

IG Taskforce

From: IG Taskforce <IGTaskforce@acma.gov.au>
Sent: Monday, 25 July 2022 4:20 PM
To: info@gcb.cw
Subject: CM: Letter from ACMA [SEC=OFFICIAL]
Attachments: Correspondence from ACMA to Gaming Control Board Curacao.pdf;
TechOptions Group BV - Formal Warning for Contravention of Part 2 and 7A.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 TechOptions Group B.V.

Regards

Interactive Gambling Team

Australian Communications and Media Authority

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22 July 2022

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

By email: info@gcb.cw

ACMA file reference: ACMA2021/277-76

Dear Sir/Madam,

Contravention of the Australian *Interactive Gambling Act 2001* – TechOptions Group 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 Hell Spin service made available via URLs including www.hellspin1.com and www.hellspin.com. The ACMA found that TechOptions Group B.V. contravened subsection 15(2A) of the IGA by providing prohibited interactive gambling services to Australian customers.

On 16 June 2022, the ACMA advised TechOptions Group B.V. of the ACMA's preliminary contravention findings. No response was received.

The ACMA finalised the investigation on 5 July 2022. The ACMA will be issuing a formal warning to TechOptions Group B.V. under section 64A of the IGA.

If TechOptions Group 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 TechOptions Group 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: TechOptions Group B.V.

Of: Perseusweg 27 A, Curaçao

Attention: [REDACTED]

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

HEREBY issue TechOptions Group 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/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.

Investigation

3. Under section 21 of the IGA, on 9 May 2022, the ACMA commenced an investigation into whether the Hell Spin service provided prohibited interactive gambling services in contravention of the IGA.
4. During the period of the investigation the Hell Spin service was available via the URLs www.hellspin.com, www.hellspin1.com and www.hellspins.com.
5. TechOptions Group B.V. is the provider of the Hell Spin service.

Contravention of subsection 15(2A) of the IGA

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

Dated this 21 July 2022



Rochelle Zurnamer

Delegate of the Australian Communications and Media Authority