



Australian Government  
Australian Communications  
and Media Authority

## Remedial Direction issued under subsection 64F(2) of the Interactive Gambling Act 2001

TO: Betfocus Pty Ltd (ACN 668 993 379)

OF: [REDACTED]

### Direction

The Australian Communications and Media Authority (the **ACMA**) is satisfied that Betfocus Pty Ltd (ACN 668 993 379) (**Befocus**), a licensed interactive wagering service provider, has contravened subsections 61MA(2), 61KA(3) and 61LA(4) of the *Interactive Gambling Act* (the **IGA**), details of which are found within the ACMA's investigation report into Betfocus, (the **investigation report**), attached to this Remedial Direction; and

HEREBY directs Betfocus under subsection 64F(2) of the IGA, to take the actions specified below, directed towards ensuring that Betfocus does not contravene subsections 61MA(2), 61KA(3) and 61LA(4) of the IGA, or is unlikely to contravene those provisions in the future.

### Definitions

1. Unless the contrary intention appears, terms used in this Remedial Direction have the same meanings as are ascribed to those terms in section 61GB of the IGA.

### Independent audit

2. Within 30 days from the date of this direction, Betfocus must, for the purposes of paragraph 6, provide the following to the ACMA for approval:
  - a. the name and qualifications of an independent auditor which Betfocus proposes be engaged to conduct the audit and prepare the written audit report required by this direction; and
  - b. the draft terms of reference for the independent auditor which must comply with paragraph 5.
3. At the same time as providing the information required under paragraph 2, Betfocus must provide the ACMA with a statement addressing whether Betfocus has a prior or existing relationship with any proposed auditor and advise of any potential conflicts of interest that may affect the performance of the duties of the proposed auditor (or their employer). The statement must also include a description of the proposed auditor's experience which is relevant to the terms of reference described in paragraph 5.
4. Should the ACMA not approve the independent auditor proposed by Betfocus in accordance with paragraph 2, Betfocus must, within 30 days from when the ACMA gives written notice to that effect, propose an alternative independent auditor under paragraph 2. This process continues until the ACMA has provided notice that it has approved the appointment of the independent auditor.

*Terms of reference*

5. The terms of reference for the approved independent auditor must include requirements to:
- (a) assess the extent to which Betfocus's systems, processes and practices are directed towards ensuring Betfocus's compliance with subsections 61KA(3), 61LA(4) and 61MA(2) of the IGA – this will include (but is not limited to) the auditor assessing the functioning of the systems (including third party systems used by Betfocus), processes and practices and conducting a review of the contraventions identified in the Investigation Report to ascertain the factors which contributed to those contraventions;
  - (b) assess how Betfocus uses third party suppliers and systems to ensure compliance with subsections 61KA(3), 61LA(4), and 61MA(2) of the IGA, including assessing whether its systems:
    - i. record instances where an individual is prevented from opening an account because they are identified as a registered individual;
    - ii. verify the information of new customers before making requests to the Register operator under section 61NC of the IGA;
    - iii. after having identified an individual as a registered individual, identify and link this information to future attempts by that individual to open a licensed interactive wagering service account; and
    - iv. not open a licensed interactive wagering service account for registered individuals and not recklessly send regulated electronic messages to individuals in circumstances where Betfocus is aware that there is a substantial risk that they may be registered individuals.;
  - (c) assess the quality and effectiveness of remedial actions that Betfocus has taken to date to address contraventions of subsections 61KA(3), 61LA(4) and 61MA(2) of the IGA, including (but not limited to) the contraventions identified in the Investigation Report;
  - (d) provide recommendations as to the improvement or maintenance of Betfocus's systems, processes and practices to ensure best practice compliance with sections 61KA(3), 61LA(4) and 61MA(2) of the IGA; and
- may also include:
- (e) any other terms of reference which are considered to be appropriate by Betfocus or the independent auditor to assist in assessing Betfocus's capability to comply with Part 7B of the IGA, so long as these do not in any way limit the scope of the terms of reference in paragraphs (a)-**Error! Reference source not found.**

*Timeframes and Reports*

6. Betfocus must require that the independent audit be completed in accordance with the terms of reference, and the independent auditor's written report be provided to Betfocus, no later than 3 months after the day that Betfocus is provided with approval as contemplated in paragraph 2 (the **independent audit report**).

7. Betfocus must provide a copy of the independent audit report to the ACMA within 10 days of Betfocus receiving the independent audit report.
8. Betfocus must implement all audit recommendations within 6 months of receiving the independent audit report (**audit recommendations**).
9. Betfocus must provide a written report to the ACMA within 30 days after the end of the 6-month period referred to in paragraph 8, which includes Betfocus' responses to all audit recommendations (the **implementation report**).
10. If there are any audit recommendations that Betfocus cannot reasonably implement in the timeframe in paragraph 8, Betfocus should record its reasons in the implementation report and specify the time period within which it proposes to implement the recommendation(s) (**delayed implementation**). If there are any recommendations that Betfocus does not consider are reasonable to implement, it must record its reasons in the implementation report.
11. For each audit recommendation where there is a delayed implementation, Betfocus must notify the ACMA in writing within 10 days after the recommendation has been implemented and include the date of implementation in its notification.
12. Any notice or approval required or permitted to be given by the ACMA under this Undertaking must be in writing and may be given by any ACMA Authority member or by any ACMA staff member who is a member, or acting member, of the Senior Executive Service.

#### *Training*

13. Betfocus must procure an independent third party to develop and deliver training on how to comply with subsection 61LA(4) of the IGA for each Betfocus employee and contracted service provider engaged by Betfocus that may be, or is currently involved in or responsible for, preparing or sending regulated electronic messages (including the preparing of marketing lists and marketing material), or customer engagement.
14. Betfocus must provide a plan of the proposed training to the ACMA within 60 days of the date of this direction. The plan must address:
  - (a) the name and qualifications of an independent third party Betfocus will engage to develop and deliver the training;
  - (b) how the training will be developed and delivered;
  - (c) what the training will involve; and
  - (d) which roles will receive the training.
15. Betfocus must arrange for the training under paragraphs 12 and 13 to be delivered within 120 days of the date of this direction.
16. Within 1 week of the training referred to in paragraphs 12 and 13 being delivered, Betfocus must provide the ACMA with written notice that it has been completed.

#### *Self-reporting*

17. For 12 months from the date of this direction, Betfocus must self-report to the ACMA any potential or alleged non-compliance with subsections 61KA(3), 61LA(4) and 61MA(2) of the IGA within 30 days after Betfocus becomes aware of it, including any complaints regarding regulated electronic messages. Any self-report must include:

- (a) for any potential or alleged non-compliance identified following a complaint made to Betfocus – the details of the complaint, steps taken by Betfocus to investigate the complaint and the outcome; and
- (b) for any self-identified potential non-compliance – the details of the potential non-compliance, any steps taken to investigate and the remediation measures taken.

*Record-keeping*

18. For 12 months from the date of this direction, Betfocus must:

- (a) Keep accurate records of:
  - i. requests made to the Register operator under section 61NC of the IGA;
  - ii. licensed interactive wagering service accounts identified as belonging to registered individuals; and
  - iii. attempts by registered individuals to open new licensed interactive wagering service accounts with Betfocus;
- (b) provide copies of records referred to in subparagraph 17(a) to the ACMA upon written request by the ACMA.

**TAKE NOTE**

- 19. Subsection 64F(1) of the IGA provides that section 64F applies if the ACMA reasonably believes that a person has contravened, or is contravening, a civil penalty provision of the IGA (other than subsection 64(F)(4)).
- 20. Subsections 61MA(2), 61KA(3) and 61LA(4) of the IGA are civil penalty provisions.
- 21. Subsection 64F(3) of the IGA provides that a person commits an offence if:
  - (a) the person is subject to a direction under subsection 64F(2);
  - (b) the person engages in conduct; and
  - (c) the person's conduct contravenes the direction.
- 22. A contravention of subsection 64F(3) has a penalty of up to 50 penalty units (currently \$16,500).
- 23. Subsection 64G(1) of the IGA provides that a person who contravenes subsection 64F(3) 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. Under subsection 64G(2), if an offence against subsection 64F(3) is a continuing offence, the maximum penalty for each day that the offence continues is 10% of the maximum penalty that could be imposed in respect of the principal offence.
- 24. Subsection 64F(4) of the IGA provides that a person must not contravene a direction to which the person is subject under subsection 64F(2). The civil penalty for a contravention of subsection 64F(4) is up to 75 penalty units (currently \$24,750).
- 25. Subsection 64G(3) of the IGA provides that a person who contravenes subsection 64F(4) engages in a separate contravention of that subsection in respect of each day during which the contravention occurs (including the day the relevant civil penalty order is made or any later day). Under subsection 64G(4), if a contravention of subsection 64F(4) is a continuing contravention, the maximum civil penalty for each day that the contravention continues is 10% of the maximum civil penalty that could be imposed in respect of the principal contravention.


## BACKGROUND ON FINDINGS

26. On 30 January 2025, the ACMA commenced an investigation into whether Betfocus, a licensed interactive wagering provider, had contravened the IGA following the receipt of consumer complaints.
27. On 2 July 2025, the ACMA notified Betfocus that the ACMA has reasonable grounds to believe that, between 25 March 2024 and 27 October 2024, Betfocus:
- (a) opened 3 licensed interactive wagering service accounts for 3 registered individuals in contravention of subsection 61MA(2) of the IGA;
  - (b) providing of licensed interactive wagering services to registered individuals on 3 days in contravention of subsection 61KA(3) of the IGA and;
  - (c) sent, or caused to be sent, 2 regulated electronic messages to the electronic address where Betfocus was reckless to the fact that the electronic address was the electronic address of a registered individual, in contravention of subsection 61LA(4) of the IGA.
28. Details of the investigation and the basis for the findings are detailed in the ACMA's investigation report.

## CONTACTING THE ACMA

29. Should you require further information, please contact:

Rochelle Zurnamer  
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Australian Communications and Media Authority  
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Dated this 5 December 2025



Carolyn Lidgerwood

Member

Australian Communications and Media Authority