

Formal Warning

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

To: Mr Jeremy Smith

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

HEREBY issue you 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

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. 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.
3. 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'.
4. 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

5. Under section 21 of the IGA, on 1 August 2024, the ACMA commenced an investigation into whether the provider of Freeslotshub provided prohibited interactive gambling services in contravention of the IGA by operation of section 92 of the RPA.
6. During the period of the investigation the Freeslotshub service was available via the URL <https://freeslotshub.com>.
7. You are the provider of the Freeslotshub service.

Contravention of subsection 15(2A) of the IGA

8. The ACMA has previously found that a number of the casino-style services advertised on Freeslotshub 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.
9. The Freeslotshub 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 Freeslotshub service assists the prohibited services to sign up Australian consumers to their gambling services.

10. The ACMA is satisfied that you, as the provider of the service, had actual knowledge of the essential matters constituting the contravention of subsection 15(2A) of the IGA by the prohibited services. Consequently, you are knowingly concerned in and an intentional participant in, the contravention of subsection 15(2A) of the IGA.

Dated this 27 September 2024



Delegate of the Australian Communications and Media Authority