

## Formal Warning

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

**To:** Lootie Limited

**Of:** 38 Upper Mount Street  
Dublin 2, Dublin, Ireland

**Attention:** [REDACTED]  
Director of Lootie Limited

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Lootie Limited has contravened subsection 15(2A) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Lootie Limited 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

##### *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 (see section 8).
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.

##### *Investigation*

1. Under section 21 of the IGA, on 15 November 2021, the ACMA commenced an investigation into whether the Lootie service provided prohibited interactive gambling services in contravention of the IGA.
2. During the period of the investigation the Lootie service was available via the URL <https://www.lootie.com/>.
3. Lootie Limited is the provider of the Lootie service.

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

4. The Lootie service offered 'gambling services', including games of chance, 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).
5. The gambling services were provided in the course of carrying on a business and were provided to customers using an internet carriage service (section 5 of the IGA).
6. The Lootie service had an Australian customer-link.

7. The ACMA found that, as the provider of the Lootie service, Lootie Limited has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia

Dated this 8 April 2022



**Rochelle Zurnamer**

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