

28 October 2020

Mr Andrew Draffin
Director
Cloudflare Australia Pty Ltd
333-339 George Street
Sydney NSW 2000

ACMA file reference: ACMA2020/470-3

Dear Mr Draffin

Request for Information under the *Interactive Gambling Act 2001*

The Australian Communications and Media Authority (ACMA) administers the Australian *Interactive Gambling Act 2001* (IGA), which includes investigating and taking enforcement action for contraventions of the IGA.

Why are we writing to you?

I understand that Cloudflare Australia Pty Ltd is an Australian subsidiary of Cloudflare, Inc (Cloudflare).

I am writing to you because the ACMA has identified a number of websites that have been investigated for contraventions under the IGA that use Cloudflare's network and IP addresses.

I understand that one of the services provided to customers by Cloudflare is a reverse proxy pass-through security service which, among other things, protects customer's websites from DDoS attacks. Such services mask the actual hosting provider of the domain (and potentially the website owner) and the actual IP address and location.

As an initial step, the ACMA is keen to understand the Cloudflare functionality further and to discuss the extent to which Cloudflare has information about websites that the ACMA is investigating. In particular, the ACMA is interested in receiving information about the actual website owner and hosting provider of relevant domains, including name, address and contact details, and the actual IP address/location.

For discussion purposes, I have identified a sample of online gambling websites that have been found by the ACMA to contravene the IGA and use Cloudflare services as set out in **Attachment A**. The websites listed in Attachment A have been taken from the publicly available list of illegal online gambling websites that have been blocked by Australian Internet Service Providers (ISPs) at the request of the ACMA (see: <https://www.acma.gov.au/blocked-gambling-websites>).

What is the IGA?

The IGA prohibits the provision, or advertising, of the following services to customers in Australia:

- > 'prohibited interactive gambling services'—such as online casinos, online slot machines and online wagering services that accept in-play betting on sporting events, and
- > 'unlicensed regulated interactive gambling services'—such as online wagering services provided without a licence issued by an Australian state or territory.

A person may also be subject to civil penalties if they are found to be an ancillary to a contravention of the IGA, for example, by 'being in any way, directly or indirectly, knowingly concerned in, or party to, a contravention' of the IGA by another person.

The ACMA has a wide range of powers to deal with contraventions of the IGA. This includes applying to the Federal Court of Australia for an injunction or an order imposing a civil penalty (which range up to the amount of AUD\$8.325 million per day for corporations for certain contraventions).¹ The ACMA may also provide the Australian immigration and border protection agency with the details of principals and directors of a contravening entity for inclusion on the Movement Alert List which may disrupt their future travel to Australia. The ACMA may also request ISPs to block access to the contravening website in Australia.

Information about the IGA is available on our website at:

<https://www.acma.gov.au/interactivegambling>.

I note that the ACMA has the power under Part 13 of the *Broadcasting Services Act 1992* (BSA) to compulsorily gather information for the purpose of investigations under the IGA (see subsection 173(1) of the BSA as set out in **Attachment B**).

However, it may be that Cloudflare is in a position to assist the ACMA without the need for a statutory notice.

Next steps

I would be interested to make a time to discuss this matter with you or if you prefer, to receive a written response.

The ACMA has an Interactive Gambling Team to actively monitor and ensure compliance with the IGA. I manage this team and can be contacted on [REDACTED] or by email at igtaskforce@acma.gov.au.

I look forward to your assistance in this matter.

Yours sincerely

[REDACTED]

[REDACTED]

Manager, Interactive Gambling Team

Attached: Sample of online gambling websites found to contravene the IGA which use Cloudflare services; Key legislation provisions referred to in this paper.

¹ A notification may also be given to the Australian Federal Police as there are similar criminal offence provisions relevant to the same conduct.

Sample of online gambling websites found to contravene the IGA which use Cloudflare services²

Auslots.com
Bondibet.com
Bovegas.com
Casinochan.com
Enzocasino.com
FairgoCasino.com
Freespin.com
Grandfortunecasino.com
HappyHugoCasino.com
Kahunacasino.com
Muchovegascasino.com
Nordicasino.com
Playamo.com
Ragingbullcasino.com
Reddogcasino.com
Redstagcasino.eu
Richcasino.com
Roocasino.com
Royalspinz.com
Slotsberlin.com
Slotsempire.com
Slottica.com
Spintropolis.com
Timesquarecasino.com
Truebluecasinoapp.com
Twoupcasino.com
Uptownaces.eu
Wagerbeat.com
Wildjoker.com
Xpokies.com

² This sample of websites has been taken from the list of illegal online gambling websites that have been blocked by Australian Internet Service Providers at the request of the ACMA. The full list is published here: <https://www.acma.gov.au/blocked-gambling-websites>.

Key legislation provisions referred to in this paper

Broadcasting Services Act 1992

170 Investigations by the ACMA

The ACMA may conduct investigations for the purposes of the performance or exercise of any of its broadcasting, content and datacasting functions (as defined in the *Australian Communications and Media Authority Act 2005*) and related powers.

173 Notice requiring appearance for examination

- (1) For the purposes of an investigation by the ACMA, the ACMA may give a notice in writing to a person summoning the person:
 - (a) to attend before a delegate of the ACMA named in the notice to produce documents or to answer questions; or
 - (b) to provide documents or other information to the ACMA; relevant to the subject matter of the investigation.

...

Australian Communications and Media Authority Act 2005

10 ACMA's broadcasting, content and datacasting functions

- (1) The ACMA's ***broadcasting, content and datacasting functions*** are as follows:

...

- (o) such other functions as are conferred on the ACMA by or under:
 - (i) the *Australian Broadcasting Corporation Act 1983*; or
 - (ii) the *Broadcasting Services Act 1992* (other than Part 14AA or Schedule 5 or 7); or
 - (iii) the *Interactive Gambling Act 2001*; or
 - (iv) the *National Self-exclusion Register (Cost Recovery Levy) Act 2019*; or
 - (v) the *Special Broadcasting Service Act 1991*;

...