

## Formal Warning

under section 64A of the *Interactive Gambling Act 2001*

To: Mr Jamie Mullarkey

Of: [REDACTED]  
[REDACTED]

I, [REDACTED], delegate of the Australian Communications and Media Authority (ACMA), being satisfied that you have contravened subsections 15(2A), 15AA(3) and 61EA(1A) of the *Interactive Gambling Act 2001* (the IGA):

HEREBY issue you a formal warning under section 64A of the IGA, for one or more contraventions of subsections 15(2A), 15AA(3) and 61EA(1A) of the IGA, being civil penalty provisions.

### Details of the contraventions

#### *Obligations under the IGA*

##### *Prohibited interactive gambling service*

1. Subsection 15(2A) of the IGA provides that a person must not provide a prohibited interactive gambling service that has an Australian customer link.
2. A 'prohibited interactive gambling service' is defined in section 5 of the IGA.
3. 'Gambling service' is defined in section 4 of the IGA to include a service for the conduct of a game of chance or mixed chance and skill, such as casino-style games.
4. Section 8 provides that 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.

##### *Unlicensed regulated interactive gambling service*

5. Subsection 15AA(3) of the IGA provides that 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.
6. 'Regulated interactive gambling service' is defined in section 8E of the IGA and includes an excluded wagering service.
7. An 'excluded wagering service' is defined in section 8A of the IGA and includes betting on a sporting event except to the extent it is an in-play betting service (subsection 8A(3) of the IGA).

##### *Ancillary contraventions*

8. Subsection 64B(1) of the IGA provides that each civil penalty provision under the IGA is enforceable under Part 4 of *Regulatory Powers (Standard Provisions) Act 2014*

(the RPA). Paragraph 92(1)(d) of the RPA provides that a person must not 'be in any way, directly or indirectly, knowingly concerned in, or party to, a contravention of a civil penalty provision'.

9. Under subsection 92(2) of the RPA, an ancillary who contravenes subsection 92(1) in relation to a civil penalty provision is taken to have contravened the relevant civil penalty provision.

*Publication of a designated interactive gambling service advertisement*

10. Subsection 61EA(1A) of the IGA provides that person must not publish a designated interactive gambling service advertisement in Australia if the publication is not permitted by another specified section of the IGA (including sections 61EB, 61ED, 61EE or 61EF of the IGA).
11. A 'designated interactive gambling service advertisement' is defined in section 61BA of the IGA. A person 'publishes' a designated interactive gambling service advertisement if they do any of the things set out in section 61CA of the IGA (subject to certain exceptions), such as disseminates the advertisement to the public, or a section of the public, by any means.

*Investigation*

12. On 11 November 2025 the ACMA commenced an investigation under section 21 of the IGA into whether:
  - a. You provided a prohibited and unlicensed regulated interactive gambling service in contravention of subsections 15(2A) and 15AA(3) of the IGA by operation of section 92 of the RPA.
  - b. You published, or authorised or caused the publication of, designated interactive gambling service advertisements in Australia, in contravention of subsection 61EA(1A) of the IGA.
13. During the period of the investigation the Leon service was available via a direct hyperlink to [REDACTED], on the Instagram account profile bio page under the Instagram handle @jamie\_mullarkey.
14. You are the owner of the Instagram handle @jamie\_mullarkey.

**Contravention of subsections 15(2A) and 15AA(3) of the IGA**

15. The ACMA has previously found that the Leon service is a prohibited and unlicensed regulated interactive gambling service with an Australian-customer link and is provided in breach of subsections 15(2A) and 15AA(3) of the IGA.
16. Your Instagram account published information that was intentionally aimed at enabling customers to access and play on the Leon service, including customers from Australia. By providing direct hyperlinks on your Instagram account to the Leon service, you assisted that service to sign up Australian consumers to their gambling service.
17. The ACMA is satisfied that you, as the owner of your Instagram account, had actual knowledge of the essential matters constituting the contravention of subsections 15(2A) and 15AA(3) of the IGA by the Leon services. Consequently, you are knowingly concerned in and are an intentional participant in, the contraventions of subsections 15(2A) and 15AA(3) of the IGA.

**Contravention of subsection 61EA(1A) of the IGA**

18. The ACMA has previously found the Leon service is a designated interactive gambling service.
19. Your Instagram account under the handle @jamie\_mullarkey, contained content that constitutes advertising in the form of writing and visual images as viewed on the Instagram app and includes:
  - a. branding images and logos of the Leon service
  - b. display of, and providing of direct hyperlinks, to the Leon service offering casino-style services and sports betting

- c. hashtags of the Leon service accompanying Instagram posts and text that encourages use of the Leon service, by offering free bets and statements about it being Australia's #1 interactive gaming and sportsbook.
20. The ACMA is satisfied that you published a designated interactive gambling service advertisement by creating and making the content available to the public through your Instagram page (paragraph 61CA(1)(f)).
21. The ACMA is also satisfied that the content mentioned above was published in Australia, as it was able to be viewed in Australia on your Instagram page by an ACMA staff member physically present in Australia, using an Australian IP address and logged into an Instagram account.
22. The publication of these advertisements in Australia was not permitted by another specified section of the IGA, including sections 61EB, 61ED, 61EE or 61EF.
23. Therefore, the ACMA is satisfied that you, as the owner of the Instagram account, contravened the IGA by publishing designated interactive gambling service advertisements in Australia on your Instagram account.

Dated this 11 June 2026

[Redacted signature]

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[Redacted name]  
Delegate of the Australian Communications and Media Authority