

Formal Warning

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

To: Mr Davin Aroya
Provider of Legit Gambling

I, [REDACTED], delegate of the Australian Communications and Media Authority (ACMA), being satisfied that you have contravened subsection 15(2A) 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 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 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. 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), by 'being in any way, directly or indirectly, knowingly concerned in, or party to, a contravention' of subsection 15(2A) by another person.
4. Under subsection 92(2), an ancillary is taken to have contravened the relevant civil penalty provision.

Investigation

5. Under section 21 of the IGA, on 11 February 2022, the ACMA commenced an investigation into whether the Legit Gambling service provided prohibited interactive gambling services in contravention of the IGA by operation of subsection 92(2) of the RPA.
6. During the period of the investigation the Legit Gambling service was available via the URL <https://www.legitgambling.com/>.
7. You are the provider of the Legit Gambling service.

Contravention of subsection 15(2A) of the IGA

8. The ACMA has previously found that a number of the services advertised on Legit Gambling are prohibited interactive gambling services that have an Australian-customer link, which are provided in breach of subsection 15(2A) of the IGA.
9. The Legit Gambling service publishes information that is intentionally aimed at enabling customers to access and play on the prohibited interactive gambling services, including customers from Australia. By providing links on its website to

these services, the Legit Gambling service assists the prohibited interactive gambling services to sign up Australian consumers.

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

Dated this 10 October 2022



Delegate of the Australian Communications and Media Authority