

From: IG Taskforce
Sent: Tuesday, 20 May 2025 2:54 PM
To: info@gcb.cw
Subject: Advice to Gaming Control Board Curacao regarding Formal Warning to Dama N.V. [SEC=OFFICIAL]
Attachments: Formal Warning to Dama N.V. (Casiny).pdf; Advice to Gaming Control Board Curacao re Formal Warning.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.



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.

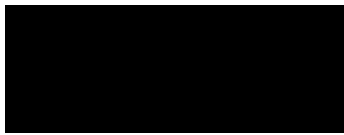
Investigation

4. Under section 21 of the IGA, on 26 February 2025, the ACMA commenced an investigation into whether the Casiny service provided a prohibited interactive gambling service in contravention of the IGA.
5. During the period of the investigation the Casiny service was available via the URL <https://www.casiny.com>.
6. Dama N.V. is a provider of the Casiny service.

Contravention of subsection 15(2A) of the IGA

7. The Casiny 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).
8. The Casiny service was provided in the course of carrying on a business and was provided to customers using an internet carriage service (section 5 of the IGA).
9. The Casiny service had an Australian customer-link.
10. The ACMA found that, as a provider of the Casiny service, Dama N.V. has contravened subsection 15(2A) of the IGA by providing a prohibited interactive gambling service to customers physically present in Australia.

Dated this 20 May 2025





Delegate of the Australian Communications and Media Authority

20 May 2025

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

By email: info@gcb.cw

ACMA file reference: ACMA2024/1379-47

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 the Casiny service made available at <https://www.casiny.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 16 April 2025, the ACMA advised Dama N.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 20 May 2025. The ACMA issued a Formal Warning to Dama N.V. under section 64A of the IGA also on 20 May 2025.

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 the online gaming licence register on the Curaçao Gaming Control Board website indicates that Dama N.V. was granted an online gaming licence on 23 August 2024. We understand that findings of illegal activity relating to entities licenced by the Curaçao Gaming Control Board may be relevant to you.

We would appreciate it if you could forward this Formal Warning to Dama N.V. to ensure that it has been brought to their attention.

If you have any questions on the above, please contact me at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely

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Manager, Gambling Compliance Team

Encl: Formal Warning, Relevant provisions of the IGA

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 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.

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.

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*).