

## Formal Warning

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

To: Luster N.V.

Of: Abraham de Veerstraat 9, Curacao

Attention: [REDACTED], Statutory Director of Envision Managers N.V., Statutory Director of Luster N.V.

I, [REDACTED], delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Luster N.V. has 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.
3. Under section 8 of the IGA, a gambling service has an Australian-customer link if, and only if, any of all of the customers of the service are physically present in Australia.

##### *Investigation*

4. Under section 21 of the IGA, on 12 July 2024, the ACMA commenced an investigation into whether the provider Eddy Vegas service provided prohibited interactive gambling services in contravention of the IGA.
5. During the investigation period the Eddy Vegas service was available via the URL <https://www.eddyvegas.com/>.
6. Luster N.V. is the provider of the Eddy Vegas service.

##### *Contravention of subsection 15(2A) of the IGA*

7. The Eddy Vegas service 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 service' in section 4 of the IGA).

8. The Eddy Vegas service was provided in the course of carrying on a business and was provided to customers using an internet carriage service (section 5 of the IGA).
9. The Eddy Vegas service had an Australian customer-link.
10. The ACMA found that, as a provider of the Eddy Vegas service, Luster N.V. has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia.

Dated this 26 November 2024



**Delegate of the Australian Communications and Media Authority**