

From: IG Taskforce
Sent: Wednesday, 3 April 2024 4:32 PM
To: info@gcb.cw
Subject: CM: Advice to Gaming Control Board Curacao regarding Formal Warning to Dama N.V.
[SEC=OFFICIAL]
Attachments: Advice to Gaming Control Board Curacao re Formal Warning.pdf; 2024.04.03 - Formal Warning - Dama N.V..pdf

Dear Sir/Madam,

Please see attached a letter from the Australian Communications and Media Authority advising of the Formal Warning issued to Dama N.V for contravening the Australian *Interactive Gambling Act 2001*.

Yours sincerely,

Gambling Compliance Team

Australian Communications and Media Authority

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The ACMA acknowledges First Nations peoples as the Traditional Owners and Custodians of Australia. We respect and celebrate First Nations peoples as the original storytellers and content creators of the lands on which we work and honour the enduring strength and commitment of Aboriginal and Torres Strait Islander peoples to the land, waters and their communities. We pay our respects to Elders past, present, and emerging.



3 April 2024

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

By email: info@gcb.cw

ACMA file reference: ACMA2023/171-37

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Dama 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://dundeelots.com>, <https://spinfever.com>, <https://jogicasino.com>, <https://theclubhousecasino2.com>, <https://theclubhousecasino3.com>, <https://luckywins.com> and <https://luckywins2.com>.

The ACMA found that Dama N.V. contravened subsection 15(2A) of the IGA by:

- > providing a prohibited interactive gambling service to Australian customers.

On 29 February 2024, the ACMA advised Dama N.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 25 March 2024. The ACMA issued a Formal Warning to Dama N.V. under section 64A of the IGA on 3 April 2024.

If Dama N.V. continues to provide prohibited regulated 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 Dama 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 me at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely



[Redacted Name]

Manager, Gambling Compliance Team

Encl: Formal Warning, Relevant provisions of the IGA

Formal Warning

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

To: Dama N.V.

Of: Scharlooweg 39 U.3
Curaçao

[REDACTED]

Attention: [REDACTED] and [REDACTED]
Statutory Directors of Allyant Group B.V., Statutory Director of Dama N.V.

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

HEREBY issue Dama N.V. a formal warning under section 64A of the IGA, for one or more contraventions of subsection 15(2A) of the IGA, being civil penalty provisions.

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.
3. 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

4. Under section 21 of the IGA, on 19 December 2023, the ACMA commenced an investigation into whether the Dundee Slots, Spin Fever, Jogi Casino, Clubhouse Casino and Lucky Wins services (the Services) provided prohibited interactive gambling services in contravention of the IGA.
5. During the period of the investigation the Services were available via the URLs <https://dundeslots.com>, <https://spinfever.com>, <https://jogicasino.com>, <https://theclubhousecasino2.com>, <https://theclubhousecasino3.com>, <https://luckywins.com> and <https://luckywins2.com>.
6. Dama N.V. is the provider of the Services.

Contravention of subsection 15(2A) of the IGA

7. The Services 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).
8. The 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).
9. The Services had an Australian customer-link.
10. The ACMA found that, as the provider of the Services, Dama N.V. has contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to customers physically present in Australia.

Dated this 3 April 2024



A small black rectangular redaction box covering the name of the delegate.

Delegate of the Australian Communications and Media Authority

