

Formal Warning

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

To: Mountberg B.V.

Of: Fransche Bloemweg 4
Curacao

Attention: [REDACTED]
Statutory Directors of Xecutive Corporate Management B.V.,
Statutory Director of Mountberg B.V.

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

ISSUE Mountberg B.V. a formal warning under section 64A of the IGA, for one or more contraventions of subsection 15(2A) of the IGA, being a civil penalty provision.

Details of the contravention

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. 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

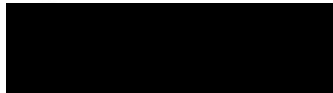
3. Under section 21 of the IGA, on 22 March 2022, the ACMA commenced an investigation into whether the Montecryptos and Cabarino services provided prohibited interactive gambling services in contravention of the IGA.
4. During the period of the investigation the Montecryptos and Cabarino services were available via the URLs <https://www.gomontecryptos.com/>, <https://www.gomontecryptos1.com/>, <https://www.gomontecryptos2.com/> and <https://cabarino.com/>.
5. Mountberg B.V. is the provider of the Montecryptos and Cabarino services.

Contravention of subsection 15(2A) of the IGA

6. The Montecryptos and Cabarino 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).

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

Dated this 17 June 2022



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority