

IG Taskforce

From: IG Taskforce </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=819d8a3ad9d14e29a347972878475074-IG Taskforc>
Sent: Friday, 18 March 2022 4:05 PM
To: info@gcb.cw
Subject: FW: Advice to Gaming Control Board Curacao regarding Formal Warning to Rabidi N.V. [SEC=UNOFFICIAL]
Attachments: Advice to regulator re Formal Warning - Gaming Control Board Curacao (Rabidi N.V.).pdf; 2022.03.18 - Formal Warning - Rabidi N.V..pdf

Dear Sir/Madam,

Please see attached a letter from the Australian Communications and Media Authority issuing Rabidi N.V. with a Formal Warning for contravening the Australian *Interactive Gambling Act 2001*.

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

Yours sincerely,

Interactive Gambling Taskforce

Australian Communications and Media Authority

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18 March 2022

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

By email: info@gcb.cw

ACMA file reference: ACMA2018/141-90

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – Rabidi 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 Powbet, ExciteWin and Sportaza services made available at <https://powbet.com>, <https://excitewin.com> and <https://sportaza.com>. The ACMA found that Rabidi N.V. contravened subsections 15(2A) and 15AA(3) of the IGA by providing prohibited and unlicensed regulated interactive gambling services to Australian customers.

On 23 November 2021, the ACMA advised Rabidi N.V. of the ACMA's preliminary contravention findings. The ACMA has received no response from any person involved in the provision of the Powbet, ExciteWin and Sportaza services.

The ACMA finalised the investigation on 13 January 2022. The ACMA has issued a Formal Warning to Rabidi N.V. under section 64A of the IGA.

If Rabidi N.V. continues to provide prohibited and unlicensed 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 Rabidi N.V. as well as the key provisions of the IGA.

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 Warnings, Relevant provisions of the IGA

Formal Warning

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

To: Rabidi N.V.

Of: Julianaplein 36
Curacao



Attention:



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

HEREBY issue Rabidi N.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 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 (see section 8).
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. 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).

Investigation

1. Under section 21 of the IGA, on 19 November 2021, the ACMA commenced an investigation into whether the Powbet, ExciteWin and Sportaza services provided prohibited and unlicensed regulated interactive gambling services in contravention of the IGA.
2. During the period of the investigation the Powbet, ExciteWin and Sportaza services were available via the URLs <https://powbet.com>, <https://excitewin.com> and <https://sportaza.com>.
3. Rabidi N.V. is the provider of the Powbet, ExciteWin and Sportaza services.

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

4. The Powbet, ExciteWin and Sportaza services 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.
5. 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).
6. The Powbet, ExciteWin and Sportaza services had an Australian customer-link.
7. Rabidi N.V. is not licensed by an Australian State or Territory to provide regulated interactive gambling services to Australians (paragraph 15AA(3)(b)).
8. The ACMA found that, as the provider of the Powbet, ExciteWin and Sportaza services, Rabidi N.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 18 March 2022



Rochelle Zurnamer
Delegate of the Australian Communications and Media Authority