

Formal Warning

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

To: Jackerbit Design

Of: Crystal, St. Mendeleev, 1a,
Tyumen, Tyumenskaya, oblast,
625062, Russia

Attention: [REDACTED]

I, [REDACTED] delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Jackerbit Design, has contravened subsection 15(2A) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Jackerbit Design 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 contraventions

Obligations under the IGA and RPA

1. Subsection 15(2A) of the IGA provides that a person must not provide a prohibited interactive gambling service that has an Australian customer link.
2. 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.
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4. Subsection 64B(1) of the IGA provides that each civil penalty provision under the IGA is enforceable under Part 4 of the *Regulatory Powers (Standard Provisions) Act 2014* (the RPA). Paragraph 92(1)(d) of the RPA provides that a person must not 'be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision'.
5. Under subsection 92(2) of the RPA, an ancillary who contravenes subsection 92(1) in relation to a civil penalty provision is taken to have contravened the relevant civil penalty provision.

Investigation

6. Under section 21 of the IGA, on 14 November 2022, the ACMA commenced an investigation into whether the No Deposit Kings service provided prohibited interactive gambling services in contravention of the IGA by operation of subsection 92(2) of the RPA.
7. During the period of the investigation the No Deposit Kings service was available via the URL <https://www.nodedepositkings.com/> on mobile browsers.
8. Jackerbit Design is the provider of the No Deposit Kings service.

Contravention of subsection(s) 15(2A) of the IGA

9. The ACMA has previously found that a number of the casino-style services advertised on No Deposit Kings are prohibited interactive gambling services that have an Australian-customer link (prohibited services), which are provided in breach of subsection 15(2A) of the IGA.
10. The No Deposit Kings service publishes information that is intentionally aimed at enabling customers to access and play on the prohibited services, including customers from Australia. By providing links on its website to the prohibited services, the No Deposit Kings service assists the prohibited services to sign up Australian consumers to their gambling services.
11. The ACMA is satisfied that Jackerbit Design, as the provider of the No Deposit Kings, had actual knowledge of the essential matters constituting the contravention of subsection 15(2A) of the IGA by the prohibited services. Consequently, Jackerbit Design is knowingly concerned in and are intentional participants in, the contraventions of subsection 15(2A) of the IGA.

Dated 23 January 2023



A black rectangular redaction box covering the name of the delegate.

Delegate of the Australian Communications and Media Authority