

From: IG Taskforce
Sent: Monday, 8 April 2024 12:16 PM
To: info@gcb.cw
Subject: CM: Advice to Gaming Control Board Curacao regarding Formal Warning to Bets Entertainment N.V. [SEC=OFFICIAL]
Attachments: Advice to Gaming Control Board Curacao re Formal Warning SIGNED.pdf; Formal Warning - Bets Entertainment N.V. SIGNED.pdf

Dear Sir/Madam,

Please see attached a letter from the Australian Communications and Media Authority advising of the Formal Warning issued to Bets Entertainment 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.



8 April 2024

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

By email: info@gcb.cw

ACMA file reference: ACMA2023/171-45

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Bets Entertainment 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 the service made available at <https://www.bets.io>.

Bets Entertainment N.V. contravened subsections 15(2A) and 15AA(3) of the IGA by:

- > providing a prohibited interactive gambling service to Australian customers
- > providing an unlicensed regulated interactive gambling service to Australian customers

On 7 March 2024, the ACMA advised Bets Entertainment N.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 2 April 2024. The ACMA issued a Formal Warning to Bets Entertainment N.V. under section 64A of the IGA on 8 April 2024.

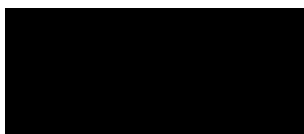
If Bets Entertainment N.V. continues to provide prohibited and/or unlicensed regulated interactive gambling services to persons physically located in Australia, the ACMA may take further action.

I have attached a copy of the Formal Warning issued to Bets Entertainment 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.



Manager, Gambling Compliance Team

Encl: Formal Warning, Relevant provisions of the IGA

Formal Warning

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

To: Bets Entertainment N.V.

Of: Abraham de Veerstraat 9
Curaçao

[REDACTED]

Attention: [REDACTED], Managing Director

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

HEREBY issue Bets Entertainment N.V. a formal warning under section 64A of the IGA, for one or more contraventions of each of subsections 15(2A) and 15AA(3) 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. 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 12 February 2024, the ACMA commenced an investigation into whether the Bets.io service provided a prohibited and unlicensed regulated interactive gambling service in contravention of the IGA.
9. During the period of the investigation the Bets.io service was available via the URL <https://www.bets.io>.
10. Bets Entertainment N.V. is the provider of the Bets.io service.

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

11. The Bets.io service 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); and
 - > 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 Bets.io service was provided in the course of carrying on a business and was provided to customers using an internet carriage service (section 5 and paragraph 8E(1)(i)-(j) of the IGA).
13. The Bets.io service had an Australian customer-link.
14. Bets Entertainment N.V. 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 the provider of the Bets.io service, Bets Entertainment N.V. has contravened subsections 15(2A) and 15AA(3) of the IGA by providing a prohibited and unlicensed regulated interactive gambling service to customers physically present in Australia.

Dated this 8 April 2024



Delegate of the Australian Communications and Media Authority