

Final Investigation Report – Puntaa Pty Ltd

Summary	
Entity	Puntaa Pty Ltd trading as Picklebet (Picklebet)
Australian Business Number	56 601 575 240
Relevant legislation	<i>Interactive Gambling Act 2001</i>
Type of activity	Part 7B – National Self-Exclusion Register
Findings	<p>1 contravention of section 61MA [Opening a licensed interactive wagering service account for a registered individual]</p> <p>1 contravention of section 61KA [Provision of licensed interactive wagering services to a registered individual]</p>

Background

1. On 14 March 2025, the ACMA commenced an investigation into Picklebet's compliance with the *Interactive Gambling Act 2001 (IGA)* following a complaint received by the ACMA. The Complainant alleged that they were able to open a licensed interactive wagering service account and were provided with licensed interactive wagering services while they were a registered individual.
2. Under paragraph 173(b) of the *Broadcasting Services Act 1992 (BSA)*, the ACMA gave Picklebet a Notice on 27 March 2025 requiring it to provide information pursuant to the investigation (the **Notice**).
3. Picklebet made 1 submission in response to the Notice on 17 April 2025, and a further submission in response to the ACMA's Preliminary Investigation Report on 4 July 2025.
4. The ACMA's findings are based on:
 - > Picklebet's submissions; and
 - > NSER records, extracted by the ACMA, which record when the complainant became a registered individual and when the Register operator informed Picklebet that the complainant was a registered individual in response to requests that Picklebet made in accordance with section 61NC of the IGA.
5. The reasons for the ACMA's findings, including the key elements which establish the contraventions, are set out below.

Relevant legislative provisions

6. Obligations related to the NSER are set out in Part 7B of the IGA. The provisions relevant to this investigation are provided at **Attachment A**. Unless otherwise

specified, all references to provisions within legislation in the report are a reference to provisions within the IGA.

Finding 1 – Breach: Licensed interactive wagering service providers must not open accounts for registered individuals (subsection 61MA(2))

Regulatory obligation

7. A licensed interactive wagering service provider (**IWP**) must not open a licensed interactive wagering service account for a registered individual.
8. Under subsection 61NC(6), an IWP must be ‘connected’ to the NSER so that it can make such requests. Section 61NC of the IGA provides that an IWP can check the registration status of an individual at any time by making a request to the Register operator (a **request**).
9. Subsection 61MA(3) provides that subsection 61MA(2) won’t apply where an IWP takes reasonable precautions and exercises due diligence to avoid contravention. Note 1 to subsection 61MA(3) notes that the Register operator must respond to a section 61NC request from an IWP. However, the note does not provide that a request is all that is involved in taking reasonable precautions and exercising due diligence.
10. The ACMA is of the view that the act of submitting a request to the Register operator under section 61NC before opening a new wagering account for an individual alone is unlikely to satisfy a test of reasonable precautions and due diligence.¹ In this context, all relevant circumstances and actions an IWP took (or would have been reasonable for it to take) would need to be considered. This may include:
 - > applying flags to customers, or potential customers, who have been identified as self-excluded so they would be prevented from opening an account if they attempted to open an account with altered details, as referenced in the ACMA compliance guidance of 19 March 2024.²
 - > having a system to ensure the information provided by a new customer is accurate before using it to check the Register and considering what information the IWP already has about that customer. For example, undertaking an identity verification check to verify that the person opening the account is who they say they are, and validating the contact details they provided to ensure any mobile numbers and email addresses used belong to the person opening an account.²

Is Picklebet a licensed interactive wagering service provider for the purposes of the IGA?

11. A licensed interactive wagering service is defined by section 61GB as a regulated interactive gambling service (defined by section 8E) that:
 - > is a wagering service (as defined in section 4); and
 - > has an Australian customer link (as defined in section 8); and
 - > is not provided in contravention of subsection 15AA(3).
12. Picklebet is licenced by the Northern Territory Racing and Wagering Commission to provide licensed interactive wagering services in Australia and was licensed at the

¹ <https://www.acma.gov.au/compliance-considerations> accessed 5 June 2025

² <https://www.acma.gov.au/guidelines-reasonable-precautions-and-due-diligence> accessed on 5 June 2025.

time the matter under investigation occurred.³ For this reason, Picklebet is included on the ACMA's Register of IWPs maintained under section 68 during the period subject to investigation.⁴

13. It is not disputed that Picklebet is an IWP for the purposes of the IGA and the obligations under Part 7B apply.

Did Picklebet open a licensed interactive wagering account for a registered individual?

14. NSER records confirm that the Complainant became a registered individual on 8 November 2023 at 18:00 AEDT.
15. NSER records show Picklebet made a request to the Register operator at:
 - > 18:06:42 AEDT on 20 November 2024 (Request 1). The Register operator advised Picklebet that the Complainant was a registered individual. The ACMA is of the view that Picklebet was aware that the Complainant was a registered individual from this time. This request was not detailed in Picklebet's submissions. The ACMA's view is that Request 1 was triggered by an attempt by the Complainant to open a licensed interactive wagering service account. From Picklebet's submission, we understand that Picklebet's systems would have 'automatically blocked the account creation process, preventing the NSER registered individual from accessing our services'.
 - > 18:08:04 AEDT on 20 November 2024, less than two minutes after Request 1 (Request 2). Request 2 included substantially similar information about the Complainant as Request 1. The Register operator advised Picklebet that the Complainant was not a registered individual. Submission 1 detailed that this was associated with an attempt to open an account at 16:38.⁵ The ACMA understands this to be 18:08 AEDT. Picklebet submitted that the account was opened and the Complainant was able to place bets from 3 December 2024, after Picklebet verified their identity.
16. While the Notice required Picklebet to provide information about each account or attempt to open an account, information about Request 1 was not included in Picklebet's submission. The ACMA is of the view that this suggests gaps in Picklebet's processes and procedures to identify and link customer attempts to open accounts.
17. The ACMA is of the view that from 18:06 AEDT on 20 November 2024, Picklebet was aware that the Complainant was a registered individual. Rather than using the information from Request 1 to prevent the Complainant from opening an account, Picklebet opened a licensed interactive wagering service account associated with Request 2 that shared substantially similar customer information as Request 1. The fact that Request 2 was made so soon after Request 1 (where the Register operator advised Picklebet that the Complainant was a registered individual) suggests the ease in which the Complainant was able to request to open an account with Picklebet.
18. While Picklebet submitted that it verified the identity of the Complainant, Picklebet submitted that it did not perform any verification of a particular element of the customer information.

³ A list of licensed providers is contained on the NTRC's website: [Sports bookmakers, betting exchange operators and totalisators | Department of Tourism and Hospitality](https://www.acma.gov.au/sports-bookmakers-betting-exchange-operators-and-totalisators). Accessed 5 June 2025.

⁴ This register is available on the ACMA's website: <https://www.acma.gov.au/check-if-gambling-operator-legal>. Accessed 5 June 2025.

⁵ The ACMA understands this to be 18:08 AEDT and that the times presented in Picklebet's submission are instead in Australian Central Standard Time.

19. Picklebet's submission detailed that it enforces a policy of each customer having only one wagering account and that it has processes in place to identify and prevent customers from creating multiple accounts. Picklebet further qualified that this 'one-account' policy and the related controls are designed to prevent persons with existing betting accounts from opening further accounts with Picklebet'. The ACMA notes that in the circumstances of this investigation, these measures did not prevent Picklebet from opening an account for the Complainant, despite the Register operator informing Picklebet on 20 November 2024 that the Complainant was a registered individual.

Did Picklebet take reasonable precautions and exercise due diligence to avoid a contravention of subsection 61MA(2)?

20. When assessing reasonable precautions and due diligence the ACMA will consider all the circumstances and whether the measures taken were proportionate to the seriousness of the issue, including whether the provider had effective and robust processes and systems in place to comply. This would include all the information that the provider knew or should have known (for example through previous interactions with its systems). As noted above, the act of submitting a request to the Register operator under section 61NC alone before opening a new wagering account for an individual is unlikely to satisfy a test of reasonable precautions and due diligence.

21. In Submission 2, Picklebet submitted that it took reasonable precautions and exercised due diligence to comply with its obligations under the IGA. Specifically, Picklebet cited that it:

- > completed identity verification for the Complainant on 3 December 2025; and
- > checked the Complainant's details against the NSER by making a request to the Register operator,

before proceeding to open a wagering account for them.

22. The ACMA considered Picklebet's submissions and formed the view that Picklebet did not take reasonable precautions or exercise due diligence when it opened a wagering account for the Complainant while they were a registered individual.

23. The ACMA's view is that reasonable precautions and due diligence in these circumstances would have involved Picklebet considering all information that it knew about the Complainant and taking appropriate action to prevent them from opening a wagering account after Picklebet became aware that they were a registered individual.

24. This view is informed by the following:

- > Picklebet was informed that the Complainant was a registered individual at 18:06 AEDT on 20 November 2024 in response to Request 1.
- > Despite being aware that the Complainant was a registered individual, Picklebet proceeded to open a licensed interactive wagering service account at 18:08 AEDT on 20 November, around 2 minutes after Picklebet was informed that the Complainant was a registered individual.⁶ It was both reasonable and practicable for Picklebet to identify that Requests 1 and 2 were associated with the same person based on the information available to it at the time and the substantially similar information in both requests.

⁶ Picklebet submitted that the account was opened and the Complainant was able to place bets from 3 December 2024, after Picklebet verified their identity.

- > Having such systems, as referenced in paragraph 10, would be reasonable and proportionate to address the risk of providing licensed interactive wagering services to registered individual. Picklebet did not implement such systems, and it therefore failed to identify this association and take appropriate and reasonable action. Such processes would be reasonable, proportionate, and consistent with the compliance expectations set by the ACMA in published guidance. This failure meant that Picklebet opened the licensed interactive wagering service account for the Complainant while they were a registered individual.

25. The ACMA is therefore of the view that Picklebet failed to take reasonable precautions and exercise due diligence to prevent the Complainant from opening a wagering service account while they were a registered individual.

26. The ACMA has found that Picklebet contravened subsection 61MA(2) by opening a licensed interactive wagering service account for the Complainant.

Finding 2 – Breach: Prohibition of the provision of licenced interactive wagering services to registered individuals (subsections 61KA(3))

Regulatory obligation

27. Subsection 61KA(3), which is a civil penalty provision, provides that an IWP must not provide licensed interactive wagering services to registered individuals. Subsection 61KA(4) provides that a person commits a separate contravention of subsection 3 in respect of each day during which the contravention occurs:

Did Picklebet provide licensed interactive wagering services to a registered individual?

28. Finding 1 set out the ACMA's view that Picklebet opened a licensed interactive wagering service account for the Complainant whilst they were a registered individual.

29. Finding 1 also detailed the ACMA's views on why Picklebet failed to prevent the Complainant from opening a licensed interactive wagering service account while they were self-excluded, including that Request 2 (associated with the successful attempt to open an account) occurred 2 minutes after the Register operator advised Picklebet that the Complainant was a registered individual.

30. Picklebet submitted that it provided licensed interactive wagering services to the Complainant on 3 December 2024. During this time, the complainant placed 19 bets.

Did Picklebet take reasonable precautions and exercise due diligence to avoid a contravention of subsection 61KA(3)?

31. Picklebet submitted that it took reasonable precautions and exercised due diligence to avoid contravening subsection 61KA(3) in relation to the Complainant, including by checking their details against the NSER.

32. The ACMA has considered Picklebet's submission and formed the view that Picklebet did not take reasonable precautions or exercise due diligence to prevent providing the Complainant with licensed interactive wagering services while they were a registered individual.

33. Consistent with Finding 1, the ACMA considers that reasonable precautions and due diligence in the circumstances would have involved Picklebet considering all information that it knew about the Complainant and taking appropriate action to not

provide them with wagering services, after Picklebet became aware that the Complainant was a registered individual.

34. Consistent with the assessment in paragraphs 21 – 24, the ACMA considered that it was both reasonable and practicable for Picklebet to identify that the substantially similar Requests 1 and 2 were linked and concerned the same individual and to conclude that Request 2 was associated with a registered individual. Having such systems, as referenced in paragraph 10, would be reasonable and proportionate to address the risk of providing licensed interactive wagering services to registered individuals. Picklebet did not implement such systems, and it therefore failed to identify this association and take appropriate and reasonable action. This failure meant that Picklebet opened the licensed interactive wagering service account and subsequently provided the Complainant with licenced interactive wagering services.
35. The ACMA found that Picklebet contravened subsection 61KA(3) on 1 occasion by providing licensed interactive wagering services to a registered individual on 3 December 2024.

Conclusions

36. The ACMA has found that Picklebet:

- > Has contravened subsection 61MA(2) by opening 1 licenced interactive wagering service account for a registered individual.
- > Has contravened subsection 61KA(3) on 1 occasion in relation to the provision of licensed interactive wagering services to a registered individual on 3 December 2024.

Attachments

Attachment A – Extract of relevant provisions

Attachment A**Key provisions of the IGA*****Section 61KA – Prohibition of the provision of licensed interactive wagering services to registered individuals****Offence*

(1) A person commits an offence if:

- (a) the person is a licensed interactive wagering service provider; and
- (b) the person provides a licensed interactive wagering service to an individual; and
- (c) the individual is a registered individual.

Penalty: 500 penalty units.

(2) A person who contravenes subsection (1) commits a separate offence in respect of each day (including a day of conviction for the offence or any later day) during which the contravention continues.

Civil penalty provision

(3) A licensed interactive wagering service provider must not provide a licensed interactive wagering service to a registered individual.

Civil penalty: 750 penalty units.

(4) A person who contravenes subsection (3) commits a separate contravention of that provision in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day).

Exception

(5) Subsections (1) and (3) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Note 3: In proceedings for a civil penalty order for a contravention of subsection (3), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the *Regulatory Powers Act*).

Offence—extended geographical jurisdiction

(6) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).

Section 61MA – Licensed interactive wagering service account must not be opened for a registered individual

Offence

(1) A person commits an offence if:

- (a) the person is a licensed interactive wagering service provider; and
- (b) the person opens a licensed interactive wagering service account for an individual; and
- (c) the individual is a registered individual.

Penalty: 120 penalty units.

Civil penalty provision

(2) A licensed interactive wagering service provider must not open a licensed interactive wagering service account for a registered individual.

Civil penalty: 180 penalty units.

Exception

(3) Subsections (1) and (2) do not apply if the licensed interactive wagering service provider took reasonable precautions, and exercised due diligence, to avoid the contravention.

Note 1: The Register operator must, if requested to do so by a licensed interactive wagering service provider, inform the provider whether an individual is a registered individual (see section 61NC).

Note 2: In a prosecution for an offence against subsection (1), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

Note 3: In proceedings for a civil penalty order for a contravention of subsection (2), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the *Regulatory Powers Act*).

Offence—extended geographical jurisdiction

(4) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1).