

From: IG Taskforce
Sent: Monday, 4 December 2023 4:20 PM
To: info@gcb.cw
Subject: Advice to Gaming Control Board Curacao regarding Formal Warning to Santeda International B.V. and Santeda International Limited [SEC=OFFICIAL]
Attachments: 2023.12.04 Advice to regulator re Formal Warning - Gaming Control Board Curacao.pdf; 2023.12.04 Formal Warning - Santeda International B.V. (Golden Bet).pdf; 2023.12.04 Formal Warning - Santeda International Limited (Golden Bet).pdf; Attachment - Key provisions of the IGA.pdf

Dear Sir/Madam,

Please see attached a letter from the Australian Communications and Media Authority advising of the Formal Warnings issued to Santeda International B.V. and Santeda International Limited for contravening the Australian *Interactive Gambling Act 2001*.

Yours sincerely,

Gambling Compliance Team

Australian Communications and Media Authority

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E igtaskforce@acma.gov.au

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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.



4 December 2023

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

By email: info@gcb.cw
ACMA file reference: ACMA2023/171-31

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Santeda International B.V. and Santeda International Limited

The Australian Communications and Media Authority (the ACMA) is responsible for investigating and taking enforcement action for contraventions of the *Interactive Gambling Act 2001* (the IGA).

The ACMA has recently completed an investigation into the Golden Bet service made available at <https://goldenbet.com>. The ACMA found that Santeda International B.V. and Santeda International Limited contravened subsections 15(2A) and 15AA(3) of the IGA by:

- > providing prohibited interactive gambling services to Australian customers
- > providing unlicensed regulated interactive gambling services to Australian customers.

On 15 November 2023, the ACMA advised Santeda International B.V. and Santeda International Limited of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 4 December 2023 and issued Formal Warnings to Santeda International B.V. and Santeda International Limited under section 64A of the IGA. I have attached a copy of the Formal Warnings as well as the key provisions of the IGA.

If Santeda International B.V. and Santeda International Limited continue to provide prohibited and unlicensed regulated interactive gambling services to persons physically located in Australia, the ACMA may take further action.

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]

[REDACTED]

Manager, Gambling Compliance Team

Encl: Formal Warnings, Relevant provisions of the IGA

Formal Warning

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

To: Santeda International B.V.

Of: 3 Abraham Mendez Chumaceiro Boulevard
Willemstad, Curaçao

[REDACTED]

Attention: [REDACTED] Executive Statutory Director of Santeda International B.V.

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

HEREBY issue Santeda International B.V. 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.

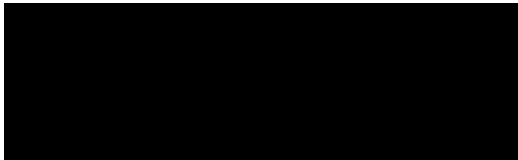
Investigation

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 B.V. 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 B.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 a provider of the Golden Bet service, Santeda International B.V. 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

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

[REDACTED]

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)).
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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.

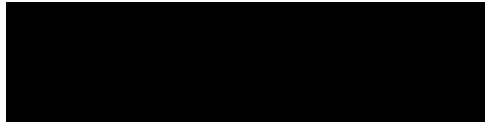
Investigation

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

Key Provisions of the *Interactive Gambling Act 2001*

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)

8D Excluded lottery service

(1) For the purposes of this Act, an **excluded lottery service** is:

- (a) a service for the conduct of a lottery; or
- (b) a service for the supply of lottery tickets.

(1A) Subsection (1) does not apply to a service unless such other conditions (if any) as are specified in the regulations have been satisfied.

(1B) Without limiting subsection (1A), a condition specified in regulations made for the purposes of that subsection may provide that the lottery must not be:

- (a) a highly repetitive or frequently drawn form of a keno-type lottery; or
- (b) a similar lottery.

(2) Subsection (1) does not apply to an electronic form of:

- (a) scratch lottery; or
- (b) other instant lottery.

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: