details for [REDACTED] including an Australian geographic address: [REDACTED] and an Australian email address: [REDACTED]. Australian dollars were not available under the currency drop down menu so the investigator selected 'US\$'.
16. The investigator selected 'Create Account' and the next screen confirmed 'Your Account is Now Registered'. Investigator selected 'Continue'. This concluded Item 2.

#### Item 3 — Deposit funds

17. After the software downloaded the investigator was offered a choice:  
Click Here to Start Your:
  - \$500 FREE PLAY
  - NO THANKS! I'LL TAKE THE 40% INSTANT BONUS\*
18. The investigator selected the second option. The investigator then selected 'My Account' from the bottom menu, followed by 'Make a deposit or withdrawal'.
19. The next screen offered a range of payment methods. The investigator chose the first option - for deposit through credit card payment. The Australian address self-populated in the relevant field and the investigator entered the rest of the details for the Australian ANZ Visa card as they were requested, including the bank name and expiry date.
20. The next screen asked the user how many casino credits they wanted to deposit. The investigator selected the minimum deposit of US\$20.00 and entered the CVC number for the credit card.
21. The next screen requested: 'Please select the currency you would like to be billed in' and automatically converted the deposit to A\$, giving the option of being billed with A\$19.35 or US\$20.00. The investigator chose A\$19.35 and selected 'Confirm'. Text appeared on screen indicating that the transaction was successful. The investigator selected 'Games' from the bottom menu. This concluded Item 3.

#### Item 4 — Game play

22. The investigator selected 'CLASSIC SLOTS' and then '7 Oceans'. The game screen appeared. It had a spin bar and a list of indicative winnings for certain matches. The credits were listed as '20.00' and the investigator used the default setting of 'COINS': '3' and 'BET': '3.00' and selected 'SPIN'. This activated animations that spun the images.
23. When the animations stopped moving there was no successful match. The balance was then shown as 'Credits': '17.00', demonstrating a loss. This concluded Item 4.

IN – CONFIDENCE  
**20 May 2011**

24. Screen shots of the home page, registration, cash deposit, and one game play are attached as **Items 1-4**, respectively.

**Gambling service**

25. Information on the 'Blackjack Ballroom Casino' home page suggests that the site may offer a gambling service within the definition at section 4 of the Act:

*gambling service* means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
  - (i) the game is played for money or anything else of value; and
  - (ii) the game is a game of chance or of mixed chance and skill; and
  - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

26. The service, as assessed, is determined to be for the conduct of a game therefore meeting the elements that:

- The game was played for money or something of value, as the home page listed 'latest winners' including 'L.V' won \$10,000 playing Lady of the Orient' as well as a 'Progressive Jackpots Total: \$3,459,170.48'. The site also claimed: 'Shake, rattle and roll your way into fortune with Blackjack Ballroom'.
- The game was a game of chance or of mixed skill and chance. The game play during the investigation demonstrated the investigator did not apply any skill towards selecting symbols and received three randomly selected symbols by chance.
- Consideration was given in the form of a US\$3.00 bet that was required to participate in the game.

27. Accordingly, the content provides a gambling service as defined under section 4 of the Act, specifically subsection (e) above - a service for the conduct of a game.

**Prohibited Internet gambling service**

28. A prohibited Internet gambling service is defined under section 6 of the Act:

*prohibited Internet gambling service* is a gambling service, where:

- (a) the service is provided in the course of carrying on a business; and
- (b) the service is provided to customers using an Internet carriage service; and
- (c) an individual who is physically present in Australia is capable of becoming a customer of the service.

29. The actions taken during the assessment of the content suggests that the service may be a prohibited service as the 'Blackjack Ballroom Casino' site:

- is operated on a commercial basis and is provided in the course of carrying on a business. This is evidenced by the registration and deposit of funds.
- is provided to customers using the Internet. This is evidenced by the availability of the software for download using the internet, and the processing of deposits online.
- is available to Australians, as evidenced by there being no impediment to registering an Australian address and the provision of 'Australia' as an option in the drop down menu in the registration process. Further, the investigator was able to deposit money from within Australia and the site recognised the Australian credit card - evidenced by the conversion of the deposited money to Australian dollars. The investigator was able to register and become a customer of the site while being physically present in Australia.

IN – CONFIDENCE  
**20 May 2011**

30. The service does not appear to fall within any of the categories of excluded service listed in section 6(3) of the Act, as follows:

- (aa) an excluded wagering service (see section 8A);
- (ab) an excluded gaming service (see section 8B);
- (ac) a service that has a designated broadcasting link (see section 8C);
- (ad) a service that has a designated datacasting link (see section 8C);
- (ae) an excluded lottery service (see section 8D);
- (a) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
- (b) an exempt service (see section 10).

31. Accordingly, the service is a prohibited Internet gambling service as defined under section 6 of the Act.

## Recommendations

That the content is hosted outside Australia and is a prohibited Internet gambling service as defined under the Act. Accordingly it is recommended that:

- the content be referred to the Australian Federal Police under section 24(1)(a) of the Act; and
- the content be notified to the makers of scheduled filters, in accordance with subclause 24(1)(b) of the Act, and the registered code of practice for Internet service providers; and
- the complainant be notified of the results of the investigation.

  
Broadcasting Standards Section  
Australian Communications and Media Authority  
20 May 2011

IN – CONFIDENCE  
**20 May 2011**

## Decision

I, [REDACTED], Manager, Broadcasting Standards Section, being the appropriate delegated officer of the Australian Communications and Media Authority, determine for the above reasons that the content provided at, <http://www.blackjackballroom.com/> is a prohibited Internet gambling service as defined under the Act.

I accept that:

- the content be referred to the Australian Federal Police under section 24(1)(a) of the Act; and
- the content be notified to the makers of scheduled filters, in accordance with subclause 24(1)(b) of the Act, and the registered code of practice for Internet service providers; and
- the complainant be notified of the results of the investigation.

Signed: [REDACTED]

dated this 20 day of May 2011

Items 1 – 4 Home page, registration, depositing funds, game play



Item 1: Home Screen



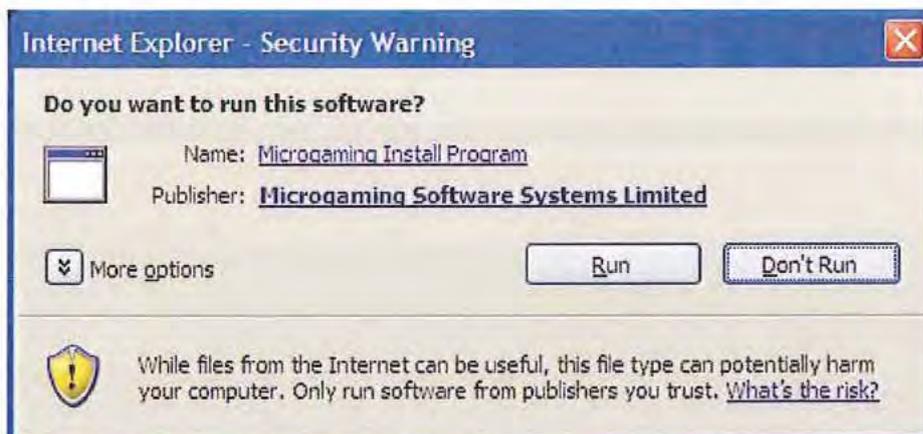
The investigator selected 'PLAY NOW!'.

This concluded Item 1.

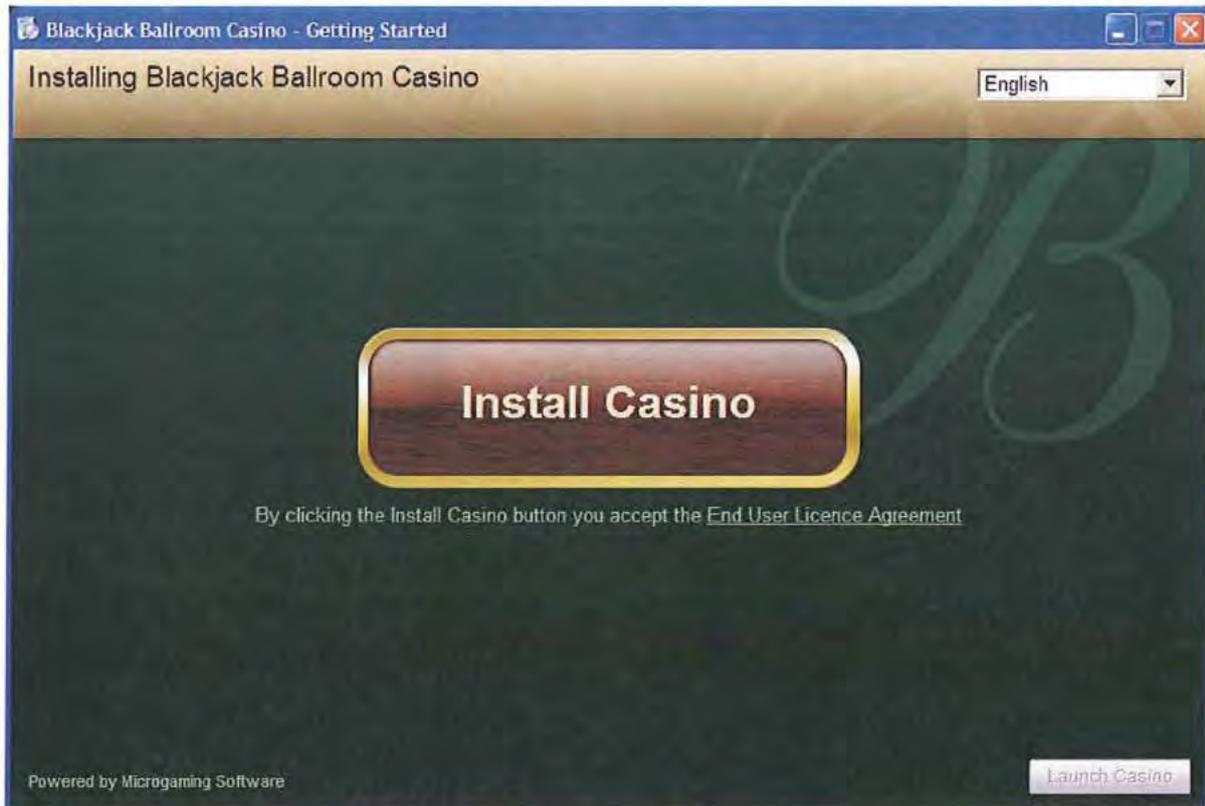
Item 2: Registration



The investigator selected 'Run'.



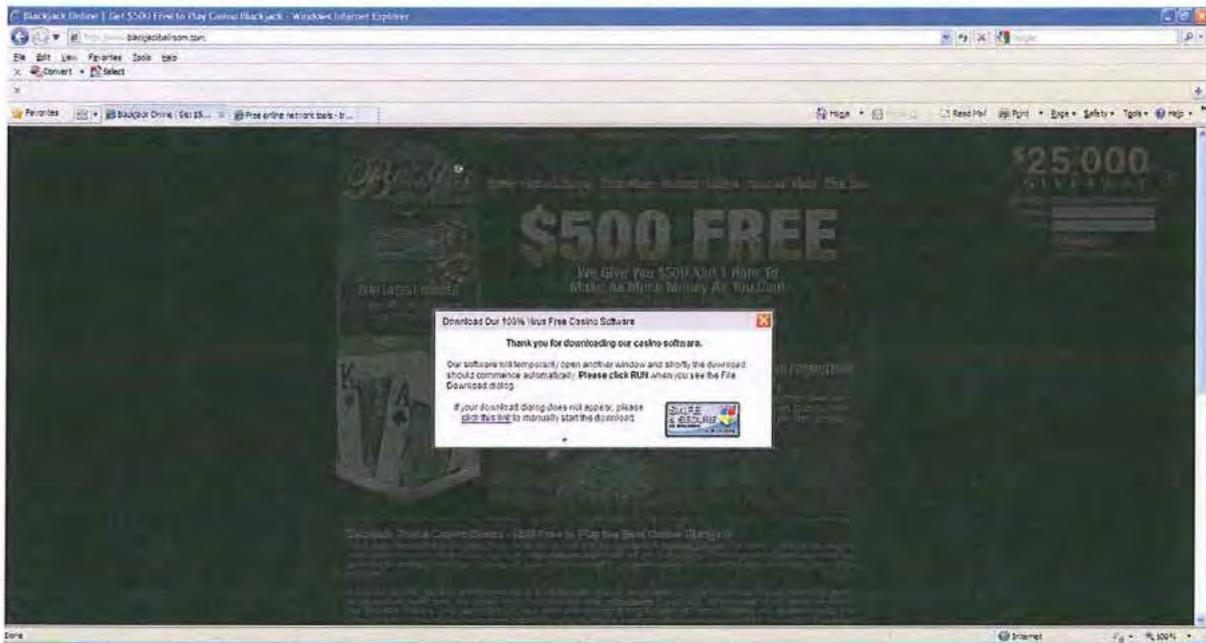
The investigator selected 'Run'.



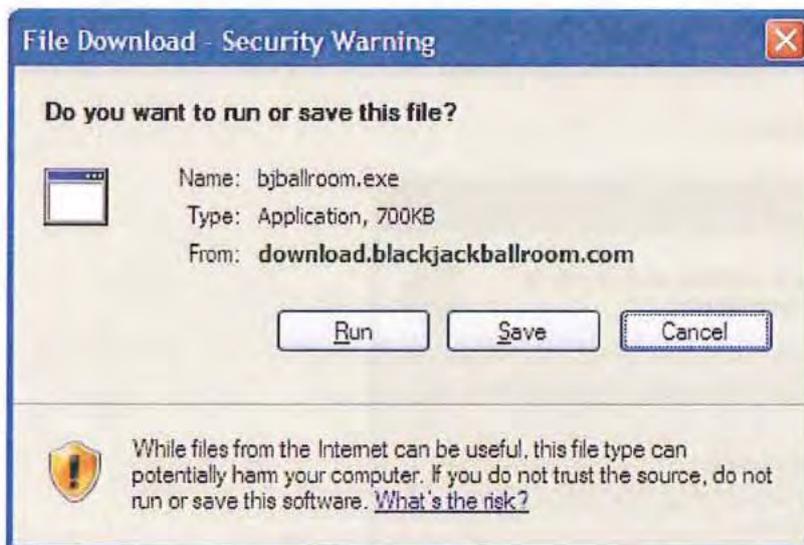
The investigator selected 'Install Casino'.



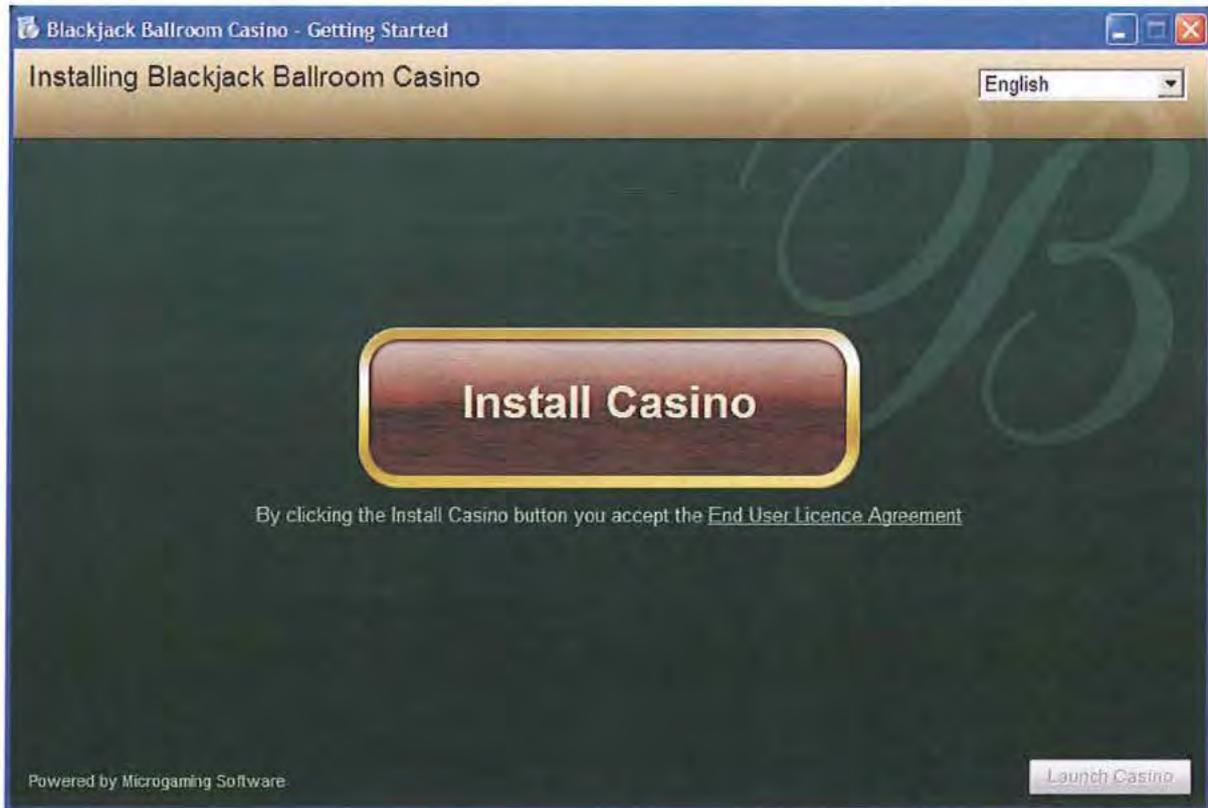
The investigator selected 'Don't send'.



The investigator selected 'click this link'.



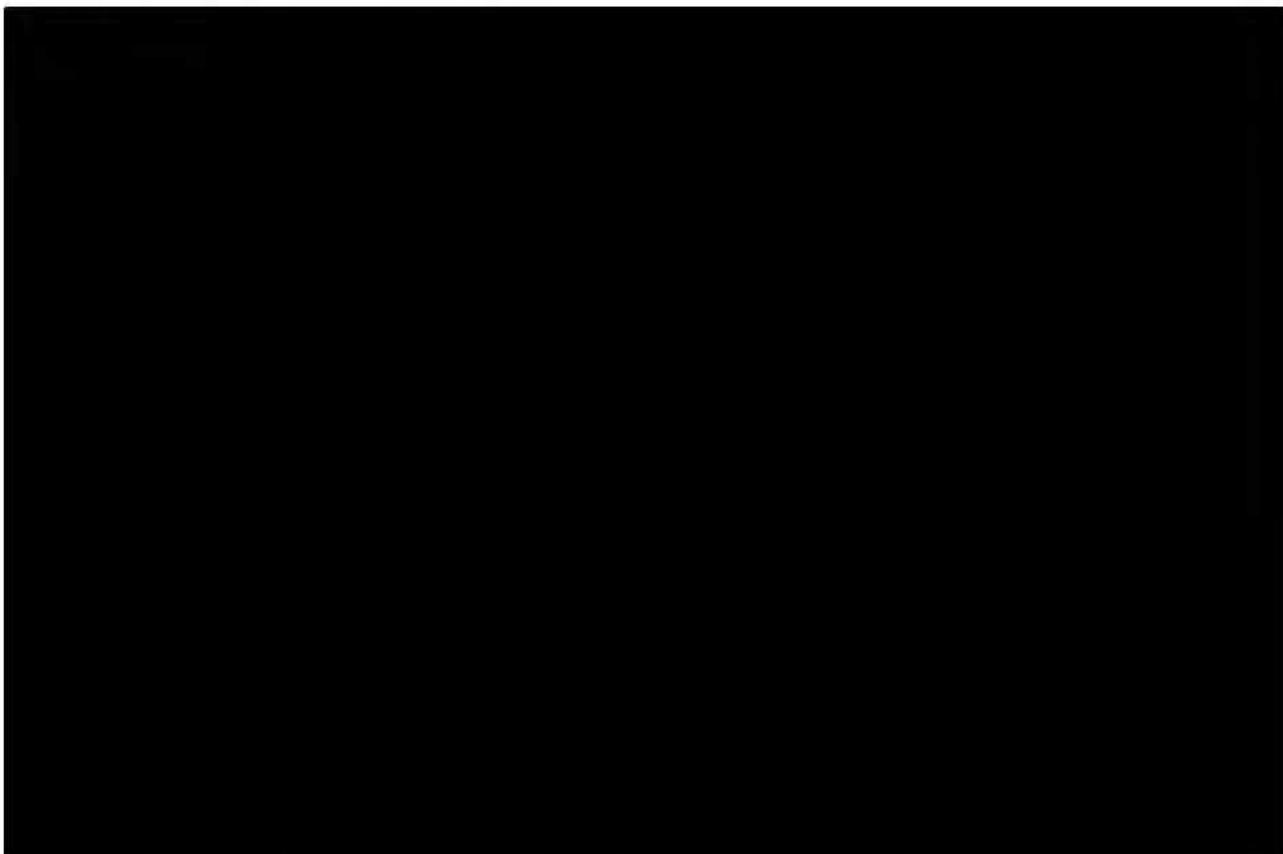
The investigator selected 'Run'.



The investigator selected 'Install Casino'.



The investigator filled in details and selected 'Create Account'. Note: A\$ were not available so the investigator selected US\$.



Note: Successful registration. The investigator selected 'Continue'

This concluded item 2.

Item 3: Deposit Funds

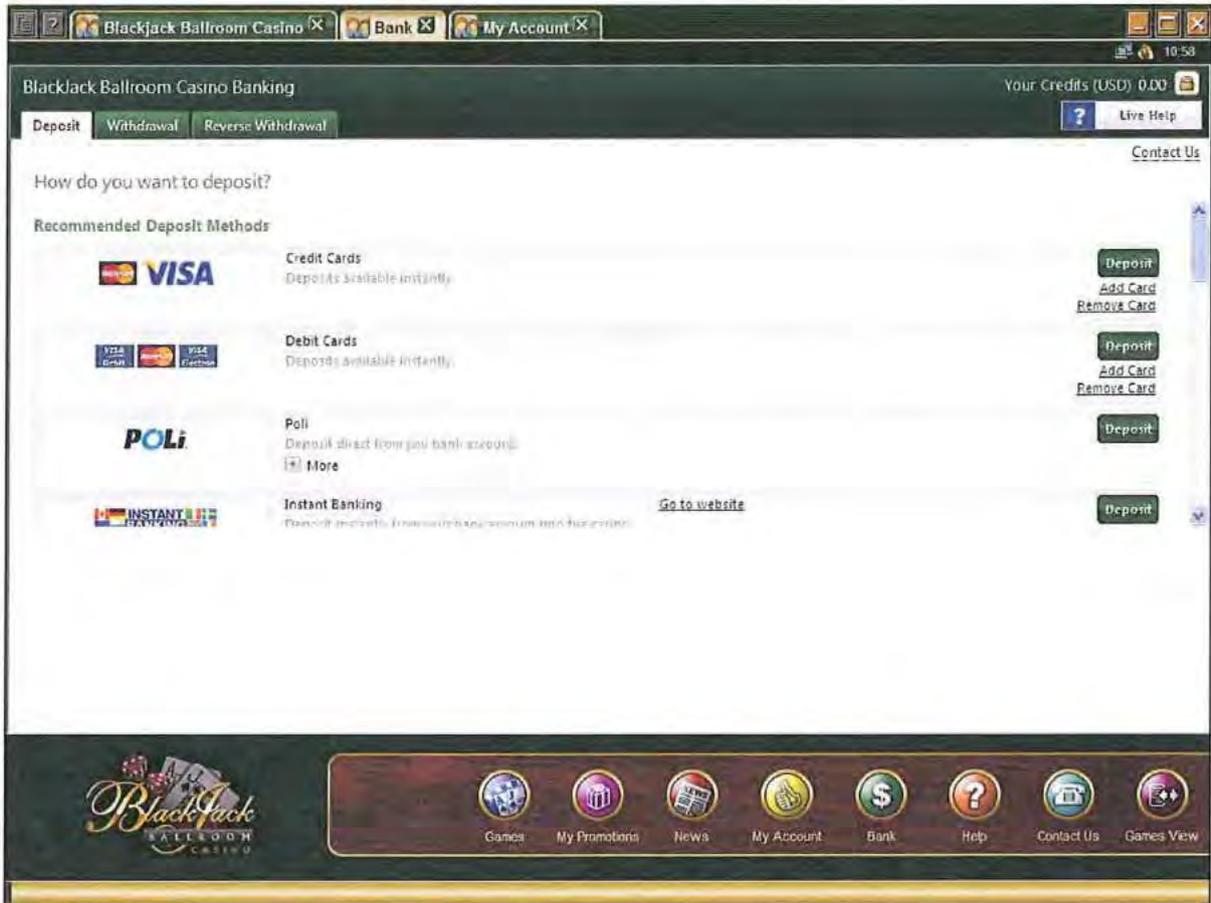


The investigator selected 'NO THANKS! I'LL TAKE THE 40% INSTANT BONUS\*'.  
The investigator selected 'My Account'.

The investigator selected 'My Account'.



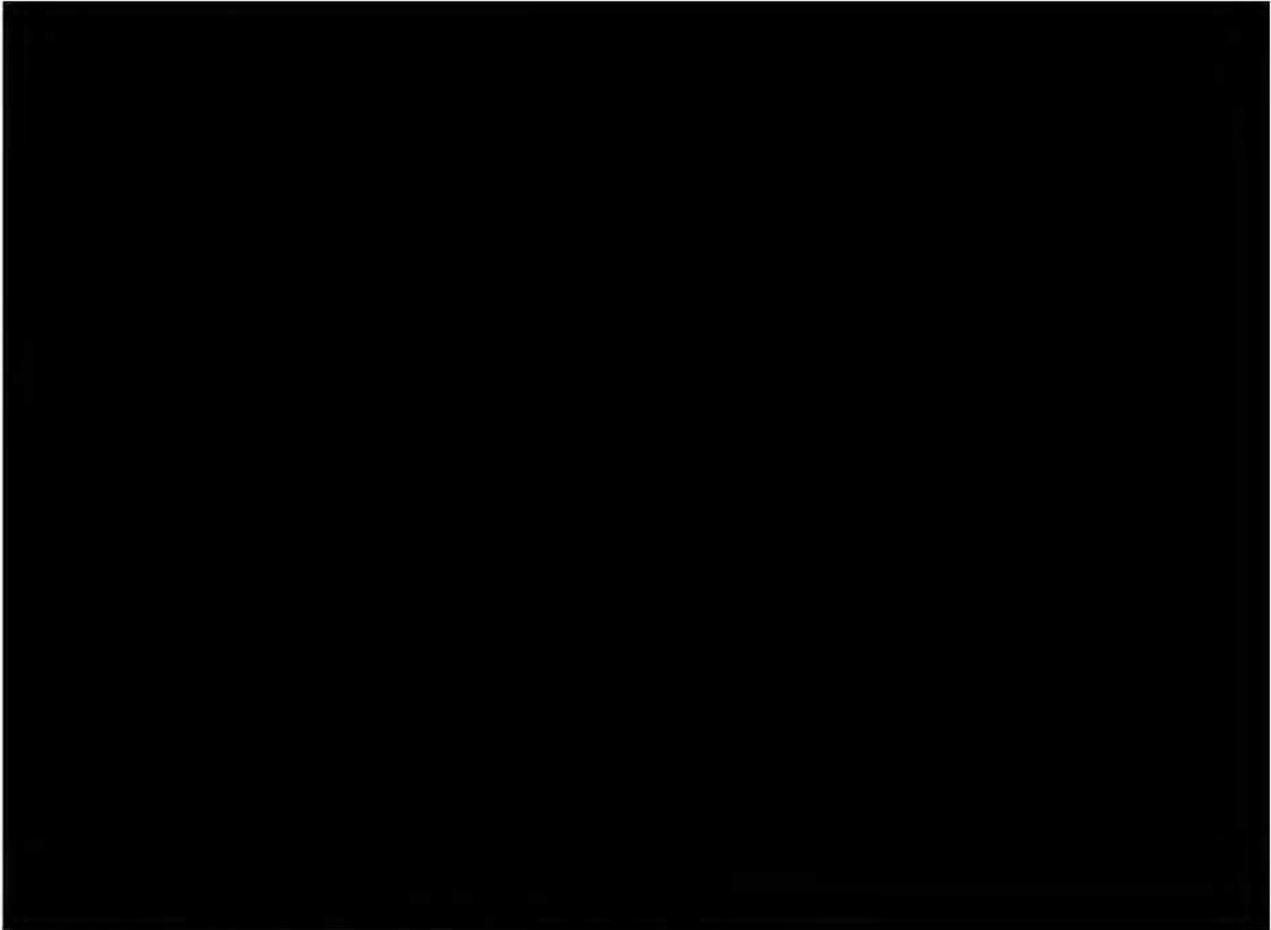
The investigator selected 'Make a deposit or withdrawal'.



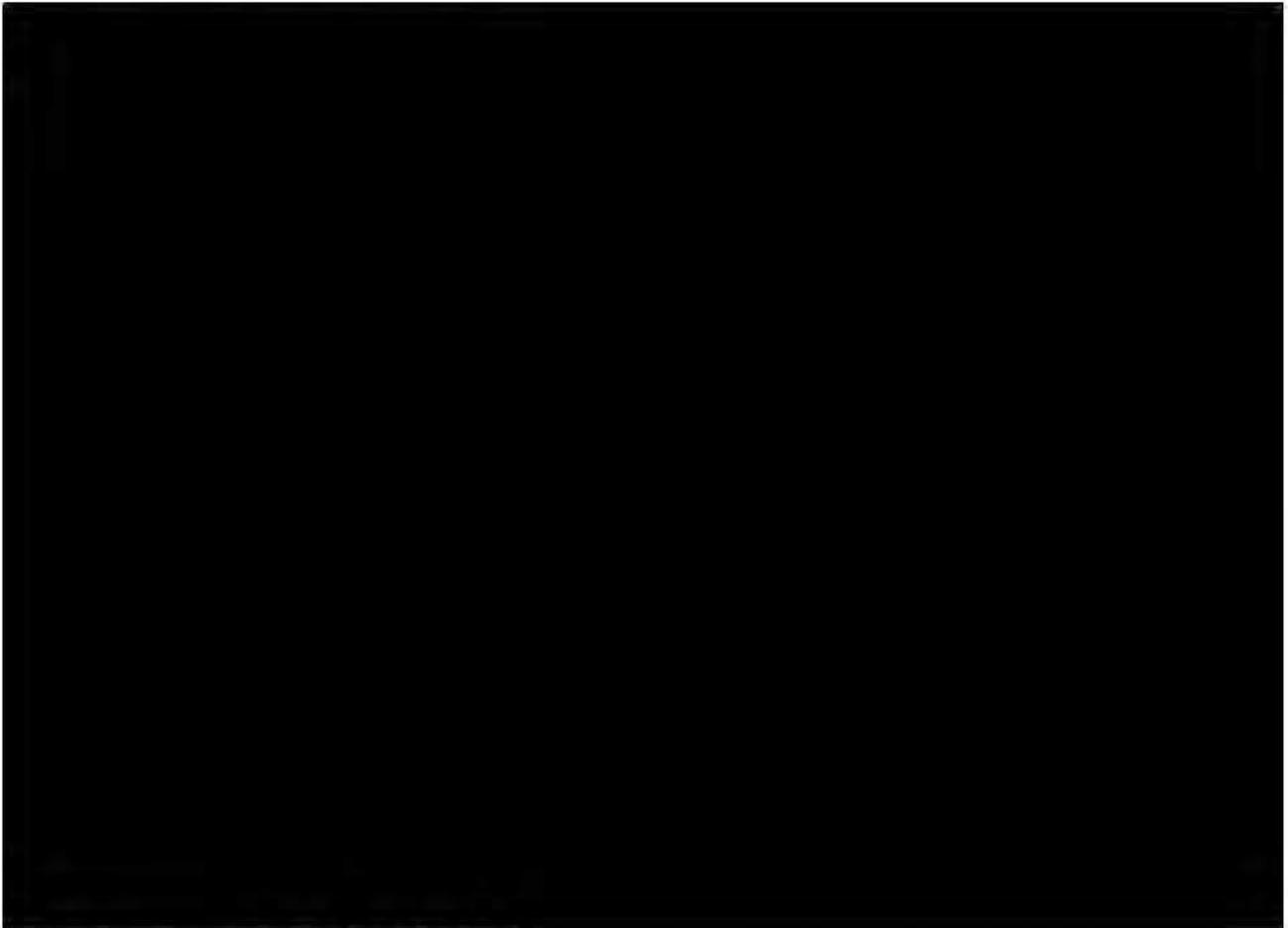
The investigator selected 'Credit Cards' and 'Deposit'



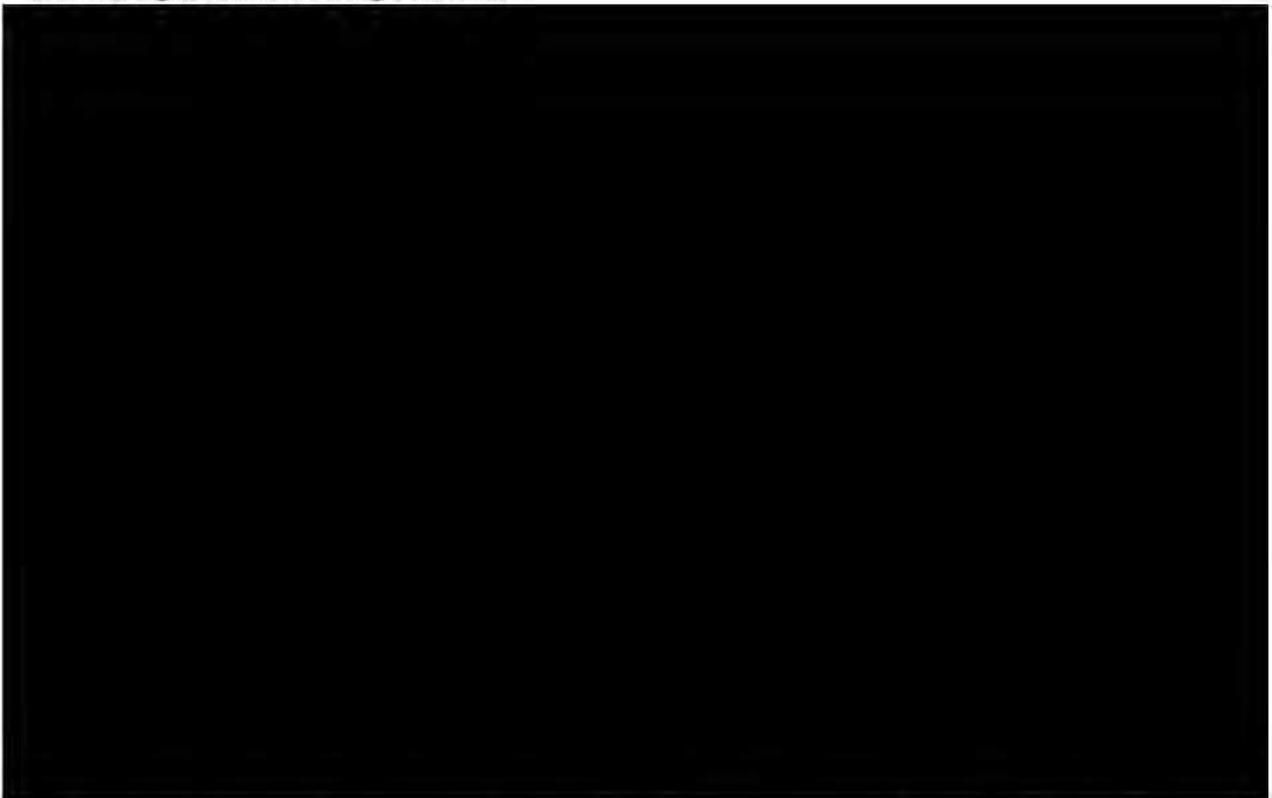
The investigator entered the card details and selected 'Next'.



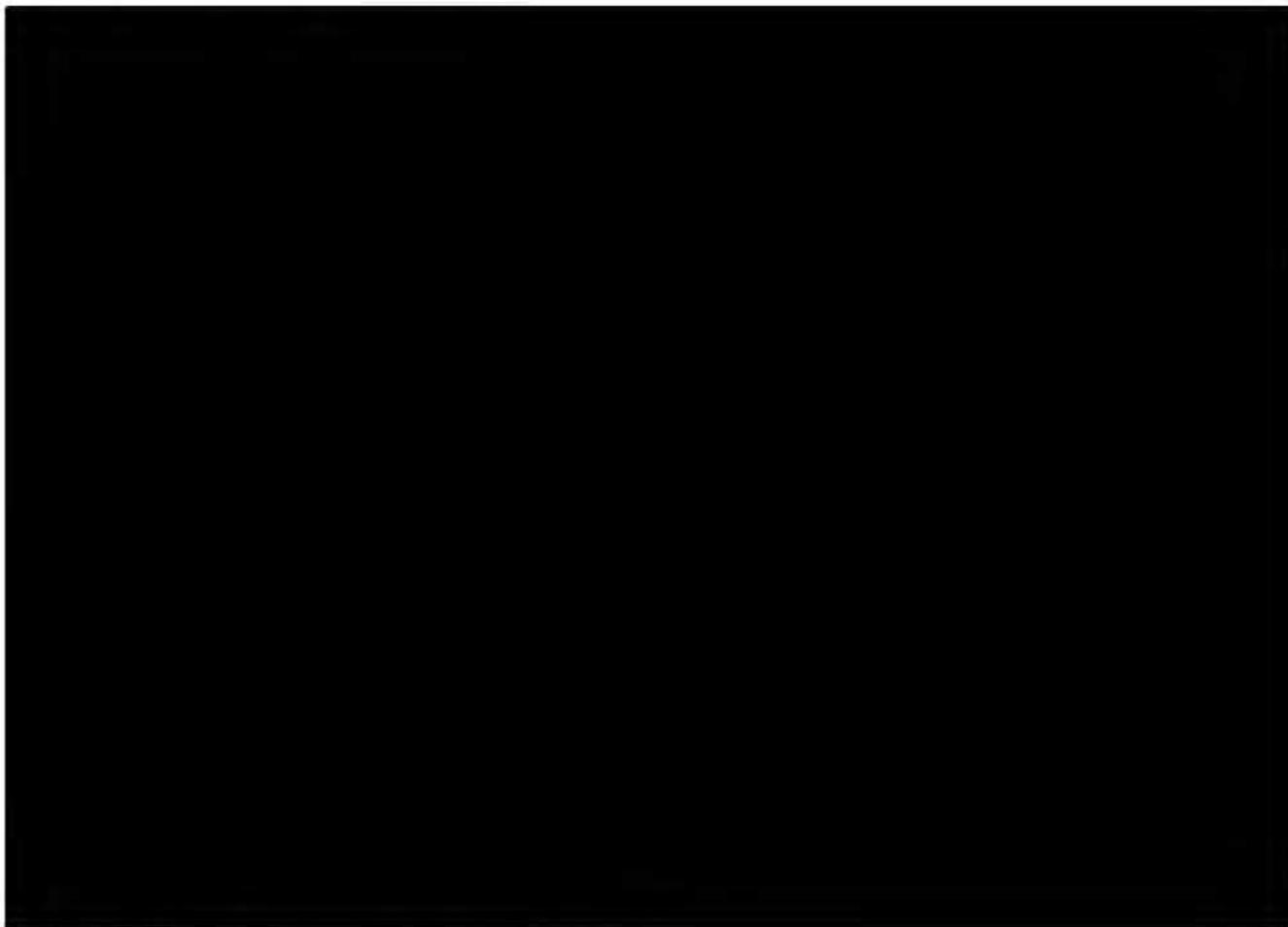
The investigator filled out more details and selected 'Next'.



The investigator selected 'Register Card'.

