

IG Taskforce

From: IG Taskforce <IGTaskforce@acma.gov.au>
Sent: Thursday, 16 June 2022 2:38 PM
To: info@gcb.cw
Subject: FW: Advice to Gaming Control Board Curacao regarding Formal Warning to Speqta Media N.V. [SEC=OFFICIAL]
Attachments: Correspondence from ACMA to Gaming Control Board Curacao.pdf; ACMA to Speqta Media - Formal Warning for Contravention of Part 2 and 7A.pdf

Dear Sir/Madam,

Please see attached a letter from the Australian Communications and Media Authority issuing Speqta Media N.V. with a Formal Warning for contravening the Australian *Interactive Gambling Act 2001*.

We would appreciate it if you could forward this Formal Warning to Speqta Media N.V. to ensure that it has been brought to their attention.

Yours sincerely,

Interactive Gambling Team

Australian Communications and Media Authority

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The ACMA acknowledges the Traditional Owners of Country throughout Australia and their continuing connection to land, culture and community. We pay our respects to Elders past, present and future.

15 June 2022

Gaming Control Board Curaçao
Emancipatie Boulevard Dominico F. "Don" Martina 23
Willemstad
Curaçao

By email: info@gcb.cw

ACMA file reference: ACMA2021/277-67

Dear Sir/Madam

Contravention of the Australian *Interactive Gambling Act 2001* – Speqta Media N.V.

The Australian Communications and Media Authority (the ACMA) is responsible for investigating and taking enforcement action for contraventions of the Australian *Interactive Gambling Act 2001* (the IGA).

The ACMA has recently completed an investigation into the Pokie Island service made available at www.pokieisland.com. The ACMA found that Speqta Media N.V. contravened:

- > subsection 15(2A) of the IGA by providing prohibited interactive gambling services to Australian customers

On 3 May 2022, the ACMA advised Speqta Media N.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 8 June 2022. The ACMA issued a formal warning to Speqta Media N.V. under section 64A of the IGA on 15 June 2022.

If Speqta Media N.V. continues to provide prohibited interactive gambling services to persons physically located in Australia or to publish, or to authorise or cause the publication of, designated interactive gambling service advertisements in Australia for such services, the ACMA may take further action.

I have attached a copy of the formal warning issued to Speqta Media N.V..

We have brought this matter to your attention as we understand that there is an intention to expand the role of the Gaming Control Board Curaçao to the regulation of online gaming in Curaçao. We understand that findings of illegal activity may be relevant to your future consideration of the suitability of a licensee.

If you have any questions on the above, please contact [REDACTED], Manager of the Interactive Gambling Team at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely,

[REDACTED]

Rochelle Zurnamer
Executive Manager
Content Safeguards Branch

Attached: Formal Warning

Formal Warning

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

To: Speqta Media N.V.

Of: Heelsumstraat 51 E-Commerce Park B-03
Curaçao

Attention: [REDACTED]

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

HEREBY issue Speqta Media 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/s

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 1 April 2022, the ACMA commenced an investigation into whether the Pokie Island service provided prohibited interactive gambling services in contravention of the IGA.
4. During the period of the investigation the Pokie Island service was available via the URL <https://www.pokieisland.com/>.
5. Speqta Media N.V. is the provider of the Pokie Island service.

Contravention of subsection 15(2A) of the IGA

6. The Pokie Island service offered 'gambling services', including casino-style games of chance or 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 gambling services were 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 Pokie Island service had an Australian customer-link.

9. The ACMA found that, as the provider of the Pokie Island service, Speqta Media N.V. has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia

Dated this 15 June 2022



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority