

## Formal Warning

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

To: Finixio Ltd

Of: 1101 Admiralty House, 150 Vaughan Way  
London, England, E1W 2AH

Attention: [REDACTED]

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Finixio Ltd has contravened subsections 15(2A) and 15AA(3) of the *Interactive Gambling Act 2001* (**the IGA**) by operation of subsection 92(2) of the *Regulatory Powers (Standard Provisions) Act 2014* (**the RPA**):

HEREBY issue Finixio Ltd 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 a civil penalty provision.

### Details of the contraventions

#### ***Obligations under the IGA and RPA***

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 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.
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 (see section 8); 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
8. By operation of subsection 92(2) of the RPA and subsection 64B(1) of the IGA, it is also prohibited under the IGA to be an ancillary to a contravention of subsection

15(2A) or 15AA(3), by 'being in any way, directly or indirectly, knowingly concerned in, or party to, a contravention' of subsection 15(2A) or 15AA(3) by another person.

9. Under subsection 92(2), an ancillary is taken to have contravened the relevant civil penalty provision.

***Investigation***

10. Under section 21 of the IGA, on 11 February 2022, the ACMA commenced an investigation into whether the:
  - > Safe Betting Sites service provided prohibited interactive gambling services and/or unlicensed regulated interactive gambling services in contravention of the IGA by operation of subsection 92(2) of the RPA.
11. During the period of the investigation the Safe Betting Sites service was available via the URL <https://www.safebettingsites.com/>.
12. Finixio Ltd is the provider of the Safe Betting Sites service.

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

13. The ACMA has previously found that a number of the services advertised on Safe Betting Sites are prohibited interactive gambling services and/or unlicensed regulated interactive gambling services that have an Australian-customer link, which are provided in breach of subsection 15(2A) or 15AA(3) of the IGA.
14. The Safe Betting Sites service publishes information that is intentionally aimed at enabling customers to access and play on the prohibited interactive gambling services and unlicensed regulated interactive gambling services, including customers from Australia. By providing links on its website to these services, the Safe Betting Sites service assists the prohibited services and unlicensed regulated interactive gambling services to sign up Australian consumers.
15. The ACMA is satisfied that Finixio Ltd, as the provider of the Safe Betting Sites service, had actual knowledge of the essential matters constituting the contraventions of subsections 15(2A) and 15AA(3) of the IGA by the prohibited interactive gambling services and unlicensed regulated interactive gambling services. Consequently, Finixio Ltd is knowingly concerned in and is an intentional participant in, the contraventions of subsections 15(2A) and 15AA(3) of the IGA.

Dated this 22 June 2022



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