



REFERRAL TO THE AFP

**TO: The Coordinator
Operations Monitoring Centre
Australian Federal Police**

Refer to the AFP Website for location details
(<http://www.afp.gov.au/contact.aspx>)

Investigation (part A)

Search Warrant Assistance (part A&C)


Proceeds of Crime (part A&B)


Forensic Assistance (part A&D)

Pre Referral Advice

PART A – REQUEST FOR INVESTIGATION

Refer to the AFP Website for information relating to referring matters to the AFP.
(<http://www.afp.gov.au/what-we-do/referrals.aspx>)

| CONTACT DETAILS | |
|---|---|
| Referring Agency: | Australian Communications and Media Authority |
| Agency Reference Number / Operation Name: | INV-0002-5031 |
| Referring Officer/ Case Officer Contact: | Name: Phyllis Fong Telephone: 02 9334 7831 Address: PO Box Q500 QVB Building NSW 1230 Email: Phyllis.fong@acma.gov.au Signature of referring officer:  |
| Date of Referral: | 24 July 2015 |

| REFERRAL DETAILS | |
|---|--|
| Allegation/Incident Description Relevant Act and Section/Penalty | Allegation: Prohibited internet gambling content at  Relevant Act and Section: Under section 21(2) of the <i>Interactive Gambling Act 2001 (the IGA)</i> , "If a complaint relates to internet content hosted in Australia: (a) the ACMA must not investigate the complaint; and (b) if the ACMA considers that the complaint should be referred to an |

| | |
|----------------------|--|
| | <p>Australian police force — the ACMA must:</p> <p>(i) refer the complaint to a member of an Australian police force...”.</p> <p>Under section 15 of the IGA, it is an offence for a person to intentionally provide an interactive gambling service with an Australia-customer link. The penalty for such an offence is 2000 penalty units per day during which the contravention continues. Higher penalties are applicable for corporations under the <i>Crimes Act 1914</i>.</p> |
| Period of Offence | Throughout the ACMA assessment period of 29 June 2015 the content was available for Australians to access. It is highly likely the prohibited content is still being provided. |
| Incident Type | Date/Time Incident Start: Unknown Date/Time Incident End: Unknown |
| Property/Fraud Value | Unknown |

| SUSPECT DETAILS | |
|------------------------|---|
| Notes | Details are provided for the [REDACTED] domain, taken from the trace routes conducted during the ACMA's assessment. The ACMA considers the service is operated in Australia through [REDACTED] |
| Name | Registrant: [REDACTED] Network operator: [REDACTED] |
| Gender | Not known |
| Date of Birth | Not known |
| Address | [REDACTED] |
| Postal Address | [REDACTED] |
| Telephone | |
| Email | |

CLIENT IMPACT

Tick the most appropriate box indicating the impact of the matter on your agency, and complete the explanatory notes section justifying the selection.

✓

| | | | |
|-------------------------------------|-------------------------|--|--|
| <input type="checkbox"/> | Critical | A matter is politically sensitive or goes to central issues of management of agency or program. | |
| <input type="checkbox"/> | Significant | A serious or complex crime has been committed which the agency cannot resolve without AFP involvement. | |
| <input type="checkbox"/> | Routine | AFP investigation desirable | |
| <input type="checkbox"/> | Strategic Strike | A matter is defined as a strategic strike under a service agreement with the AFP | |
| <input checked="" type="checkbox"/> | MOU/Agreement | As per agreed upon between referring agency and the AFP | |

BACKGROUND INFORMATION/EXECUTIVE SUMMARY

On the 29 June 2015, the ACMA accessed [REDACTED] and considered the content was hosted overseas (in the United Kingdom). In the assessment that followed, the ACMA's view was the content warranted notification to the AFP (through Interpol).

The ACMA has since performed separate locational searches on the content hosted at [REDACTED]. These searches which included a comparison of latency times from

various locations, have results in the ACMA forming the view that the content is hosted in Australia.

Under the *Interactive Gambling Act 2001* (the IGA), the ACMA is not permitted to investigate complaints relating to prohibited gambling content hosted in Australia. The ACMA may, if it is considered warranted, refer the complaints to the AFP.

Under the IGA, the criminal offence is specific to providing an interactive gambling service to customers in Australia.

Reason for referral to the AFP

The ACMA considers it is warranted to refer the matter to the AFP for investigation as:

- The content assessed at URL [REDACTED] may be providing an interactive gambling service to customers in Australia; and
- The service is provided by an Australian registered business: [REDACTED]

SUPPORTING DOCUMENTATION

(Evidence gathered in relation to offences identified. Please attach copies of relevant documents and an Evidence Matrix)

- **Have you attached supporting documentation?**

YES / NO

If yes, list the documents attached and the relevant benefit to the investigation:

File note of 24 July 2015 regarding [REDACTED]

ADDITIONAL RELEVANT INFORMATION

The use of simulated telephone betting services on the internet continues to be an issue reported in the media, and reflected in the complaints to the ACMA.

CONSIDERATION FOR A JOINT INVESTIGATION

Would your agency like this matter to be considered as a referral for joint investigation? If so, the reason why and indicate your agency's commitment in providing resources as required. (For Criminal Investigation referrals only)

PART B – PROCEEDS OF CRIME

Additional consideration and information required for Proceeds of Crime Referral:

- **Has this matter been considered for proceeds of crime referral?**

YES / NO

- **Has pre-referral consultation occurred with the AFP Financial Investigation Team (FIT)**

YES / NO

- **Provide a statement of known and/or potential assets, accounts (etc) suspected to be held by the suspect/s, defendants or relevant third parties.**
- **Provide an analysis of all debt collection activity undertaken or planned by your agency.**
- **Your agency to provide a commitment to ongoing and forensic accounting support in relation to the referral (if required).**
- **Your agency is to be responsible for providing supporting material in an appropriate form in order to support proceeds of crime recovery process.**

PART C – REQUEST SEARCH WARRANT ASSISTANCE

Refer also: <http://www.afp.gov.au/what-we-do/operational-support/search-warrants-procedures.aspx>

- **Location of search warrant(s)**
- **Proposed timings of warrants and/or details of any critical time frame**
- **Is your agency prepared to met any additional cost (ie. out of metropolitan travel costs and any consumables utilised by the AFP)**

YES / NO

- **Is the affidavit attached?** (An investigator can consult the Commonwealth Director of Public Prosecution (CDPP) before applying for a warrant. CDPP can assist with checking warrants for format and technical issues, whilst the AFP is available to check content)

YES / NO

- **If applicable, provide a nominated CDPP case officer**
- **Has your agency considered all powers available, by virtue of their own specific legislation, in order to gather evidence?**

YES / NO

- **Any relevant circumstances (ie: the need for simultaneous warrants, multiple suspects or anticipated requirement for AFP Forensic Services)**

Other issues to be considered by your agency:

- Whether the evidential material required is suitable for a criminal prosecution and not for disciplinary, administrative or civil proceedings
- Assurance that all relevant costs will be met by the requesting department (in accordance with AFP guidelines)

- The agency's capacity to ensure safekeeping of seized items and an undertaking to account to the AFP as per guidelines
- An undertaking to provide appropriate resources
- Consideration of whether the execution of a search warrant is the most appropriate course to pursue at the time
- Determination of the department's resource capacity to assist in the execution of the search including specialist teams (ie: computer forensics)
- Consideration of utilising the assistance of the AFP Financial Investigation, Forensic Services or Information Management teams
- Approval (at appropriate level) on behalf of the agency for the proposed course of action to be taken

PART D – REQUEST FOR FORENSIC ASSISTANCE

What forensic capacity does the referring agency have or have access to, including the use of private forensic consultants?

(Considering the nature of the investigation, the referral request, it may be inappropriate to utilise private consultants.)

What Forensic assistance is sought from the AFP?

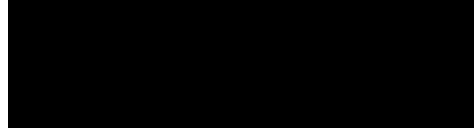
- **Handwriting and signature comparisons**
(Determination of authorship, detection of simulations)
- **Typewriting examinations**
(Identification of source typewriter, linking of documents, ribbon transcriptions)
- **Printed document examination**
(Examination for latent handwriting indentations, detection and interpretation of obliterations, erasures and alterations, document reconstructions tear line matching and other forms of image enhancement)
- **Ink and paper examinations**
(Differentiation of links, differentiations of papers)
- **Passport and identity document examinations**
(Examination of counterfeit and altered passports, Australian and other nationalities), travel visas, drivers licences and other forms of identification)
- **Determination of authenticity**
(Examination of birth certificates, naturalisation certificates, security documents and other official documentation)
- **High value document examinations**
(Examination of travellers cheque, bank and personal cheques, Australian and foreign currencies)
- **Credit card examination**
(Examination of counterfeit and altered credit cards)

- **Preliminary examinations**

(Preliminary over the counter advice on most examination can provide the investigator with valuable information that may impact on the direction of an investigation)

- **Computer Forensics**

- **Other (indicate if other Forensic assistance is sought)**



Approved by: _____

Phyllis Fong

Manager Community Broadcasting and Safeguards Section

Australian Communication and Media Authority

Date: 24 July 2015