

IG Taskforce

From: IG Taskforce </o=Messaging/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3b5ba7d57c0c475894b9bd043e5c3fa4-
[REDACTED]>
Sent: Tuesday, 15 September 2020 2:57 PM
To: 'info@gcb.cw'
Subject: ACMA Notification of Formal Warning - Audeo N.V. and Merus (UK) Ltd [SEC=OFFICIAL]
Attachments: Gaming Control Board - Advice ~egulator re Formal Warning (7).PDF; Merus (UK) Ltd - Copy of Formal Warning.pdf; Audeo N.V. - Copy of Formal Warning.pdf

Dear Mr Coffi

Please see attached a letter from the Australian Communications and Media Authority issuing Audeo N.V. and Merus (UK) Ltd with a Formal Warning for contravening the Australian *Interactive Gambling Act 2001*.

We would appreciate it if you could forward the Formal Warnings to Audeo N.V. and Merus (UK) Ltd to ensure that it has been brought to their attention.

Regards,

Interactive Gambling Team

Australian Communications and Media Authority

E igtaskforce@acma.gov.au

www.acma.gov.au



15 September 2020

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

By email: info@gcb.cw

ACMA file reference: ACMA2018/141-49

Dear Mr Coffi

Contravention of the Australian *Interactive Gambling Act 2001* – [Provider Name]

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://www.malibuclubcasino.com>. The ACMA found that Audeo N.V. (and Merus (UK) Ltd) contravened subsection 15(2A) of the IGA by providing a prohibited interactive gambling service to Australian customers.

On 17 August 2020, the ACMA advised Audeo N.V. (and Merus (UK) Ltd) of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 8 September 2020. The ACMA issued a Formal Warning to Audeo N.V. (and Merus (UK) Ltd) under section 64A of the IGA on 14 and 15 September 2020 respectively.

If Audeo N.V. (and Merus (UK) Ltd) continue 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 Warnings issued to Audeo N.V. (and Merus (UK) Ltd) 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 Team at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely



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: Merus (UK) Ltd

Of: St George's House, 14 George Street, Huntingdon, PE29 3GH

Attention: [REDACTED]

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

ISSUE Merus (UK) Ltd 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 Malibu Club Casino service was available via the URL <https://www.malibuclubcasino.com>.
- b. The Malibu Club Casino 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. Merus (UK) Ltd is providing the Malibu Club Casino service.
- g. The above matters establish that Merus (UK) Ltd is contravening subsection 15(2A) of the IGA.

Dated this 15 September 2020

[REDACTED]

Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority

Formal Warning

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

To: Audeo N.V.

Of: Heelsumstraat 51 E-Commerce Park, Curacao

Attention:

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

ISSUE Audeo 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 Malibu Club Casino service was available via the URL <https://www.malibuclubcasino.com>.
- b. The Malibu Club Casino 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. Audeo N.V. is providing the Malibu Club Casino service.
- g. The above matters establish that Audeo N.V. is contravening subsection 15(2A) of the IGA.

Dated this 14 September 2020

Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority