

3 June 2019

Helen Mourashko
Attorney at law
Partner
REVERA law firm
8, Oboynaya str., 220004, Minsk,
Belarus

By email: em@revera.by

ACMA file reference: ACMA2018/141-9

Dear Ms Mourashko

Contravention of the Australian *Interactive Gambling Act 2001*

I refer to your correspondence dated 29 May 2019.

I note your reference to World Trade Organisation (WTO) rules and, in particular to, the General Agreement on Trade in Services and your apparent suggestion that Australia's *Interactive Gambling Act 2001* (the IGA) is in some way being applied in a discriminatory manner with respect to whether a gambling provider is domestic or foreign, and as such violates the WTO rules.

You should note that the prohibitions contained in the IGA apply to both domestic and foreign providers of online casinos and other prohibited services. As such, we do not consider that your reference to the USA v. Antigua and Barbuda WTO decision (WT/DS285/R) is relevant in this context.

With respect to the application of the WTO rules to the regulatory scheme established under Australian law, these are not matters that are within the role and responsibilities of the ACMA as the regulator, and accordingly are not matters the ACMA can engage in any meaningful discussion with you.

You refer to an online casino service, Ignition Casino, in your correspondence. Any such offering of online casino services to end-users in Australia is prohibited and faces investigation and enforcement action by the ACMA. If your client has details of the company and principals involved in the Ignition Casino service or any other online casino service offering services to end-users in Australia, the ACMA will certainly welcome receiving such information.

Thank you for confirming that you also represent Mr Ivan Montik and Mr Maksim Trafimovich in their personal capacity. Please be advised that if your clients do not provide the ACMA details of when and how Direx N.V. will cease to be in contravention of the IGA by **Monday 17 June 2019**, the ACMA intends to proceed with the next stage of enforcement as previously advised, which can involve notifying Australian border security agencies of the personal details of Mr Ivan Montik and Mr Maksim Trafimovich to be included on the

Movement Alert List on the basis of their past and/or present involvement in the prohibited services, and notifying foreign regulators of the contravention by Direx N.V. of the IGA.

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We note your advice that there may be an acquisition of your clients' gambling operations. If such an acquisition were to occur, your clients will remain responsible for past and current contraventions of the IGA prior to any such acquisition, and it will remain open to the ACMA to take enforcement action against your clients, including Mr Ivan Montik and Mr Maksim Trafimovich with respect to any IGA contraventions which occurred while they were principals of Direx N.V..

**Australian
Communications
and Media Authority**

www.acma.gov.au

Next steps

Please provide a response to this letter by **Monday 17 June 2019**, providing details of when and how your client will cease to be in contravention of the IGA.

If you have any questions about the above please do not hesitate to contact the Interactive Gambling Taskforce at igtaskforce@acma.gov.au.

Yours sincerely



Rochelle Zurnamer
A/g Executive Manager
Content Safeguards Branch

CC: Elena Bonina (enb@revera.by)
Ivan Montik (ivan@softswiss.com)
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