



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)	<input checked="" type="checkbox"/>	Search Warrant Assistance (part A&C)	<input type="checkbox"/>
Proceeds of Crime (part A&B)	<input type="checkbox"/>	Forensic Assistance (part A&D)	<input type="checkbox"/>
Pre Referral Advice	<input type="checkbox"/>		

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:	ACMA REFERRAL: INV-0002-3596 [REDACTED]
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: [REDACTED]
Date of Referral:	23 June 2015

REFERRAL DETAILS	
Allegation/Incident Description Relevant Act and Section/Penalty	<p><u>Allegation:</u> Prohibited internet gambling content at [REDACTED]</p> <p><u>Relevant Act and Section:</u> Under section 21(2) of the <i>Interactive Gambling Act 2001</i> (the IGA), 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 Australian police force – the ACMA must:</p>

	<p>(j) 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 May and 22 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: ongoing
Property/Fraud Value	unknown

SUSPECT DETAILS

Notes	Details are provided for the [REDACTED] domain, taken from the trace routes at Attachment A and relates to: [REDACTED] The ACMA considers the service is operated in Australia by an Australian registered company [REDACTED].
Name	Registrant: [REDACTED] Service operator: [REDACTED] d
Gender	Not known
Date of Birth	Not known
Address	Registrant: [REDACTED] Service operator: [REDACTED] [REDACTED]
Postal Address	As above
Telephone	Registrant: not retrieved Service operator: [REDACTED]
Email	Registrant: [REDACTED] Service operator: [REDACTED]

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	As per MoU

BACKGROUND INFORMATION/EXECUTIVE SUMMARY

The ACMA consider it highly likely that [REDACTED] is providing prohibited internet gambling content in Australia, to Australians. It is an offence under the *Interactive Gambling Act 2001* (the IGA) to provide an interactive gambling service to customers in Australia.

Assessment that the content is Australian hosted

From 8 May to 22 June 2015, the ACMA assessed the URL

[REDACTED] following complaints being made about the content offered. The ACMA ran a number of separate checks to verify where the content was hosted. These searches confirmed the content was hosted in Australia. (For these searches, see **Attachment A**). Under the IGA, the ACMA is not permitted to investigate complaints about potential prohibited internet gambling content hosted in Australia. The ACMA may, if it is considered warranted, refer the complaints to the AFP.

Reason for referral to the AFP

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

- On 22 June 2015, the ACMA concluded an assessment of the URL [REDACTED] and consider it is highly likely the service provided a person in Australia access to prohibit internet gambling content. Note: The finding is inconclusive as the ACMA assessment stopped short of real betting or account activation because these are considered to be investigative steps to be taken after the referral of Australian-hosted content to the AFP. However, the ACMA is happy to provide a copy of its assessment to the AFP, upon request, where further action is considered warranted by the AFP.
- The service is provided by an Australian registered business: [REDACTED]

The ACMA's assessment is attached as **INV-0002-3596**.

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:

INV-0002-3596 ACMA File Note is the assessment of [REDACTED] and details why the ACMA considers the URL should be referred to the AFP.

Attachment A: Screenshots of the assessment and additional traces.

ADDITIONAL RELEVANT INFORMATION

There have been media articles regarding the [REDACTED] service and its potential to be in breach of the IGA. It has also been reported that the ACMA has received complaints on the matter and was considering the issues.

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 meet 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 CDDP 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?

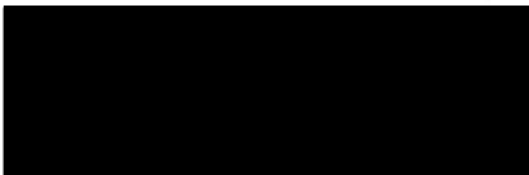
(Considering the nature of the investigation, the referral request, it may be inappropriate to utilise private consultants.)

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 Communications and Media Authority
Date: 23 June 2015