

Formal Warning

under section 64A of the *Interactive Gambling Act 2001*

To: Fifth Street Entertainment Ltd (UK)

Of: 3 Hardman Street
Spinningfields, Manchester
United Kingdom M3 3HF

[REDACTED]

Attention: [REDACTED] Directors

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Fifth Street Entertainment Ltd (UK), has contravened subsection 15(2A) of the *Interactive Gambling Act 2001* (IGA):

HEREBY issue Fifth Street Entertainment Ltd (UK) a formal warning under section 64A of the IGA, for one or more contraventions of subsection 15(2A) of the IGA, being a civil penalty provision.

Details of the contravention/s

Background

1. Under section 21 of the IGA, on 17 February 2021, the ACMA commenced an investigation into whether the following services provided prohibited interactive gambling services: Rich Casino, Box24 Casino, Black Diamond Casino, Spartan Slots, Bondi Bet, Tangiers Casino, 7 Reels, 21 Dukes, Winward Casino, Thebes Casino, Casino Moons, Winnerama, Extra Vegas and Win Paradise (Fifth Street Services).

Obligation under the IGA

2. Subsection 15(2A) of the IGA provides that:

A person must not provide a prohibited interactive gambling service that has an Australian customer link (see section 8).
3. A 'prohibited interactive gambling service' is defined in section 5 of the IGA and 'gambling service' is defined in section 4 of the IGA. Under section 8 of the IGA, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.

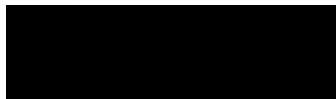
Contravention of subsection 15(2A) of the IGA

4. During the period of the investigation the Fifth Street Services were available via the URLs www.richcasino.com, www.box24casino.com, www.blackdiamondcasino.net, www.spartanslots.com, www.bondibet.com, www.tangierscasino.com,

www.7reels.com, www.21dukes.com, www.winwardcasino.com,
www.thebescasino.com, www.casinomoons.com; www.winnerama.com,
www.extravegas.com, www.winparadise.com, and also available at alternate URLs.

5. Fifth Street Entertainment Ltd (UK) is part of a corporate grouping which jointly provides the Fifth Street Services.
6. The Fifth Street Services offered 'gambling services', including casino-style games of chance or mixed chance and skill, played for money where the customer gave consideration to play the game (paragraph (e) of the definition of 'gambling services' in section 4 of the IGA).
7. The gambling services were provided in the course of carrying on a business and were provided to customers using an internet carriage service (section 5 of the IGA).
8. The Fifth Street Services had an Australian customer-link.
9. The ACMA found that, as the provider of the Fifth Street Services, Fifth Street Entertainment Ltd (UK) has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia.

Dated this 8 December 2021



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority