

Formal Warning

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

To: Araxio Development N.V.

Of: c/o (SMES) Solutions for Management and Employment Support N.V.
Dr. H. Fergusonweg 1, Curaçao

[REDACTED]

Attention: [REDACTED], Statutory Director of (SMES) Solutions for Management and Employment Support N.V.

I, [REDACTED], delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Araxio Development N.V. has contravened subsection 15(2A) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Araxio Development N.V. 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.
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 8 June 2023, the ACMA commenced an investigation into whether the Buran Casino service provided prohibited interactive gambling services in contravention of the IGA.
4. During the period of the investigation the Buran Casino service was available via the URL <https://burancasino4.com>.
5. Araxio Development N.V. is a provider of the Buran Casino service.

Contravention of subsection 15(2A) of the IGA

6. The Buran Casino service offered 'gambling services', including casino-style games of 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 Buran Casino service was 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 Buran Casino service had an Australian customer-link.

9. The ACMA found that, as a provider of the Buran Casino service, Araxio Development N.V. has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia.

Dated this 20 December 2023

[Redacted]

[Redacted]

Delegate of the Australian Communications and Media Authority