



NICK XENOPHON
Independent Senator for South Australia
AUSTRALIAN SENATE

Our ref: MC-SAM/SKM

Mr Phillip Brear
Gambling Commissioner
Licensing Authority
No6 Convent Place
Gibraltar

BY EMAIL: gamblingcommissioner@gibraltar.gov.gi

Dear Mr Brear

**RE: Casino.com
Unauthorised transactions**

I write on behalf of [REDACTED], a resident of South Australia, in relation to this matter, who has approached my office for assistance with respect to a number of serious incidents. These incidents involve a series of online transactions and the unauthorised transfer of money to a Gibraltar licensed gambling operator, Onisac Limited.

It is my understanding that Casino.com is the brand of Onisac Limited (License RGL No. 053), a Gibraltar registered company. Given the Gambling Commission of Gibraltar has licensed Onisac Ltd, I seek your urgent assistance in resolution of this grievance.

On 11 May 2011, [REDACTED], an Australian resident, had \$90,000.00 transferred without authority from three separate Australian banks accounts in his name to Onisac Limited.

[REDACTED] has had previous dealings with Onisac Ltd, given that he used the gambling website Casino.com. In his previous dealings with Casino.com, he signed and purportedly authorised payments before money was processed and credited to his account with Onisac Ltd. However as will be explained shortly the legal position for Australian residents is clear - such transactions are not valid at law and therefore refundable.

I understand that under Section 6(4) of the Gambling Act 2005 (Gibraltar), you as the Gambling Commissioner are granted powers to ensure that licensees conduct their operations in accordance with their licenses and in such a manner as to maintain the good reputation of Gibraltar.

I therefore ask for your assistance in ensuring that the \$90,000 in transactions referred to are immediately reversed and [REDACTED] credited back accordingly together with any interest that may have been charged to him.

I note that [REDACTED] has contacted the relevant Australian Banks, who are investigating the incident.

Late last week Mansions (Gibraltar) Limited, which operates a number of online gambling sites, including Casino.com (and is apparently the parent company of Onisac Ltd), contacted [REDACTED] and rejected any "chargeback" of funds. However, it did offer [REDACTED] an ex gratia payment of AUD \$37,500 to settle the matter. This is unacceptable to [REDACTED]. (A copy of the email correspondence is attached).

I also ask you to note that in accordance Section 15 of the Australian *Interactive Gambling Act 2001*, it is an offence for online gambling operators anywhere in the world to intentionally provide interactive gambling services to Australians. Such offences can draw fines as high as \$1.1 million a day under the legislation.

I also ask that action be taken in relation to the following additional matters: [REDACTED] [REDACTED] apparently won AUD \$40,000 in January/February 2011 using the Casino.com website. He subsequently lost this amount by March 2011, and a further AUD\$120,000 by April 2011. [REDACTED] losses of AUD\$160,000 are illegal pursuant to the provisions of the *Interactive Gambling Act*, and are therefore refundable. I also seek your urgent assistance to effect such a refund.

I enclose an authorisation signed by [REDACTED] allowing my office to deal in this matter on his behalf. Should you require any further details, please do not hesitate to contact my office.

Finally I would be grateful I could discuss this matter with you at your earliest convenience. (I note that the time difference between Adelaide and Gibraltar is seven and a half hours).

I look forward to hearing from you as a matter of urgency.

Yours sincerely



NICK XENOPHON

26 / 7 / 2011