

Formal Warning

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

To: Netsurf Media S.A

Of: Cordoba 2454, Piso 5, Misiones, 3512cs, N3300ALZ Argentina

Attention: [REDACTED]

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

HEREBY issue Netsurf Media S.A 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.

Investigation

3. Under section 21 of the IGA, on 9 February 2022, the ACMA commenced an investigation into whether the Azure Hand service provided prohibited interactive gambling services in contravention of the IGA.
4. During the period of the investigation the Azure Hand service was available via the URL <https://www.azurehand.com>.
5. Netsurf Media S.A is a provider of the Azure Hand service.

Contravention of subsection 15(2A) of the IGA

6. The Azure Hand 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).
7. 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).
8. The Azure Hand service had an Australian customer-link.

9. The ACMA found that, as the provider of the Azure Hand service, Netsurf Media S.A has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia

Dated this 13 May 2022



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority