

From: IG Taskforce
Sent: Monday, 24 February 2025 1:01 PM
To: info@gcb.cw
Subject: Advice to Curacao Gaming Control Board regarding Formal Warning to Hollycorn N.V.
[SEC=OFFICIAL]
Attachments: Advice to Curacao Gaming Control Board re Formal Warning.pdf; Formal Warning - Hollycorn N.V. (Billy Billion).pdf; Attachment to Letter - Relevant provisions of IGA.pdf

Dear Sir/Madam,

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

Yours sincerely,

Gambling Compliance Team

Australian Communications and Media Authority

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acma.gov.au



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.



24 February 2025

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

By email: info@gcb.cw

ACMA file reference: ACMA2024/1379-12

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Hollycorn 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.billybillion.com>.

The ACMA found that Hollycorn N.V. contravened subsection 15(2A) of the IGA by providing a prohibited interactive gambling service to Australian customers.

On 10 January 2025, the ACMA advised Hollycorn N.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 11 February 2025. The ACMA issued a Formal Warning to Hollycorn N.V. under section 64A of the IGA on 17 February 2025.

If Hollycorn 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 Hollycorn N.V. as well as the key provisions of the IGA.

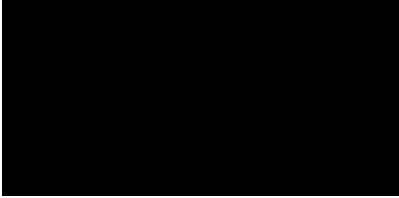
We have brought this matter to your attention because the Online Gaming License Registry on the Curaçao Gaming Control Board website indicates that Hollycorn N.V. was granted an online gaming licence on 29 July 2024. We understand that findings of illegal activity relating to entities licenced by the Curaçao Gaming Control Board may be relevant to you.

We would appreciate it if you could forward this Formal Warning to Hollycorn 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



Manager
Gambling Compliance Team

Encl: Formal Warning

Formal Warning

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

To: Hollycorn N.V.

Of: Scharlooweg 39 U.22
Curaçao

[REDACTED]

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

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

HEREBY issue Hollycorn 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 September 2024, the ACMA commenced an investigation into whether the Billy Billion Casino service provided prohibited interactive gambling services in contravention of the IGA.
5. During the period of the investigation the Billy Billion Casino service was available via the URL <https://www.billybillion.com>.
6. Hollycorn N.V. is a provider of the Billy Billion Casino service.

Contravention of subsection 15(2A) of the IGA

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

Dated this 17 February 2025



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority

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.
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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*).

Key Provisions of the Regulatory Powers (Standard Provisions) Act 2014

92 Ancillary contravention of civil penalty provisions

- (1) A person must not:
- (a) attempt to contravene a civil penalty provision; or
 - (b) aid, abet, counsel or procure a contravention of a civil penalty provision; or
 - (c) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or
 - (d) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision; or
 - (e) conspire with others to effect a contravention of a civil penalty provision.

Civil penalty

- (2) A person who contravenes subsection (1) in relation to a civil penalty provision is taken to have contravened the provision.

Note: Section 94 (which provides that a person's state of mind does not need to be proven in relation to a civil penalty provision) does not apply to the extent that proceedings relate to the contravention of subsection (1).