

Formal Warning

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

To: Araxio Development N.V.

Of: Dr. H. Fergusonweg 1
Curaçao

Attention: [REDACTED], Statutory Director of (SMES) Solutions for Management and Employment Support N.V., Statutory Director of Araxio Development N.V.

I, [REDACTED] delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Araxio Development N.V., has contravened subsections 15(2A) and 15AA(3) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Araxio Development N.V. a formal warning under section 64A of the IGA, for one or more contraventions of subsections 15(2A) and 15AA(3) of the IGA, being civil penalty provisions.

Details of the contravention/s

Obligations under the IGA

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.
3. Subsection 5(3) of the IGA lists services that are not prohibited interactive gambling services, including an excluded wagering service (paragraph 5(3)(aa)).
4. An 'excluded wagering service' is defined in section 8A of the IGA and includes betting on a sporting event except to the extent it is an in-play betting service (subsection 8A(3) of the IGA).
5. An excluded wagering service is a kind of regulated interactive gambling service (as defined in section 8E of the IGA).
6. Subsection 15AA(3) of the IGA provides that a person must not provide a particular kind of regulated interactive gambling service if:
 - (a) the service has an Australian customer link; and
 - (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.
7. 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.

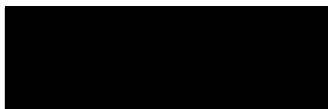
Investigation

1. Under section 21 of the IGA, on 22 December 2022, the ACMA commenced an investigation into whether the:
 - > Neon 54, Rabona, 5 Gringos and Alf Casino services provided prohibited interactive gambling services in contravention of the IGA
 - > Rabona service provided unlicensed regulated interactive gambling services in contravention of the IGA
2. During the period of the investigation, the Neon 54, Rabona, 5 Gringos and Alf Casino services (the Services) were available via the URLs <https://1neon54.com>, <https://rabona1.com>, <https://5gringos1.com> and <https://alfcasino1.com>.
3. Araxio Development N.V. is a provider of the Services.

Contravention of subsections 15(2A) and 15AA(3) of the IGA

4. The Services offered 'gambling services', including casino-style games of mixed chance and skill, played for money where the customer gave consideration to play the game (paragraph (e) of the definition of 'gambling service' in section 4 of the IGA). In addition, the Rabona service offered services for the placing, making, receiving or acceptance of bets (paragraph (a) of the definition of 'gambling service' in section 4 of the IGA), including in-play betting services.
5. The Services were provided in the course of carrying on a business and were provided to customers using an internet carriage service (section 5 and paragraph 8E(1)(i)-(j) of the IGA).
6. The Services had an Australian customer-link.
7. Araxio Development N.V. is not licensed by an Australian State or Territory to provide regulated interactive gambling services to Australians (paragraph 15AA(3)(b)).
8. The ACMA found that, as a provider of the Services, Araxio Development N.V. has contravened subsections 15(2A) and 15AA(3) of the IGA by providing prohibited and unlicensed regulated interactive gambling services to customers physically present in Australia

Dated this 9 May 2023



Delegate of the Australian Communications and Media Authority