



Australian  
Communications  
and Media Authority

communicating | facilitating | regulating

# Investigation Report – Interactive gambling – Jamie Mullarkey

Summary	
Entities involved in the service / advertisement	Jamie Mullarkey
Name of service	Leon
Relevant legislation	<i>Interactive Gambling Act 2001</i> <i>Regulatory Powers (Standard Provisions) Act 2014</i>
Date finalised	27 May 2026
Findings	<ul style="list-style-type: none"> <li>&gt; Contravention of subsection 15(2A) of the <i>Interactive Gambling Act</i> (IGA), by being an ancillary (under paragraph 92(1)(d) of the <i>Regulatory Powers (Standard Provisions) Act 2014</i> (RPA)) — directly or indirectly, knowingly concerned in, or party to, a contravention of subsection 15(2A) of the IGA by the providers of Leon service which has been found by the ACMA to be a prohibited interactive gambling service that has an Australian customer link.</li> <li>&gt; Contravention of subsection 15AA(3) of the IGA, by being an ancillary (under paragraph 92(1)(d) of the RPA) — directly or indirectly, knowingly concerned in, or party to, a contravention of subsection 15AA(3) of the IGA by the providers of Leon service which has been found by the ACMA to be an unlicensed regulated interactive gambling services that has an Australian customer link.</li> <li>&gt; Contravention of subsection 61EA(IA) — publishing designated interactive gambling service advertisements in Australia, and the publication is not permitted by sections 61EB, 61ED, 61EE and 61EF of the IGA.</li> </ul>

## Background

1. The Australian Communications and Media Authority (the ACMA) commenced an investigation under section 21 of the IGA into Jamie Mullarkey, an Australian professional mixed martial arts (MMA) athlete.
2. The investigation was commenced in response to a media enquiry regarding the potential illegal advertising of offshore gambling services during an MMA event. We did not identify illegal advertising for offshore gambling services during the live broadcast of the event. However, enquiries revealed that Jamie Mullarkey appeared to be promoting the Leon (also known as Leon Bet, Leon Casino, or Leon Gaming) service on his personal social media account on Instagram.
3. The ACMA previously found that the Leon service was provided in contravention of the IGA (under subsections 15(2A) and 15AA(3)) by providing prohibited and unlicensed regulated interactive gambling services, including casino-style services and sports betting services.
4. The ACMA investigated whether Jamie Mullarkey promoted the Leon service in contravention of the advertising prohibitions under Part 7 of the IGA and whether in doing so he is an ancillary to the contravention by Leon under Part 2 of the IGA.

## The entities involved

### Jamie Mullarkey

5. Jamie Mullarkey appeared to be promoting the Leon service on his Instagram account under the Instagram handle @jamie\_mullarkey on the Instagram app from April 2025 to August 2025.
6. On his Instagram profile page, Jamie Mullarkey referred to his sponsorship arrangements with Leon by publishing a hyperlink to an alternate URL of the Leon service.
7. Jamie Mullarkey also refers to Leon by using the hashtags: #LeonGames #LeonMMA and #FreeBet on several of his posts on his Instagram account.
8. The ACMA issued a statutory Notice to Produce (ACMA Notice) to Jamie Mullarkey on 18 December 2025. A response was received on 30 January 2026.

### Moonlite N.V. and Jade Reef Ventures Corp

9. Moonlite N.V. and Jade Reef Ventures Corp. have been identified as providers of the Leon service.
10. A formal warning was issued to Moonlite N.V. on 22 January 2025, and we requested Australian ISPs block the Leon websites in February 2025.
11. In addition, a formal warning was issued to Jade Reef Ventures Corp. on 17 November 2025, and Australian ISPs were requested to block the alternate website in December 2025.
12. The ACMA has found limited information about these entities, including any persons involved.
13. The Leon service continues to be provided into the Australian market, and the ACMA has subsequently blocked additional alternate sites of the service.
14. According to the response to the ACMA Notice, Jamie Mullarkey's involvement with Moonlite N.V. trading as Leon arose under a "Talent Partnership Agreement (TPA)" entered into between them in April 2025. Jamie Mullarkey was engaged in his capacity as a professional athlete to provide endorsement and promotional services in connection with Leon's online sportsbook through the publication of agreed promotional content on his personal Instagram account from 15 April 2025 to around August 2025.
15. According to the response to the ACMA Notice, Jamie Mullarkey's management entity represented him in relation to the TPA agreement.

## Relevant provision/s of the IGA and RPA

16. Extracts of the relevant provisions of the IGA and RPA are provided at **Attachment A**.

## Findings

17. Jamie Mullarkey is directly or indirectly, knowingly concerned in, or party to, contraventions of subsection 15(2A) of the IGA, that is, the provision of the Leon service (including casino-style services) to the extent it has been found by the ACMA to be a prohibited interactive gambling service that has an Australian-customer link (paragraph 92(1)(d) of the RPA).
18. Jamie Mullarkey is directly or indirectly, knowingly concerned in, or party to, contraventions of subsection 15AA(3) of the IGA, that is, the provision of the Leon service to the extent it has been found by the ACMA to be an unlicensed regulated interactive gambling service (including sports betting services) that has an Australian-customer link (paragraph 92(1)(d) of the RPA).
19. Advertisements for the Leon service on Jamie Mullarkey's Instagram account, posted between April and August 2025, including branding/logos, the use of hashtags and direct hyperlinks to the Leon service, are designated interactive gambling advertisements published in Australia in contravention of subsection 61EA(1A) of the IGA.

## Reasons for decision

### PART A: Ancillary contravention of subsections 15(2A) and 15AA(3) of the IGA

20. Section 64B of the IGA provides that each civil penalty provision of the IGA is enforceable under Part 4 of the RPA.
21. Subsection 15(2A) and 15AA(3) are both civil penalty provisions.
22. Subsection 92(1) of the IGA, which is in Part 4 of that Act, sets out when there is an ancillary contravention of a civil penalty provision and provides that:
  - A person must not:
    - (a) attempt to contravene a civil penalty provision; or
    - (b) aid, abet, counsel or procure a contravention of a civil penalty provision; or
    - (c) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or
    - (d) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision; or
    - (e) conspire with others to effect a contravention of a civil penalty provision.
23. To assess whether Jamie Mullarkey is in contravention of paragraph 92(1)(d) of the RPA, the ACMA considered the questions set out below.

### Is there a relevant primary contravention of a civil penalty provision in the IGA?

24. Yes, the ACMA has investigated the Leon service and found the service to be a prohibited and unlicensed interactive gambling service with an Australian-customer link that is provided in contravention of subsections 15(2A) and 15AA(3) of the IGA.
25. This finding was made when ACMA staff physically present in Australia attempted to become a customer of the service and undertook gameplay and sports betting with real money.

### Is Jamie Mullarkey 'knowingly concerned in' or 'party to' the contraventions?

26. Under Australian law, to be 'knowingly concerned in' a contravention the person must have more to do with the contravention than just actual knowledge of its essential matters, they must be an 'intentional participant'. A 'party to' a contravention refers to a 'participant in the nature of an accessory'. Participation (acts or omissions) must be intentionally aimed at the commission of the acts that constitute the contravention. It must 'implicate or involve' them in the contravention and show a 'practical connection' between them and the contravention.

27. Jamie Mullarkey acknowledges that a commercial relationship existed between him and the provider of the Leon service. He signed a TPA with Moonlite N.V. (trading as Leon) which commenced on 15 April 2025. A copy of the TPA was provided to the ACMA in response to its notice. The TPA was terminated in or around August 2025.
28. In response to the ACMA Notice, Jamie Mullarkey acknowledged that under the TPA he was engaged in his capacity as a professional athlete to provide endorsement and promotion services in connection with Leon's online sportsbook through the publication of agreed promotional content exclusively on his personal Instagram account. We understand the services actually performed by Jamie Mullarkey were confined to:
- > publishing a limited number of Instagram feed posts and stories that include Leon branding in the form of a small watermark
  - > providing content creation services, comprising photos and videos created independently by Mr Mullarkey and posted from his own Instagram account. This primarily consisted of training material that was shared to Leon's page via Instagram 'collaboration posts'
  - > providing promotional information about the Leon service in his bio/profile along with free bets and a hyperlink to the Leon service
  - > using hashtags of the Leon service to accompany Instagram posts such as #LeonGames #LeonMMA and #FreeBet.
29. Jamie Mullarkey also acknowledged that he received remuneration for the promotional services he provided under the TPA: USD\$2,500 upon signing the TPA and then USD\$2,500 from May 2025 per month for the duration of the TPA.
30. The ACMA's view is that Jamie Mullarkey:
- > was an intentional participant in and party to these services which is evident through the commercial arrangements above which he voluntarily entered into.
  - > used his own personal Instagram account to exclusively promote the Leon service, including through content created by him. Under the TPA he had control of what was published, with approval rights for the release of promotional content utilising or making reference to him (within reason). We note our view that the promotional content was targeted to individuals physically present in Australia as discussed below.
  - > facilitated viewers of his Instagram account to click through to the Leon service, via a hyperlink which he posted on his Instagram account profile/bio, and via which he expected customers to sign-up and become players on this prohibited and unlicensed regulated interactive gambling service, including viewers from Australia. This would include Jamie Mullarkey's own followers which he acknowledged included individuals physically present in Australia.
31. The actions of Jamie Mullarkey, as set out above, show that he is practically involved in the commission of the acts that constitute these contraventions.
32. In summary, the ACMA's view is that by assisting the providers of Leon to sign up consumers to the Leon service, which is a prohibited and unlicensed regulated interactive gambling service, Jamie Mullarkey is, directly or indirectly, knowingly concerned in the provision of prohibited and unlicensed regulated interactive gambling services.

**Does Jamie Mullarkey have actual knowledge of all the essential matters of the contraventions under subsections 15(2A) and 15AA(3)?**

Evidence

33. The following evidence is relied upon in determining whether Jamie Mullarkey had actual knowledge of all of the essential matters of the contraventions under subsections 15(2A) and 15AA(3):
- > the TPA with Moonlite N.V. (trading as Leon) signed by Jamie Mullarkey
  - > correspondence between Jamie Mullarkey and his management entity, about this TPA
  - > the publicly-available contents of the Leon website for which a direct click-through was provided on Jamie Mullarkey's Instagram profile/bio page
  - > the posts made by Jamie Mullarkey under the TPA promoting the Leon service
  - > Jamie Mullarkey's response to the ACMA notice, including his acknowledgement that he was under a limited commercial partnership arrangement with Leon and that content published on his social media account between April and August 2025 included promotional links to the Leon service.

#### Actual knowledge

34. Under Australian law, to establish an ancillary contravention, it is necessary to prove that the person had actual knowledge of the essential matters constituting the contravention, but it is not necessary to prove that they knew that these matters amounted to a contravention. Where there are a combination of suspicious circumstances and a failure to make an inquiry, it may be possible to infer knowledge of the relevant essential matters.
35. A person who deliberately avoids acquiring actual knowledge of facts may be treated as if they had that knowledge. Jamie Mullarkey was provided with the TPA and correspondence from his management entity. He also had available links to the Leon service. If Jamie Mullarkey did not read the TPA or correspondence with his management entity or did not click on the hyperlink to review the Leon website and service, then the ACMA's view is that he chose not to inform himself of the service that he was being paid to promote and cannot rely on that choice as a defence. We note that Jamie Mullarkey thought that the Leon service was 'an online wagering company licensed in Australia'. In this case, the ACMA's view is that actual knowledge can still be inferred, as he should have inquired about the services licensing prior to entering this business relationship to promote gambling services.

#### Essential matters

36. The essential matters requiring Jamie Mullarkey's knowledge are:
- > That the provider(s) of the Leon service is providing a gambling service as defined in section 4 of the IGA.
  - > That the provider(s) of the Leon service is providing this service in the course of carrying on a business (paragraphs 5(1)(a) and 8E(1)(i) of the IGA).
  - > That the provider(s) of the Leon service is providing this service to customers using an internet carriage service (paragraphs 5(1)(b)(i) and 8E(1)(j)(i) of the IGA).
  - > That the provider(s) of the Leon service is providing a prohibited interactive gambling service (that is, a service that satisfies the first three points discussed above and it is not excluded under subsection 5(3) of the IGA).
  - > That the provider(s) of the Leon service is providing a regulated interactive gambling service (that is, a service that satisfies the first three points discussed above and is an excluded wagering service under section 8A) and does not hold a licence under a law of a State or Territory in Australia that authorises provision of that kind of service (paragraph 15AA(3)(b)).
  - > That the Leon gambling service has an Australian-customer link (that is any or all of the customers of the service are physically present in Australia (section 8 of the IGA)).

37. Each of the essential matters requiring knowledge are discussed below.

*The provider(s) of the Leon service is providing a gambling service as defined in section 4 of the IGA.*

38. The ACMA is satisfied that there is sufficient evidence to infer that Jamie Mullarkey had actual knowledge that the provider(s) of the Leon service provides a gambling service.

39. The evidence refers to Leon as a “casino”, “online sportsbook” and “interactive gaming”:

- > The email to Jamie Mullarkey from his management entity dated 28 April 2025, which was sent prior to him signing the TPA, clearly stated that Leon was a gambling service:

‘I’m pleased to be sending you this partnership offer between ‘you’ and Leon online sportsbook and casino.’

‘Brand: Leon (Moonlite N.V. trading as Leon), an online sportsbook and casino operator’.

- > Also, his Instagram posts refer to gambling:

‘Pumped to announce my new partnership with Australia’s #1 interactive gaming and sportsbook – LEON Australia’

‘#MMAfreebet #onlinecasino #sports’

*The provider(s) of the Leon service is providing this service in the course of carrying on a business (paragraphs 5(1)(a) and 8E(1)(i) of the IGA).*

40. The ACMA is satisfied that there is sufficient evidence to infer that Jamie Mullarkey had actual knowledge that the Leon service is being provided in the course of carrying on a business.

41. The TPA clearly indicates that the provider, Moonlite N.V. trading as Leon Bet, is in business and requires the services of Jamie Mullarkey to promote that business.

*The provider(s) of the Leon service is providing this service to customers using an internet carriage service (paragraphs 5(1)(b)(i) and 8E(1)(j)(i) of the IGA).*

42. The ACMA is satisfied that there is sufficient evidence to infer that Jamie Mullarkey had actual knowledge that the Leon service is being provided to customers using an internet carriage service. Jamie Mullarkey’s Instagram account is assisting customers with a click-through button to access the Leon website using an internet connection.

*The provider(s) of the Leon service is providing a prohibited interactive gambling service (that is, a service that satisfies the first three points discussed above and it is not excluded under subsection 5(3) of the IGA).*

43. As discussed in the paragraphs above, the ACMA is satisfied that Jamie Mullarkey had actual knowledge that the Leon service is a prohibited interactive gambling service under section 5 of the IGA because it is:

- > a gambling service that provides casino-style games (not excluded by subsection 5(3) of the IGA);
- > provided in the course of carrying on a business;
- > provided to customers using an internet carriage service.

44. Therefore, the ACMA considers there is sufficient evidence to infer that Jamie Mullarkey had actual knowledge that the Leon service offers, via its website, casino-style games, which are prohibited interactive gambling services under section 5 of the IGA.

*The provider(s) of the Leon service is providing a regulated interactive gambling service (that is, a service that satisfies the first three points discussed above and is an excluded wagering service under section 8A) and does not hold a licence under a law of a State or Territory in Australia that authorises provision of that kind of service (paragraph 15AA(3)(b)).*

Provision of a regulated interactive gambling service

45. As discussed in the paragraphs above, the ACMA is satisfied that Jamie Mullarkey had actual knowledge that the Leon service is a regulated interactive gambling service under section 8E of the IGA because it is:
- > a gambling service that provides wagering services in the form of betting on sporting events (an excluded wagering service under section 8A);
  - > provided in the course of carrying on a business;
  - > provided to customers using an internet carriage service.
46. Further Jamie Mullarkey's posts refer to Leon offering a wagering service in the form of sports betting, including:
- > In his Instagram posts of graphics sharing his "picks" for MMA bouts (ie. tips or selections) with the Leon logo/branding in one corner, which promote placing bets with Leon for the winners of relevant fights of the MMA bouts.
  - > In his Instagram post, dated 19 May 2025: 'Hit the link in my bio to grab your FREE bet and back your favourite team or fighter'.
47. Therefore, the ACMA considers there is sufficient evidence to infer that Jamie Mullarkey had actual knowledge that the Leon service offers, via the website, regulated gambling services in the form of a wagering service.

The regulated interactive gambling service was unlicensed

48. In response to the ACMA Notice, Jamie Mullarkey's representative states that 'Mr Mullarkey did not appreciate that Leon Bet was a foreign online gambling company, and he considered them to be an online wagering company licensed in Australia'. Also, that this 'understanding was informed by the fact that the content collaboration under the partnership occurred via the Leon Instagram account, which suggested the company was legitimate in Australia'.
49. Even if Jamie Mullarkey may have been of the mistaken belief that Leon was licensed in Australia, this would imply that he would have been aware that gambling services were required to be licensed in Australia. Given that none of the information he had been given about Leon referred directly to it being licensed in Australia, there was no information on the Leon website about licensing in Australia and Leon was owned by a company in Curacao, he chose not to inquire about licensing prior to entering this business relationship to promote gambling services.
50. Therefore, the ACMA is of the view that he cannot rely on that choice as a defence to not having actual knowledge that the Leon service did not hold a licence under a law of a State or Territory in Australia that authorises provision of the wagering service which it offers, via the website.

Australian customer-link

51. The ACMA considers there is sufficient evidence to infer that that Jamie Mullarkey had actual knowledge that the Leon service is being provided to customers physically present in Australia and has an Australian-customer link, including:
- > an Instagram post stated that he was: '[p]umped to announce my new partnership with Australia's #1 interactive gaming and sportsbook – LEON Australia'.
  - > he acknowledged in his response to the ACMA's Notice that he has Instagram followers in Australia (as well as internationally) and there was no indication they were not included in his promotional content for Leon service including free bets. In fact, he thought that Leon service was legitimate in Australia.
52. Further, Jamie Mullarkey, an Australian resident himself, appears able to access the Leon service. For example, on his post dated 24 June 2025, he comments "How I feel when I get

more free bets with @leongames.au”, next to an image of him training by hitting a punching bag. This implies he can use the Leon service to place bets while physically located in Australia.

## **PART B - Publication of gambling advertisements on Instagram account**

53. To assess whether a contravention of subsection 61EA(1A) of the IGA has occurred, the ACMA considered the following questions:

- > Is the content a designated interactive gambling advertisement?
- > Was the designated interactive gambling advertisement published in Australia?

### **Is the content a designated interactive gambling advertisement?**

54. The content considered is on Jamie Mullarkey’s Instagram account under the handle @jamie\_mullarkey and referring to the Leon service, as viewed on the Instagram app (Investigated Content).

55. Relevantly, section 61BA of the IGA defines designated interactive gambling service advertisement broadly to include any writing, still picture, sign, symbol or other visual image, or any audible message, or any combination of two or more of those things, that gives publicity to, or otherwise promotes or intends to promote:

- > a designated interactive gambling service
- > designated interactive gambling services in general
- > a domain name or URL that relates to a designated interactive gambling service
- > any words that are closely associated with a designated interactive gambling service.

56. In this instance, the Investigated Content is writing and visual images on an app and includes:

- > branding images of the Leon service
- > hashtags of the Leon service accompanying the Instagram posts
- > display of the URL for the Leon service
- > direct hyperlinks to Leon’s website offering online casinos and sports betting
- > text that encourages use of the Leon service, by offering free bets and statements about it being Australia’s #1 interactive gaming and sportsbook.

57. Accordingly, the ACMA is satisfied that the Investigated Content on Jamie Mullarkey’s Instagram account is advertising.

58. The next question is whether the advertising is for designated interactive gambling services. According to section 4 of the IGA, a designated interactive gambling service means a prohibited interactive gambling service or an unlicensed regulated interactive gambling service.

59. The online casino service and the service for betting on sporting events, advertised on Jamie Mullarkey’s Instagram account is the Leon service which was found by the ACMA to be a prohibited and unlicensed regulated interactive gambling service with an Australian-customer link see GINV-2024-00057, ACMA2024/1379-27. The Leon service is therefore a designated interactive gambling service.

60. Jamie Mullarkey explicitly promotes this designated interactive gambling service through the use of its branding including names, logos and URL which was hyperlinked on the main bio page of his profile. This also includes hashtags accompanying posts made on the profile such as:

“ #LeonGames #LeonMMA #FreeBet “

61. Further, Jamie Mullarkey acknowledges in his response to the ACMA notice, that these posts were intended to endorse and promote/advertise the Leon service in accordance with the TPA.
62. Therefore, the ACMA is satisfied that the content of Jamie Mullarkey’s Instagram includes designated interactive gambling service advertisements.
63. There are several exceptions to the definition in section 61BA, none of which are relevant in this case.

### **Was the advertisement published in Australia?**

64. Subsection 61EA(1A) of the IGA provides that a person must not publish a designated interactive gambling service advertisement in Australia, unless the publication is permitted by another specified section of the IGA.
65. Section 61CA sets out what is meant by publish a designated interactive gambling service advertisement for the purposes of Part 7A of the IGA. Relevantly, paragraph 61CA(1)(f) of the IGA provides that a person 'publishes' a designated interactive gambling service advertisement if the person:
- (i) brings the advertisement, or something that contains the advertisement, to the notice of; or*
- (ii) disseminates the advertisement, or something that contains the advertisement, to;*
- the public, or a section of the public, by any means (including, for example, by means of a film, video, computer disk or electronic medium).*
66. We note that the Investigated Content was able to be viewed in Australia on Jamie Mullarkey’s Instagram page without a separate login, by an ACMA staff member physically present in Australia using an Australian IP address and logged into an Instagram account.
67. The ACMA is of the view that persons have the capacity to make content available for others via social media and in so doing, bear some responsibility for the content that they share. Notably in this case, Jamie Mullarkey was responsible for creating the content within the bounds of the requirements set out by the providers of the Leon service under the TPA. This included the Investigated Content.
68. By uploading the Investigated Content to the Instagram service, Jamie Mullarkey was “disseminating the advertisement, or something that contains the advertisement, to the public, or a section of the public, by any means.” In this case, the relevant section of the public being those with Instagram accounts.
69. Therefore, the ACMA is satisfied that Jamie Mullarkey published designated interactive gambling service advertisements in contravention of subsection 61EA(1A).
70. Further, the ACMA is satisfied that the Investigated Content was published in Australia for the purposes of section 61EA(1A), because:
- > Jamie Mullarkey, an Australian citizen residing in New South Wales, was chosen by the providers of Leon to endorse/promote its service under an agreement in which he was paid to make content (which was required to include words such as ‘LEON Australia’ and tags ‘leongames.au’) to upload to his Instagram account by providers of the Leon service.
  - > His fanbase includes users in Australia. Notably he acknowledged in his response to the ACMA’s Notice that he has Instagram followers in Australia, stating that he:
 

“... is a professional mixed martial arts (MMA) fighter who maintains an Instagram account to promote his athletic and personal profile, which is followed by users both in Australia and internationally.”
  - > The Investigated Content can be viewed without creating a “login” and so is easily accessible to people in Australia.

- > The Investigated Content appears to target his Australian Instagram followers, for example: an Instagram post stated that he was: '[p]umped to announce my new partnership with Australia's #1 interactive gaming and sportsbook – LEON Australia'.

71. The ACMA considers that none of the exceptions in sections 61CB-61CF, which exclude certain things from the 'publication' definition in section 61CA, apply to the publication of the advertisement in this case.

### **Was the publication permitted by the IGA?**

72. There was no evidence that any of the exceptions to section 61EA applied in this case.

73. In the circumstances, the ACMA is satisfied that none of the following exceptions apply;

- > that the website is not a periodical distributed outside Australia (section 61EB)
- > that publication was not accidental or incidental to the publication of another matter with no evidence of any benefit being received (section 61ED)
- > nor was it published during the flight of an aircraft (section 61EF).

74. The ACMA is also satisfied that the publication of the Investigated Content is not permitted by section 61EE (publication by a person not receiving any benefit) during the period that the TPA was active, because as the publisher of the Investigated Content, Jamie Mullarkey received a direct financial benefit from the providers of the Leon service, in accordance with the TPA, as set in his response to the ACMA's Notice.

75. We note that the TPA between Jamie Mullarkey and the providers of Leon commenced in April and was terminated in or around August 2025. Jamie Mullarkey's response to the ACMA notice stated that he promptly removed Leon related promotional content shortly after the TPA ended. However, the ACMA observed that the Investigated Content continued to be available on Jamie Mullarkey's Instagram account at least up to when ACMA staff accessed the content on 30 September 2025. Jamie Mullarkey's response to the ACMA notice stated following receipt of the ACMA notice he removed the link to Leon service that had remained in his bio and which he had intended to update when the content was removed.

76. On 20 May 2026, ACMA staff reviewed Jamie Mullarkey's Instagram account and confirmed that as of that date, all references to Leon had been removed.

## List of Attachments

**Attachment A**            Key provision of the IGA and RPA

## Key provisions of the IGA

### 4 Definitions

**designated interactive gambling service** means:

- (a) a prohibited interactive gambling service; or
- (b) an unlicensed regulated interactive gambling service.

**gambling service** means:

- (a) a service for the placing, making, receiving or acceptance of bets; or
- (b) a service the sole or dominant purpose of which is to introduce individuals who wish to make or place bets to individuals who are willing to receive or accept those bets; or
- (c) a service for the conduct of a lottery; or
- (d) a service for the supply of lottery tickets; or
- (e) a service for the conduct of a game, where:
  - (i) the game is played for money or anything or else of value; and
  - (ii) the game is a game of chance or of mixed chance and skill; and
  - (iii) a customer of the service gives or agrees to give consideration to play or enter the game; or
- (f) a gambling service (within the ordinary meaning of that expression) that is not covered by any of the above paragraphs.

**Unlicensed regulated interactive gambling service** means a regulated interactive gambling service that is provided in contravention of subsection 15AA(3).

