

IG Taskforce

From: IG Taskforce <IGTaskforce@acma.gov.au>
Sent: Monday, 25 July 2022 4:39 PM
To: info@gcb.cw
Subject: CM: Letter from ACMA [SEC=OFFICIAL]
Attachments: Correspondence from ACMA to Gaming Control Board Curacao.pdf; Formal Warning for Contravention to Halcyon Super Holdings BV.pdf

Dear Sir/Madam,

Please find attached correspondence from the Australian Communications and Media Authority with respect to a contravention of the Australian *Interactive Gambling Act 2001* by Halcyon Super Holdings B.V.

Regards

Interactive Gambling Team

Australian Communications and Media Authority

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25 July 2022

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

By email: info@gcb.cw

ACMA file reference: ACMA2021/277-68

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Halcyon Super Holdings B.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 Cloudbet and Latinbet services made available via URLs including www.cloudbet.com and www.latinbet24.com. The ACMA found that Halcyon Super Holdings B.V. contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to Australian customers.

On 7 June 2022, the ACMA advised Halcyon Super Holdings B.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 5 July 2022. The ACMA has issued a formal warning to Halcyon Super Holdings B.V. under section 64A of the IGA.

If Halcyon Super Holdings B.V. continues to provide prohibited interactive gambling services to persons physically located in Australia or to publish, or to authorise or cause the publication of, designated interactive gambling service advertisements in Australia for such services, the ACMA may take further action.

I have attached a copy of the formal warning issued to Halcyon Super Holdings B.V.

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 [REDACTED] Manager of the Interactive Gambling Team at [REDACTED]

Thank you for your engagement in this process.

Yours sincerely,



Rochelle Zurnamer
Executive Manager
Content Safeguards Branch

Attached: Formal Warning

Formal Warning

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

To: Halcyon Super Holdings B.V.

Of: P.O. Box 4750
Curaçao

Attention: [REDACTED]

I, Rochelle Zurnamer, delegate of the Australian Communications and Media Authority (ACMA), being satisfied that Halcyon Super Holdings B.V., has contravened subsection 15(2A) and 15AA(3) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue Halcyon Super Holdings B.V. a formal warning under section 64A of the IGA, for one or more contraventions of each of subsections 15(2A) and 15AA(3).

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. 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.
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. A service is an excluded wagering service for the purposes of the IGA, to the extent that it relates to betting on a sporting event except to the extent the service is an in-play betting service (subsection 8A(3) of the IGA).
5. Paragraph 10B(a) of the IGA relevantly provides that a gambling service is an in-play betting service to the extent to which:
... the service relates to betting on the outcome of a sporting event, where the bets are placed, made, received or accepted after the beginning of an event...
6. A 'prohibited interactive gambling service' is defined in section 5 of the IGA and a 'gambling service' is defined in section 4 of the IGA. Subsection 5(3) of the IGA lists services that are not prohibited interactive gambling services, including an excluded wagering service (paragraph 5(3)(aa)).
7. 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).
8. An excluded wagering service is a kind of regulated interactive gambling service (as defined in section 8E of the IGA).

9. 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 (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.

10. 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

11. Under section 21 of the IGA, on 1 April 2022, the ACMA commenced an investigation into whether the Cloudbet and Latinbet services:

- a. provided prohibited interactive gambling services and unlicensed regulated interactive gambling services in contravention of the IGA
- b. provided prohibited interactive gambling services, in the form of in-play betting, in contravention of the IGA

12. During the period of the investigation the Cloudbet and Latinbet services were available via the URLs www.cloudbet.com and www.latinbet24.com.

13. Halcyon Super Holdings B.V. is the provider of the Cloudbet and Latinbet services.

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

14. The Cloudbet and Latinbet 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) 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.

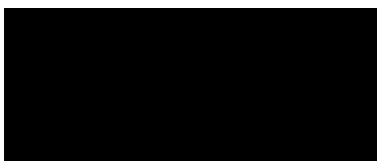
15. The gambling services were provided in the course of carrying on a business and were provided to customers using an internet carriage service (section and paragraph 8E(1)(i)-(j) of the IGA).

16. The Cloudbet and Latinbet services had an Australian customer-link. It is not in contention that any, or all, of the customers of the services were physically present in Australia (section 8 of the IGA).

17. Halcyon Super Holdings B.V. is not licensed by an Australian State or Territory to provide regulated interactive gambling services to Australians (paragraph 15AA(3)(b)).

18. The ACMA found that, as the provider of the Cloudbet and Latinbet services, Halcyon Super Holdings B.V. has contravened subsection 15(2A) and 15AA(3) of the IGA by providing prohibited interactive gambling services and unlicensed regulated interactive gambling services to customers physically present in Australia.

Dated this 21 July 2022



Rochelle Zurnamer

Delegate of the Australian Communications and Media Authority