

4 December 2023

Director
Santeda International Limited

By Email: support@goldenbet.email

ACMA file reference: ACMA2023/171-31

Dear [REDACTED]

Formal warning for contravention of the Australian *Interactive Gambling Act 2001* – Santeda International Limited

In September 2023, the Australian Communications and Media Authority (ACMA) commenced an investigation under section 21 of the Australian *Interactive Gambling Act 2001* (the IGA) into the Golden Bet service available at the URL <https://goldenbet.com>.

On 15 November 2023, the ACMA advised Santeda International Limited of the ACMA's preliminary contravention findings. The ACMA has received no response from Santeda International Limited or any entity or individual involved in the provision of the Golden Bet service.

The ACMA finalised the investigation on 4 December 2023, finding contraventions of the IGA.

The ACMA has a wide range of powers to deal with contraventions of the IGA, including:

- > referring principals and directors of companies involved in providing the Golden Bet service in Australia, to the Australian border protection agencies for inclusion on the movement alert list, which may disrupt future travel into Australia
- > notifying the Australian Federal Police for possible further action in respect of criminal offence provisions contained in the IGA
- > issuing one or more infringement notices to pay an amount of money specified in the notice, as an alternative to commencing court proceedings for contravention of the IGA (section 64C of the IGA)
- > seeking an order from the Federal Court of Australia to pay civil penalties (note that civil penalties for a contravention of the IGA range up to the amount of 7,500 penalty units (\$AUD2,347,500) per day for individuals and five times that amount per day for corporations) (section 64B of the IGA), or for an injunction against further contraventions (section 64D of the IGA)
- > requesting Internet Service Providers (ISPs) to block access to the Golden Bet website in Australia.

The ACMA can also issue a formal warning where it is satisfied that a person is contravening a civil penalty provision. There is no requirement for the ACMA to issue a formal warning before

undertaking any of the above measures, nor does a formal warning prevent the ACMA taking later action in respect of the same contraventions. In this instance the ACMA has decided to issue Santeda International Limited with a formal warning as this is the first time the ACMA has made a finding in respect of the involvement of Santeda International Limited in the provision of the Golden Bet service, since the legislation was amended in 2017. The formal warning is **attached** to this letter.

Further, the ACMA has notified the following regulatory authorities about the issuing of this formal warning:

- > Curaçao eGaming – holder of master licence No. 1668/JAZ issued by the Government of Curaçao
- > Gaming Control Board Curaçao

The ACMA will be monitoring the Golden Bet service and may consider further enforcement action, such as that listed above, if the Golden Bet service continues to allow play by persons physically present in Australia. To avoid any future investigation or enforcement action, you should immediately take steps to ensure that the Golden Bet service is not being provided in contravention of the IGA, and contact the ACMA to advise of the steps you have taken.

As previously noted, the ACMA will also publish details about its investigation into the Golden Bet service, and any enforcement action, on its website and other relevant websites. This will include details about this service, Santeda International Limited, its agents and or affiliates.

If you have any questions about the above, or you wish to inform the ACMA of the steps you have taken to ensure future compliance with the IGA, then please contact the Gambling Compliance Team at igtaskforce@acma.gov.au.

Yours sincerely



Manager, Gambling Compliance Team

Encl: Key provisions of the IGA, Formal Warning

Key Provisions of the *Interactive Gambling Act 2001*

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 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).

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*).

Formal Warning

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

To: Santeda International Limited

Of: 7 Patrikiou Loumoumpa
Block A, Flat/Office A13
Pervolia 7560
Larnaka, Cyprus

support@goldenbet.email

Attention: [REDACTED], Director of Santeda International Limited

I, [REDACTED], delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Santeda International Limited has contravened subsections 15(2A) and 15AA(3) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Santeda International Limited a formal warning under section 64A of the IGA, for one or more contraventions of subsections 15(2A) and 15AA(3) of the IGA, being civil penalty provisions.

Details of the contraventions

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.
3. Subsection 5(3) of the IGA lists services that are not prohibited interactive gambling services, including an excluded wagering service (paragraph 5(3)(aa)).
4. An 'excluded wagering service' is defined in section 8A of the IGA and includes betting on a sporting event except to the extent it is an in-play betting service (subsection 8A(3) of the IGA).
5. An excluded wagering service is a kind of regulated interactive gambling service (as defined in section 8E of the IGA).
6. Subsection 15AA(3) of the IGA provides that a person must not provide a particular kind of regulated interactive gambling service if:
 - (a) the service has an Australian customer link; 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.
7. 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

8. Under section 21 of the IGA, on 15 September 2023, the ACMA commenced an investigation into whether the Golden Bet service provided prohibited and unlicensed regulated interactive gambling services in contravention of the IGA.
9. During the period of the investigation the Golden Bet service was available via the URL <https://goldenbet.com>.
10. Santeda International Limited is a provider of the Golden Bet service.

Contravention of subsections 15(2A) and 15AA(3) of the IGA

11. The Golden Bet service offered 'gambling services', including:
 - > casino-style games of 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);
 - > services for the placing, making, receiving or acceptance of bets (paragraph (a) of the definition of 'gambling service' in section 4 of the IGA), including in-play betting services.
12. 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 and paragraph 8E(1)(i)-(j) of the IGA).
13. The Golden Bet service had an Australian customer-link.
14. Santeda International Limited is not licensed by an Australian State or Territory to provide regulated interactive gambling services to Australians (paragraph 15AA(3)(b)).
15. The ACMA found that, as a provider of the Golden Bet service, Santeda International Limited has contravened subsections 15(2A) and 15AA(3) of the IGA by providing prohibited and unlicensed regulated interactive gambling services to customers physically present in Australia.

Dated this 4 December 2023





Delegate of the Australian Communications and Media Authority