

Final Investigation Report – Interactive gambling – Golden Bet

GINV-2023-00051

Summary	
Entities involved in the service	Santeda International B.V. (Curaçao) (owner and operator) Santeda International Limited (Cyprus) (payment agent)
Name of service	<i>Golden Bet</i>
Date service was accessed	[REDACTED]
URL	https://goldenbet.com
Relevant legislation	<i>Interactive Gambling Act 2001</i>
Date finalised	4 December 2023
Findings	> Contravention of subsection 15(2A) of the <i>Interactive Gambling Act 2001</i> – the service is a prohibited interactive gambling service with an Australian-customer link > Contravention of subsection 15AA(3) of the <i>Interactive Gambling Act 2001</i> – the service is an unlicensed regulated interactive gambling service with an Australian-customer link > Service internet content is 'prohibited internet gambling content' under section 8F of the <i>Interactive Gambling Act 2001</i>

Background

1. On 15 September 2023, the Australian Communications and Media Authority (the ACMA) commenced an own-motion investigation under section 21 of the *Interactive Gambling Act 2001* (the IGA) into the service, Golden Bet, available at the website <https://goldenbet.com>.
2. One of the ACMA's compliance priorities for 2023-24 is minimising gambling harm, which includes taking action against illegal offshore wagering providers targeting Australians, particularly during the FIFA Women's World Cup (WWC).
3. The Golden Bet service was identified through our compliance monitoring activities during the FIFA WWC.
4. The ACMA investigated whether:
 - > Golden Bet is a prohibited interactive gambling service with an Australian-customer link provided in contravention of subsection 15(2A) of the IGA.
 - > Golden Bet is an unlicensed regulated interactive gambling service with an Australian-customer link provided in contravention of subsection 15AA(3) of the IGA.

The service and entities involved

Service

5. The service, Golden Bet, was accessed via the URL <https://goldenbet.com>.
6. The Golden Bet service provides various types of gambling services including:
 - > casino-style games such as slots and table games that allow play for real money
 - > wagering on sporting events, including in-play betting.

Providers

7. The ACMA is of the view for the reasons set out in this report that Golden Bet is provided by Santeda International B.V. and Santeda International Limited because:
 - > Santeda International B.V. holds a licence for the Golden Bet service with Curaçao eGaming
 - > Santeda International B.V. is specified as the owner and operator of the service in the Terms & Conditions and footer of the website.
 - > Santeda International Limited is specified as the payment agent for the service in the Terms & Conditions and footer of the website.

Santeda International B.V. (Curaçao)

8. The Golden Bet website provides licensing information indicating that the service is operated by Santeda International B.V. and is licensed by Curaçao eGaming, licence number 1668/JAZ, authorised and regulated by the Government of Curaçao.
9. Company information obtained from the Golden Bet website and the Curaçao Commercial Register, indicates that Santeda International B.V. (registration no. 151296) is incorporated under the laws of Curaçao and was registered on 24 September 2019 as a limited liability company. Santeda International B.V. lists its registered address as Abraham Mendez Chumaceiro Boulevard 03, Curaçao and its executive statutory director as [REDACTED]. The Curaçao Commercial Register also lists Dempel Directors B.V. (registration no. 159696) and Waaigat Directors B.V. (registration no. 159697) as non-executive statutory directors.

Santeda International Limited (Cyprus)

10. The Terms & Conditions and footer of the Golden Bet website indicate that Santeda International Limited acts as payment agent for the service.
11. Company information obtained from Cyprus Corporate Registry i-Cyprus and Orbis indicates that Santeda International Limited (registration no. HE 406761) is incorporated under the laws of Cyprus and was registered on 5 February 2020 as a private limited company. Santeda International Limited lists its address Patrikiou Loumoumpa, 7, BLOCK A, Flat/Office A13 Pervolia 7560, Larnaka, Cyprus and its Director as [REDACTED].

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

13. **Schedule A** sets out information relevant to identifying these key entities, including the outcome of digital forensic analysis and extracts of licensing and company information.

Key provision/s of the IGA

14. Extracts of the key provisions of the IGA are provided at **Attachment A**.

Findings

15. The Golden Bet service is provided in contravention of subsection 15(2A) of the IGA as it is a prohibited interactive gambling service with an Australian-customer link.
16. The Golden Bet service is provided in contravention of subsection 15AA(3) of the IGA as it is an unlicensed regulated interactive gambling service with an Australian-customer link.
17. The Golden Bet internet content is 'prohibited internet gambling content' under section 8F of the IGA.

Reasons for decision

18. To assess whether the service is provided in contravention of subsections 15(2A) and/or 15AA(3) of the IGA, the ACMA considered the following questions:
 - > Is the service a prohibited interactive gambling service as defined in section 5 of the IGA and/or a regulated interactive gambling service as defined in section 8E of the IGA?
 - > Does the service have an Australian-customer link?
 - > If the service is a regulated interactive gambling service, does the operator hold a licence under a law of a State or Territory that authorises the provision of the kind of service?
19. To answer these questions, staff accessed the service via <https://goldenbet.com> and attempted registration, deposit and gameplay using the service. This process was recorded, with the recording being kept on file. Relevant screen recordings and detail from the registration and gameplay are provided in **Schedule B**.

Is the service a prohibited interactive gambling service and/or regulated interactive gambling service?

20. Golden Bet appears to provide services that meet both the definition of a prohibited interactive gambling service (at section 5 of the IGA) and regulated interactive gambling service (at section 8E of the IGA).

Elements common to prohibited and regulated services

21. The key elements common to both a prohibited interactive gambling service and a regulated interactive gambling service are that:
 - > it is a gambling service as defined in section 4 of the IGA
 - > it is provided in the course of carrying on a business (see paragraph 5(1)(a) and 8E(1)(i) of the IGA)
 - > it is provided to customers using certain services, including an internet carriage service (see paragraph 5(1)(b)(i) and 8E(1)(j)(i) of the IGA)
22. The service made available at <https://goldenbet.com> satisfies the above key elements as it:
 - > offers casino-style games such as slots and table games, and betting on sport, including in-play sports betting.
 - > is provided in the course of carrying on a business, as evidenced by the provision of the service to the public, with an apparent view to making a profit (evidenced by the requirement to deposit funds using money or cryptocurrency in order to undertake gameplay)
 - > is provided to customers using an internet carriage service as evidenced by the fact that the service was accessed using an internet connection.

Prohibited interactive gambling services

23. In addition to meeting the key elements set out at paragraph 21 above, a prohibited interactive gambling service cannot be an excluded service listed in subsection 5(3) of the IGA.
24. Considering the relevant definitions in the IGA, the ACMA is of the view that casino-style games are not excluded by subsection 5(3) of the IGA.
25. Additionally, excluded wagering services, as defined by section 8A of the IGA, are a type of service that is not a prohibited interactive gambling service (see paragraph 5(3)(aa) of the IGA). Excluded wagering services include betting on racing and sporting events, other than in-play betting on sporting events.
26. Golden Bet offers in-play wagering on sporting events, which is not an excluded wagering service (see paragraph 8A(3)(b) of the IGA) and is therefore a prohibited interactive gambling service to that extent.
27. Therefore, the service offers, via the website, prohibited interactive gambling services in the form of casino-style games and in-play betting on sporting events.

Regulated interactive gambling services

28. In addition to meeting the key elements set out at paragraph 21 above, regulated interactive gambling services must be a certain type of service as listed in section 8E of the IGA.
29. Relevantly, an excluded wagering service under section 8A of the IGA is a regulated interactive gambling service. As discussed above, an excluded wagering service is a service that offers wagering on racing and sporting events, other than in-play betting on sporting events. Golden Bet offers betting on sporting events, other than in-play betting on these events.
30. Therefore, to the extent that the service offers, via the website, excluded wagering services under section 8A of the IGA in the form of wagering on racing and sporting events, it is offering regulated interactive gambling services.

Does the service have an Australian-customer link?

31. To be provided in contravention of subsections 15(2A) and/or 15AA(3) of the IGA, the prohibited or regulated interactive gambling service must have an Australian-customer link.

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.

32. A contravention does not occur if the person providing the service did not know and could not, with reasonable diligence, have ascertained, that the service had an Australian-customer link (see subsections 15(3) and 15AA(5) of the IGA).

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

36. ACMA staff physically present in Australia could become a customer of the service by providing details indicating the customer was physically present in Australia and gamble using the service. Therefore, the service appears to have an Australian-customer link.

Does the person that provides the regulated interactive gambling service hold a relevant licence under a law of a state or territory?

37. A person will not be in contravention of subsection 15AA(3) of the IGA if that person holds a licence under a law of an Australian state or territory that authorises the provision of the kind of service investigated.
38. The ACMA maintains a register of relevant licences for the purposes of the IGA, available at www.acma.gov.au. According to the ACMA register of licensed interactive wagering services as of 14 November 2023, the service is not provided by any of the persons who hold a licence under a law of a state or territory that authorises the provision of the kind of service offered.

Prohibited internet gambling content

39. Based on the previous findings set out in this report, the ACMA is satisfied that the internet content of the Golden Bet service available at the URL <https://goldenbet.com>:
- > would be considered by an 'ordinary reasonable person' to have the sole or primary purpose of enabling a person to enter into dealings in the capacity of a customer of a prohibited and an unlicensed regulated interactive gambling service with an Australian-customer link provided in contravention of subsections 15(2A) and 15AA(3) of the IGA.
 - > can be accessed by end-users located in Australia.

Correspondence with Provider

40. On 11 November 2023, the ACMA made preliminary findings that the Golden Bet service is provided in contravention of subsections 15(2A) and 15AA(3) of the IGA, as the service is a prohibited and an unlicensed regulated interactive gambling service with an Australian-customer link.
41. On 11 November 2023, the ACMA wrote to the providers of Golden Bet, Santeda International B.V. and Santeda International Limited, at the support email listed on the website, support@goldenbet.email, providing these preliminary findings with reasons and requested a response by 29 November 2023.
42. No response has been provided to the ACMA from any entity or individual involved in the service.
43. ACMA staff revisited the service made available at <https://goldenbet.com> on [REDACTED] 2023 and confirmed that the service is still available to end-users in Australia. Staff were still able to access the service, play casino-style games for money and place a bet on a sport event, which was accepted by the service. The terms and conditions on the website also had not changed to expressly include Australia as a restricted territory.

Decision

I, [REDACTED], Manager, Gambling Compliance Team, being the appropriate delegated officer of the Australian Communications and Media Authority, determine for the reasons detailed in this report that:

- > Golden Bet was provided in contravention of subsection 15(2A) of the *Interactive Gambling Act 2001* because it is a prohibited interactive gambling service with an Australian-customer link.
- > Golden Bet was provided in contravention of subsection 15AA(3) of the *Interactive Gambling Act 2001* because it is an unlicensed regulated interactive gambling service with an Australian-customer link
- > The Golden Bet internet content is 'prohibited internet gambling content' under section 8F of the IGA.

Signed: [REDACTED]

Dated this: 4 December 2023

List of Attachments

Attachment A Key provisions of the IGA

List of Schedules

Schedule A I. Licencing information
 II. Provider company information

Schedule B I. Website review
 II. Registration
 III. Deposit
 IV. Gameplay
 V. Gameplay – wagering results
 VI. Review for Final Investigation

Key provisions of the IGA

4 Definitions

designated interactive gambling service means:

- (a) a prohibited interactive gambling service; or
- (b) an unlicensed regulated interactive gambling service.

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.

Unlicensed regulated interactive gambling service means a regulated interactive gambling service that is provided in contravention of subsection 15AA(3).

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.

8E Regulated interactive gambling service

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

- (a) a telephone betting service (see section 8AA); or
- (b) an excluded wagering service (see section 8A); or
- (c) an excluded gaming service (see section 8B); or
- (d) a place-based betting service (see section 8BA); or
- (e) a service that has a designated broadcasting link (see section 8C); or
- (f) a service that has a designated datacasting link (see section 8C); or
- (g) an excluded lottery service (see section 8D); or
- (h) an exempt service (see section 10);

where:

- (i) the service is provided in the course of carrying on a business; and
- (j) 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; and
- (k) in the case of an exempt service—a determination under subsection (2) is in force in relation to the service.

(2) The Minister may, by legislative instrument, determine that each exempt service included in a specified class of exempt services is covered by paragraph (1)(k).

(3) Subsection (1) has effect subject to subsection (4).

(4) For the purposes of this Act, neither of the following services is a **regulated interactive gambling service**:

- (a) a wholesale gambling service;
- (b) a trade promotion gambling service (see section 8BB).

8F Prohibited internet gambling content

For the purposes of this Act, if:

(a) an ordinary reasonable person would conclude that the sole or primary purpose of particular internet content is to enable a person to enter into dealings in the capacity of customer of either or both of the following:

- (i) one or more illegal interactive gambling services;
- (ii) one or more unlicensed regulated interactive gambling services; and

(b) end-users in Australia can access the internet content;

the internet content is **prohibited internet gambling content**.

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*).

15AA Unlicensed regulated interactive gambling services not to be provided to customers in Australia

- (3) A person must not provide a particular kind of regulated interactive gambling service if:
- (a) the service has an Australian-customer link (see section 8); and
 - (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

Civil penalty: 7,500 penalty units.

- (5) Subsections (1) and (3) 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 (5) (see subsection 13.3(3) of the Criminal Code).