

# Investigation Report – TempleBet

## Summary

<b>Entity</b>	David Ian McLauchlan trading as TempleBet Wagering ( <b>TempleBet</b> )
<b>Australian Business Number</b>	72 035 461 089
<b>Relevant legislation</b>	<i>Interactive Gambling Act 2001</i>
<b>Type of activity</b>	Part 7B – National Self-Exclusion Register
<b>Findings</b>	1 contravention of subsection 61MA(2) [Opening a wagering account for a registered individual] 1 contravention of subsection 61KA(3) [Provision of licensed interactive wagering services to a registered individual]

## Background

1. On 17 March 2025, the ACMA commenced an investigation into TempleBet's compliance with the *Interactive Gambling Act 2001* (IGA) following a complaint from a consumer who alleged that they were able to open an account and place bets while registered with BetStop – the National Self-Exclusion Register (**NSER**).
2. On 27 March 2025, under paragraph 173(b) of the *Broadcasting Services Act 1992*, the ACMA gave TempleBet a Notice requiring it to provide information pursuant to the investigation (the **Notice**).
3. The ACMA's findings are based on:
  - > the submission from TempleBet received on 13 April 2025; and
  - > records extracted from the NSER by the ACMA which demonstrate when the individual became a registered individual and when TempleBet made requests to the operator of the NSER (the Register operator), including when the operator informed TempleBet that the individual was a registered individual.
4. The reasons for the ACMA's findings, including the key elements which establish the alleged contraventions are set out below.

## Relevant legislative provisions

5. 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 the report are a reference to the provisions within the IGA.

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

Regulatory obligation

6. A licensed interactive wagering services provider (IWP) must not open a licensed interactive wagering service account for a registered individual.
7. The Register operator is the body corporate engaged to provide and operate the NSER. 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**).
8. 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.<sup>1</sup> In this context, all the relevant circumstances and actions an IWP took (or it would have been reasonable for it to take) would need to be considered. This may include:
  - > Applying flags to people who have been identified as self-excluded so they would be prevented from opening an account if they attempted to register with altered details, as referenced in the ACMA compliance guidance of 19 March 2024.<sup>2</sup>
  - > Having a system to ensure the information provided by a new customer is accurate before using it to check the NSER 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 the information provided by them matches their identity document, and validating the contact details they provided to ensure any mobile numbers and email addresses used belong to the person opening an account.<sup>3</sup>

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

9. TempleBet is licenced by the Victorian Gambling and Casino Control Commission to provide licensed interactive wagering services. For this reason, TempleBet is included on the ACMA’s Register of IWPs maintained under section 68.<sup>4</sup>
10. It is not disputed that TempleBet is an IWP for the purposes of the IGA and the obligations under Part 7B apply.

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

11. The individual (the **Complainant**) became a registered individual on 21 August 2023.
12. TempleBet submitted that the Complainant attempted to open an account at 9.41am on 12 October 2024 (the **First Account Attempt**). TempleBet submitted a request to the Register operator (the **First Request**) and the Register operator responded that the Complainant was a registered individual. This information has been confirmed through a review of NSER records. TempleBet submitted that it did not proceed to open an account for the Complainant following the First Account Attempt.

<sup>1</sup> <https://www.acma.gov.au/compliance-considerations> accessed 17 March 2025

<sup>2</sup> [Compliance update – 19 March 2024](https://www.acma.gov.au/compliance-considerations) accessed on 30 June 2025

<sup>3</sup> <https://www.acma.gov.au/guidelines-reasonable-precautions-and-due-diligence> accessed on 26 May 2025

<sup>4</sup> This register is available here on the ACMA’s website: <https://www.acma.gov.au/check-if-gambling-operator-legal>.

13. TempleBet submitted the complainant then made a second attempt to open an account at 9:42am<sup>5</sup> on the same day which included substantially similar information (the **Second Account Attempt**).
14. TempleBet then submitted another request to the Register operator on 12 October 2024 (the **Second Request**) and the Register operator responded that the Complainant was not a registered individual as the information no longer sufficiently matched the complainant's record. This information has been confirmed through a review of NSER records. TempleBet submitted that it proceeded to open an account for the complainant on 12 October 2024 at 9:42am.
15. TempleBet has submitted that it took reasonable precautions and exercised due diligence by verifying the Complainant's information and checking their details against the NSER before proceeding to open a wagering account for them. TempleBet also submitted that it had automated and manual processes to check customer information to prevent customers having multiple accounts. The ACMA understands that these automated and manual processes consider all existing accounts, including for excluded customers. TempleBet submitted that it only became aware that the Complainant was a registered individual when the ACMA commenced the investigation.
16. 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. We will look at 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). 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.
17. The ACMA considered TempleBet's submission and has found that TempleBet did not take reasonable precautions or exercise due diligence to prevent it from opening a licensed interactive wagering service account for the Complainant while they were a registered individual.
18. Rather, the ACMA considers that reasonable precautions and due diligence in these circumstances would have involved TempleBet considering all information that it knew about the Complainant and taking appropriate action to prevent them from opening a wagering account after TempleBet became aware that the Complainant was a registered individual.
19. This view is informed by the following:
  - > TempleBet was informed that the Complainant was a registered individual at 10.41am on 12 October 2024.
  - > TempleBet opened a licensed interactive wagering services account at 10.42am on 12 October 2024 which included substantially similar information. Despite the First Account Attempt and the Second Account Attempt occurring within 1 minute of each other, TempleBet proceeded to open an account for the Complainant. It was both reasonable and practicable for TempleBet to identify that the 2 attempts to open an account belonged to the same individual, and that this individual was a registered individual, based on the information available to it at the time.

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<sup>5</sup> The times of 9.41 and 9.42am are understood to instead be 10.41 and 10.42am (AEDT) respectively based on NSER records and the timestamp from evidence of the identity verification undertaken.

- > TempleBet advised that it had a process to prevent customers having duplicate accounts (including those that were identified as being excluded). However, the ACMA found that this process was not effective in this circumstance or was not configured to prevent circumstances such as those of the Complainant.

20. The ACMA finds that TempleBet contravened subsection 61MA(2) on 1 occasion by opening a licensed interactive wagering services account for a registered individual on 12 October 2024.

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

Regulatory obligation

21. An IWP must not provide licensed interactive wagering services to a registered individual. Subsection 61KA(4) provides that a person commits a separate contravention of subsection 3 in respect of each day during which the contravention occurs.

22. 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).

Did TempleBet provide licensed interactive wagering services to registered individuals?

23. TempleBet submitted that it provided the Complainant with licensed interactive wagering services on 12 October 2024. The relevant bet was placed shortly after the account was opened.

24. TempleBet submitted that it took reasonable precautions and exercised due diligence to avoid contravening subsection 61KA(3), including by checking the Complainant's details against the NSER.

25. The ACMA considered TempleBet's claims and has found that TempleBet did not take reasonable precautions or exercise due diligence in these circumstances. Reasonable precautions and due diligence in these circumstances would have involved TempleBet considering all information that it knew about the Complainant and taking appropriate action to not provide them with wagering services, after TempleBet was informed that the Complainant was a registered individual.

26. The ACMA formed the view that it was reasonable for TempleBet to identify that the First Request and Second Request (associated with the successful attempt to open an account) concerned the same individual. TempleBet failed to identify this association and take appropriate and reasonable action. This failure then meant that TempleBet opened a licensed interactive wagering service account 1 minute after it was advised that the Complainant was a registered individual and subsequently provided them with licensed interactive wagering services.

27. The ACMA finds that TempleBet contravened section 61KA(3) of the IGA on 1 occasion by provided a wagering service to the Complainant while they were a registered individual on 12 October 2024.

## Conclusions

28. The ACMA finds that TempleBet:

- > 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 over 1 day.

## Attachments

### Attachment A – Extract of relevant provisions

**Attachment A****Key provisions of the IGA*****Interactive Gambling Act 2001 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).

***Interactive Gambling Act 2001 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).