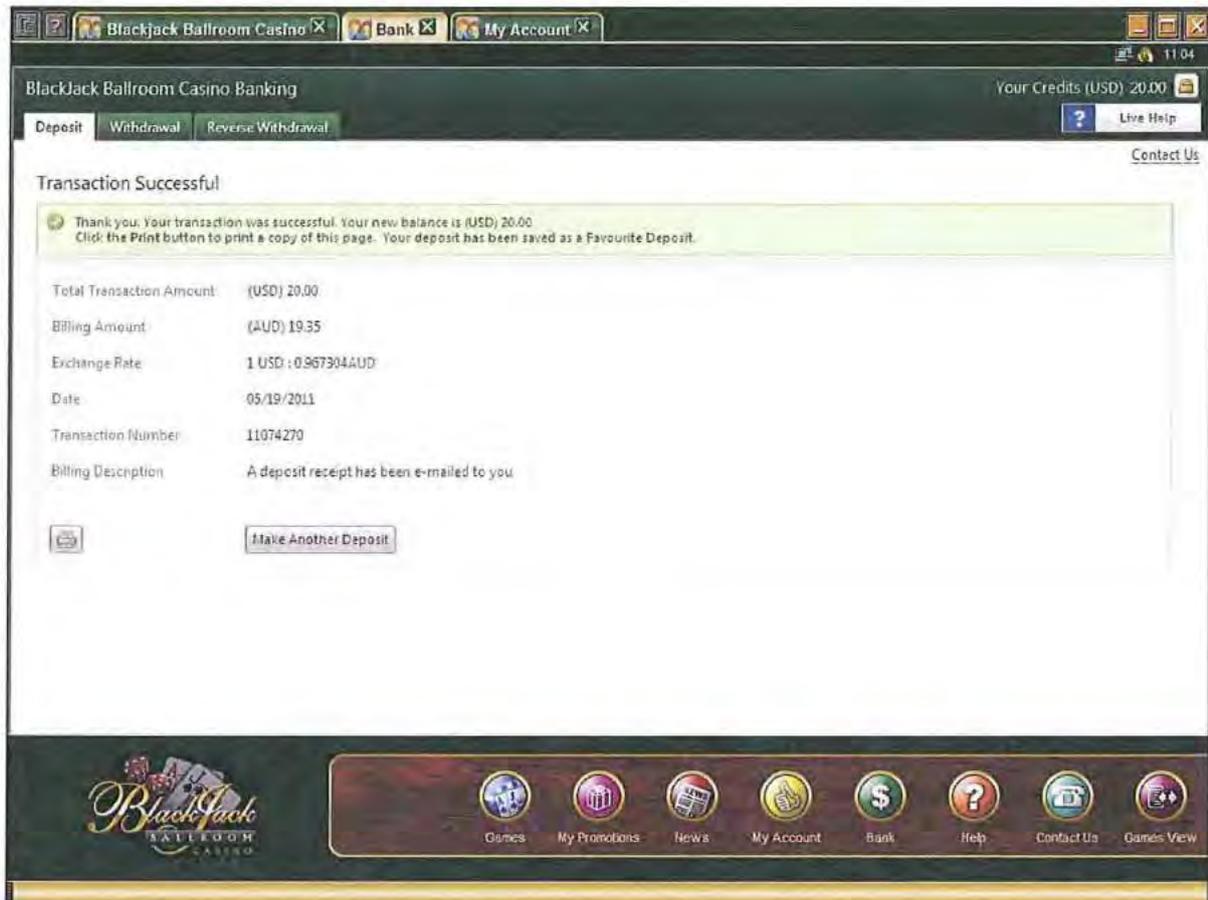


The investigator selected the minimum deposit of '20.00' and filled in the rest of the card details.  
The investigator selected 'Next'.



Note: The automatic conversion to Australian dollars.

The investigator selected '(AUD) 19.35' and selected 'Confirm'.



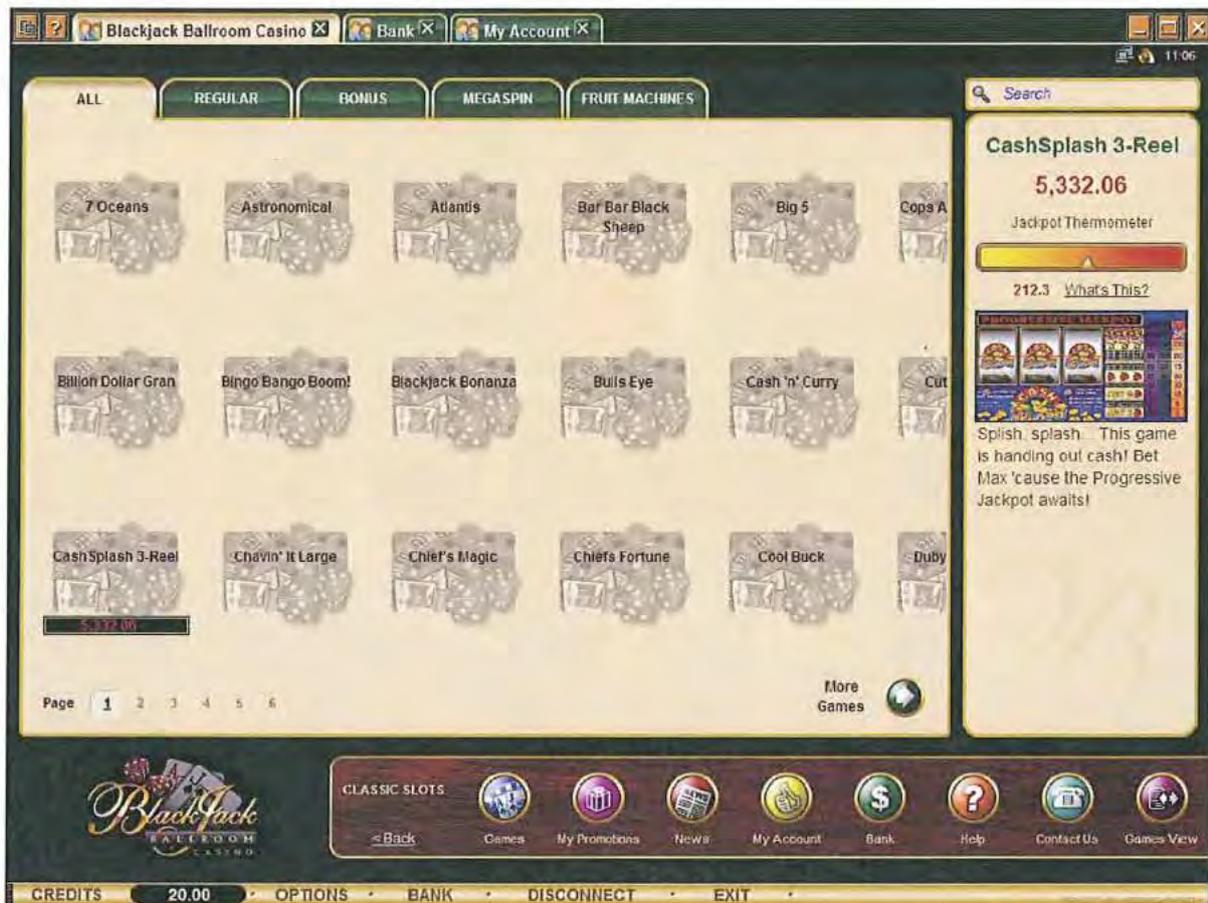
Note: Successful deposit of funds and registration of an Australian credit card.

The investigator selected 'Games' from the bottom menu. This concluded Item 3.

Item 4: Game Play



The investigator selected 'CLASSIC SLOTS'.



The investigator selected '7 Oceans'.



The investigator selected the default bet of '3.00' and selected 'SPIN'.



There was no match of symbols. Note the change in credits to '17.00' demonstrating a loss.

This concluded Item 4.