

IG Taskforce

From: IG Taskforce </O=MESSAGING/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=9FEEA8E5BE3043E584E9DEC5343A1872-IG TASKFORCE>
Sent: Wednesday, 3 April 2019 2:46 PM
To: info@gcb.cw
Subject: HPRM: Correspondence to Gaming Control Board Curacao - Mirage Corporation NV [SEC=UNCLASSIFIED]
Attachments: 2019-04-03 ACMA to Gaming Control Board Curacao.pdf; Attachment - Formal Warning issued to Mirage Corporation NV.pdf

Good Afternoon,

Please see attached a letter from the Australian Communications and Media Authority (the ACMA) regarding the issuing of a Formal Warning to Mirage Corporation N.V. for contravening the Australian *Interactive Gambling Act 2001*

Interactive Gambling Taskforce

Australian Communications and Media Authority

E igtaskforce@acma.gov.au

www.acma.gov.au



3 April 2019

Mr Leonard Coffi
Chairman
Gaming Control Board Curaçao
Emancipatie Boulevard Dominico F. "Don" Martina 23
Willemstad Curaçao

By email: info@gcb.cw

ACMA file reference: ACMA2018/141-31

Dear Mr Coffi

Contravention of the Australian *Interactive Gambling Act 2001* – Mirage Corporation 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 services made available at <https://auslots.com>. The ACMA found that Mirage Corporation N.V. contravened subsection 15(2A) of the IGA by providing a prohibited interactive gambling service to Australian customers.

On 5 December 2018, the ACMA advised Mirage Corporation N.V. of the ACMA's preliminary contravention findings. The ACMA received contact from the company in December 2018. However, no response to the preliminary findings has been received to date, despite attempts by the ACMA to establish further contact.

The ACMA finalised the investigation on 15 February 2019. The ACMA issued a Formal Warning to Mirage Corporation N.V. under section 64A of the IGA on 3 April 2019.

If Mirage Corporation N.V. continues to provide prohibited interactive gambling services to persons physically located in Australia, the ACMA may take further action.

I have attached a copy of the Formal Warning issued to Mirage Corporation N.V. as well as the key provisions of the IGA.

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 Taskforce at [REDACTED].

Australian
Communications
and Media Authority
www.acma.gov.au

Thank you for your engagement in this process.

Yours sincerely,

[REDACTED]

A/g Executive Manager
Content Safeguards Branch

Attached: Formal Warning, Relevant provisions of the IGA

Formal Warning

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

To: Mirage Corporation N.V.

Of: E-Commerce Park Vredenberg, Curaçao

[REDACTED]

Attention: [REDACTED]

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

ISSUE Mirage Corporation 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 (see Attachment A).

Details of the contravention/s

As a result of the investigation into this matter, the ACMA has determined that:

Contravention of subsection 15(2A) of the IGA

- a. The AU Slots service was available via the URL <https://auslots.com>.
- b. The AU Slots service offered gambling services, including casino-style games played for money.
- c. The gambling service was provided in the course of carrying on a business.
- d. The gambling service was provided to customers using an internet carriage service.
- e. The service had an Australian customer-link.
- f. Mirage Corporation N.V. is providing the AU Slots service.
- g. The above matters establish that Mirage Corporation N.V. is contravening subsection 15(2A) of the IGA.

Dated this 3 April 2019.

[REDACTED]

Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority

Attachment A - Key provisions of the *Interactive Gambling Act 2001*

Key definitions:

4 Definition

gambling service means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
 - (i) the game is played for money or anything or else of value; and
 - (ii) the game is a game of chance or of mixed chance and skill; and
 - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

5 Prohibited interactive gambling services

(1) For the purposes of this Act, a **prohibited interactive gambling service** is a gambling service, where:

- (a) the service is provided in the course of carrying on a business; and
- (b) the service is provided to customers using any of the following:
 - (i) an internet carriage service;
 - (ii) any other listed carriage service;
 - (iii) a broadcasting service;
 - (iv) any other content service;
 - (v) a datacasting service

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

(2) Subsection (1) has effect subject to subsection (3).

Excluded services

(3) For the purposes of this Act, none of the following services is a **prohibited interactive gambling service**:

- (a) a telephone betting service;
- (aa) an excluded wagering service (see section 8A);
- (ab) an excluded gaming service (see section 8B);
- (aba) a place-based betting service (see section 8BA);
- (ac) a service that has a designated broadcasting link (see section 8C);
- (ad) a service that has a designated datacasting link (see section 8C);
- (ae) an excluded lottery service (see section 8D);
- (b) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
- (ba) a wholesale gambling service;
- (bb) a trade promotion gambling service (see section 8BB);
- (c) an exempt service (see section 10).

8 Australian-customer link

For the purposes of this Act, 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.

Civil penalty provisions:

15 Prohibited interactive gambling services not to be provided to customers in Australia

(2A) A person must not provide a prohibited interactive gambling service that has an Australian-customer link (see section 8).

Civil penalty: 7,500 penalty units.

(3) Subsections (1) and (2A) do not apply if the person:

(a) did not know; and

(b) could not, with reasonable diligence, have ascertained;

that the service had an Australian-customer link.

Note: In the case of proceedings for an offence against subsection (1), the defendant bears an evidential burden in relation to the matters in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).