

# Final Investigation Report – Winners Bookmaking Pty Ltd

Summary	
Entity	Winners Bookmaking Pty Ltd ( <b>Winners Bookmaking</b> )
Australian Company Number	ACN 652 847 875
Relevant legislation	<i>Interactive Gambling Act 2001</i>
Type of activity	Part 7B – National Self-Exclusion Register
Findings	<p>13 contraventions of subsection 61MB(5) – Closure of a licensed interactive wagering service account held by a registered individual – no outstanding or pending bets.</p> <p>No contraventions of subsection 61KA(3) – Prohibition of the provision of licensed interactive wagering services to registered individuals.</p>
Other	<p>No finding in relation to potential contraventions of subsection 61LA(2) – A regulated electronic message must not be sent to an electronic address of a registered individual [knowledge of the provider].</p> <p>No finding in relation to potential contraventions of subsection 61JP(5) – Licensed interactive wagering service providers must promote the National Self-Exclusion Register etc.</p>

## Background

- On 3 March 2025, the ACMA commenced an investigation into Winners Bookmaking's compliance with Part 7B of the *Interactive Gambling Act 2001 (IGA)*, following a complaint from a consumer (the **Complainant**) received by the ACMA.
- On 13 March 2025, under paragraph 173(b) of the *Broadcasting Services Act 1992 (BSA)*, the ACMA issued a Notice to Winners Bookmaking requiring it to provide information pursuant to the investigation (the **Notice**).
- Winners Bookmaking made 5 submissions in response to the Notice:
  - > 17 March 2025 (Submission 1)
  - > 21 March 2025 (Submission 2)
  - > 28 March 2025 (Submission 3)
  - > 4 April 2025 (Submission 4)
  - > 9 April 2025 (Submission 5).
- The ACMA, being of the view that Winners Bookmaking had not produced all information and documents required by the Notice, issued a letter of demand to

Winners Bookmaking. In response, Winners Bookmaking provided the following additional submissions:

- > 24 June 2025 (Submission 6).
  - > 15 July 2025 (Submission 7)
5. The ACMA provided its preliminary findings to Winners Bookmaking on 21 August 2025. Winners Bookmaking provided 3 submissions to the ACMA in response to the preliminary findings:
- > 26 August 2025 (Submission 8)
  - > 28 August 2025, 9:42AM (Submission 9)
  - > 28 August 2025, 2:00PM (Submission 10)
- (collectively the **Submissions**)
6. The ACMA's final findings are based on:
- > the Submissions
  - > the evidence provided by the Complainant, consisting of their complaint and supporting evidence; and
  - > records extracted from BetStop – the National Self-Exclusion Register™ (the **NSER**) by the ACMA, which record when the Complainant became a registered individual, when Winners Bookmaking made requests to the Register operator and when the Register operator responded to those requests in accordance with section 61NC of the IGA.
7. The reasons for the ACMA's findings, including the key elements which establish the findings are set out below.

## Relevant legislative provisions

8. 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 (the relevant provisions)** including, where necessary, references to the *Interactive Gambling (National Self-exclusion Register) Register Rules 2022 (Register Rules)*. Unless otherwise specified all references to provisions within legislation in the report are a reference to provisions within the IGA.

## Findings

### **Finding 1 – No finding: A regulated electronic message must not be sent to an electronic address of a registered individual (subsection 61LA(2))**

#### Regulatory obligation

9. A licensed interactive wagering service provider (an **IWP**) must not send, or cause to be sent, a regulated electronic message to an electronic address that is known by the IWP to be an electronic address of a registered individual, or where the IWP is reckless as to the fact that the electronic address is an electronic address of the registered individual (see subsections 61LA(2) and (4), respectively).
10. 'Registered individual' is defined in section 61GB to mean an individual registered in the National Self-exclusion Register under Part 7B.

#### Is Winners Bookmaking a licensed IWP for the purposes of the IGA?

11. Winners Bookmaking is licensed by the New South Wales Greyhound Welfare & Integrity Commission to provide licensed interactive wagering services in Australia. For this reason, Winners Bookmaking is included in the ACMA's Register of IWPs maintained under section 68 of the IGA.<sup>1</sup>
12. It is not disputed that Winners Bookmaking is an IWP for the purposes of the IGA, and the obligations under Part 7B apply.

Did Winners Bookmaking send, or cause to be sent, electronic messages to the complainant?

13. Section 61GE of the IGA defines an electronic message. Relevantly, subsection 61GE(1) provides:

*For the purposes of this Part, an **electronic message** is a message sent:*

- (a) using:
- (i) an internet carriage service; or
  - (ii) any other listed carriage services, and
- (b) to an electronic address in connection with:
- (i) an email account; or
  - (ii) an instant messaging account; or
  - (iii) a telephone account; or
  - (iv) a similar account.

*Note: Email addresses and telephone numbers are examples of electronic addresses.*

14. The Complainant alleges that they received an email from Winners Bookmaking at 4:58 pm on 9 January 2025.
15. In its submissions to the ACMA, Winners Bookmaking submitted that:
- it did not send the message and that it could not provide evidence of this, claiming, how 'could Winners logically provide evidence of something *not* happening?'<sup>2</sup>
  - it was unable to provide any information about the regulated electronic messages that the Complainant alleged Winners Bookmaking had sent or caused to be sent to the Complainant. This was because its third-party technology provider did not have records of the marketing messages that it sent to the Complainant: 'Due to the length of time that has passed,' and that Winners Bookmaking's third-party technology provider 'doesn't save the promotional emails you asked for'.<sup>3</sup>
16. Winners Bookmaking also questioned the legitimacy of the email provided to the ACMA by the complainant.<sup>4</sup>
17. Winners Bookmaking was unable to provide evidence of all the regulated electronic messages sent or caused to be sent between 4 January 2025 and 10 January 2025 (inclusive). Provision of these messages could have evidenced whether Winners Bookmaking sent the message alleged to have been received by the Complainant.

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<sup>1</sup> This register is available on the ACMA's website: <https://www.acma.gov.au/check-if-gambling-operator-legal>  
Accessed 23 September 2025

<sup>2</sup> Submission 1 and Submission 8, paragraphs 5 and 7.

<sup>3</sup> Submission 3.

<sup>4</sup> Submission 1 and 8

18. The ACMA notes that, an IWP is ultimately responsible for its own compliance with its obligations under the IGA, including where an IWP uses a third-party service provider as part of its compliance processes. If functions are outsourced, it is reasonable for IWPs to take steps to require service providers to store records for reasonable periods of time to demonstrate compliance in the event of an investigation. While record-keeping requirements are not currently an obligation under the IGA, the ACMA is of the view that it is not unreasonable for IWPs to ensure records of customer interactions and communications are kept for a period of more than two months to demonstrate compliance if required. This would be consistent with the IWP taking reasonable precautions and exercising due diligence in line with subsection 61LA(6) of the IGA.
19. The ACMA notes that the email provided by the Complainant appeared to have been sent from an email address linked to Winners Bookmaking ([...]), to the Complainant. The ACMA also notes, the email has grammatical errors and is unbranded.
20. In Submission 1, Winners Bookmaking provided a screenshot example of the footer that is included in its regulated electronic messages.<sup>5</sup> The screenshot shows promotion of the NSER and Winners Bookmaking branding. Neither of these elements are present in the email provided by the Complainant.
21. Due to the inconsistencies between the contents of the email provided by the Complainant and the footer example provided by Winners Bookmaking, and that Winners Bookmaking has been unable to provide a copy of the email, or any regulated electronic messages sent to customers between 4 January 2025 and 10 January 2025 (inclusive), the ACMA is unable to determine whether Winners Bookmaking did or did not send the electronic message to the Complainant.
22. Consequently, the ACMA is of the view that it is unable to determine if Winners Bookmaking sent, or caused to be sent, a regulated electronic message to the electronic address, that was known by Winners Bookmaking to be the electronic address of a registered individual.
23. As such, the ACMA makes no finding as to whether Winners Bookmaking contravened subsection 61LA(2) in this instance.

**Finding 2 – No Finding: Licensed interactive wagering service providers must promote the NSER (subsection 61JP(5))**

Regulatory obligation

24. Subsection 61JP(1) provides that:

*The Register rules may require licensed interactive wagering service providers to take specified action for the purposes of promoting the National Self-exclusion Register to their customers.*

25. Subsection 61JP(5) provides that an IWP must not contravene the Register rules made for the purposes of subsection 61JP(1).
26. Subsection 25(3) of the Register rules provides that where an IWP sends a regulated electronic message, it must, at a minimum, include:
  - a) a reference to 'BetStop';
  - b) a statement to the effect that BetStop is the national self-exclusion register;and

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<sup>5</sup> Submission 1, page 3.

c) a hyperlink to the BetStop website.

Did Winners Bookmaking engage in conduct that contravenes the Register rules?

27. The Complainant alleges that they received an email from Winners Bookmaking at 4:58 pm on 9 January 2025.
28. The ACMA is of the view that it is unable to determine if Winners Bookmaking sent, or caused to be sent, the regulated electronic message to the electronic address, that was known by Winners Bookmaking to be the electronic address of a registered individual (see Finding 1). Therefore, the ACMA is not required to consider whether the message provided by the Complainant contained NSER promotional content as required by subsection 25(3) of the Register rules.
29. Accordingly, the ACMA makes no finding as to whether Winners Bookmaking contravened subsection 61JP(5).

**Finding 3 – Breach: Failure to close a licensed interactive wagering service account of a registered individual – no outstanding bets (subsection 61MB(5)).**

Regulatory obligation

30. Under subsection 61MB(5) an IWP must, as soon as practicable after an individual with no outstanding or pending bets becomes a registered individual:
- > close the individual's account;<sup>6</sup> and
  - > pay the individual:
    - the credit balance of the individual's account (if any);<sup>7</sup> or
    - the credit balance of the individual's account remaining after the deduction of any debts owed to the IWP immediately prior to the individual becoming a registered individual (if any).<sup>8</sup>
31. Under subsection 61MB(7), subsection 61MB(5) does not apply if the IWP took reasonable precautions, and exercised due diligence, to avoid the contravention.

Did the Complainant hold a licensed interactive wagering service account before becoming a registered individual?

32. In Submission 1, Winners Bookmaking confirmed that the Complainant had a licensed interactive wagering service account with Winners Bookmaking, through its Betplay brand. The account was opened at 6:46 pm AEST on 22 August 2024, before the Complainant became a registered individual on 5 September 2024.
33. Accordingly, the ACMA is of the view that the Complainant held a licensed interactive wagering service account with Winners Bookmaking when they became a registered individual.

Did the Complainant have any outstanding or pending bets attributable to the provision of a licensed interactive wagering service by Winners Bookmaking?

34. In Submission 1, Winners Bookmaking submitted that the Complainant 'made no further deposits, made no further bets, and did not take advantage of any of the promotional offers' after 23 August 2024. In Submission 6, Winners Bookmaking confirmed that '(the) Complainant's last wager with Betplay was at 13.19 on 23 August

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<sup>6</sup> See subparagraphs 61MB(5)(c)(i) & (d)(i), with the former applicable where the individual did not owe any debts to the IWP immediately prior to becoming a registered individual and the latter applicable where such debts were owed to the IWP.

<sup>7</sup> See subparagraph 61MB(5)(c)(ii).

<sup>8</sup> See subparagraph 61MB(5)(d)(ii).

2024' and that '(after) that date the client had a zero balance in (their) account'. Submission 6 included a screenshot of this bet, showing a Fixed Win bet from 'Aug 23, 24, 13:19:39' on the greyhound [...] at Healesville R8.

35. The ACMA made its own inquiries into this racing event and considers that this bet would have resolved as a losing bet around 1:24 pm on 23 August 2024.
36. The ACMA is of the view that the Complainant did not have any outstanding or pending bets attributable to the provision of a licensed interactive wagering service by Winners Bookmaking when they became a registered individual on 5 September 2024.

Did Winners Bookmaking close the complainant's account, as soon as practicable after the individual became a registered individual?

*What is 'as soon as practicable'?*

37. The applicable timeframe for the 'as soon as practicable' requirement does not impose a standard of perfection and may vary on a case-by-case basis. The ACMA has considered the practicalities and relevant circumstances when assessing compliance with this requirement.
38. Section 61NC provides that an IWP can check the registration status of an individual at any time. Under subsection 61NC(6) an IWP must be 'connected' to the NSER so that it can make such requests. Subsection 23(1) of the Register rules requires the Register operator to respond to such requests within:
  - a) 1 second where the request covers 1 individual; and
  - b) 15 minutes where the request covers multiple individuals.
39. In practice, the Register operator returns responses much quicker than the timeframes set out in the Register rules, with a response to a single request returned, on average, in 0.003 seconds.
40. An individual—including any customer of Winners Bookmaking—can self-exclude at any time.
41. The requirement to close a registered individual's account as soon as practicable arises when the relevant individual registers with the NSER, not when the IWP identifies that they are a registered individual. The ACMA is of the view that an IWP fails in its obligation to close an account as soon as practicable after an individual becomes a registered individual if it does not check that customer against the NSER in a timely manner.

*Processes in place and action taken by Winners Bookmaking to check if a customer is a registered individual.*

42. The ACMA considers that it is necessary for an IWP to submit checks against the NSER at regular intervals to confirm whether its customers are registered individuals in order to comply with its obligations under section 61MB.
43. Winners Bookmaking submitted that its processes were set up to submit section 61NC requests for customers at the following points:
  - > 'When a client first signs up...
  - > Upon depositing funds (not only the first deposit, but for every subsequent deposit)
  - > Upon withdrawal request (each time a request is made)
  - > Upon the user logging in
  - > Every single wager a client requests

- > Whenever promotional material is sent on our behalf via email, push notification, or via SMS<sup>9</sup>
44. The ACMA is of the view that the triggers Winners Bookmaking used to check customers against the NSER relied on a customer engaging with Winners Bookmaking or Winners Bookmaking engaging with a customer. This may result in a delay in Winners Bookmaking identifying a customer who is a registered individual should neither of these events occur. An IWP still has an obligation to close the licensed interactive wagering services account as soon as practicable after that individual becomes a registered individual even where that customer is not actively engaging with an IWP's service.
45. Winners Bookmaking submitted that, if a request returned a response that a customer was a registered individual, then their account would be 'automatically suspended' and that this would occur 'immediately'<sup>10</sup>.
46. Winners Bookmaking further submitted that 'any remaining funds' in the account as credit balance would then be 'paid out to the customer on the next Betplay pay run'.<sup>11</sup>
47. In its submissions Winners Bookmaking used a variety of terms to refer to the status of the complainant's account (once it became apparent that they were a registered individual). In addition to 'automatically suspended', these included referring to the account as dormant, frozen and locked. Relevant submission extracts are below [emphasis added]:
- > 'The client's account remained "**dormant**" until [the technical provider] customer service representatives received an [email from the Complainant 9 January 2025].<sup>12</sup>
  - > 'Currently our system checks and **freezes** the customers account if they are registered with Betstop'.<sup>13</sup>
  - > The system shows the Complainant as being registered with BetStop. This is an automated process and it **locks** their account.<sup>14</sup>
48. The IGA sets clear obligations on IWPs to close the licensed interactive wagering service account of customers as soon as practicable after they become registered individuals. An IWP merely 'suspending' an account without closing it would not comply with the obligation under section 61MB.

*How soon after registering did Winners Bookmaking identify the Complainant as a registered individual and close their account?*

49. As noted above, the Complainant became a registered individual on 5 September 2024. From a review of NSER records, the ACMA has established that the Register operator informed Winners Bookmaking that the Complainant was a registered individual on multiple occasions between the Complainant becoming a registered individual and the email being allegedly sent on 9 January 2025.
50. In responses to requests under section 61NC from Winners Bookmaking, the Register operator advised Winners Bookmaking that the Complainant was a registered individual at:

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<sup>9</sup> Submission 1, page 6.

<sup>10</sup> Submission 1, page 6

<sup>11</sup> Submission 1, page 6

<sup>12</sup> Submission 1, page 10.

<sup>13</sup> Submission 1, page 18.

<sup>14</sup> Submission 6, page 1.

- > 12:09:29 pm (AEST) on 25 September 2024
- > 8:17:22 am (AEST) on 28 September 2024
- > 11:25:33 pm (AEDT) on 11 October 2024
- > 11:36:57 pm (AEDT) on 11 October 2024
- > 10:43:57 pm (AEDT) on 18 October 2024
- > 11:05:27 pm (AEDT) on 22 October 2024
- > 8:33:56 pm (AEDT) on 1 November 2024
- > 11:02:46 pm (AEDT) on 3 December 2024.

51. Winners Bookmaking stated in Submission 1 that the 'Date of Account Closure' for the Complainant's account was 9 January 2025, about the same time the Complainant complained to Winners Bookmaking about receiving the alleged email.

52. In response to the ACMA's preliminary findings, in Submission 8, Winners Bookmaking stated that the Complainant's account was closed earlier than the date of 9 January 2025. In Submission 8, Winners Bookmaking provided its definitions of 'closed' and 'suspended' under 'client states' of its customer accounts where:

- > 'Closed = Client "closed" their own account. Can not be reactivated without written request.'
- > 'Suspended = System or employee "closed" client account.'<sup>15</sup>

53. Additionally in submission 8, Winners Bookmaking stated:

*From a software system point of view, once an account has been suspended/closed because a customer is detected to be a registered individual' then no further action is required in our system (apart from 'resulting' any pending bets and/or paying out remaining funds). The former customer's account is closed in that it is inaccessible to the former customer – they can't bet with us, they can't log in, and our staff can't interact with the former customer on chat or phone and the system will not allow emails to be sent to them. The account cannot be revived, reactivated or re-opened under any circumstance. In other words, it is de facto closed the exact moment the detection is made (unless there are pending bets or funds that must be returned, which will occur on the next payments run).*

54. Furthermore, in Submission 8, Winners Bookmaking stated that:

*Winners has maintained all along that its system is automatic and that its staff do not know the exact date when a customer is detected by the system as being on BetStop, only that, once detected, the [...] platform will display "(On BetStop List) (BETSTOP)" on the account profile. Whilst I used the term "suspended" in my submission above at paragraph d)<sup>16</sup>, the account was already, in fact, closed and locked. Ever since our system detected the customer was on BetStop, the customer could not wager with us or use that account ever again and could not log in ever again.*

55. As Winners was first informed by the Register operator that the Complainant was a registered individual on 25 September 2024, and based on Submission 8 from Winners Bookmaking that its system is automatic, and that "[e]ver since our system detected the customer was on BetStop, the customer could not wager with us or use

<sup>15</sup> Submission 8, paragraph 24.

<sup>16</sup> Submission 8, paragraph 47 and on page 11 of Submission 1.

*that account ever again and could not log in ever again*", this implies that the Complainant's account would have been closed on 25 September 2024.

*Was the Complainant's account closed as soon as practicable after they became a registered individual?*

56. Registrants with the NSER have a reasonable expectation that IWPs will comply with their obligations under the IGA, including to close their account as soon as practicable after they become a registered individual. The ACMA considers that Winners Bookmaking could have been checking the NSER for the Complainant, as an inactive customer, on a frequent basis so that it could comply with its obligations under subsection 61MB(5). A reasonable frequency in the circumstances of a customer that is not attempting to access wagering services and that Winners Bookmaking is not seeking to market to would be a period of no longer than once every 7 days. A failure to do this meant that Winners Bookmaking relied on out-of-date information in the specific context of compliance with section 61MB.
57. Once the connection to the NSER is established (which Winners Bookmaking had completed at the time when the Complainant became a registered individual), checking customers against the NSER is not a labour intensive or complex undertaking for an IWP.
58. Having considered the Submissions, the ACMA is of the view that there was no obstacle to Winners Bookmaking checking the NSER for the Complainant on a regular basis to determine whether they were a registered individual so that it could close their account within 7 days of registration on the NSER, which in this case would have been 12 September 2024.
59. Instead, based on the NSER operator records, after the Complainant became a registered individual, Winners Bookmaking did not make a request under section 61NC to the Register operator, to inform it whether the Complainant was a registered individual, until 25 September 2024. Winners Bookmaking has not provided evidence, such as a system log or action record, that details when exactly the Complainant's account was closed. Therefore, the ACMA has formed the view that as the Register operator first informed Winners Bookmaking that the Complainant was a registered individual on 25 September 2024, and based on the submissions from Winners Bookmaking as discussed above at paragraphs 51 to 54, the Complainant's account was closed on this date, 20 days after the Complainant became a registered individual.
60. The ACMA has considered the exception at 61MB(7) as to whether the IWP took reasonable precautions, and exercised due diligence, to avoid the contravention. The ACMA notes that the evidential burden is on the IWP if it intends to rely on the exception in subsection 61MB(7) (see section 96 of the *Regulatory Powers (Standard Provisions) Act 2014*).
61. The ACMA considers the exception at subsection 61MB(7) does not apply as there is no evidence in the systems and processes outlined in the Submissions that Winners Bookmaking took reasonable precautions and exercised due diligence, to avoid the contravention.
62. As such, the ACMA finds that Winners Bookmaking contravened subsection 61MB(5) as it did not close the Complainant's licensed interactive wagering service account, that did not have any pending or outstanding bets, as soon as practicable after the Complainant became a registered individual, that is by 12 September 2024.

*Continuing contraventions of civil penalty provisions*

63. Subsection 64B(1) provides that each civil penalty provision of the IGA is enforceable under Part 4 of the *Regulatory Powers (Standards Provisions) Act 2014* (RPA).
64. Subsection 93(1) of the RPA provides that if an act or thing is required under a civil penalty provision to be done within a particular period or before a particular time, then the obligation to do that act or thing continues until the act or thing is done (even if the period has expired or the time has passed). Subsection 93(2) of the RPA provides that a person who contravenes a civil penalty provision that requires an act or thing to be done within a particular period or before a particular time commits a separate contravention of that provision in respect of each day during which the contravention occurs.
65. Subsection 61MB(5) is a civil penalty provision. Consequently, an IWP that contravenes subsection 61MB(5) will commit a separate contravention of that provision for each day that they continue to fail to comply with that obligation.
66. The ACMA is of the view that Winners Bookmaking failed to close the licensed interactive wagering service account of a registered individual that had no outstanding or pending bets, and that this conduct constituted 13 breaches of subsection 61MB(5) for the period 12 September 2024 to 25 September 2024.

**Finding 4 – No breach: Prohibition of the provision of licensed interactive wagering services to registered individuals (section 61KA).**

Regulatory obligation

67. Subsection 61KA(3) provides that an IWP must not provide a licensed interactive wagering service to a registered individual.
68. A licensed interactive wagering service is defined in section 61GB as a regulated interactive gambling service (defined by section 8E) that:
- (a) is a wagering service (as defined in section 4); and
  - (b) has an Australian customer link (as defined in section 8); and
  - (c) is not provided in contravention of subsection 15AA(3).

Did Winners Bookmaking provide licensed interactive wagering services to the Complainant while they were a registered individual?

69. The ACMA investigated whether Winners Bookmaking provided licensed interactive wagering services to the Complainant while they were a registered individual.
70. As discussed in paragraph 34, based on submissions from Winners Bookmaking, and the ACMA's own enquiries, the Complainant did not place any bets after they became a registered individual on 5 September 2024. The ACMA has found no evidence that the Complainant was provided with licensed interactive wagering services while they were a registered individual.
71. Consequently, the ACMA is of the view that Winners Bookmaking has not contravened subsection 61KA(3) of the IGA in relation to the provision of a licensed interactive wagering service to the Complainant while they were a registered individual.

## **Conclusions**

72. The ACMA finds that there are reasonable grounds to believe that Winners Bookmaking:

- > Has contravened subsection 61MB(5) on 13 occasions by failing to close the licensed interactive wagering service account of a registered individual that had no outstanding or pending bets as soon as practicable.
- > Has not contravened subsection 61KA(3) in relation to the provision of licensed interactive wagering services to registered individuals.

73. The ACMA has made the following findings into other matters examined:

- > No finding as to whether Winners Bookmaking contravened subsection 61LA(2) by sending or causing to be sent a regulated electronic message to an electronic address that was known by Winners Bookmaking to be the electronic address of a registered individual.
- > No finding as to whether Winners Bookmaking contravened subsection 61JP(5) by failing to include a reference to the NSER in 1 regulated electronic message as required by the Register rules.

## **Attachments**

### **Attachment A – Relevant Provisions**

## The Relevant Provisions

### *Interactive Gambling Act 2001*

#### ***Section 61JP Licensed interactive wagering service providers must promote the National Self-exclusion Register etc***

(1) The Register rules may require licensed interactive wagering service providers to take specified action for the purposes of promoting the National Self-exclusion Register to their customers.

(2) The Register rules may require licensed interactive wagering service providers to take specified action directed towards ensuring that their customers are aware of, and can readily access, the following:

- (a) the website of the National Self-exclusion Register;
- (b) if there is an app for the National Self-exclusion Register—that app.

#### *Offence*

(3) A person commits an offence if:

- (a) the person is a licensed interactive wagering service provider; and
- (b) the person engages in conduct; and
- (c) the person's conduct contravenes Register rules made for the purposes of subsection (1) or (2).

Penalty: 120 penalty units.

(4) A person who contravenes subsection (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.

#### *Civil penalty provision*

(5) A licensed interactive wagering service provider must not contravene Register rules made for the purposes of subsection (1) or (2).

Civil penalty: 180 penalty units.

(6) A person who contravenes subsection (5) 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*

(7) Subsections (3) and (5) do not apply if the contravention occurred in circumstances prescribed by the Register rules.

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

Note 2: In proceedings for a civil penalty order for a contravention of subsection (5), 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*

(8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (3).

**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 61LA Regulated electronic message must not be sent to an electronic address of a registered individual**

*Offence—knowledge of provider*

(1) A person commits an offence if:

- (a) the person is a licensed interactive wagering service provider; and
- (b) the person sends, or causes to be sent, a regulated electronic message to an electronic address; and
- (c) the electronic address is known by the person to be an electronic address of a registered individual.

Penalty: 120 penalty units.

*Civil penalty provision—knowledge of provider*

(2) A licensed interactive wagering service provider must not send, or cause to be sent, a regulated electronic message to an electronic address that is known by the provider to be an electronic address of a registered individual.

Civil penalty: 180 penalty units.

*Offence—recklessness of provider*

(3) A person commits an offence if:

- (a) the person is a licensed interactive wagering service provider; and
- (b) the person sends, or causes to be sent, a regulated electronic message to an electronic address; and
- (c) the electronic address is an electronic address of a registered individual; and
- (d) the person is reckless as to the fact that the electronic address is an electronic address of the registered individual.

Penalty: 60 penalty units.

*Civil penalty provision—recklessness of provider*

(4) A licensed interactive wagering service provider must not send, or cause to be sent, a regulated electronic message to an electronic address if:

- (a) the electronic address is an electronic address of a registered individual; and
- (b) the person is reckless as to the fact that the electronic address is an electronic address of the registered individual.

Civil penalty: 90 penalty units.

(5) For the purposes of subsection (4), a person is **reckless** as to the fact mentioned in paragraph (b) of that subsection if:

- (a) the person is aware of a substantial risk that the fact exists; and
- (b) having regard to the circumstances known to the person, it is unjustifiable to take the risk.

*Exception*

(6) Subsections (1), (2), (3) and (4) 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) or (4), a defendant bears an evidential burden in relation to the matter in this subsection (see section 96 of the Regulatory Powers Act).

*Offences—extended geographical jurisdiction*

(7) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (1) or (3).

**Section 61MB Closure of a licensed interactive wagering service account held by a registered individual—no outstanding or pending bets**

*Offence*

(1) If:

- (a) an individual becomes a registered individual; and
- (b) immediately before becoming a registered individual:
  - (i) the individual had a licensed interactive wagering service account with a licensed interactive wagering service provider; and
  - (ii) the individual did not have any outstanding or pending bets that are attributable to the provision of a licensed interactive wagering service by the provider;

then:

- (c) if, immediately before becoming a registered individual, the individual did not owe any debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the individual becomes a registered individual:
  - (i) close the account; and
  - (ii) if the account has a credit balance—pay the individual an amount equal to the credit balance; and
- (d) if, immediately before becoming a registered individual, the individual owed one or more debts to the provider that could lawfully be recovered by way of deduction

from the account—the provider must, as soon as practicable after the individual becomes a registered individual:

(i) close the account; and

(ii) if the account would have a credit balance if the total amount of those debts were deducted from the account—pay the individual an amount equal to the difference between the balance of the account and the total amount of those debts; and

(e) if the individual ceases to be a registered individual before the closure of the account—the provider must ensure that the account is not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual after the cessation; and

(f) if the account has been closed—the provider must not reopen, reactivate, or reinstate the account.

(2) Paragraph (1)(e) does not prevent the licensed interactive wagering service provider from opening a new licensed interactive wagering service account for the individual if the individual ceases to be a registered individual.

(3) A person commits an offence if:

(a) the person is subject to a requirement under subsection (1); and

(b) the person engages in conduct; and

(c) the person's conduct breaches the requirement.

Penalty: 120 penalty units.

(4) Subsection (3) does not apply if the person 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 (3), a defendant bears an evidential burden in relation to the matter in this subsection (see subsection 13.3(3) of the *Criminal Code*).

#### *Civil penalty provision*

(5) If:

(a) an individual becomes a registered individual; and

b) immediately before becoming a registered individual:

(i) the individual had a licensed interactive wagering service account with a licensed interactive wagering service provider; and

(ii) the individual did not have any outstanding or pending bets that are attributable to the provision of a licensed interactive wagering service by the provider;

then:

(c) if, immediately before becoming a registered individual, the individual did not owe any debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the individual becomes a registered individual:

(i) close the account; and

(ii) if the account has a credit balance—pay the individual an amount equal to the credit balance; and

(d) if, immediately before becoming a registered individual, the individual owed one or more debts to the provider that could lawfully be recovered by way of deduction from the account—the provider must, as soon as practicable after the individual becomes a registered individual:

(i) close the account; and

(ii) if the account would have a credit balance if the total amount of those debts were deducted from the account—pay the individual an amount equal to the difference between the balance of the account and the total amount of those debts; and

(e) if the individual ceases to be a registered individual before the closure of the account—the provider must ensure that the account is not used in relation to the provision, or prospective provision, of one or more licensed interactive wagering services to the individual after the cessation; and

(f) if the account has been closed—the provider must not reopen, reactivate, or reinstate the account.

Civil penalty: 180 penalty units.

(6) Paragraph (5)(e) does not prevent the licensed interactive wagering service provider from opening a new licensed interactive wagering service account for the individual if the individual ceases to be a registered individual.

(7) Subsection (5) does 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 proceedings for a civil penalty order for a contravention of subsection (5), 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*

(8) Section 15.4 of the *Criminal Code* (extended geographical jurisdiction—category D) applies to an offence against subsection (3).

#### *Debt recovery not affected*

(9) To avoid doubt, the closure of a licensed interactive wagering service account under this section does not prevent the recovery of a debt owed by an individual to a licensed interactive wagering service provider.

#### *Acquisition of property*

(10) The provisions of this section have no effect to the extent (if any) to which their operation would result in an acquisition of property (within the meaning of paragraph 51(xxxi) of the Constitution) from a person otherwise than on just terms (within the meaning of that paragraph).

## ***Interactive Gambling (National Self-exclusion Register) Register Rules 2022***

### **Section 25 Promoting the Register to customers**

(1) Where a licensed interactive wagering service provider operates a website or an app in connection with its licensed interactive wagering services, it must, at a minimum, include:

- (a) reference to BetStop;
  - (b) a statement to the effect that BetStop is the national self-exclusion register; and
  - (c) a hyperlink to the BetStop website,
- on:
- (d) the home page; and
  - (e) responsible gambling pages; and
  - (f) other pages promoting the provider's self-exclusion service, if any,
- of that website or app.

(2) The information referred to in paragraphs (1)(a), (b) and (c) must be:

- (a) prominently displayed;
- (b) clear and legible;
- (c) in a font size consistent with other text on the page; and
- (d) positioned in close proximity to information about other responsible gambling or consumer protection measures.

(3) Where a licensed interactive wagering service provider sends a regulated electronic message, it must, at a minimum, include the information identified in paragraphs (1)(a), (b) and (c).

(4) Where a regulated electronic message referred to in subsection (3) is sent via SMS message, the message will comply with the requirements of that subsection if it contains a hyperlink to a separate webpage that includes the information referred to in paragraphs (1)(a), (b) and (c).

(5) Where a licensed interactive wagering service provider provides customers with activity statements, it must, at a minimum, include the information identified in paragraphs (1)(a), (b) and (c).

(6) Where a licensed interactive wagering service provider receives a voice call or electronic message from a customer to discuss:

- (a) placing limits or controls on their gambling;
  - (b) responsible gambling options, including self-exclusion; or
  - (c) general assistance with problem gambling behaviour,
- it must:
- (d) inform the customer of the existence of BetStop; and
  - (e) provide them with the BetStop telephone number and the BetStop website address,
- as soon as practicable after receiving the voice call or electronic message.

Note 1: The requirements in this section are made for the purpose of subsections 61JP(1) and (2) of the Act.

Note 2: It is an offence under subsection 61JP(3) of the Act to engage in conduct that contravenes Register rules made for the purpose of subsections 61JP(1) or (2) of the Act.