### 5 Prohibited interactive gambling services

(1) For the purposes of this Act, a **prohibited interactive gambling service** is a gambling service, where:

- (a) the service is provided in the course of carrying on a business; and
- (b) the service is provided to customers using any of the following:
  - (i) an internet carriage service;
  - (ii) any other listed carriage service;
  - (iii) a broadcasting service;
  - (iv) any other content service;
  - (v) a datacasting service

Note: This definition relates to the offence provisions and civil penalty provisions set out in section 15 and Part 7A.

(2) Subsection (1) has effect subject to subsection (3).

*Excluded services*

(3) For the purposes of this Act, none of the following services is a **prohibited interactive gambling service**:

- (a) a telephone betting service;
- (aa) an excluded wagering service (see section 8A);
- (ab) an excluded gaming service (see section 8B);
- (aba) a place-based betting service (see section 8BA);
- (ac) a service that has a designated broadcasting link (see section 8C);
- (ad) a service that has a designated datacasting link (see section 8C);
- (ae) an excluded lottery service (see section 8D);
- (b) a service to the extent to which it relates to the entering into of contracts that are financial products within the meaning of Chapter 7 of the *Corporations Act 2001*;
- (ba) a wholesale gambling service;
- (bb) a trade promotion gambling service (see section 8BB);
- (c) an exempt service (see section 10).

### 8 Australian-customer link

For the purposes of this Act, a gambling service has an Australian-customer link if, and only if, any or all of the customers of the service are physically present in Australia.

#### 8E Regulated interactive gambling service

(1) For the purposes of this Act, a **regulated interactive gambling service** is:

- (a) a telephone betting service (see section 8AA); or
- (b) an excluded wagering service (see section 8A); or
- (c) an excluded gaming service (see section 8B); or
- (d) a place-based betting service (see section 8BA); or
- (e) a service that has a designated broadcasting link (see section 8C); or
- (f) a service that has a designated datacasting link (see section 8C); or
- (g) an excluded lottery service (see section 8D); or
- (h) an exempt service (see section 10);

where:

- (i) the service is provided in the course of carrying on a business; and
- (j) the service is provided to customers using any of the following:
  - (i) an internet carriage service;
  - (ii) any other listed carriage service;
  - (iii) a broadcasting service;
  - (iv) any other content service;
  - (v) a datacasting service; and
- (k) in the case of an exempt service—a determination under subsection (2) is in force in relation to the service.

(2) The Minister may, by legislative instrument, determine that each exempt service included in a specified class of exempt services is covered by paragraph (1)(k).

(3) Subsection (1) has effect subject to subsection (4).

(4) For the purposes of this Act, neither of the following services is a **regulated interactive gambling service**:

- (a) a wholesale gambling service;
- (b) a trade promotion gambling service (see section 8BB).

#### 15 Prohibited interactive gambling services not to be provided to customers in Australia

(2A) A person must not provide a prohibited interactive gambling service that has an Australian-customer link (see section 8).

Civil penalty: 7,500 penalty units.

(3) Subsections (1) and (2A) do not apply if the person:

- (a) did not know; and
- (b) could not, with reasonable diligence, have ascertained;

that the service had an Australian-customer link.

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

#### 15AA Unlicensed regulated interactive gambling services not to be provided to customers in Australia

(3) A person must not provide a particular kind of regulated interactive gambling service if:

- (a) the service has an Australian-customer link (see section 8); and
- (b) the person does not hold a licence (however described) under a law of a State or Territory that authorises the provision of that kind of service in the State or Territory.

Civil penalty: 7,500 penalty units.

#### 61BA Basic meaning of designated interactive gambling service advertisement

- (1) For the purposes of this Part, a designated interactive gambling service advertisement is any writing, still or moving picture, sign, symbol or other visual image, or any audible message, or any combination of 2 or more of those things, that gives publicity to, or otherwise promotes or is intended to promote:
  - (a) a designated interactive gambling service; or
  - (b) designated interactive gambling services in general; or
  - (c) the whole or part of a trade mark in respect of a designated interactive gambling service; or
  - (d) a domain name or URL that relates to a designated interactive gambling service; or
  - (e) any words that are closely associated with a designated interactive gambling service (whether also closely associated with other kinds of services or products).
- (2) This section has effect subject to sections 61BB, 61BC, 61BD, 61BE, 61BF, 61BG and 61BGA.

**61CA Basic meaning of publish a designated interactive gambling service advertisement**

- (1) For the purposes of this Part, a person ***publishes*** a designated interactive gambling service advertisement if the person does any of the following things:
  - (a) the person includes the advertisement, or something that contains the advertisement, on a website;
  - (b) the person includes the advertisement in a document (including, for example, a newspaper, magazine, program, leaflet or ticket) that is available, or distributed, to the public or a section of the public;
  - (c) the person includes the advertisement in a film, video, television program or radio program that is, or is intended to be, seen or heard by the public or a section of the public;
  - (d) the person:
    - (i) sells, hires or supplies the advertisement, or something containing the advertisement, to the public or a section of the public; or
    - (ii) offers the advertisement, or something containing the advertisement, for sale or supply to, or hire by, the public or a section of the public;
  - (e) the person displays, screens or plays the advertisement, or something that contains the advertisement, so that it can be seen or heard in or from:
    - (i) a public place; or
    - (ii) public transport; or
    - (iii) a workplace;
  - (f) the person otherwise:
    - (i) brings the advertisement, or something that contains the advertisement, to the notice of; or
    - (ii) disseminates the advertisement, or something that contains the advertisement, to; the public, or a section of the public, by any means (including, for example, by means of a film, video, computer disk or electronic medium).
- (2) This section has effect subject to sections 61CB, 61CC, 61CD, 61CE and 61CF.

**61EA Designated interactive gambling service advertisements not to be published in Australia**

- (1A) A person must not publish a designated interactive gambling service advertisement in Australia if:
  - (a) the publication is not permitted by section 61EB; and
  - (b) the publication is not permitted by section 61ED; and
  - (c) the publication is not permitted by section 61EE; and
  - (d) the publication is not permitted by section 61EF.
 Civil penalty: 180 penalty units.
- (2A) A person must not authorise or cause a designated interactive gambling service advertisement to be published in Australia if:

- (a) the publication is not permitted by section 61EB; and
- (b) the publication is not permitted by section 61ED; and
- (c) the publication is not permitted by section 61EE; and
- (d) the publication is not permitted by section 61EF.

Civil penalty: 180 penalty units.

- (3) For the purposes of this section, a designated interactive gambling service advertisement that is included on a website is taken to be published in Australia if, and only if:
- a) the website is accessed, or is available for access, by end-users in Australia; and
  - b) having regard to:
    - (i) the content of the website; and
    - (ii) the way the website is advertised or promoted;
 it would be concluded that it is likely that a majority of persons who access the website are physically present in Australia.

#### **61EB Periodicals distributed outside Australia—acts of publication permitted**

- (1) A person may do, with a periodical that contains a designated interactive gambling service advertisement, something that amounts to publishing the advertisement if the periodical is not principally intended for distribution or use in Australia.
- (2) Subsection (1) only has effect for the purposes of this Part.

#### **61ED Accidental or incidental publication permitted**

- (1) A person may publish a designated interactive gambling service advertisement if:
  - (a) the person publishes the advertisement as an accidental or incidental accompaniment to the publication of other matter; and
  - (b) the person does not receive any direct or indirect benefit (whether financial or not) for publishing the advertisement (in addition to any direct or indirect benefit that the person receives for publishing the other matter).
- (2) Subsection (1) only has effect for the purposes of this Part.

#### **61EE Publication by person not receiving any benefit permitted**

- (1) A person may publish a designated interactive gambling service advertisement if:
  - a) the publication is not in the course of the provision of designated interactive gambling services; and
  - b) the person publishes the advertisement on the person's own initiative; and
  - c) the person does not receive any direct or indirect benefit (whether financial or not) for publishing the advertisement.
- (2) Subsection (1) only has effect for the purposes of this Part.

#### **61EF Publication of advertisements during flights of aircraft**

- (1) A person may publish a designated interactive gambling service advertisement in an aircraft during a flight of the aircraft unless the flight begins at a place in Australia and is intended to end at another place in Australia.
- (2) For the purposes of subsection (1), each sector of a flight of an aircraft is taken to be a separate flight.
- (3) Subsection (1) only has effect for the purposes of this Part.

## Relevant Provisions of the Regulatory Powers (Standard Provisions) Act 2014

### 92 Ancillary contravention of civil penalty provisions

- (1) A person must not:
- (a) attempt to contravene a civil penalty provision; or
  - (b) aid, abet, counsel or procure a contravention of a civil penalty provision; or
  - (c) induce (by threats, promises or otherwise) a contravention of a civil penalty provision; or
  - (d) be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision; or
  - (e) conspire with others to effect a contravention of a civil penalty provision.

#### *Civil penalty*

- (2) A person who contravenes subsection (1) in relation to a civil penalty provision is taken to have contravened the provision.

Note: Section 94 (which provides that a person's state of mind does not need to be proven in relation to a civil penalty provision) does not apply to the extent that proceedings relate to the contravention of subsection (1).